

JOINT MODIFICATION NO. 1

TO

JUNE 13, 2001

MEMORANDUM OF AGREEMENT

Between the United States Department of Justice

and the

District of Columbia and

the District of Columbia Metropolitan Police Department,

September 30, 2002

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Between the United States Department of Justice

and the

District of Columbia and

the District of Columbia Metropolitan Police Department,

I. BACKGROUND

1. Pursuant to provision 194 of the June 13, 2001, Memorandum of Agreement (MOA) between the United States Department of Justice (DOJ), the District of Columbia, and the District of Columbia Metropolitan Police Department (MPD), the Parties hereby enter into this Modification.
2. The Parties agree that MPD has failed to meet the timelines identified in the MOA. DOJ acknowledges, however, that MPD has made significant strides to satisfy many of its obligations under the MOA - consistently improving both the quality and the timeliness of its deliverables in the last several months. Indeed, in September 2002, the Department of Justice has approved the following revised General Orders (GOs) and related documents: Use of Force, Use of Force Investigations, Use of Force Incident Report, Canine Teams, Oleoresin Capsicum Spray, and

Handling of Service Weapons. In light of this renewed commitment the Parties to the MOA have agreed to modify the MOA.

3. Upon execution of this Modification, MPD and the City shall be discharged from their current status of breach related to timelines, except as provided in paragraph 5, infra.

## II. SCOPE OF MODIFICATION

4. This Modification modifies the implementation and deliverable dates outlined in the MOA. This Modification does not alter the substantive provisions of the MOA.

5. MPD's compliance with MOA provisions related to the Personnel Performance Management System (MOA paragraphs 106-117) is expressly excepted from this modification.

## III. REVISED IMPLEMENTATION SCHEDULE

6. MPD shall implement all DOJ approved policies and procedures within 14 business days of approval. The following provisions are accordingly modified:

- a. MOA paragraph 51<sup>1</sup>;
- b. MOA paragraphs 57-58;
- c. MOA paragraphs 60-62;
- d. MOA paragraph 67;
- e. MOA paragraph 68;
- f. MOA paragraph 72; and
- g. MOA paragraphs 73 (a) and (b).

## IV. REVISED DELIVERABLE SCHEDULE

7. With respect to deliverables, MPD shall produce the policies and procedures, or other documentation, as appropriate, required by the MOA to the DOJ according to the agreed upon deadlines on the attached Joint DOJ/MPD MOA Modification Chart. The following provisions

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<sup>1</sup> MPD and DOJ have agreed that the General Orders referenced in MOA paragraph 51 will be issued the week of October 6, 2002.

are modified:

- a. MOA paragraph 53;
- b. MOA paragraph 57;
- c. MOA paragraph 63;
- d. MOA paragraph 68;
- e. MOA paragraphs 73 (a) and (b);
- f. MOA paragraphs 83-85;
- g. MOA paragraphs 88-89;
- h. MOA paragraphs 92-94;
- i. MOA paragraphs 96-98;
- j. MOA paragraph 105;
- k. MOA paragraphs 118-119;
- l. MOA paragraph 121(f);
- m. MOA paragraph 122;
- n. MOA paragraph 129;
- o. MOA paragraphs 132 (a) and (b);
- p. MOA paragraphs 133-137;
- q. MOA paragraphs 145-146;
- r. MOA paragraph 148; and
- s. MOA paragraphs 150-159.

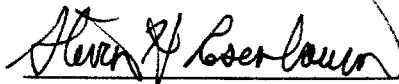
#### V. COMPLIANCE

8. The implementation schedule and the revised deadlines for deliverables contained in this Modification are firm. Nonetheless, the parties agree that if MPD is unable to complete a deliverable on schedule due to articulable, unforeseen emergency circumstances, MPD shall contact DOJ and seek a revised mutually acceptable deliverable date.

#### VI. MISCELLANEOUS

9. The signatories below represent by their signatures that they are authorized to enter into this Modification and are signing on behalf of their party and the original signatories to the MOA.


For the United States Department of Justice:

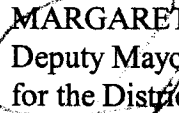


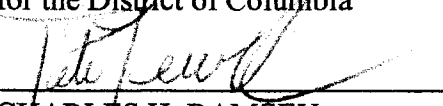
STEVEN H. ROSENBAUM  
Chief  
Special Litigation Section  
Civil Rights Division

SHANETTA Y. BROWN CUTLAR  
TAMMIE M. GREGG  
LISA S. GRAYBILL  
Special Litigation Section  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 66400  
Washington, D.C. 20035-6400  
202-514-0195

For the District of Columbia and the Metropolitan Police Department:

  
\_\_\_\_\_  
ANTHONY WILLIAMS  
Mayor of the District of Columbia

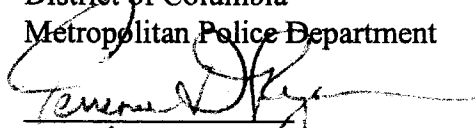
*For*   
MARGARET NEDELKOFF KELLEMS  
Deputy Mayor of Public Safety and Justice  
for the District of Columbia

*For*   
\_\_\_\_\_  
CHARLES H. RAMSEY  
Chief of Police  
District of Columbia  
Metropolitan Police Department

MICHAEL J. FITZGERALD  
Executive Assistant Chief of Police  
District of Columbia  
Metropolitan Police Department

PETER J. NEWSHAM  
Assistant Chief  
Office of Professional Responsibility  
District of Columbia  
Metropolitan Police Department

JOSHUA A. EDERHEIMER  
Inspector  
Office of Professional Responsibility  
District of Columbia  
Metropolitan Police Department

  
\_\_\_\_\_  
TERRANCE D. RYAN  
General Counsel  
District of Columbia  
Metropolitan Police Department

**Joint DOJ/MPD MOA Modification Chart**

53	Use of Force Reporting Policy and UFIR Form (hard copy version)  Use of automated UFIR form (deadline for implementation of automated approvals to be determined)	Week of 10-6-02  Week of 12-29-02
*57	FIT Manual	10-27-02
63	Train FIT Investigators on new policies developed under MOA	Within 30-calendar days of implementation of the GOs
*68	Implement the Serious Misconduct Investigations GO  Personnel Allocation Plan to Designate sufficient personnel for OPR to investigate criminal misconduct allegations	Within 14-business days of DOJ approval  12-31-02 (pursuant to MOA Para. 78 deadline)
*73(a), (b)	Memorandum outlining MPD's compliance with requirement that MPD investigators outside chain of command be assigned for circumstances specified in MOA para. 73(a), (b).	Week of 9-29-02
83	Misconduct administrative investigation manual	Week of 10-20-02

### Joint DOJ/MPD MOA Modification Chart

84	FIT Training Plan; Instructor Training Plan; and FY 2003 In-Service Lesson Plans  Specialized training for investigators who investigate shootings	Week of 9-22-02  Training to occur within 180 days of approval of plan by DOJ
85	Coordination plan between MPD/OCCR delineating responsibilities regarding citizen complaints - embodied in MOU between OCCR and City	9-30-02
88	Develop and implement comprehensive complaint program: MPD promotional materials, communication plan, PSA, and News Release	Week of 10-27-02
89	Institute public information outreach regarding complaint program	Week of 10-27-02
92	Initiate capability to accept complaints via all communication modes, including TDD	Week of 9-22-02
93	Institute toll-free hotline for reporting of citizen complaints	9-30-02
94	Transfer responsibility to OPR for receiving complaints filed directly with MPD - embodied in Citizen Complaint GO	Week of 9-29-02
96	Implement plan to ensure OCCR investigators receive training - embodied in MOU between OCCR and City	9-30-02
97	OCCR investigation manual	Week of 11-3-02

**Joint DOJ/MPD MOA Modification Chart**

98	Implement policy and training on preponderance of evidence standard - embodies in Preponderance of Evidence Lesson Plan	Week of 9-22-02
105	Update Disciplinary GO	Week of 11-17-02
118	Plan to enhance Performance Evaluation System	Week of 11-03-02
119	Centrally coordinate and review all Use of force training among components - revised lesson plans	Within 20-business days of DOJ approval
121(f)	Enhanced Field Training Protocol	Week of 12-01-02
122	Review/revise all current force related training materials (including curricula and lesson plans)	Within 20-business days of DOJ approval
129	Provide supervisory training lesson plans: instructor training plan and FY 2003 in-service plan	Week of 9-22-02
132(a)	Implement Role Play and Range 2000	Within 20-business days of DOJ approval
132(b)	Initiate video-taping of Role Plays	Week of 9-29-02

**Joint DOJ/MPD MOA Modification Chart**

133	Disseminate MOA to officers and conduct in-service training regarding revised policies and procedures	MPD will provide status report on inclusion of the topics for recruit and lateral training: Week of 9-29-02
134	Plan to ensure sufficient training academy staffing	Week of 9-29-02
135	Eligibility and selection criteria for all Academy, Field Training positions	Week of 9-29-02
136	Implement instructor certification program	Within 20-business days of DOJ approval of current materials or, if a new ICP training vendor is selected, within 20-business days of DOJ approval of the new materials. Date for selection of new vendor 12-31-02
137	Implement formal instructor training course	Within 20-business days of DOJ approval of current materials or, if a new ICP training vendor is selected, within 20-business days of DOJ approval of the new materials. Date for selection of new vendor 12-31-02
145	Implement comprehensive canine training curriculum and lesson plan	Week of 9-29-02

**Joint DOJ/MPD MOA Modification Chart**

146	Ensure all MPD canines are trained, certified or re-certified in handler controlled alert methodology	Documentation regarding certification: Week of 9-29-02
148	Ensure certification of canine trainers as canine instructors	11-24-02 (lesson plans)  Within 20-business days of DOJ approval of lesson plans and related curricula
150	Continue to implement pre-screening mechanism for specialized mission personnel	Week of 9-29-02 (specialized unit mission GO)
151	Screening mechanism for prospective special unit candidates	Week of 9-29-02 (specialized unit mission GO)
152	Provide sufficient advance notice of participating officers to all special units leadership	Week of 9-29-02 (specialized unit mission GO)
153	Establish protocol for disqualifying officers from special missions that uses questionable force or who generates numerous complaints re same	Week of 9-29-02 (specialized unit mission GO)
154	Ensure adequate supervision for special units	Week of 9-29-02 (specialized unit mission GO)
155	Provide instructions to supervisory officers volunteering or assigned to a special unit that they maintain supervisory responsibilities	Week of 9-29-02 (specialized unit mission GO)
156	Provide pre-service training to special mission units re Constitutional requirements	Week of 9-29-02 (specialized unit mission GO)

### Joint DOJ/MPD MOA Modification Chart

157	Monitor activities of specialized mission units	Week of 9-29-02 (specialized unit mission GO)
158	Procedure for informing special mission supervisors about complaints involving their officers and monitoring the same	Week of 9-29-02 (specialized unit mission GO)
159	Plan to limit officer overtime work schedule	Week of 11-24-02
	* MOA paragraphs with a (*) indicate that both a deliverable and a 14-day deadline exist for the MOA requirement	