

# GENERAL ORDER



DISTRICT OF COLUMBIA

<b>Title</b> <b>Detention Journal</b>		
<b>Topic</b>	<b>Series</b>	<b>Number</b>
<b>PCA</b>	<b>502</b>	<b>05</b>
<b>Effective Date</b> <b>November 16, 2021</b>		
<b>Replaces:</b> GO-PCA-502.05 (Detention Journal), Effective Date September 30, 2020		
<b>Related to:</b> GO-OPS-304.10 (Field Contacts, Stops, and Protective Pat Downs) GO-PCA-501.07 (Arrest Procedures by Members of Departments Other Than the Metropolitan Police Department)		

I.	Purpose	Page	1
II.	Procedures	Page	1
II.A	"Detention Journal Application" - General	Page	1
II.B	Processing Detention Journal Cases	Page	2
II.C	Notifications, Reports, and Audits	Page	4

## I. PURPOSE

The purpose of this general order is to establish the policy and procedures for the use of the automated "Detention Journal Application" by the Metropolitan Police Department (MPD). The "Detention Journal Application" is used to document information regarding all incidents where a person is arrested and then subsequently released without charge. The policy of the MPD is to ensure the proper creation and retention of law enforcement records, including the appropriate revision of arrest-related documentation when an arrestee is released without charge, and to ensure arrestees are afforded all applicable constitutional and statutory protections.

## II. PROCEDURES

### A. "Detention Journal Application" - General

1. The "Detention Journal Application" shall be used to record information on each individual that has been arrested and released without charge. The release of an arrestee by detention journal must be approved by the element watch commander.
2. Access to and use of the "Detention Journal Application" is limited to members the rank of lieutenant and above. Upon submitting an entry in the "Detention Journal Application," a PD Form 728 (Detention Report) and a PD Form 731 (Information to Arrestee Released Without Charge) will be available for printing.

3. In the event the "Detention Journal Application" is unavailable, the authorizing watch commander shall use the PD Forms 728 and 731 that are available on MPD Online Forms. However, watch commanders shall ensure that entry is made into the "Detention Journal Application" once the system becomes available.
4. "Detention Journal Application" data shall not be open to public inspection, but shall be available to the affected arrestee or his or her attorney.

#### B. Processing Detention Journal Cases

1. If it is determined by the watch commander that an arrestee is entitled to release without being charged (e.g., an alibi is offered, checked out, and found to be valid), the watch commander shall enter information into the "Detention Journal Application."
2. The watch commander shall ensure the arrestee is provided with a printout of the PD Form 731 setting forth the basic facts relating to his or her arrest and release. The arrestee shall be advised that, with respect to this detention, he or she is entitled to respond negatively to any future inquiry regarding whether he or she has an arrest record.

NOTE: A record of the arrestee's stop only will be maintained consistent with documentation requirements set forth in GO-OPS-304.10 (Field Contacts, Stops, and Protective Pat Downs).

3. Under no circumstances shall arrestees who are to be released via detention journal be required to sign the PD Form 731, or any other document, as a condition of release. The watch commander shall ensure an entry is made in the "Detention Journal Application" when the arrestee refuses to accept a copy of the PD Form 731.
4. Under no circumstances shall arrestees who are released via detention journal be unnecessarily detained while an entry is made in the "Detention Journal Application".

#### 5. Special Circumstances

##### a. On-Scene Release of Arrestees

- (1) If it is determined that an arrestee may be entitled to release prior to transport to a district station, a member the rank of sergeant or above shall respond to the scene of the arrest and provide the watch commander with the information necessary to authorize or decline the release of the arrestee.
- (2) In cases where the arrestee is authorized for release by the watch commander:

- (a) The releasing official shall provide the arrestee with a hard copy of the PD Form 731 in accordance with this order. Under no circumstances shall release be delayed for an arrestee refusing to accept the PD Form 731.
  - (b) The releasing official shall provide a hard copy of the PD Form 728 to the watch commander for entry into the "Detention Journal Application".
  - (c) The watch commander authorizing the release shall ensure an entry is made into the "Detention Journal Application" prior to the end of his or her shift.
- b. "John or Jane Doe" Procedures
- (1) If it is determined that an unidentified person who has been arrested is entitled to be released via detention journal, and the arrestee has refused to establish his or her identity, there shall be no further detention for the sole purpose of identification. In such cases, the arrestee's first and last name shall be entered as "Refused" in the "Detention Journal Application".
  - (2) A detailed physical description of the arrestee shall be included in the detention journal entry.
  - (3) The watch commander shall ensure the arrestee is provided with a printout of the PD Form 731 in accordance with this order.
- c. Other Law Enforcement Agencies
- (1) Upon being notified of a possible outside agency detention journal case, the element watch commander shall request that an official of that agency respond to the scene of the arrest or the booking element, as applicable.
  - (2) The responding agency official will make the determination whether or not to release the person.
    - (a) In cases where the person is released at the scene, no entry shall be made in the "Detention Journal Application."
- NOTE: The outside agency may record detention information as the agency deems appropriate.
- (b) In cases where the arrestee is transported to an MPD facility for booking, and subsequently released, the element watch commander shall complete an

entry in the "Detention Journal Application" to include the name(s) and agency of the arresting member(s).

- (3) In cases where the outside agency's official does not respond within thirty minutes of notification, the affected watch commander shall decide whether the arrestee should be released in accordance with this order.

d. Release of Arrestees from the Department of Corrections (DOC)

- (1) When an arrestee that has been transported to DOC is found to be a detention journal case, the arresting element watch commander shall notify the DOC supervisor of the arrestee's status, complete an entry in the "Detention Journal Application", and ensure a PD Form 731 is sent to the DOC supervisor so that it can be provided to the arrestee.
- (2) The DOC supervisor will allow the arrestee to make the necessary telephone calls to secure transportation when applicable or to leave directly from DOC.
- (3) In cases where the arrestee wishes to be transported back to the arresting member's element, the DOC supervisor will notify the original district's watch commander. The watch commander shall determine transportation options and, when practicable, facilitate the arrestee's transportation.
- (4) The DOC supervisor will ensure the arrestee's name is obliterated from the Lock-Up List.

C. Notifications, Reports, and Audits

1. Upon completing an entry in the "Detention Journal Application" a PD Form 728 (Detention Report) and a PD Form 731 (Information to Arrestee Released Without Charge) will be automatically emailed to the Internal Affairs Bureau (IAB), the Court Liaison Division (CLD), the Office of the General Counsel, the appropriate patrol bureau (i.e., Patrol Services South or Patrol Services North), and the Records Division.
2. The IAB shall be responsible for review of all detention journals to determine if further investigation is required.

NOTE: D.C. Official Code §5-115.01(a) provides: "Any person arrested in the District of Columbia may be questioned with respect to any matter for a period not to exceed 3 hours immediately following his arrest. Such person shall be advised of and afforded his rights under applicable law respecting any such interrogation. In the case of any such arrested person who is released without being charged with a crime, his detention shall not be recorded as an arrest in any official record." D.C. Official Code § 5-115.01 does not expand or increase the authority of members to make

arrests, and arrests must be made only on the basis of probable cause or the authority of an arrest warrant.

3. The director of the Records Division shall:
  - a. Ensure the record of the subject's arrest is **removed** from the databases [e.g., Automated Fingerprint Information System (AFIS), records management system (RMS), and Columbo] once he or she receives the notification.
  - b. Ensure that a record of the subject's stop is **maintained** consistent with the documentation procedures set forth in GO-OPS-304.10.
  - c. Submit a letter 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.
4. The commanding official of the CLD shall ensure monthly reviews of RMS, AFIS, and the CJCC's Justice Information System (e.g., JUSTIS) databases are conducted to ensure all arrestee information has been expunged in accordance with this order.
5. The commanding official of the Risk Management Division shall ensure periodic audits are conducted of detention journal cases to ensure all arrestee information has been removed from MPD systems in accordance with this order.



Robert J. Contee III  
Chief of Police

RJC:KDO:MOC:KDB