

GENERAL ORDER CHANGE



Subject
**GO-PER-120.23 (Serious
Misconduct Investigations)**

Series	Number
06	01
Change Number	Effective Date
01	April 27, 2006

DISTRICT OF COLUMBIA

I. REMOVE FROM:

GO-PER-120.23: Page 9

INSERT:

GO-PER-120.23: Page 9–9.1 (Rev. 3/30/05)

II. RESCIND: N/A

ADD: N/A

III. NOTES:

1. In Section V.E.2.(b), the phrase, “All situations in which the ‘Reverse-Garrity Warning’ is used shall be authorized by an official of the rank of captain or above.”

has been replaced with:

Misconduct situations in which the “Reverse-Garrity Warning” is used shall be authorized by an official at the rank of captain or above, who is assigned to OPR. Officials at the rank of Lieutenant or above, who are assigned to the Civil Rights and Force Investigation Section, IAD, shall authorize the issuance of “Reverse-Garrity Warnings” to members who decline to complete the PD Forms 901-e (UFIR) or 901-g (RIF).

2. In Section V.E.2.(c), the phrase, “Questions concerning the use of “Garrity Warning” or the “Reverse-Garrity Warning” should be addressed to the Office of the General Counsel.”

has been replaced with:

“Questions concerning the use of “Garrity Warning” or the “Reverse-Garrity Warning” should be addressed to the Office of Professional Responsibility.”

IV. RESCISSION OF OTHER DOCUMENTS : #TT-03-008-03 [Declination Procedures Teletype (issued February 28, 2003)]

//SIGNED//
Charles H. Ramsey
Chief of Police

CHR:SOA:DAH:jah:moc

- d. Officers involved in a serious misconduct incident shall be sequestered until interviewed by a member of OIA or by appropriate supervisory personnel.
- e. Group interviews are prohibited.
- f. Supervisors of the involved members subject to the investigation shall be notified, as appropriate.
- g. All appropriate MPD members, including supervisors, shall be interviewed.
- h. Investigators 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.
- i. Any inconsistencies in officer and witness interview statements gathered during the investigation shall be identified and reported in writing.

2. **Duties of Officials When Notified of Alleged Serious Misconduct Indicating Potential Criminal Charges or Arrest in the District of Columbia**

- a. In all cases of serious misconduct involving potential criminal charges or the arrest of an officer, the subject officer shall not be compelled or ordered to make a statement (which includes interview by video or tape-recording) until the USAO has issued a written declination and an authorized Reverse-Garrity warning has been issued; or criminal prosecution of the officer has been completed. (Refer to Section V-D-1 of General Order RAR-901.08 regarding use of force incidents required to be investigated by the Force Investigation Team.)
- b. **Misconduct situations in which the “Reverse-Garrity Warning” is used shall be authorized by an official at the rank of Captain and above, who is assigned to OPR. Officials at the rank of Lieutenant and above, who are assigned to the Civil Rights and Force Investigation Section, IAD, shall authorize the issuance of “Reverse-Garrity Warnings” to members who decline to complete the PD Forms 901-e (UFIR) or 901-g (RIF).**

- c. **Questions concerning the use of “Garrity Warning” or the “Reverse-Garrity Warning” should be addressed to the OPR.**
- d. In those instances in the District of Columbia when a member, either on or off duty, is arrested or suspected of criminal misconduct, the Assistant District Commander or Watch Commander of the district of occurrence shall:
 - (1) Immediately respond to the scene and determine if the member shall be summarily arrested; and

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