I. PURPOSE

The Metropolitan Police Department (MPD) is committed to the proper retention of law enforcement records, including the revision of arrest-related documentation when an arrestee is released without charge, to ensure the arrested person is accorded all applicable constitutional and statutory protections pertaining to arrests, questioning, and arrest records. To support this commitment, the MPD is in the process of modifying the Cobalt Records Management System and other MPD databases to ensure arrest-related data is retained, and revised when appropriate, in accordance with local and federal statutes. The purpose of this executive order is to outline the updated regulations and procedures pertaining to detention journals.

II. REGULATIONS

A. This directive supplements the regulations and procedures related to the use of detention journals. Unless explicitly stated in this directive, members are not relieved of their responsibilities otherwise established in GO-PCA-502.05 (Use of the Detention Journal).

B. The detention journal regulations and procedures outlined in this directive shall apply to all circumstances requiring a detention journal, regardless of whether or not an arrestee has already been booked at a district or element.

III. PROCEDURES

A. Upon determining an arrestee will be released without charge, prior to the end of their shift, district or element watch commanders shall:

1. Record the following information on the detention journal maintained at their district or element:

   a. Detention journal case number;
   
   b. Central complaint number (CCN);
c. Crime for which the subject was arrested;
d. Name, Computer Aided Dispatch (CAD) number, and element of arresting member;
e. Date and time of arrest;
f. Date and time of release;
g. Name of the official entering information on the detention journal; and
h. Name of the watch commander authorizing the arrestee’s release. If an official of another organizational element or outside agency authorizes the release, his or her name shall be listed on the detention journal as the authorizing official.

2. Provide the arrestee with a copy of the PD Form 731 (Information to Arrestee Released Without Charge);

3. Direct the arresting member to immediately complete a PD Form 728 (Detention Report);

NOTE: PD Forms 728 and 731 are available on the MPD Online Forms web page.

4. Submit electronic copies of the completed PD Forms 728 and 731 to the Commanding Official of the Court Liaison Division (CLD) via email at cld.adminbox@dc.gov; and

   a. In their notification to the Commanding Official of the CLD, watch commanders shall include the CCN of the incident associated with the detention journal in the “Subject” line of the email.

B. The Commanding Official of the CLD or his or her designee shall:

1. Upon receiving notification of a detention journal:

   a. Notify the following personnel of the issued detention journal via email:

      (1) Director of the Records Management System at support.cobalt@dc.gov, who will remove the subject arrest record from the Cobalt Records Management System; and
(2) Director of the Automated Fingerprint Identification System (AFIS) and Records Management Branch at afis.adminbox@dc.gov, who will remove the subject arrest record from the AFIS database if he or she has been livescanned or fingerprinted.

b. Submit a memorandum to the Criminal Justice Coordinating Council (CJCC) and any other involved outside agencies, requesting the arrestee’s name and arrest record associated with the detention journal be expunged from the relevant databases.

2. Maintain copies of all PD Forms 728 and 731, as well as any related requests for the revision or removal of arrest reports for no more than three years unless the documentation is covered by a litigation hold, members independently know the documentation is relevant to pending litigation, or members independently know or should reasonably know the documentation may be relevant to future litigation.

3. Conduct monthly reviews of the Cobalt Records Management System and the CJCC’s Justice Information System (i.e., JUSTIS) databases to ensure all arrestee information has been expunged in accordance with this executive order.

C. The Commanding Official of the Office of Risk Management or his or her designee shall conduct periodic audits of all district and element detention journals to ensure all arrestee information has been removed in accordance with this executive order.

Peter Newsham
Acting Chief of Police

PN:KDO:MOC:DMH:KDB