

GENERAL ORDER



DISTRICT OF COLUMBIA

Title		
Administrative Investigations		
Topic	Series	Number
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GO-PER-120.21 (Sworn Employee Discipline)		
GO-PER-120.25 (Office of Police Complaints Investigations)		
GO-PER-201.26 (Code of Conduct)		

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I. PURPOSE

Establishment of procedures for investigating complaints, allegations of misconduct, and violations of department regulations is crucial to demonstrate and protect a law enforcement agency's integrity. It is the policy of the Metropolitan Police Department (MPD) to accept and fairly and impartially investigate all complaints of employee misconduct, determine the validity of allegations, to investigate violations of department policy, and to impose any discipline that may be justified in a timely and consistent manner. The purpose of this policy is to establish requirements for the investigation and disposition of allegations of administrative misconduct and violations of department policies and procedures.

II. PROCEDURES

A. General

1. Department officials and members of the Internal Affairs Division (IAD) shall conduct thorough investigations when a member is suspected or accused of acting in violation of MPD policies and procedures. All administrative investigations shall be conducted in a fair, thorough, impartial, consistent, and timely manner in accordance with the laws of the District of Columbia and the policies and procedures of MPD.

2. Pursuant to [GO-PER-201.26 \(Code of Conduct\)](#), all members shall fully cooperate with administrative investigations. This includes cooperating with the Office of Police Complaints (OPC) complaint investigations pursuant to [GO-PER-120.25 \(Office of Police Complaints\)](#).
3. Failure to voluntarily make a timely and proper notification of possible misconduct shall be an offense subject to discipline, if sustained, up to and including removal from the department.
4. Final disciplinary action can only be authorized by the chief of police or his or her designee in accordance with [GO-PER-120.21 \(Sworn Employee Discipline\)](#) (for sworn employees) and the [District of Columbia Human Resources Discipline Issuance](#) (for civilian employees).

B. Investigative Responsibility

1. In accordance with [DC Official Code § 5-1107](#), OPC has the authority to investigate external complaints against sworn members, with some exceptions. Pursuant to [GO-PER-120.25](#), MPD shall notify OPC of all complaints against sworn members and OPC will determine which agency should investigate the complaint.
2. IAD receives and reviews all misconduct complaints as they are received from OPC to determine investigative responsibility.
3. IAD investigates the following specific forms of serious misconduct:

Serious Misconduct Investigated by IAD	
a.	Criminal arrests or filing of criminal charges against a sworn member;
b.	Protection order against a member;
c.	Unlawful discrimination (e.g., on the basis of race, ethnicity, gender, religion, national origin, sexual orientation, or disability);
d.	Unlawful stop, search, and/or seizure;
e.	False arrest and/or filing false charges;
f.	Acts of retaliation or retribution against a sworn member or person (including against a person for filing a complaint against a member);
g.	Intentional failure to properly report a use of force incident pursuant to GO-RAR-901.07 (Use of Force) ;
h.	Intentional provision of false information in any official report, log, or electronic transmittal of information and/or during the course of an MPD or OPC investigation;
i.	Incidents in which a subject is charged by a member with “assault on a police officer”, “resisting arrest”, or “disorderly conduct” and the prosecuting attorney or the court notifies MPD that the charge(s) will be dismissed based on the member’s credibility;
j.	Incidents in which MPD received written notification from the prosecuting attorney or court of a constitutional violation involving potential misconduct that was discovered during the course of a criminal case or judicial proceeding;
k.	Civil lawsuits alleging sworn member misconduct while in an official capacity;
l.	Civil lawsuits alleging acts of physical violence, threats of physical violence, racial bias, dishonesty, or fraud while off-duty (i.e., not acting in an official capacity);

m. Positive drug screenings pursuant to GO-PER-100.24 (Drug Screening Program) ; and
n. Any incident IAD is directed to investigate.

6. Other administrative misconduct or policy violations shall be investigated at the chain of command level, as assigned by IAD.

C. Investigative Timeline

1. All administrative investigations shall be completed and submitted through the chain of command to the Internal Affairs Bureau (IAB) assistant chief within 45 business days (i.e., not including Saturdays, Sundays, or legal holidays) of the date the investigation was assigned by IAD pursuant to the following timeline. This includes investigations conducted by IAD.

Investigative Timeline	
<u>Day 1</u> IAD Assignment	Investigations shall be completed within <u>45 business days</u> from issuance of incident summary (IS) numbers [unless the investigation was tolled]. IAD shall assign the investigation to IAD or the involved member's chain of command, providing completion deadlines in compliance with existing laws and labor agreements.
<u>Days 1-30</u> Investigation	Within <u>30 business days</u> from the date of assignment, the investigating member shall complete the investigation pursuant to this order and submit a final investigative report to the division commanding official. External complaint investigation submissions shall include a complainant response letter.
<u>Days 31-35</u> Division Review	Within <u>35 business days</u> from the date of assignment, the division commanding official shall review the investigative report for accuracy and completion and obtain any additional information or necessary corrections. Upon completion, the commanding official shall submit the completed investigation to the bureau head. External complaint investigation submissions shall include a signed complainant letter.
<u>Days 36-40</u> Bureau Review	Within <u>40 business days</u> from the date of assignment, the bureau head shall review the investigation for concurrence. Upon concurrence, the bureau head shall submit the completed investigation to IAB. For external complaint investigations, the bureau head shall ensure that the complainant letter is sent to the complainant pursuant to this order.
<u>Days 41-45</u> Final Review	IAB shall review the investigation within <u>45 business days</u> from the date of assignment.

2. Investigative timelines are internal guidelines established by the department in compliance with existing law. Failure to meet these timelines shall not be used by employees as a defense against disciplinary recommendations.

D. Investigating Complaints, Misconduct, and Policy Violations

1. When investigating an external complaint, the assigned investigating member shall, within three business days of receipt of a complaint

investigation, contact the complainant to initiate the investigation and obtain a statement. Investigating members shall provide the complainant with periodic reports regarding the status of the investigation, ensuring to document the dates and times of all contacts with the complainant as part of the final investigative package.

2. If, during the course of an investigation, the investigating member has reason to believe that misconduct occurred other than that alleged, the investigating member also shall investigate the additional potential misconduct to its logical conclusion.
3. Investigative Report Forms
 - a. The PD Form 170 (Condensed Investigative Report) shall be used for chain of command investigations unless otherwise determined by the IAD commanding official.
 - b. The PD Form 170 may be used for IAD investigations as determined by the IAD commanding official.
 - c. All other investigations require a full investigative package.
4. Whenever practicable and appropriate, complainants and witnesses shall be interviewed at sites and times convenient for them, including at their residences or places of business. Group interviews are prohibited.
5. Members involved in a serious misconduct incident shall be sequestered until interviewed by a member of IAD or by appropriate supervisory official. All appropriate MPD members, including supervisors, shall be interviewed.
6. Investigating members shall notify the supervisors of the involved members, as appropriate.
7. Any inconsistencies in officer and witness interview statements gathered during the investigation shall be identified and reported in writing.
8. Investigating members have the authority and responsibility to conduct investigations assigned by IAD. As such, they have the following authority, as required by their investigation, to:
 - a. Conduct activities in the furtherance of an investigation;
 - b. Request and receive all department records and/or information to facilitate an investigation;
 - c. Direct members to appear for interviews (e.g., in-person, video conference, or telephone) agreed upon by all involved parties;
 - d. Require members to provide truthful statements for use in an

investigation [subject to reverse-Garrity requirements, after a criminal declination by the United States Attorney's Office (USAO), or after any criminal prosecution of the member has been completed].

- e. Cause the police powers of a sworn member to be revoked in connection with an investigation being conducted by IAD pursuant to [GO-OMA-120.24 \(Revocation/Restoration of Police Powers\)](#).
- 9. Investigating IAD agents have the ability to assert authority over a higher-ranking member involved in the investigation while engaged in official duties.
- 10. If a member investigating a complaint referred by OPC determines there is no evidence of misconduct or violations of department rules and regulations, the member shall email the investigative findings to the MPD OPC liaison. When applicable, the MPD OPC liaison shall request that the investigation be handled as a rapid resolution pursuant to the procedures set forth in [GO-PER-120.25](#).

E. Incidents Involving Serious Misconduct

- 1. If a member is handling a police matter and an individual wishes to file a complaint or police misconduct is discovered, the initial responsibility of the member shall be to ensure that the scene is safe, render first aid if applicable, and secure the scene's integrity. If an arrest or other police action is required in the underlying matter, the officer shall complete all necessary and appropriate police duties unless otherwise directed by an official.
- 2. Members shall immediately notify an official following all events involving allegations of serious misconduct. Upon notification, supervisors shall immediately notify the watch commander and IAD through the Real Time Crime Center (RTCC).
- 3. The watch commander or official shall obtain IS numbers for each incident, as soon as practical.
- 4. Upon notification of an underlying offense related to the allegation of serious misconduct, IAD shall respond to begin their investigation related to the crime that led up to the alleged misconduct. Responding officials shall ensure the scene is maintained and preserved and that assistance of district personnel is provided to IAD, as necessary.
- 5. Investigating members shall ensure that all appropriate evidence is collected, preserved, and analyzed, including canvassing the scene to locate witnesses and obtaining complainant medical records, where appropriate.
 - a. Members shall record by audio or video (in conformance with

applicable laws and MPD orders) the interviews of subjects, members, and material witnesses. If a subject or non-member witness refuses to be recorded, then a written narrative of the statement shall be prepared to be signed by the witness.

- b. Members shall ensure that all recorded statements are transcribed and included in the investigative file for fatal and serious uses of force, cases where identified misconduct will likely result in an adverse action hearing, in-custody deaths, vehicle pursuits resulting in a fatality, and any other cases as determined by the IAD commanding official.
6. The investigating member shall handle the arrest and processing of any individual charged as a result of the underlying offense related to the alleged misconduct.
7. IAD shall notify and consult with the USAO immediately, in no case later than the next business day, following the receipt or discovery of any allegations of criminal misconduct. The USAO will notify and consult with the appropriate IAD official whenever possible, unless doing so would compromise the investigation, or is otherwise prohibited by law, rule, or regulation.
8. In all cases of serious misconduct involving potential criminal charges or the arrest of a member, members shall not be compelled to make a statement (including interviews that are recorded by video or audio) until either the USAO has issued a written declination or the element watch commander receives approval from IAD to issue a reverse-Garrity warning.
9. Watch commanders shall email the Executive Office of the Chief of Police (EOCOP) adminbox, IAB adminbox, IAD adminbox, and involved member's administrative adminbox in the following cases. When a member's police powers are revoked, watch commanders shall include the PD Form 77 (Revocation/Restoration of Police Powers) and copy the PD Form 77 distribution group on the notification email.

Required Notifications	
a.	Arrests of members;
b.	Members revoked of police powers and placed on administrative leave or non-contact status;
c.	Serious misconduct allegations against members that result in a change of duty status (to include civil protection orders); and
d.	Conduct that may subject the department to significant public criticism.

10. Watch commanders shall attach all signed reports to their PD Form 150 (Watch Commander Report) prior to being relieved from duty.

F. Investigative Findings

1. The standard of review in a criminal investigation is probable cause. The

standard of review in an administrative investigation is a preponderance of the evidence.

2. The investigating member shall submit a final investigative report with a description of the allegation, any other allegations of misconduct identified during the investigation, a summary and analysis of all relevant evidence gathered during the investigation, and proposed findings for each allegation of misconduct as outlined below:

Required Findings for Misconduct Allegations	
a.	Document whether a preponderance of the evidence supports that the conduct occurred. (1) If a preponderance of the evidence supports that the conduct did not occur, the finding shall be Unfounded . (2) When it cannot be determined whether the conduct occurred, the finding shall be Insufficient Facts . (3) If a preponderance of the evidence supports that the conduct occurred, the appropriate finding shall be selected as follows: (a) Exonerated - preponderance of the evidence supports that the conduct occurred but did not violate MPD policy or training. (b) Sustained - preponderance of the evidence supports that the conduct occurred and the member's actions violated MPD policy or training.
b.	Document whether the member requires formal re-training; and
c.	Document areas for policy and training improvements, risk management issues, equipment concerns, and areas for improvement not requiring formal re-training.

3. IAD shall be responsible for maintaining a record of all complaints against the agency or MPD members and to protect the confidentiality of these records by maintaining them in a secure area in accordance with the MPD records retention schedule.

G. Complainant Notification Letter

1. As part of the investigative package for all external complaints, the investigating member shall prepare a complainant notification letter regarding the disposition of the case that briefly describes the complaint, and the outcome (e.g., sustained, unfounded).
2. The complainant notification letter shall be prepared in a format similar to the following template.

Complainant Notification Letter
<p>This letter is in response to the complaint you filed regarding (member's name) of the (member's element). Your complaint was assigned to (investigating member's name) of the (investigating member's element) for investigation.</p> <p>After a thorough investigation, it was concluded that a preponderance of the evidence shows that (investigative conclusion), (and/however) (member's name) (did/did not) violate Metropolitan Police Department policy.</p> <p>The allegation that (member's name) engaged in (allegation) is classified as (classification).</p>

I have reviewed the investigative report and concur with (investigating member's) findings.

If you wish to appeal the findings of the investigation, you may send letter of appeal in writing to the chief of police at the following address with the reference number (IS number). Please mark the letter and envelope clearly with the phrase, "Complaint Appeal."

Chief of Police
441 4th Street, NW, 6th Floor
Washington, DC 20001

3. The completed letter shall be submitted along with the investigative packet for review. Letters shall be signed and dated by the division commanding official or his or her designee upon notification that the bureau head concurs with the investigation.
4. The letter shall be included with the final investigative file and shall be provided to the involved member.

H. Member Arrests

1. When a member is arrested by MPD, the arresting member shall, upon learning that an arrested person is a member of MPD, handle the arrest in accordance with department policies and procedures and immediately notify the watch commander who shall notify the RTCC.
2. The RTCC shall notify IAD and in the case of a sworn member arrest, the chief of police or his or her designee.
3. If multiple members are arrested, the arresting member shall sequester each member during processing.
4. The arresting member shall collect and submit all department equipment (not held as evidence) to the arrested member's immediate supervisor or other element official.

I. Serious Misconduct Involving Sworn Members Outside of the District of Columbia

When a sworn member is involved in serious misconduct (as defined in part II.B.3 of this order) outside of the District of Columbia, whether on or off duty:

1. The member shall, as soon as practicable, notify the watch commander of his or her element through the RTCC who shall notify IAD. IAD shall respond as may be appropriate under the particular circumstances.
2. The appropriate law enforcement authority of the jurisdiction of occurrence will maintain primary responsibility for conducting a criminal investigation of the incident or the underlying matter.
3. IAD shall initiate a concurrent administrative investigation work with the

investigator from the originating jurisdiction. In cases where the USAO or prosecutorial authority has not yet issued a written declination, IAD shall not compel the subject member to make a statement.

J. Oversight

1. Supervising officials and the IAD commanding official shall ensure timely completion of administrative investigations, absent special circumstances, pursuant to the investigative timeline provided in this order.
2. The IAD commanding official shall ensure that, in cases where IAD members are required to investigate a case in conjunction with another investigative unit, copies of all statements taken from involved parties and witnesses, along with any tapes, are kept on file at IAD.
3. The IAD commanding official shall ensure that related cases in the judicial process are monitored.

III. DEFINITIONS

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

	Term	Definition
1.	Administrative investigation	Internal investigation conducted in response to an allegation of employee misconduct with the goal of determining whether the employee violated department policy.
2.	Complaint	Allegation of misconduct against an employee or that expresses concern about services provided by the employee. These allegations may be submitted from both external and internal sources.
3.	Preponderance of the evidence	Standard of proof in administrative investigations in which it is more likely than not that the event occurred.
4.	Probable cause	Set of facts, circumstances, or reliable information that would lead a reasonable and prudent police officer to believe that a crime has been committed, or is about to be committed, and that a certain person committed it.
5.	Underlying Matter	Incident which would require appropriate police action and during which a responding or involved officer is charged with misconduct. This directive focuses on the handling of the alleged misconduct while recognizing that the "underlying matter" is a police responsibility that must also be processed to completion.



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