



**IMPLEMENTATION UPDATE ON THE
REPORTS AND RECOMMENDATIONS OF THE
POLICE COMPLAINTS BOARD
FROM FISCAL YEARS 2015 AND 2016
FEBRUARY 1, 2018**

Executive Summary

The Police Complaints Board (PCB) is authorized by D.C. Code §5-1104(d) to make recommendations to the Mayor, the 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 2017, the PCB had issued 44 detailed reports and sets of 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 Council, and/or the chiefs of MPD and DCHAPD in response to the recommendations. Additionally, the Council recommended in its Committee on the Judiciary and Public Safety Fiscal Year 2018 Budget Report that OPC conduct an analysis of all policy recommendations that the PCB has issued since 2015.

This report tracks the five reports and 21 separate recommendations made in fiscal years 2015 and 2016 to the Council, MPD, and/or DCHAPD. These reports were:

- Ensuring the Accuracy of Address Information in Warrants Executed by MPD Officers; *Issued April 10, 2015*
- Proper and Timely Training of DCHA OPS Officers on Contacts, Stops, and Frisks; *Issued May 11, 2015*
- Business Cards Revisited: Improving Identification Requirements for MPD Officers; *Issued May 20, 2015*
- Improving MPD's Policy on the Use of Chokeholds and Other Neck Restraints; *Issued August 10, 2015*
- 21st Century Policing; *Issued September 30, 2016*

OPC's review process included reaching out to MPD and DCHAPD to determine the status of the recommendations within the departments. In addition to this, OPC also took into account other information gleaned from interactions with the agencies, media reports, and any additional pertinent information.

Based on this review of all relevant information, OPC found that of the 21 recommendations, 13 have been fully implemented, six are partially implemented, and three are not implemented. These findings are explained in the contents of this report.

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

Issued April 10, 2015

Recommendation 1:

MPD, upon verifying that the wanted individual does not reside at the complainants' address, make the appropriate notation on the PD Form 26 and remove the complainants' information from its files.

Status According to MPD¹:

In June 2016, the Metropolitan Police Department (MPD) established the Criminal Apprehension Unit (CAU), a centralized warrant unit within our Narcotics and Special Investigation Division (NSID) that replaced our district-level warrant units. The CAU serves as a specially trained unit tasked with tracking and serving outstanding arrest and bench warrants with assistance from partner agencies. The unit completed forty hours of specialized training prior to deployment including a dedicated block of instruction conducted by the United States Attorney's Office on the legal aspects of warrant service. While the CAU no longer uses the PD Form 26, they maintain a centralized file of outstanding warrants, and members are responsible for updating the CAU files when an address is discovered to be outdated or incorrect.

OPC Response:

OPC considers this recommendation **fully implemented**.

Recommendation 2:

In general, before executing a warrant, MPD confirms that it has the most recent and accurate information regarding wanted individuals' addresses

Status According to MPD:

As described above, MPD's CAU now has a centralized warrant file to ensure that prior to serving a warrant, the most recent and accurate information regarding wanted individuals' addresses is used.

OPC Response:

OPC considers this recommendation **fully implemented**.

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.

Status According to MPD:

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

OPC Response:

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.

¹ All responses attributed to MPD, throughout this report, are verbatim as received from the department. Responses attributed to DCHAPD were gathered from collective written responses from the department.

Proper and Timely Training of DCHA OPS Officers on Contacts, Stops, and Frisks

Issued May 11, 2015

Recommendation 1:

OPS² follow up on the Review Board's training recommendations and ensure that those OPS officers involved in the incident and currently on the force receive the suggested training.

Status According to DCHAPD:

Training was provided for all of DCHAPD on May 12, 2015 and June 9, 2015. Another training is being scheduled for early 2018.

OPC Response:

OPC considers this recommendation **fully implemented**.

Recommendation 2:

The Department [OPS] considers providing additional Fourth Amendment stop and frisk training to all of its sworn members, and institute progressive discipline in cases where officers continue to conduct unlawful stops and frisks after receiving training

Status According to DCHAPD:

The training, referenced above, consisted of the USAO training section conducting 4th Amendment Stop and Frisk training to the sworn and special police officer staff. The trainers provided handouts and discussed the various case laws on the subject and specifics of each case. In addition, the department now issues each member a copy of "Briefs of Leading Cases in Law Enforcement 9th edition" (Rolando v. del Carmen, Jeffery T. Walker) with emphasis being placed on Chapter 3- Stop and Frisk.

OPC Response:

OPC considers this recommendation **fully implemented**.

Recommendation 3:

Given the age of OPS's directive on contacts, stops, and frisks, the Department review DCHAPD General Order 301 to bring it up to date and make it consistent with the recommendations listed in this report.

Status According to DCHAPD:

DCHAPD General Order 301 has not been updated; current version is dated December 1, 1998. However, in response to PCB Policy Report #17-4, issued on May 15, 2017, DCAHPD did inform OPC that all administrative guidance is currently under review.

OPC Response:

OPC considers this recommendation **not implemented**. General Order 301 needs to be updated, as do several other general orders which was part of a fiscal year 2017 recommendation to DCHAPD³. However, OPC does recognize that DCHAPD is making an effort to update all of

² At the time of the report the department was titled District of Columbia Housing Authority's Office of Public Safety (OPS). The department is now the District of Columbia Housing Authority Police Department (DCHAPD).

³ PCB POLICY REPORT #17-4: District of Columbia Housing Authority Police Department Policy and Procedure: Improving Identification Requirements for Officers; Implementing a Body-Worn Camera Program; and Ensuring Policies and Procedures are Current, Issued May 15, 2017.

their general orders, and has already made necessary changes to some of them, including General Order 402.1.2.

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.

Status According to MPD:

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:

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. OPC had one sustained allegation of Failure to Identify in FY17, which is down from 3 sustained allegations in FY16 and 2 in FY15. However, complaints involving this allegation have continued to be made to OPC and there has already been one sustained allegation of Failure to Identify in FY18, which evidences that proper identification is still an issue for members.

Recommendation 2:

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

Status According to MPD:

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:

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.

Recommendation 3:

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

Status According to MPD:

MPD provides both sworn and civilian members with preprinted business cards that include the member's name, badge number, e-mail address, and Department website.

OPC Response:

OPC considers this recommendation **fully implemented**. MPD does need to continue to ensure that the supply of business cards is maintained, and that they are readily accessible to the members.

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

Issued August 10, 2015

Recommendation 1:

MPD should ensure that its neck restraint policies comply with best practices and current District law.

Status According to MPD:

MPD republished General Order 901.07 (Use of Force) on August 12, 2016. The revised order discussed the provisions of D.C. Official Code § 5-125.01, *et seq.* (Limitation on Chokehold) and prohibited neck restraints of any kind. MPD's subsequent republication of General Order 901.07 on December 1, 2016, includes the same provisions prohibiting neck restraints.

OPC Response:

OPC considers this recommendation **fully implemented**. MPD is continually reevaluating its Use of Force guidance. A further revised GO 901.07 was issued on November 3, 2017, which again included the neck restraint prohibition. MPD should continue to ensure that all officers are aware of changes, and properly trained on those changes to remain in compliance with this recommendation.

Recommendation 2:

MPD should develop comprehensive recruit and in-service training on the use of neck restraints that comply with best practices and current District law.

Status According to MPD:

As outlined above, the use of neck restraints of any kind including, but not limited to, the use of "trachea holds" and "carotid artery holds" as defined in D.C. Official Code § 5-125.02 are not authorized use of force options and are prohibited. The prohibition against neck restraints is addressed in recruit training, and the MPD range staff reinforces the neck restraint prohibition to all sworn members twice a year in their pistol requalification class.

OPC Response:

OPC considers this recommendation **fully implemented**.

Recommendation 3:

As a long term measure, MPD and the District Council should consider reviewing the Act⁴ and determining whether the 1986 law concerning the use of chokeholds and neck restraints should be amended.

⁴ D.C. Code §5-125.

Status According to MPD:

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:

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

Recommendation 4:

The District Council should consider expanding OPC’s authority to include the ability to monitor and review all use of force incidents singularly and in the aggregate, make recommendations, and issue public reports where appropriate.

OPC Response:

The NEAR Act⁵, effective June 30, 2016 expanded OPC’s authority regarding monitoring and reviewing use of force incidents. OPC considers this recommendation **fully implemented**. OPC’s first Use of Force report was expected to be released by December 31, 2017. However, due to MPD’s delay in providing data until December 22, 2017 this report is expected to be published in Fiscal Year 2018, Quarter 2.

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.

Status According to MPD:

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 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.

⁵ Neighborhood Engagement Achieves Results Act of 2015, L21-0125, effective June 30, 2016.

OPC Response:

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.

Recommendation 2:

MPD must work to ensure compliance with all of the information sharing directives of the [NEAR] Act and with concomitant auditing procedures to be developed by OPC. Additionally, MPD should continue to utilize its data and information sharing practices in such a manner as to respond to the priorities of the community they serve. Lastly, since a key component of oversight is the ability to identify officers involved in particular incidents, we urge MPD to build upon the new use of business cards, as discussed in OPC’s May 2015 Report and Recommendation and addressed by MPD Special Order 16-08, by encouraging officers to use these cards not just when there is a problem, but during positive, non-enforcement interactions.

Status According to MPD:

MPD has worked with OPC on implementing the provisions of the Neighborhood Engagement Achieves Results (NEAR) Act of 2015. The Department implemented an executive order, consistent with requirements of the Act, to ensure that OPC is notified of all citizen complaints received so that they can make a determination as to who will investigate. Additionally, as described above [in the response to the recommendation regarding business cards], the Department has issued business cards to sworn and civilian members to share with the public during all police interactions so that citizens can identify officers. Finally, MPD’s data sharing initiatives are discussed in more detail below.

OPC Response:

OPC considers this recommendation **fully implemented**. The executive order that is referred to in MPD’s response is EO-17-005, Handling Citizen Complaints, issued on February 24, 2017. Since that executive order, MPD issued an updated version of General Order 120.25 (Processing Citizen Complaints) on October 27, 2017. Part of this general order defines the process to ensure that OPC receives all complaints within three business days as required by the NEAR Act.

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.

Status According to MPD:

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:

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.

Recommendation 4:

MPD should continue to develop new ways to engage the community on issues of importance through social media and gauge community sentiment regarding agency practices and policies.

Status According to MPD:

MPD has a robust social media presence with more than 150,000 followers and is continually looking to develop new and effective strategies to engage the community. MPD has recently been using social media to reach Limited English Proficiency populations by identifying relevant information to disseminate to the community. For example, messaging for the Exchange Zones at the District stations for a safe location to buy or sell goods is posted in multiple languages. Other messages included recent crime information, prevention tips, and victim services.

OPC Response:

OPC considers this recommendation **fully implemented**. However, this is an area that requires constant re-evaluation as ways to interact with the community are continually evolving and new social media platforms are developing.

Recommendation 5:

MPD should devise new ways to meaningfully engage with the community to create more socially stable neighborhoods. MPD should continue to build upon efforts to work with marginalized communities just as it has done with its LGBTQ Liaison Unit and adapt this model to other vulnerable communities. Community policing should be infused throughout the culture and organizational structure of MPD—it should be a core principle of MPD operations. MPD should, at systematic intervals, issue localized surveys to residents to identify perceived public safety problems amongst residents and effectively “take the temperature” of the community in order to effectively identify concerns and collaborate with citizens on customized solutions.

Status According to MPD:

Upon becoming chief of police, Chief Newsham moved the Special Liaison Branch from under the Patrol Bureau to the Executive Office of the Chief of Police. This move helped raise the profile of the constituencies in the Department and allowed the liaison units to better coordinate across MPD bureaus. With new leadership and energy, the Special Liaison Branch has expanded its network, with additional outreach to the Muslim and Jewish communities. The Department continues to implement targeted efforts to support trust and service in communities that have been historically underserved by government and police and to protect the community from hate crimes.

OPC Response:

OPC considers this recommendation **fully implemented**. However, this is an area that requires constant re-evaluation as ways to interact with the community are continually evolving, and marginalized communities' needs change.

Recommendation 6:

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

Status According to MPD:

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:

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.

Recommendation 7:

MPD should also consider forging more partnerships with academic institutions. Such partnerships can contribute valuable insights to MPD personnel such as historical perspectives of policing to provide context as to why certain communities have negative feelings toward the police, as well as concepts like social intelligence, addiction as a disease, and procedural justice.

Status According to MPD:

MPD is committed to partnering with academics and research institutions to use evidence-based principles to guide our policies, practices, and decision-making. The Department has been partnering with The Lab @ DC on the large-scale evaluation of MPD's BWC program. The Lab is the first city-level initiative working to embed the scientific method into day-to-day governance across all policy areas. The BWC evaluation is MPD's first project with the Lab, and we will continue working with them as we identify other needs and opportunities for research, particularly around community-police relationships and procedural justice.

OPC Response:

OPC considers this recommendation **fully implemented**. MPD should be pro-active in seeking more future opportunities for research to aid in creating best practices and policies.

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.

Status According to MPD:

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:

OPC considers this recommendation to be **partially implemented**. While MPD has 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.