

Washington Metropolitan Area Transit Authority

Board Action/Information Summary

☒ Action ☐ Information

MEAD Number:
202184

Resolution:
☒ Yes ☐ No

TITLE:

Establishment of MTPD Investigations Review Panel

PRESENTATION SUMMARY:

Present the justification for the establishment of the Metro Transit Police Department (MTPD) Investigations Review Panel.

PURPOSE:

MTPD requests that the Board approve a Charter to establish the MTPD Investigations Review Panel, which shall include citizen members and police members from the Metro Transit Zone, to provide recommendations to the MTPD Chief of Police and the Board on changes to MTPD training and policies that will improve the integrity of investigations and the thoroughness and fairness of the process consistent with best practices in law enforcement.

DESCRIPTION:

The MTPD has a history of proactive police reform and incorporates best practices in law enforcement.

Key Highlights:

Establishment of the MTPD Investigations Review Panel to enhance the training and policies of the MTPD in the continuing effort to foster public trust between the MTPD and the public. The Review Panel will make recommendations to the MTPD Chief of Police and the WMATA Board of Directors based on its review of investigations regarding the integrity of the investigation, the thoroughness and fairness of the process, and the adequacy of training consistent with best practices in law enforcement. The panel will consist of three police members from each jurisdiction, selected by their Chief of Police and four citizens from each Signatory jurisdiction and an at-large member appointed by the Board.

Background and History:

The MTPD has a history of proactive police reform and incorporates best practices in law enforcement. The MTPD acknowledges the current dialogue

on policing and police reforms that is taking place around the country and recognizes the urgent need to further improve how MTPD provides public safety in the Metro Transit System and to continue to foster trust between MTPD and the public.

Discussion:

The establishment of the MTPD Investigations Review Panel is one of many initiatives that the MTPD is implementing or seeks to implement to further improve police training, community engagement, and MTPD policies.

Officers receive over 1000 hours of basic training, including bias training, in the Commonwealth of Virginia, State of Maryland, and the District of Columbia. After successful completion, the recruit officers attend a ten-week Field Training Program in which the officers learn to apply the skills learned to real-world situations. Additionally, members receive mandatory in-service training annually. Most recently, the MTPD leadership and officers completed a specialized training at the National Museum of African American History.

The MTPD continues community engagement efforts as demonstrated by our fifth year of the Respect Your Ride Campaign. In this campaign, the MTPD works with schools and conducts outreach events. Additionally, the MTPD established the Youth Services Unit to focus on student safety while utilizing the Metro system. The Internal Oversight Youth Services Bureau was also created to manage the oversight, youth operations, and community engagement.

The MTPD retained a third party to further improve and update policies and procedures and retained a technical writer to support that effort. Additionally, the MTPD retained a third party to assist in recruiting and enhance MTPD communications.

Next Steps:

The MTPD's updated policies will be posted on WMATA's website, which is publicly accessible.

While the MTPD's current policies and procedures are already consistent with the #8CantWait campaign, we nonetheless continue to explore efforts to improve community policing and engagement, including by meeting with the Deputy Mayor of Education and School Chancellor Continue to work with the Fraternal Order of Police and working with the Board on Race and Social Inequities Committee.

The MTPD will dedicate an MTPD public information and outreach officer working in External Relations to increase transparency and develop a strategy in collaboration with the Human Resources Department to improve recruitment efforts. Additionally, an email address has been established to connect with the

community (MTPD_bridgingthegap@wmata.com), which will be widely publicized.

FUNDING IMPACT:

No impact on funding; funding for the Investigations Review Panel will be accommodated within existing budget.

TIMELINE:

The Board will make appointments to the Investigations Review Panel in Fall 2020.

RECOMMENDATION:

The Board approve the Charter to establish the MTPD Investigations Review Panel, which shall include citizen members and police members from the Metro Transit Zone, to provide recommendations to the MTPD Chief of Police and the Board on changes to MTPD training and policies that will improve the integrity of investigations and the thoroughness and fairness of the process consistent with best practices in law enforcement.

Community Policing and Engagement



Ronald Pavlik
Chief of Police



Staffing

- Established: June 4, 1976
- Function:
 - Prevent crime
 - Protect Metro's customers, employees, facilities and revenue
 - Enforce laws, ordinances, rules and regulations

Current Staffing:

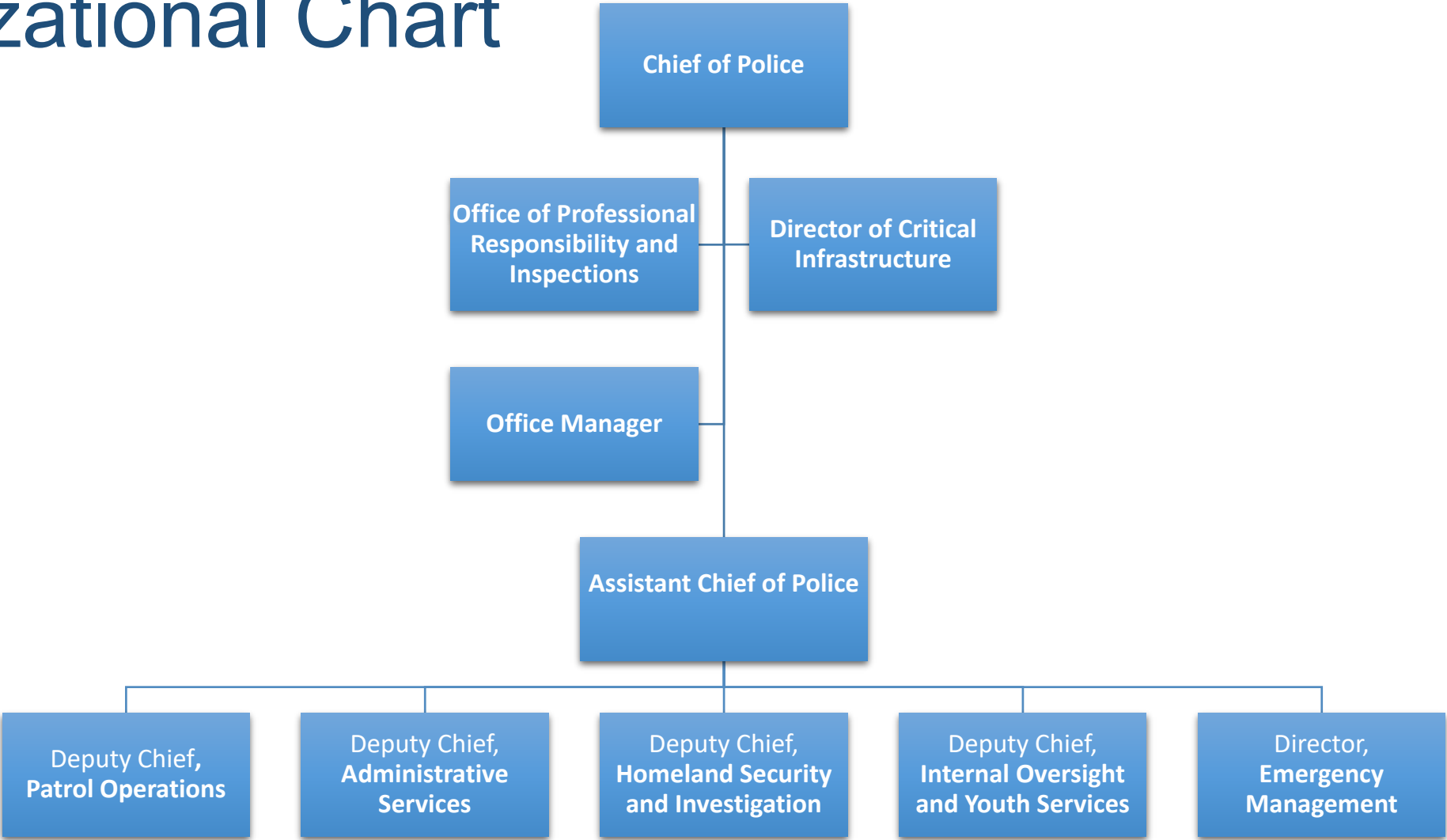
- 338 officers/detectives (FOP)
- 37 sergeants
- 13 lieutenants
- 9 captains
- 4 deputy chiefs
- 1 assistant chief

Authorized strength:

- 435 sworn officers
- 138 security special police
- 100 civilian personnel



Organizational Chart



Basic Training



728 hours academic
207 hours patrol
82 hours of practical exercises
300 skills
56 hours firearms training



312 hours academic
45 hours defensive tactics
40 hours first-aid
32 hours practical exercises
48 hours firearms training



358 hours academic
40 hours DC Code
40 hours RWP
52 hours defensive tactics
32 hours civil disturbance

Mandatory In-Service Re-Training (MIR)

Maryland Police and Correctional Training Commissions (MPCTC); Virginia Department of Criminal Justice (DCJS); District of Columbia (DCMR)

Course Subject Examples

- Interpersonal communication
- Decision making in dynamic situations
- Integrity, benevolence, competence and predictability
- Anti-Discrimination
- Legal Updates Mental Health/Elder Abuse
- Juvenile Operations
- Incident Command Review

MTPD Leadership and officers attended specialized training at the National Museum of African American History



Community Engagement

- Youth
 - School visits and assemblies
 - US Attorney's Anti-Violence Youth Summit
 - Youth Advisory Council Meetings (MTPD hosted 10 in 2019)
 - Daily calls with stakeholders to discuss Safe Passages
- Shop-with-a-Cop events
- Pop-Up community engagement events
- National Night Out
- Messaging through social media platforms
- Active participants in various Emergency Support Functions with MWCOCG
- Community events throughout the National Capital Region
 - Crime Meetings
 - BID Meetings
 - Outreach events



Actions Currently Underway

- Youth
 - Respect Your Ride Campaign
 - Youth Services Unit
 - Internal Oversight and Youth Services Bureau
- Hired a technical writer and external third party to further improve and update policies
- Working with HR and retained a third party to recruit/improve communications
- Updated two General Orders
- MTPD policies are consistent with 8cantwait.org



#8CANTWAIT



Next Steps

- Implement the MTPD Investigations Review Panel
- Begin process of further improving and updating policies with 3rd party
- Post policies on WMATA web site
- Meet with Deputy Mayor of Education and School Chancellor
- Continue to work with the FOP on next steps for best practices reform
 - Develop working/focus groups with FOP and MTPD Leadership
- Continue to work with the Board on Race and Social Inequities sub-committee
- Increase transparency through a dedicated MTPD public information and outreach officer
- Develop a strategy with HR to improve recruitment efforts
- Established an email to connect with the community (*need to market*)
 - MTPD_bridgingthegap@wmata.com

Transit Zone Police Civilian Review Panels

JURISDICTION	NAME	FUNCTION	NUMBER OF MEMBERS	RECOMMENDATIONS SUBMITTED TO
District of Columbia	Police Complaints Board	Review and audit completed citizen complaints and make recommendations regarding changes in policy; may receive and adjudicate citizen complaints	5 (One MPD, 4 with no affiliation with MPD; Mayor nominates members, confirmed by DC Council)	Mayor, DC Council, MPD, and DC Housing Authority Police Department
Fairfax County (VA) (The other VA Transit Zone jurisdictions do not have civilian review boards.)	Police Civilian Review Board	Reviews completed investigations; recommends changes to policies and practices	9 (Fairfax Co. residents; selected by Fairfax County Board of Supervisors)	Fairfax County Board of Supervisors and Chief of Police
Prince George's County (MD)	Citizen Complaint Oversight Panel	Reviews completed investigations of police misconduct and processing of complaints	7 (Appointed by County Executive, confirmed by County Council)	Chief Administrative Officer and Chief of Police
Montgomery County (MD)	Policing Advisory Commission (Not yet enacted)	Advise Montgomery County Council on policing matters, best practices, recommend policies, and engage in public education, and prepare Annual Report	13 (9 appointed by Council, 4 appointed by County Executive)	Montgomery County Council and County Executive

MTPD Investigations Review Panel

- Authority: Under WMATA Board Bylaws, Article V, Section 1, the Board may establish advisory bodies or committees
- Purpose: To enhance training and policies of MTPD in continuing effort to foster trust between MTPD and the public
- Members: 3 police department members in the National Capital Region selected by MTPD Chief of Police and 4 citizen members from within the Transit Zone appointed by WMATA Board of Directors
- Responsibilities: Conduct an independent and impartial review of prior quarter's final, non-appealable, and completed investigations and make policy and training recommendations
- Recommendations to: Chief of Police, with a copy to the WMATA Board of Directors

Recommendation



Staff recommends that the Board approve the Charter establishing the MTPD Investigations review panel

PRESENTED AND ADOPTED: June 23, 2020

SUBJECT: ESTABLISHMENT OF METRO TRANSIT POLICE DEPARTMENT
INVESTIGATIONS REVIEW PANEL

2020-25

RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
WASHINGTON METROPLITAN AREA TRANSIT AUTHORITY

WHEREAS; Metro has a longstanding commitment to diversity, transit equity, and inclusion, and that commitment remains at the forefront of all we do;

WHEREAS; The Metro Transit Police Department (MTPD) has a history of proactive police reform and incorporates best practices in law enforcement;

WHEREAS; Nonetheless, the Board acknowledges the current dialogue on policing and police reforms that is taking place around the country;

WHEREAS; The Board recognizes the urgent need to further improve how MTPD provides public safety in the Metro Transit System and to continue to foster trust between MTPD and the public;

WHEREAS, Under Board By-Laws Article V, Section 1, the Board may establish advisory bodies; and

WHEREAS, The Board desires to establish the MTPD Investigations Review Panel, which shall include citizen members and police members from the Metro Transit Zone, to provide recommendations to the MTPD Chief of Police, with a copy to the Board, on changes or revisions to MTPD training and policies that will improve the integrity of investigations, the thoroughness and fairness of the process, and the adequacy of training consistent with best practices in law enforcement;

NOW, THEREFORE, be it

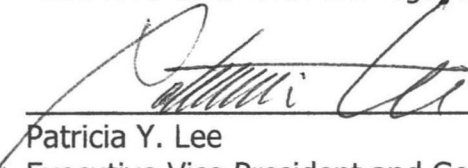
RESOLVED, That the Board hereby creates the Metro Transit Police Department Investigations Review Panel as described in Attachment A; and be it further

Motioned by Mr. Smedberg, seconded by Ms. Gidigbi

Ayes: 8- Mr. Smedberg, Ms. Gidigbi, Mr. Goldman, Mr. Horner, Mr. Letourneau, Mr. Marootian, Mr. Graham and Mr. McMillin

RESOLVED, That this Resolution shall be effective 30 days after adoption in accordance with Compact Section 8(b).

Reviewed as to form and legal sufficiency,



Patricia Y. Lee
Executive Vice President and General Counsel

WMATA File Structure No.:
2.1 Board of Directors

**CHARTER
OF THE
METRO TRANSIT POLICE DEPARTMENT
INVESTIGATIONS REVIEW PANEL**

Article I: Purpose

The purpose of the Metro Transit Police Department Investigations Review Panel (“the Review Panel”) is to conduct an independent and impartial review of certain completed investigations, such as customer complaints or use of force incidents, to enhance the training and policies of the Metro Transit Police Department (“MTPD”) in the continuing effort to foster public trust between the MTPD and the communities it serves.

Article II: Review Panel

1. Review Panel Responsibilities. The Review Panel shall:

- A. Review the previous quarter’s final, non-appealable, and completed investigations, with access to the entire investigation file, conducted by: (1) the MTPD Office of Professional Responsibility and Inspections (“OPRI”); and/or (2) a MTPD District/Division/Unit Commander, to ensure the completeness, accuracy, and objectivity of those investigations;
- B. Make written recommendations to the MTPD Chief of Police, with a copy to the WMATA Board, based on its review of investigations regarding the integrity of the investigation, the thoroughness and fairness of the process, and the adequacy of training consistent with best practices in law enforcement; and
- C. Endeavor to issue its written recommendations, if any, within 85 days following its review.

2. Composition and Selection of the Review Panel. The Review Panel shall consist of seven members. The composition of the Review Panel shall endeavor to reflect the diversity of the National Capital Region.

- A. Police Members. Three members of the Review Panel shall be current, command-level (*i.e.*, Captain or above) officials or internal affairs

officials working in police departments in the National Capital Region, and where possible, one each from state or local police departments from the District of Columbia, Maryland, and Virginia. To the extent the MTPD Chief of Police is not able to obtain participation from one of these jurisdictions, then the Chief may obtain a police member from a federal law enforcement agency. The Chief of Police from the participating police department shall select the police member for participation on the Review Panel.

- B. Citizen Members. There will be four citizen members of the Review Panel, one from each of the District of Columbia (a resident of the District of Columbia), Maryland (a resident of Montgomery County or Prince George's County), and Virginia (a resident of the cities of Alexandria, Falls Church or Fairfax or the counties of Arlington, Fairfax or Loudoun), and one at-large member, all to be appointed by the WMATA Board following notice to the public seeking applications for citizen members.
- C. Prohibitions on Membership. No member of the Review Panel shall be a current or former member of MTPD or a relative of a member of MTPD, or hold any public office, or be a candidate for any public office.
- D. Voluntary and Unpaid. Participation on the Review Panel is voluntary and unpaid. Review Panel members are not WMATA employees and will not receive any salary or benefits. Review Panel members will not be reimbursed for cost and expenses in connection with their participation on the Review Panel, except that Review Panel members will be offered a WMATA-issued SmarTrip® card that is reloaded with \$25/month in funds to be used for travel to/from Review Panel meetings or other duties associated with Review Panel activities. Any unspent SmarTrip® card funds are automatically returned to WMATA at the end of the month and members agree to use the funds only for Review Panel-related travel. To the extent a Review Panel member is eligible for and needs to use MetroAccess for travel to/from Review Panel meetings or other duties associated with Review Panel activities, WMATA will either provide the MetroAccess ride at no cost to the member or will reimburse the member for a qualifying trip.

3. Terms. The police members of the Review Panel shall each serve a term of three years and the citizen members shall serve for a term of two years, to provide for staggered terms. Members of the Review Panel may not serve more than two consecutive terms.

4. Removal and Resignation. A member may be removed from the Review Panel for: (a) misconduct, including without limitation harassing or abusive behavior toward other Review Panel members or WMATA employees; (b) being incompetent or neglectful of his/her duty; (c) being excessively or unjustifiably absent or late for Review Panel meetings; (d) misconduct outside his/her duty as a member of the Review Panel; or (e) releasing unauthorized or law enforcement sensitive information to the public or anyone outside of the Review Panel or violating the NDA, as determined by a majority vote of the other Review Panel members. Any member of the Review Panel may resign from the Review Panel at any time by delivering written notice of the resignation to the MTPD Chief of Police. The MTPD Chief of Police shall promptly provide a copy of the notice of resignation to the WMATA Board. The resignation shall be effective upon receipt, unless an effective date of the resignation is specified in the notice.

The WMATA Board may appoint a new citizen member for the remainder of the term vacated by the departing member and such new citizen member shall be from the same jurisdiction as the departing member. For police members of the Review Panel, the MTPD Chief of Police shall request that the Chief of Police of the relevant police department appoint another member for the remainder of the term of the departing member.

5. Meetings, Notice, Confidentiality, and Quorum.

- A. The Review Panel shall meet once a quarter, in closed session.
- B. Because of the confidential, privileged and law enforcement sensitive nature of the investigation files, documents, and information that will be provided for review, members of the Review Panel shall participate in meetings of the Review Panel in-person at a location to be designated by the MTPD Chief of Police.
- C. The MTPD Chief of Police shall circulate a Review Panel meeting notice and agenda to the Review Panel at least one week prior the Review Panel meeting date.

D. Any materials provided to the Review Panel members shall be kept strictly confidential. Due to the confidential and potentially privileged nature of the matters reviewed by the Review Panel, each Review Panel member will execute a non-disclosure agreement (“NDA”), prior to serving on the Review Panel, to maintain the confidentiality of, or any privilege or protection from disclosure applicable thereto, for any and all information reviewed as a member of the Review Panel. In the event a Review Panel member receives information on behalf of the Review Panel prior to executing that NDA, the Review Panel member will treat all such information as confidential and privileged until the NDA is signed. Information provided to the Review Panel may not be disclosed to the public. Any disclosure to the public shall only be made with prior review and approval of the WMATA General Counsel, to ensure that any disclosure is consistent with relevant law protecting information from disclosure, including the requirement to redact personally-identifiable information, or to prevent any disclosure of that information. Accordingly, meetings of the Review Panel may not be recorded. To the extent that any Review Panel member takes notes of the meetings, those notes must be kept confidential and are subject to the NDA.

6. Quorum. A quorum requires the presence of six current Review Panel members.

Article III: Recommendations

1. Based upon the Review Panel’s review of investigations conducted by MTPD’s OPRI or a MTPD District/Division/Unit Commander, as outlined above, the Review Panel may recommend in writing to the MTPD Chief of Police, with a copy to the WMATA Board, changes or revisions to MTPD training and policies that the Review Panel concludes will improve the integrity of investigations, the thoroughness and fairness of the process, and the adequacy of training consistent with best practices in law enforcement.

2. Recommendations by the Review Panel will be made publicly available by a link on the WMATA.com website to the MTPD external website homepage as soon as practicable, after personally identifiable information and other confidential or privileged information, if any, is redacted consistent with WMATA policies and any applicable law protecting such information from disclosure.

Article IV: Other Duties of Review Panel Members

1. Training. All Review Panel members shall complete any training mandated by the MTPD Chief of Police, or as recommended by the Review Panel.

2. Conflicts of Interest. Review Panel members shall avoid conflicts of interest, as determined by the WMATA employee Code of Ethics and the WMATA Compact. Any Review Panel member may consult with the WMATA Ethics Officer, or his/her designee, if the Review Panel member believes that he/she has or may have a conflict of interest with respect to a matter that the Review Panel will consider. Any Review Panel member with a conflict of interest as determined by the WMATA Ethics Officer shall not participate in the Review Panel's consideration of that matter.

3. Communications. No member of the Review Panel may make public statements on behalf of the Review Panel without express, written permission from the WMATA Board. Members of the Review Panel shall not participate in any individual discussions of a matter before the Review Panel with any person outside of the Review Panel, other than the MTPD Chief of Police, including, but not limited to, any complainant or witness to events giving rise to a complaint or investigation, or an MTPD officer that is the subject of a complaint or investigation.

Article V: Compliance with WMATA Policies

1. WMATA Policies. Members of the Review Panel shall comply with all applicable WMATA policies. To the extent that Review Panel members have questions regarding the application of WMATA policies to their work, they may submit those questions to the WMATA Ethics Officer.

2. Conflicts. This Charter is not intended to conflict in any manner with the WMATA Compact. However, to the extent that this Charter is construed to conflict with the WMATA Compact in any manner, the WMATA Compact shall govern.

Article VI: Effective Date; Duration; Amendments

This Charter shall become effective upon approval by the WMATA Board and shall remain in effect unless and until amended or revoked by the Board in accordance with §8 of the WMATA Compact.

Article VII: Miscellaneous

1. Designee. Any action contemplated by the Charter to be performed by the MTPD Chief of Police may be designated to the MTPD Chief of Police's designee.

2. References to WMATA Compact. All references herein to the WMATA Compact are deemed to refer to the WMATA Compact as now in force or hereafter amended, and references to particular sections of the WMATA Compact are deemed to refer to similar or successor provisions hereafter adopted.