



October 20, 2023

The Hon. Phil Mendelson
The Hon. Brooke Pinto
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Chairman Mendelson, Councilmember Pinto, and Councilmembers:

I write concerning the study underway on police staffing on contract with the Office of the D.C. Auditor (ODCA) to let you know of further delay in this important work requested by Chairman Mendelson and then-Judiciary Committee Chair Charles Allen due to decisions made by Acting Chief Pamela A. Smith of the Metropolitan Police Department.

As indicated in the attached letter to Acting Chief Smith, ODCA and its contractor, PFM Group Consulting LLC, have been seeking to interview sworn members of MPD as a key part of the staffing study. After several weeks of consideration, we received correspondence yesterday, also attached, informing us that the Acting Chief and her leadership would not assist the audit team in reaching out to patrol officers and sergeants because “the DC Police Union has asserted their strongest objections to any such interviews citing concerns of direct dealing.” We have taken this matter under advisement including whether to use ODCA subpoena authority or to simply include in the audit the finding that the Bowser Administration and Acting Chief Smith denied access to District of Columbia employees despite the importance of the staffing issues.

The perspective of sworn members at all ranks is critical to the staffing study. It will be diminished in its usefulness to policymakers due to lack of officer and sergeant perspectives. The notion that asking officers their views could constitute “direct dealing” is wholly inaccurate in many respects. We routinely interview government staff at all levels of an agency including those in collective bargaining units. Police officers and sergeants have been interviewed in multiple audits by our office and the Office of the Inspector General (OIG)—most recently in an OIG study on police facilities—without concerns from management.

I bring this to your attention for two reasons. You will shortly be asked to vote on the nomination of Acting Chief Smith to serve as permanent chief. Her views on police representation and on policies and practices in holding individual sworn members accountable for their actions may need further review. While serving as Chief of the U.S. Park Police (USPP) in 2021-2022, Acting Chief Smith apparently opted not to initiate an internal administrative review of the actions of the two

officers responsible for the death of motorist Bijan Ghaisar described in a recent [Washington Post editorial](#) and consistent with USPP General Order 3615. The union's role and that of Chief Smith in that case could have been explored during the Council roundtable September 27, 2023, and her views could have been examined more fully on the role of police unions in policing and accountability with particular attention to use of force policy and practice. You may wish to seek clarification on her views on these issues prior to final Council action.

I am also concerned about the future work of ODCA's new Deputy Auditor for Public Safety authorized by the Council in legislation last December. That new unit has begun its work on the study the Council required in L24-0345, the Comprehensive Policing and Justice Reform Amendment Act of 2022, to assess "whether MPD officers have ties to white supremacist or other hate groups that may affect the officers' ability to carry out their duties properly and fairly or may undermine public trust in MPD." This is a subject that is far more sensitive than police staffing. I am concerned that there may be similar barriers put in our way on this and other studies if MPD's new leadership team adopts a consistent posture of acting at the direction of a labor organization.

The District of Columbia has been part of the national movement toward greater accountability in policing in the wake of the 2020 death of George Floyd. ODCA has just recruited and hired a strong public safety team to assist in that enhanced accountability, as noted above. I look forward to continuing to work with the Council on these issues. Please let me know if you have questions on the information I am sharing or would like to discuss the police staffing study thus far.

Thank you for your leadership.

Sincerely yours,

A handwritten signature in blue ink that reads "Kathleen Patterson". The signature is written in a cursive, flowing style.

Kathleen Patterson
District of Columbia Auditor

Cc: D.C. Councilmembers
Officers of the Council

Attachments



October 11, 2023

Pamela A. Smith
Chief of Police
Metropolitan Police Department
441 4th Street, N.W.
7th Floor
Washington, DC 20001

Dear Chief Smith,

The Metropolitan Police Department staffing study requested by Councilmembers Phil Mendelson and Charles Allen and currently being conducted for the Office of the D.C. Auditor (ODCA) by PFM Group Consulting LLC will be a critical resource for your agency, the Mayor, the D.C. Council, and the community at a time when police staffing is a matter of significant interest.

We have asked PFM to interview MPD personnel of different ranks—from patrol officers to the Chief of Police—regarding their perceptions and concerns about police staffing in the District. An audit on an issue of this importance cannot be complete without input from department members at all levels of the agency.

Because of this, PFM plans to interview three officers from each Police District (21 interviews). ODCA/PFM will randomly select these interviewees from a list of the officers assigned to each district provided by District Commanders directly to the ODCA's public safety team. We ask that the Commanders exclude officers out on FMLA and other long-term leave from the lists.

Once we have selected officers, ODCA and PFM will contact the District Commanders to facilitate the interviews. The interviews will be private, consistent with generally accepted government auditing standards and previous MPD audits, and the content of the discussions will not be attributed back to any of the participants. A combination of in-person and virtual interviews will be conducted when the members are on duty and will not take more than 30 minutes. The in-person interviews can occur at either MPD or ODCA, depending on the officer's choice. We expect this process to take approximately three weeks.

Should a question arise concerning union participation in this audit, please know that Deputy Auditor for Public Safety Chris Magnus and a member of the PFM team conducting the study are willing to meet with union leadership to explain the audit's purpose and answer any questions. Additionally, ODCA/PFM would like to interview you for this study and would appreciate your staff's assistance finding a mutually convenient time for this discussion. Deputy Auditor Magnus can be reached at (520) 373-2806 and chris.magnus@dc.gov to arrange this interview as soon as possible.

Please let us know if you have any questions about these requests. I can be reached at kathy.patterson@dc.gov or on my mobile, (202) 365-4358.

Thank you very much for your assistance and your partnership.

Sincerely yours,

A handwritten signature in blue ink that reads "Kathy Patterson". The signature is written in a cursive, flowing style.

Kathy Patterson
D.C. Auditor

cc: Marvin (Ben) Haiman, MPD
Seth Williams, PFM



GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

October 18, 2023

Kathleen Patterson
District of Columbia Auditor
Office of the District of Columbia Auditor
717 14th Street, NW, Suite 900
Washington, DC 20005

Dear Auditor Patterson,

We look forward to continuing our partnership with your office (ODCA) and PFM Group Consulting LLC (PFM) in conducting the audit of the Department's staffing levels. I am in receipt of your correspondence dated October 11, 2023, in which you indicated that the ODCA/PFM would like to interview members of the Department at all ranks, including me and three officers from each patrol District, randomly selected by ODCA/PFM. Your letter also indicated that Deputy Auditor Chris Magnus and a PFM representative was willing to meet with DC Police Union leadership to discuss the audit.

I welcome the opportunity to meet with your staff to answer any questions regarding the Department's staffing. In that regard, Ms. Catherine Tedrow will reach out to Deputy Auditor Magnus to schedule a meeting in the near future. I am also offering to make any officials above the rank of sergeant available to Deputy Auditor Magnus so that their perspectives, experience, and expertise can be considered as well. With regard to your request to interview patrol officers and sergeants regarding their perceptions and concerns about police staffing, the DC Police Union has asserted their strongest objections to any such interviews citing concerns of direct dealing. DC Police Union Chairman Gregory Pemberton may be contacted via gpemberton@dcpoliceunion.com or 202-812-7559.

Thank you for being a partner in our mission of providing the best public safety service to our community. Please do not hesitate to contact me if you have any further questions.

Sincerely,

Pamela A. Smith
Acting Chief of Police

cc: Chairman Gregory Pemberton
DC Police Union