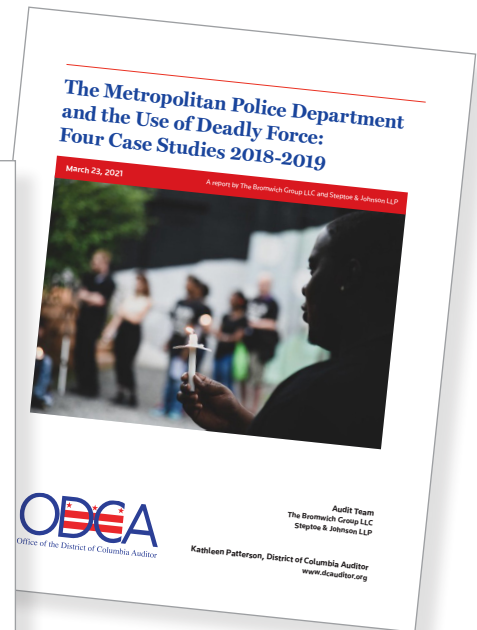
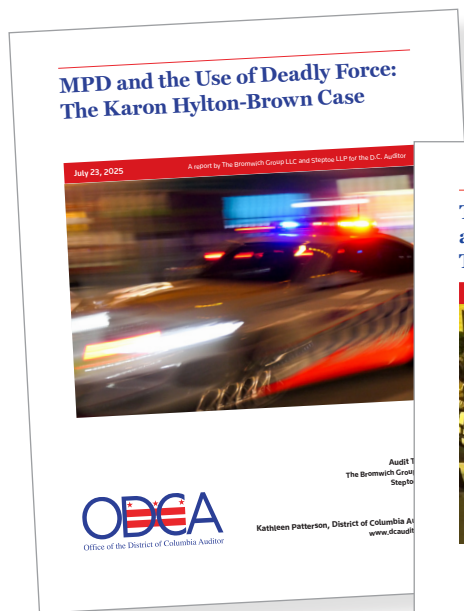


# Implementation of ODCA's Recommendations for MPD Use of Deadly Force

September 24, 2025

A report by The Bromwich Group LLC and Steptoe LLP for the D.C. Auditor



September 24, 2025

The Hon. Phil Mendelson, Chairman  
Councilmembers  
The Council of the District of Columbia  
The John A. Wilson Building  
Washington, DC 20004

Dear Councilmembers:

What follows is a comprehensive summary of recommendations on the Metropolitan Police Department's use of force investigations developed by The Bromwich Group, led by Michael R. Bromwich, and Steptoe LLP in a series of case studies of officer-involved fatalities that occurred between 2018 and 2020. The Office of the D.C. Auditor presents this status report on the implementation of recommendations to support the D.C. Council in its oversight of the Department.

We are pleased to report that a majority of the recommendations have been adopted by MPD in General Orders promulgated between 2021 and 2022. We are less certain, however, that the new policies, which reflect best practices in law enforcement, are being consistently followed in practice. For this reason we strongly encourage the Council and its Committee on the Judiciary and Public Safety to follow up on the case study findings and recommendations through ongoing legislative oversight.

The report highlights the role of the MPD Risk Management Division (RMD) which at one time devoted considerable attention to reviews of use of force but has given "scant attention" to such reviews more recently. The report recommends restoration of RMD's role conducting audits internally to ensure "real-world implementation" of the ODCA recommendations to improve use of force investigations. We are pleased that in the letter commenting on the draft report, Chief Pamela A. Smith commits to a RMD review of implementation as part of the Department's 2026 audit plan.

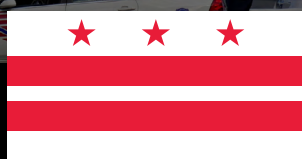
The recommendations from the case studies cover critical policy issues that include restrictions on vehicular pursuits, the need to document the possibilities for de-escalation as part of Internal Affairs Division investigations, and the importance of transparency in evaluations conducted by MPD to build and sustain community trust. The Department has a mixed record on transparency, described here with regard to recommendations to publish both Use of Force Review Board and Internal Affairs Divisions findings. In MPD's comments, Chief Smith commits to adding additional information to the published summaries but not to publishing the full findings as recommended.

This report concludes an important series of reports by the Bromwich/Steptoe team for ODCA, all of which are available on our website, [www.dcauditor.org](http://www.dcauditor.org). We extend our thanks to Mr. Bromwich and the team members for their diligence and expertise clearly reflected in the case studies and status reports. Members of the team as well as ODCA staff will continue to be available to the Council to respond to any questions about this work and we wish you success in overseeing implementation of the recommendations.

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



August 2025

# The Metropolitan Police Department and the Use of Deadly Force:

## Reviewing the Implementation of ODCA's Recommendations (2021-2025)



The Bromwich Group

Steptoe

## **Independent Review Team**

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## I. Introduction

Between 2018 and 2021, six young Black men—Jeffrey Price, Jr., D’Quan Young, Marquese Alston, Eric Carter, Deon Kay, and Karon Hylton-Brown— were killed during separate encounters with members of the District of Columbia’s Metropolitan Police Department (MPD). In July 2020, the Office of the District of Columbia Auditor (ODCA) asked us to undertake an in-depth review of the four cases that occurred in 2018 and 2019 and provide an evaluation of the conduct of the involved officers and the internal investigation that followed to assess whether MPD complied with existing law, MPD policy, and best policing practices. ODCA also requested that we make policy and training recommendations to the MPD based on the results of our evaluation. Following the incidents that involved Mr. Kay in September 2020 and Mr. Hylton-Brown in October 2020, ODCA requested that we review and evaluate those cases as well. For reasons described in detail in the recently published report on the Hylton-Brown case, our review of that case was delayed by more than four years because of the criminal charges and court proceedings involving two MPD members.<sup>1</sup>

Over the course of nearly a year, our team reviewed the Price, Alston, Carter, and Kay cases. We conducted multiple interviews with the Internal Affairs Division (IAD) agents investigating each incident, as well as senior members of MPD. We also conducted an in-depth review of the voluminous case files, including physical evidence, investigative reports, autopsy and forensic reports, audio recordings, and body-worn camera (BWC) footage. We also observed the deliberations of the Use of Force Review Board’s (UFRB), the internal unit within MPD that reviews serious uses of force, in connection with the Carter case.

The results of our investigation were published in two reports: The Metropolitan Police Department and the Use of Deadly Force: Four Case Studies 2018-2019, (published March 23, 2021) (March 2021 Report)<sup>2</sup> and The Metropolitan Police Department and the Use of Deadly Force: The Deon Kay Case (published May 25, 2021) (May 2021 Report).<sup>3</sup> Both reports undertook a holistic review of the incidents in question. We focused not only on the use of force incident itself, but also on the events leading up to and following the incident. Likewise, we not only focused on the investigation itself, but also oversight by supervisory personnel and the UFRB. At each stage of our review, we considered not only whether MPD personnel complied with

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<sup>1</sup> MPD and the Use of Deadly Force: The Karon Hylton-Brown Case (July 23, 2025), available at <https://dcauditor.org/report/mpd-and-the-use-of-deadly-force-the-karon-hylton-brown-case/>.

<sup>2</sup> Available at <https://dcauditor.org/report/the-metropolitan-police-department-and-the-use-of-deadly-force-four-case-studies-2018-2019/>.

<sup>3</sup> Available at <https://dcauditor.org/report/the-metropolitan-police-department-and-the-use-of-deadly-force-the-deon-kay-case/>.

existing MPD policies and best policing practices, but also whether there were opportunities to improve MPD policies, practices, and training, particularly in light of recommendations made in a 2016 report we prepared for ODCA.<sup>4</sup> We also considered whether MPD complied with the terms of a June 2001 Memorandum of Agreement (MOA) between MPD, the District of Columbia, and the U.S. Department of Justice (DOJ). While the MOA is no longer binding on MPD, it sets forth standards, best practices, and procedures that are useful reference points.

Following the release of the March 2021 and May 2021 Reports, MPD informed the ODCA that it agreed to implement substantially all of the recommendations made in our reports. Since that time, our team has been in periodic contact with MPD and has tracked MPD's progress in implementing our recommendations. Throughout that process, MPD has been transparent and forthcoming with us – providing updates whenever requested on its progress in implementing our recommendations. As part of our review, MPD provided us with additional IAD case files and UFRB materials that enabled us to verify whether certain of our recommendations were being implemented in practice. Earlier this year, MPD reported that it had fully implemented all of the recommendations that it had previously agreed to implement. This report assesses the extent to which MPD has implemented each of our recommendations and highlights areas where additional steps are required to meet the objectives underlying those recommendations.

With respect to a number of the recommendations discussed below, we note we have relied on MPD's assurances that it has in fact implemented the recommendations. We have not ourselves confirmed such implementation. MPD has an entity within the Internal Affairs Bureau – the Risk Management Division (RMD) – that was originally created 20 years ago to test and verify the proper implementation of reforms mandated by the MOA. Almost ten years ago, we reviewed the work of RMD and found that it was no longer focusing on issues related to use of force or other MOA-related issues.<sup>5</sup> Our recent communications with RMD suggests that they have done little work on these issues in recent years. Even so, we believe that RMD should review and report to MPD management on the implementation of recommendations that require confirmation, as specified below.

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<sup>4</sup> The Durability of Police Reform: The Metropolitan Police Department and Use of Force: 2008-2015 (Jan. 28, 2016), available at [http://zd4l62ki6k620lqb52h9ldm1.wpengine.netdna-cdn.com/wp-content/uploads/2018/07/Full-Report\\_2.pdf](http://zd4l62ki6k620lqb52h9ldm1.wpengine.netdna-cdn.com/wp-content/uploads/2018/07/Full-Report_2.pdf) ("2016 Report"). That review and report were also commissioned by the D.C. Auditor.

<sup>5</sup> *Id.*, at 79-83.

## **II. Background on Police Reform Efforts in Washington, D.C.**

Our report must be considered in the context of MPD's police reform efforts over the last twenty-five years. We provide a brief overview of these efforts below.

### **A. The DOJ Pattern and Practice Investigation**

As detailed in our March and May 2021 reports, recent reform efforts within the Metropolitan Police Department can be traced back to the U.S. Department of Justice's 1999 pattern and practice investigation of the MPD. In June 2001, the DOJ established a framework for systemic reform within the department, with a primary focus on use-of-force practices—a framework that remains relevant in 2025. Rooted in the DOJ's investigation and its subsequent oversight of the MPD, the resulting Memorandum of Agreement laid the foundation for significant reforms in use-of-force policies, investigative procedures, and the operation of the Use of Force Review Board—MPD's internal panel for reviewing serious uses of force.

In 2015, ODCA retained The Bromwich Group LLC, led by Michael R. Bromwich—who served as MPD's independent monitor from 2002 to 2008—to assess the department's implementation of reforms stemming from the MOA, including those related to use of force. The review confirmed that while many of the MOA's reforms remained in place, others had eroded over time. This assessment culminated in a 2016 report that offered numerous recommendations, many of which MPD agreed to implement.

### **B. A New Wave of Reforms in 2020**

In 2020, a nationwide wave of police reform was ignited, largely in response to widespread public outcry following two high-profile incidents: the fatal shooting of Breonna Taylor during a botched police raid in Louisville, and the killing of George Floyd by a Minneapolis police officer. In July 2020, the D.C. Council established a Police Reform Commission, which released a comprehensive report in April 2021 titled *De-Centering Police to Improve Public Safety: A Report of the D.C. Police Reform Commission*. This report offered numerous recommendations aimed at transforming policing and enhancing public safety. In addition, the Council passed the temporary Comprehensive Policing and Justice Reform Amendment Act, which introduced reforms such as a stronger chokehold ban, prohibiting the use of tear gas on protestors, and requiring the prompt release of the name and body-worn camera footage of any officer involved in a serious use-of-force incident.

### **C. The March and May 2021 Reports**

Also in July 2020, ODCA engaged The Bromwich Group to conduct a review of four fatal use-of-force incidents that occurred in 2018 and 2019. The purpose of the

review was to evaluate MPD's internal administrative investigations following each incident, assessing whether those investigations were consistent with applicable laws, MPD policies in effect at the time, and recognized best practices in policing. The Bromwich Group was supported by a team of experienced policing experts, including two individuals who had previously worked with MPD during the federal monitorship and the 2015–2016 review, as well as two attorneys from the law firm Steptoe LLP – Michael G. Scavelli and Emma S. Marshak. As described above, in late 2020, the scope of the review was expanded to include the underlying facts and internal investigations related to the deaths of Deon Kay (September 2, 2020) and Karon Hylton-Brown (October 23, 2020).

In our March 2021 report, we analyzed the four cases from 2018 and 2019, each involving the death of a Black civilian at the hands of MPD officers. Jeffrey Price, Jr. was killed on May 4, 2018; D'Quan Young on May 9, 2018; Marquese Alston on June 12, 2018; and Eric Carter on September 16, 2019. The report identified significant shortcomings in all four cases, including the failure to apply basic principles of de-escalation that could have reduced the need for deadly force, as well as tactical errors that unnecessarily endangered both MPD officers and civilians. Beyond the incidents themselves, we found serious deficiencies in the administrative investigations conducted by MPD and in the tools and methods used by the Use of Force Review Board to evaluate those investigations. In none of those cases were disciplinary proceedings initiated.

As a result of our analysis, we issued twenty-eight recommendations, including: (1) expanding the scope of use-of-force investigations beyond the moment when force was applied; (2) developing specific recommendations for policy and training changes based on findings from use-of-force investigations; and (3) improving the transparency of these investigations by publicly releasing MPD internal investigative reports and UFRB decisions.

The May 2021 report applied the same analytical framework to the death of Deon Kay. Based on our review of the shooting and MPD's internal investigation, we issued seven additional recommendations. These included the need for MPD to develop clear policies on foot pursuits and the appropriate use of social media as an investigative tool, as well as the need for the Use of Force Review Board to provide clearer and more specific conclusions and recommendations. MPD was provided with both reports and given the opportunity to comment on and discuss the findings and recommendations. Ultimately, MPD agreed to adopt substantially all of the recommendations presented in the reports.

Our report concerning the death of Karon Hylton-Brown was published on July 23, 2025. The gap between the 2020 incident and our recent review and report was attributable to a year-long criminal investigation, a nine-week criminal trial of two MPD

members in late 2022, and sentencing proceedings that did not take place until September 2024. It was only then that MPD could complete its internal investigation, which was the focus of our separate report. As fully discussed in that report, the sentencing of the two MPD members – Officer Terence Sutton and Lieutenant Andrew Zabavsky – was followed in January 2025 by full and unconditional pardons issued by President Donald J. Trump. Approximately one month later, MPD Chief Pamela A. Smith agreed to settlements with Sutton and Zabavsky that imposed relatively minor discipline on the two MPD members, rejecting the recommendations from MPD career personnel, after a detailed administrative investigation, that both Sutton and Zabavsky be fired.

#### **D. The Pendulum of Police Reform Efforts**

A nationwide surge in crime – affecting Washington, D.C., among other cities – from late 2020 to the present significantly influenced the discourse around policing reform, dampening both community and D.C. Council enthusiasm for further changes. Despite this shift in sentiment, the most significant reform legislation, the Comprehensive Policing and Justice Reform Amendment Act of 2022 (2022 Reform Act), enacted several important measures. For example, it made permanent many of the reforms introduced in the 2020 emergency legislation, including the mandatory release of body-worn camera footage, the requirement for officers to use de-escalation tactics before employing force, and the prohibition on hiring officers previously disciplined for serious misconduct.

Although Congressional Republicans passed a resolution seeking to overturn the 2022 Reform Act, it was vetoed by President Joseph R. Biden. Notably, just months earlier, President Biden declined to veto a similar Congressional override of a 15-year-effort to substantially revise the D.C. criminal code including reduced penalties for certain crimes – highlighting the complex and often fragile nature of implementing meaningful reform in the nation’s capital amid a polarized political climate.

Since then, in the words of Mayor Muriel M. Bowser, “[t]he pendulum is swinging back to the middle” – *i.e.*, away from the reforms that the city had previously embraced.<sup>6</sup> Most notably, the Council passed the Secure DC Act in 2024, which rolled back several reforms.<sup>7</sup> For example, the 2022 Reform Act made it illegal for officers to chase a car unless the officers reasonably believed the chase would not cause death or serious bodily injury to any person. But, the 2024 Secure DC Act created an exception

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<sup>6</sup> Peter Hermann, *As Homicides and Carjackings Increased, D.C. Retreated on Police Reforms*, THE WASHINGTON POST, Jan. 1, 2024, <https://www.washingtonpost.com/dc-md-va/2023/12/29/homicides-dc-police/>.

<sup>7</sup> See generally *id.*

such that the officers need not consider whether the chase puts the *suspect's* life at risk.<sup>8</sup> The 2024 Secure DC Act also permitted police officers to review body-worn camera footage before drafting their initial reports – something the D.C. Police Reform Commission specifically recommended prohibiting.<sup>9</sup> And the 2024 Secure DC Act broadened the definition of car-jacking and criteria under which juveniles could be detained.

Efforts for more transparency in the disciplinary process have also waned. In 2022, MPD began releasing summaries of use of force investigations to the public.<sup>10</sup> While these reports were brief and often lacked important details, they were a small step toward transparency. At the beginning of 2024, MPD ended this practice, and the previous reports were removed from the MPD website. According to the MPD, an independent labor arbitrator determined that the postings “violated the District’s personnel rules,”<sup>11</sup> a substantial blow to transparency. The Council subsequently enacted legislation requiring the report summaries be published, and that practice was reinstated. The 2022 Reform Act also required MPD, by the end of 2024, to maintain a publicly available database of sustained allegations of officer misconduct.<sup>12</sup> While that database is publicly available at present,<sup>13</sup> the identities of the officers are not publicly released, and recent legislative proposals have sought to further restrict this information.

### III. Background of the Five Incidents Under Review

For context, we provide factual overviews of the five incidents drawn from our original reports. Our full analysis of each incident, including our assessment of the investigations’ conclusions, can be found in those reports.

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<sup>8</sup> DC Justice Lab, *Car Chases, a high-speed police chase needlessly puts DC residents at risk*, (June 16, 2025, 11:40 A.M.), <https://dcjusticelab.org/library/policing/car-chases/>.

<sup>9</sup> ACLU District of Columbia, *We Deserve to be Safe from Crime and from Abuse of Power – Bill 25-345, “Secure DC Omnibus Amendment Act of 2024,”* (June 16, 2025, 11:55 A.M.), [https://www.acludc.org/sites/default/files/public\\_aclu-dc\\_secure\\_dc\\_one\\_pager.pdf](https://www.acludc.org/sites/default/files/public_aclu-dc_secure_dc_one_pager.pdf).

<sup>10</sup> Our earlier reports recommended release of full use of force investigation reports.

<sup>11</sup> Peter Hermann, *DC Police Reports Detailing Use of Force Incidents No Longer Public*, THE WASHINGTON POST (Jan. 13, 2024), <https://www.washingtonpost.com/dc-md-va/2024/01/13/dc-union-force-police/>.

<sup>12</sup> *Id.*

<sup>13</sup> Open Data DC, *MPD Adverse Action*, <https://opendata.dc.gov/datasets/DCGIS::mpd-adverse-action/explore>, (last visited June 16, 2025).

## A. The Death of Jeffrey Price Jr.

On May 4, 2018, at approximately 1:23 p.m., the D.C. Office of Unified Communications (OUC) broadcast a call reporting multiple gunshots in the 5300 block of Blaine Street, N.E. The dispatcher advised that two males, one on a four-wheel all-terrain vehicle and a second on a dirt bike, were fleeing the area of the gunshots at high rates of speed. The operator of the dirt bike, Jeffrey Price, Jr., drove by Officers David Jarboe and Anthony Gaton near the intersection of 53rd Street and Blaine Street, N.E. Officers Jarboe and Gaton began following Mr. Price, radioing that they were behind a person riding a dirt bike that matched the description of one of the vehicles that had been seen in the area of the gunshots.

Separately, Officer Michael Pearson had responded to a separate report of gunshots in the Lincoln Heights area of Northeast. Officer Pearson was completing his work on the response when he heard a radio transmission from Officer Jarboe reporting, "I'm behind him. He's coming up on Division [Avenue]. Red dirt bike – Division toward Burroughs." Moments later, Officer Jarboe repeated the substance of that transmission.

Officer Pearson drove eastbound on Fitch Place. When he entered the intersection of Fitch Place and Division, he saw the dirt bike traveling toward his police vehicle. Officer Pearson pulled forward into the northbound lane, and as he did so, Mr. Price applied the dirt bike's brakes and began an extended skid. The dirt bike skidded over 100 feet and collided with Officer Pearson's vehicle. The impact caused severe injuries to Mr. Price – who was not wearing a helmet – and pinned him below the dirt bike. Officer Pearson pulled the bike off Mr. Price and checked his condition. Additional officers came to the scene, rendered first aid and called for medical assistance. Paramedics transported Mr. Price to the hospital, where he was later pronounced dead from the injuries he sustained in the collision.

The MPD investigation was conducted jointly by the MPD Major Crash Investigation Unit (MCIU) and the Internal Affairs Division. The accounts from multiple eyewitnesses to the collision were largely consistent, reporting that: Mr. Price was well ahead of the police cars following behind him; Officer Pearson's marked SUV emerged on to Division Ave from Fitch Place; Mr. Price attempted to brake; and Mr. Price then struck the SUV. All of the eyewitnesses except one, and all of the MPD officers, reported that Mr. Price was traveling in the wrong lane of traffic. MCIU performed a detailed crash reconstruction and concluded that the primary cause of the accident was Mr. Price's "reckless operation of a stolen dirt bike."

The investigation of all three officers – Pearson, Jarboe, and Gaton – focused on potential violations of MPD's policy governing vehicle pursuits. Specifically, Officers Jarboe and Gaton were investigated for engaging in an unjustified vehicular pursuit,

while Officer Pearson was investigated for intentionally utilizing his car as a “blocking vehicle,” which is prohibited by MPD policy. At the conclusion of the investigation, allegations that these policies were violated were deemed “Unfounded,” which, according to MPD’s terminology, means “there are no facts to support that the incident occurred.” On June 18, 2019, the UFRB unanimously concurred with IAD’s recommendation that the allegations were “Unfounded.”

## **B. The Death of D’Quan Young**

On Wednesday, May 9, 2018, at approximately 6:45 pm, MPD Officer James Lorenzo Wilson III was off duty and in civilian clothes, on his way to attend a cookout with four of his former MPD Academy classmates at a house in the 2300 block of 15th Street, N.E., in Washington, D.C. After parking his car, Officer Wilson began walking northbound on 15th Street in search of his classmates’ house. He had trouble locating the house and unsuccessfully attempted to phone one of his classmates to help him locate it. While still walking northbound, he realized that he must have passed the house and reversed direction, walking southbound on the east sidewalk of 15th Street.

Shortly after he reversed direction, Officer Wilson was approached by D’Quan Young, a resident of the area. As shown in footage from three surveillance cameras located across the street at the Brentwood Recreation Center, Mr. Young walked casually across 15th Street and approached Officer Wilson. According to Officer Wilson, as Mr. Young approached, he asked whom Officer Wilson was calling on his cellphone. Officer Wilson declined to engage with Mr. Young, in substance responding that whom he was calling was none of Mr. Young’s business. The question was repeated, with substantially the same answer.

As Mr. Young approached the east sidewalk, Officer Wilson turned toward the street and stepped from the sidewalk, off the curb, and into the street where Mr. Young had stopped. Officer Wilson placed a bag with beverages he had been carrying on the ground, crouched and then took a couple of steps back. He settled into a semi-crouch, which in video appears to be at the same time confrontational and defensive. At that point, Officer Wilson and Mr. Young were only a couple of feet apart. After they faced each other in the street for no more than a few seconds, Mr. Young stepped up on the curb and continued onto the sidewalk, followed by Officer Wilson. At that point, according to Officer Wilson, Mr. Young reached into his waistband and drew what was subsequently determined to be a Kai-Tee .380 caliber pistol, and said, “Be cool.” The video footage shows Officer Wilson taking a step forward while Mr. Young retreated, followed by Officer Wilson backing up rapidly while still facing Mr. Young. According to Officer Wilson, he backed up rapidly in response to Mr. Young pointing at and firing his pistol at Officer Wilson. Officer Wilson said he saw the flash and felt the bullet go by.

In retreat, Officer Wilson drew his service pistol and fired numerous rounds at Mr. Young as Mr. Young continued to back away. After retreating, Officer Wilson took cover behind a van parked at the curb and peeked around the front driver's side. Mr. Young had crossed from the sidewalk into the street and was on the ground, having been struck by multiple shots from Officer Wilson. Officer Wilson fired an additional shot from behind the cover of the van, and then, after pausing, peeked around the front of the van again and fired a final shot.

Initial emergency medical care was provided to Mr. Young by MPD members who were in the vicinity. Personnel from D.C. Fire and Emergency Medical Services responded to the scene. They treated Mr. Young and brought him to the Washington Hospital Center Medstar Unit, where he was pronounced dead by emergency room staff at 7:23 pm.

The MPD investigation of Officer Wilson's use of deadly force included interviews of witnesses; video footage from the Brentwood Recreation Center cameras, which was subsequently enhanced by the FBI; a substantial volume of BWC footage of the aftermath of the shooting; forensic evidence that included recovery and analysis of shell casings recovered at the scene; medical and autopsy reports documenting the fatal wounds suffered by Mr. Young; and substantial additional evidence. In general, the investigation did a thorough job of gathering the large amount of potentially relevant evidence. Based on this evidence, including multiple interviews of Officer Wilson, the investigation concluded that Officer Wilson's use of deadly force was justified and within MPD policy.

### **C. The Death of Marquese Alston**

On June 12, 2018, members of MPD's Seventh District Impact Team were patrolling in the 3700 block of First Street, S.E. The team members were traveling in two marked MPD cars. Officer Ronald Koch and three other officers were assigned to Cruiser D16 ("Car #1"). Officer Caleb Demeritt and one other officer were traveling behind them in Cruiser 760 ("Car #2").

At approximately 7:10 pm, one of the officers in Car #1 saw Mr. Marquese Alston walking northbound in the 3700 block of First Street, S.E. That officer said he observed Mr. Alston carrying something in his front pants pocket that he suspected was a pistol. Officer Demeritt, who was driving Car #2, later said that he believed that the officers in Car #1 "[saw] something." Demeritt made eye contact with Mr. Alston, who started running away. Officer Demeritt (Car #2) and Officer Koch (Car #1) simultaneously got out of their respective cars and pursued Mr. Alston on foot.

During a foot chase that lasted only 12 seconds, Mr. Alston drew a handgun from his waistband. Mr. Alston turned and fired four rounds in the direction of the

officers, none of which struck either of them. As Mr. Alston began firing, Officer Demeritt dove to the ground in the alley, and while on the ground, fired eight rounds at Mr. Alston. Nearly simultaneously, Officer Koch, who was behind Officer Demeritt, fired seven rounds from his weapon. Mr. Alston was struck by six of the shots fired by the two officers. Three of the officers then approached Mr. Alston, who was on the ground and appeared to be unconscious. The officers immediately called for medical assistance. D.C.'s Emergency Medical Services reached the scene and pronounced Mr. Alston dead at 7:30 pm.

The IAD investigation began immediately. The officers who were involved in the incident were interviewed either at the scene or at the Seventh District. Members of IAD performed a witness canvass, seeking eyewitnesses to the shooting. The investigators spoke with seven civilian witnesses and obtained statements from each of them. The witness accounts were largely consistent. Among those who actually saw the exchange of gunfire, three of four witnesses stated that Mr. Alston shot first. The fourth witness indicated that she "did not see Mr. Alston with a gun" and "only saw the police shooting at him."

Crime scene investigators from D.C.'s Department of Forensic Sciences (DFS) also responded to the scene, took photographs, and collected forensic evidence, including four shell casings that were subsequently determined to have been fired from Mr. Alston's pistol. IAD personnel also reviewed and analyzed BWC footage from a number of the Impact Team officers. Notably, Officer Koch had failed to activate his BWC at the outset of the incident, but the default two minute "buffer," which allows BWCs to capture footage before the camera is manually activated, allowed the chase and shooting to be fully captured, although footage captured by the buffer does not include audio.

IAD ultimately concluded, and the UFRB concurred, that the officers' use of deadly force was justified and within MPD policy. UFRB made no additional findings or recommendations.

#### **D. The Death of Eric Carter**

On September 16, 2019, at approximately 7:00 pm, OUC received a series of 911 calls related to an incident at 2245 Savannah Terrace, S.E. One of the calls was from Ms. Carter, who reported that her son, Eric Carter, was firing a gun inside her apartment. Within two minutes, officers from MPD's Seventh District responded to the scene.

The first officer on the scene learned that shots had been fired in the apartment and requested a ballistic shield. One of the radio transmissions suggested that Mr. Carter might have mental health issues. Numerous officers arrived at the scene, one of whom brought a ballistics shield; another was armed with an M4 patrol rifle.

The officers deployed on the front stoop around the exterior door to the building, which led to the apartment where Eric Carter was located. The officers remained in this position for several minutes and discussed their tactical options. The officers then heard a gunshot, which they believed came from inside the Carter apartment (Apartment 12). Officer Dennis Sfoglia entered the hallway and climbed the staircase; other officers followed and were positioned on (or at the top of) the stairs leading to the apartment. While Officer Sfoglia held the ballistic shield, he kicked the door to Apartment 12 several times, but the door did not open, and there was no response from inside. Officer Sfoglia was told to stop by Sergeant Joseph Devlin, and he and his fellow officers returned to their positions on the front stoop. Sergeant Devlin then told the dispatcher he was “declaring a barricade.” The officers radioed that they believed the shots came from Apartment 12 and requested a second ballistic shield.

Less than a minute later, Officer Sfoglia told the other officers that he saw “someone jiggling the door” of Apartment 12. He yelled “police department” and “come out with your hands up.” After a few seconds, Mr. Carter emerged from Apartment 12. Officer Sfoglia yelled, “Gun, gun, step back, he’s got a gun.” Mr. Carter then re-entered Apartment 12. At this point, the officers were positioned on the front step and the narrow sidewalk leading up to the building. A few seconds later, Mr. Carter re-emerged from Apartment 12. An officer yelled, “He’s got a gun” to his fellow officers and, “Put your hands up” to Mr. Carter. Nearly simultaneously with the officer’s command, Mr. Carter raised his gun, took aim at the officers and fired his weapon.

Multiple officers returned fire. Officer Sfoglia fired two rounds, turned his back to Mr. Carter, and retreated to the parking lot. Officer Juwan Jefferson fired at least one round, turned his back to Mr. Carter, and retreated to the sidewalk – ultimately firing eighteen rounds at Mr. Carter. It was later determined that one of those rounds struck Officer Sfoglia in his tactical vest. Officer Byron Jenkins backpedaled on the walkway and fired nineteen rounds from his M4 patrol rifle. While backpedaling, Officer Jenkins fell to the ground but continued to fire in the direction of Mr. Carter. Two other MPD members also returned fire. Mr. Carter continued advancing towards the officers, as they fired at him. He eventually collapsed in the front walkway of 2245 Savannah Terrace. Mr. Carter was unresponsive and was later pronounced dead on the scene at 9:38 pm. The Emergency Response Team (ERT) was dispatched to the scene and entered Apartment 12. When ERT members forcibly removed the bathroom door, the officers discovered the body of Mr. Alphonso Carter on the bathroom floor. He was pronounced dead as a result of multiple gunshot wounds.

IAD investigators immediately began their investigation. Our review did not identify any major inconsistencies among the accounts of the civilian witnesses who were interviewed. However, the witnesses’ accounts focused on what occurred prior to

the shooting – i.e., that Mr. Carter was agitated, fired his gun in the apartment, and that Ms. Carter had fled to another apartment. None of the civilian witnesses saw the exchange of shots between Mr. Carter and the MPD officers. The IAD investigators also interviewed 11 MPD members who responded to the scene. Their accounts were generally consistent with the narrative above, and all of the officers stated unequivocally that Mr. Carter fired first. Department of Forensic Sciences personnel collected forensic evidence and conducted weapons and ammunition checks on the scene. They recovered the Taurus .45 ACP semi-automatic pistol used by Mr. Carter.

The investigators recommended, and the UFRB unanimously concurred, that the use of deadly force by Sergeants Joseph Devlin and Darnell Sanders, and Officers Dennis Sfogle and Bryon Jenkins, was justified and within MPD policy. The UFRB also unanimously concurred with the recommendation in the Internal Affairs investigative report that Officer Jefferson's use of force was justified but called for a tactical improvement opportunity based on his having shot Officer Sfogle. Beyond its concurrence, the UFRB "directed all of the members that were on the scene of the incident ... to attend a scene review" at the MPD Academy but made no additional findings or recommendations.

#### **E. The Death of Deon Kay**

On September 2, 2020, Officer Alvarez and several members of the MPD Seventh District Crime Suppression Team (CST) were monitoring an Instagram Live feed from the account of "Babyfifty1." The account was used by Marcyelle Smith, a rapper who releases music videos as "Baby Fifty." During the live broadcast, Mr. Smith, Deon Kay, Deonte Brown, and an unidentified male were in a vehicle, at times displaying two handguns.

As a result of these observations, the CST team, led by Sergeant Terrence Welsh, Jr., began looking for Mr. Smith, Mr. Kay and the other men. Officer Alvarez and two other CST team members were in an unmarked MPD vehicle driven by Sergeant Welsh. As Sergeant Welsh's vehicle approached the driveway alongside 225 Orange Street, the MPD members observed a black 2011 Dodge Caliber backed into a parking spot with the motor running. The vehicle and location matched what the MPD members had seen on the Instagram Live feed. As soon as Sergeant Welsh's vehicle turned into the driveway of the parking lot, the man who had been in the rear passenger seat opened the door and sprinted away from the car. Almost simultaneously, the MPD members in the cruiser got out of their vehicle.

Officer Alvarez was the first officer out of the cruiser, and he immediately began pursuing the fleeing man. Officer Alvarez drew his Glock 17 service pistol and ran past the Dodge, yelling "Don't move," but the man he had been pursuing had too much of a head start to be caught. Alvarez slowed down and holstered his service weapon.

Almost simultaneously, Mr. Kay emerged from the rear passenger side of the Dodge and began running in the same direction as Officer Alvarez. Officer Alvarez then turned towards Mr. Kay, who had a pistol in his right hand. Officer Alvarez drew his weapon and fired once, from approximately eight feet away from Mr. Kay. The pistol Mr. Kay had been holding flew through the air and Mr. Kay fell to the ground. This sequence of events, from the time Officer Alvarez got out of the police vehicle until the time that Mr. Kay fell to the ground, took approximately 10 seconds, and only one second elapsed from the time Officer Alvarez began to turn towards Mr. Kay to the time Officer Alvarez shot Mr. Kay. One of the other officers immediately began administering first aid to Mr. Kay, but he was pronounced dead at 4:36 pm. The weapon in Mr. Kay's possession at the time he was shot was subsequently recovered and analyzed. Mr. Smith and Mr. Brown were arrested on various charges, including firearms charges. The man who had fled from the scene was not apprehended.

The Internal Affairs investigation began immediately after the incident and included same-day interviews of the four MPD members in Sergeant Welsh's car. The evidence collected included body-worn camera (BWC) footage from the four officers on scene, forensic evidence, the Instagram Live feed, and medical and autopsy reports for Mr. Kay.

The initial interviews of Officer Alvarez, Sergeant Welsh, and the two other officers were generally consistent with each other and with the facts described above. Officer Alvarez said that as Mr. Kay ran toward him, Mr. Kay began to raise the handgun, and Officer Alvarez feared that Mr. Kay was going to shoot him.

Although the initial round of interviews of Officer Alvarez and the other officers at the scene took place in the immediate aftermath of the incident, further investigation awaited a decision from the United States Attorney's Office ("USAO") on whether criminal charges would be brought against Officer Alvarez. By letter dated November 20, 2020, the USAO declined to prosecute.<sup>14</sup>

After a lengthy series of discussions with our review team, during which the review team suggested multiple lines of inquiry, MPD agreed to incorporate some areas of questioning but rejected others as beyond the scope of the investigation as MPD conceived it. For example, MPD agreed to interview the lieutenant who supervised the

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<sup>14</sup> Recommendation #6 of the March 2021 Report stated that the USAO should issue detailed declination letters explaining their reasons for declining to prosecute MPD members involved in use of force incidents. In our view, this level of transparency is important in maintaining the public's trust in law enforcement because it demonstrates that a thorough investigation into the officer's conduct had been completed. We shared this recommendation with the USAO, which declined to adopt it.

Crime Suppression Team, but not the commander. MPD also agreed to ask some questions about the CST's use of social media, and about the CST officers' prior familiarity with Mr. Kay and the other suspects, but not about the overall mission of the unit.

MPD resumed its interviews on February 4, 2021. The interview of the lieutenant supervising the Crime Suppression Team revealed that she was generally not well-informed about the activities of the CST and had only limited discussions with Sergeant Welsh or his team prior to their departure from the Seventh District headquarters on September 2, 2020. In early March, the lead investigator scheduled a series of follow-up interviews with the members of Sergeant Welsh's team who were directly involved in the events of September 2.

During his follow-up interview, Sergeant Welsh acknowledged that he and his squad did not formulate a specific plan in advance of finding the Dodge in the parking lot and had no plan for what to do if they found the suspects they had been searching for. Officer Alvarez, in his follow-up interview, acknowledged that he ran past the occupied Dodge, believing the fleeing unidentified male was armed and dangerous and therefore wanting to apprehend him.

Based on his factual findings, the investigator recommended that Officer Alvarez's use of force against Mr. Kay be classified as Justified, Within Departmental policy. On March 29, 2021, the final investigative report (Kay Report) was finalized, and on that same date four levels of supervisory/command personnel in the investigator's chain of command signed off on the investigation and its findings, indicating their concurrence.

The UFRB convened the day after the Kay Report was finalized. Its members focused on a number of significant issues about the chain of command's involvement with—and awareness of—the activities of the CST. Among other things, the Board members expressed concern about the absence of a plan to deal with the contingencies that Sergeant Welsh's squad might face if they were successful in finding the car with the suspects. They also asked about "over-penetration"—Officer Alvarez's actions in running past the Dodge when he had reason to know that other armed individuals were still in the car. Based on these criticisms and concerns, the UFRB rejected the Kay Report's recommendation that the shooting of Mr. Kay be found to be "Justified, Within Policy." The Board unanimously concluded that Officer Alvarez's use of deadly force shooting was justified, but that the tactics used by Officer Alvarez and his colleagues were deeply flawed and unnecessarily created a threat to both the officers and the suspects. All members of the Board concurred in the judgment that the shooting be deemed Justified, but with a Tactical Improvement Opportunity.

#### IV. 2021 Use of Force Reports Recommendations

This section outlines the recommendations contained in our March and May 2021 reports and assesses the extent to which those recommendations have been implemented. As discussed below, most of our recommendations were addressed through changes to MPD policies or training materials. Wherever possible, we reviewed the relevant documents to ensure they aligned with our recommendations. In addition, we took several steps to verify that these policy and training changes were translating into meaningful shifts in MPD's practices. This included discussions with senior MPD officials and a review of case files from use-of-force incidents that occurred in 2022.

Each recommendation is discussed in detail below.

##### A. Recommendations Concerning the UFRB

The March and May 2021 reports both closely examined the critical role played by the Use of Force Review Board (UFRB) in MPD's use-of-force investigations. At a high level, we concluded that the UFRB was not conducting sufficiently thorough analyses of the incidents under review and was failing to maintain adequate documentation of its deliberations. These shortcomings not only undermined the credibility of the UFRB's conclusions but also represented a missed opportunity for the department.

The UFRB provides a rare and valuable forum in which leaders from across MPD can come together to examine specific, real-world incidents where officers may have fallen short. There is no doubt that meaningful, critical analysis of these incidents by a group of experienced departmental leaders can yield important insights into how MPD trains its members and how it can improve its policies and practices. We outline and discuss each of our specific recommendations regarding the UFRB in the section that follows.

- *MPD Should Release UFRB's Conclusions to the Public. (March 2021 Report, Recommendation #7)*

Following our recommendation and former Chief Robert J. Contee III's concurrence, MPD began publishing summaries of the Use of Force Review Board's (UFRB) findings on its website. This move toward transparency was opposed by the police union, and an independent arbitrator's ruling led MPD to remove the summaries. However, in March 2024, the D.C. Council passed the Secure DC Act,<sup>15</sup> which mandated the publication of these summaries. In response, MPD revised General Order 901.07

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<sup>15</sup> D.C. Code § 5-353.01(c).

(Use of Force).<sup>16</sup> These summaries – along with a separate public database tracking officer discipline – do not disclose the identities of the officers involved.

The publication of UFRB summaries is a positive step toward transparency. However, after reviewing these summaries,<sup>17</sup> we find that they lack the factual detail and analytical depth necessary to fulfill the objectives underlying our recommendation. The purpose of public disclosure is to instill public confidence that each incident was thoroughly reviewed and that a fair and just outcome was reached. While recent Internal Affairs Division (IAD) investigative reports suggest that MPD is conducting careful and comprehensive investigations, the summaries often present a perfunctory recitation of facts and analysis, which can give the opposite impression. In highly charged cases – especially where witness or media accounts offer conflicting narratives – these superficial summaries may do little to enhance public trust.

Accordingly, we recommend that MPD more fully release IAD reports and UFRB findings. We do not believe this would conflict with the Secure DC Act, which simply requires MPD to “publish the findings of fact and merits determination for all Use of Force Review Board investigations on its website.”<sup>18</sup> If MPD determines it must continue relying on summaries, we recommend that those summaries be significantly enhanced to include:

- A clear statement that the document is a summary, not the full investigative record;
- A more detailed description of the investigation’s scope (e.g., duration, number of interviews conducted, volume of physical evidence reviewed);
- An objective yet critical tone in the factual narrative, including acknowledgment of deviations from best practices even if no policy was violated;
- An explanation of how the UFRB reached its conclusions;
- Identification of any material departures from training or policy; and
- Specific references to recommendations for additional training or tactical improvement opportunities

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<sup>16</sup> “Notwithstanding any other provision of law, the UFRB shall publish the findings of facts and merits determination for all UFRB investigations on the MPD website.” GO 901.07.J.10.

<sup>17</sup> The summaries published to date can be found at <https://mpdc.dc.gov/node/1703351>.

<sup>18</sup> D.C. Code § 5-353.01(c).

These suggestions would advance the overarching goal of inspiring public confidence that use-of-force incidents are being rigorously investigated and critically analyzed.

- *The UFRB Should Conduct a More Thorough Analysis as Part of Its Review, Including Employing Decision Point Analysis (March 2021 Report, Recommendations #3, 12)*

MPD reports that these recommendations were implemented in practice in the fall of 2021, accompanied by corresponding revisions to General Order 901.07 (Use of Force). We agree that the policy revisions substantially fulfill the objectives underlying our recommendations. However, we remain concerned about whether the UFRB is consistently adhering in practice to the revised policy.

MPD also provided us with two examples of decision point analyses from UFRB proceedings in 2022. Both memos were thorough and did make efforts to isolate and analyze each of the decision points within the incident. However, as detailed in our report concerning the death of Karon Hylton-Brown, our review of UFRB documentation from that case suggests that the Board is not engaging in meaningful, critical discussions about the incident such that it can consistently identify all of the key decision points of that incident.

Decision Point Analysis is an important part of the UFRB process – not only for isolating specific policy violations but also for identifying opportunities to improve MPD’s policies and training. It is also an important safeguard for ensuring that the review process extends beyond the moment when force was used, allowing for a more comprehensive evaluation of officer conduct and decision-making.

- *The UFRB Should Provide Specific Recommendations Related to Training, Policy, and Best Practices. (March 2021 Report, Recommendation #4)*

MPD reports that, beginning in July 2021, the UFRB added a scribe to document all feedback discussed during its hearings. As a matter of practice, the UFRB now drafts a memorandum to the Chief of Police summarizing any recommendations and suggestions related to training, policy, and best practices. We believe this is a sound and constructive practice and is consistent with our recommendations. However, we remain concerned about its implementation.

The memorandum we were provided by MPD in February 2022 as an example of implementation did not provide any detail about potential changes to training or policy. It merely recited the outcome of the UFRB hearing, noted a “UFRB Training Request” that directed certain involved officers to do a scene review, and noted that UFRB had “no additional recommendations.”

It is important that the process for reviewing uses of force be used to advance MPD's mission. The effectiveness of the process implemented by MPD depends on the Chief and her staff ensuring that the memorandum is shared with all relevant branches of MPD – particularly those responsible for training and policy development. To strengthen this process, we suggest that, as a matter of course, the memorandum be transmitted not only to the Chief but also directly to the relevant MPD divisions responsible for policy and training. This would help ensure that those branches can work collaboratively with the Chief's office to implement the UFRB's feedback in a timely and effective manner.

- *More Complete UFRB Documentation. (March 2021 Report, Recommendation #21; May 2021 Report, Recommendation #7)*

As noted above, MPD reports that the addition of a scribe to UFRB meetings and the generation of a memorandum to the Chief of Police summarizing UFRB feedback satisfy this recommendation. MPD also reports that corresponding revisions were made to General Order 901.07. We believe these changes to policy and practice align with the objectives underlying our recommendation. Specifically, General Order 901.07.J.3 requires the appointment of a UFRB Administrator who is tasked with, among other things, “maintaining complete historical records including agendas, correspondence, annual reports, decision point matrix analyses, and meeting summaries with detailed deliberation notes and actions taken in each case (i.e., issues discussed, actions taken, and specific findings).”

As part of our review of the implementation of our recommendations, MPD provided us with examples of scribe notes from a January 2022 UFRB meeting. We found the notes to be a generally effective way of memorializing the deliberations – including a clear record reflecting that the UFRB considered whether alternative tactics could have been employed or whether training could have contributed to a better outcome. However, we emphasize once again that the effectiveness of these reforms depends on their consistent and faithful adherence to UFRB's mandate to undertake a critical and meaningful discussion of the incidents under review.

- *Improve UFRB's Use of Force Classifications. MPD Should Require the UFRB to Make Five Findings in all Serious Use of Force Cases. (March 2021 Report, Recommendation #8)*

MPD reports that this recommendation was incorporated into General Order 901.07.J.8 (Use of Force) as of January 1, 2022. While there are some differences between

our original recommendation and what has been implemented, we believe the changes largely fulfill the objectives underlying our recommendation.

## **B. Recommendations Concerning IAD Investigations**

The March and May 2021 Reports also offered significant criticisms of the narrow scope of the five IAD investigations we reviewed in connection with those two reports.

- *MPD Should Release IAD Reports to the Public. (March 2021 Report, Recommendation #7)*

MPD reports that it updated General Order 901.07 (Use of Force) in 2021 to include provisions for the release of Internal Affairs Division (IAD) reports. However, in December 2021, the police union filed a class grievance, which halted implementation of this recommendation. MPD has advised us that it is “continuing to engage in bargaining with the Union on this issue.”

We strongly encourage MPD to persist in its efforts to reach a resolution with the union. As discussed earlier in connection with the publication of UFRB findings, MPD does itself a disservice by not publicly demonstrating the substantial improvements it has made in investigating serious uses of force. The absence of meaningful detail in public disclosures leaves the impression that MPD is not holding itself meaningfully accountable. Greater transparency would not only build public trust but also reinforce the legitimacy of MPD’s internal accountability processes.

- *IAD Should Broaden Its Investigation and Analysis of Use of Force Incidents. (March 2021 Report, Recommendations #1, 9; May 2021 Report, Recommendation #1)*

MPD reports that it implemented this recommendation in practice during the summer of 2021 and incorporated corresponding enhancements into General Order 901.07 (Use of Force) in January 2022. We agree that MPD has taken meaningful steps to implement this recommendation, including the adoption of GO 901.07.G.1, which states:

The scope of serious use of force and deadly force investigations shall be broader than the actions of the member(s) at the point that serious or deadly force is used. The actions, tactics, and decisions of all MPD participants in the event shall be assessed against MPD policy requirements to inform training and identify opportunities for improvement.

As part of this review, MPD provided us with case files from Internal Affairs Division (IAD) investigations conducted in 2022, allowing us to verify implementation

of several of our recommendations. After reviewing three case files, we observed significant improvements in the breadth and depth of IAD's investigations and reports. Notably, we found:

- A more thorough and accurate recitation of facts;
- Substantially more detailed tactical analysis;
- Meaningful training and policy recommendations; and
- Clear identification of discrepancies in witness accounts and issues for UFRB consideration.

In several cases, the investigations also led to follow-on inquiries into related issues, such as body-worn camera (BWC) violations, failure to administer aid to victims, and failure to carry backup ammunition – underscoring the thoroughness of the investigator's work.

While we did note that, in a few instances, IAD agents appeared to give the MPD member(s) a presumption that their conduct was appropriate, the overall quality and substance of the reports reflect marked improvement.

- *IAD Should Designate and Train Force Investigation Specialists. (March 2021 Report, Recommendation #5)*

MPD reports that it implemented this recommendation by re-instituting the Force Investigation Team (FIT) in June 2021, making corresponding enhancements to General Order 901.07 (Use of Force) in January 2022, and publishing the FIT Manual that same month. GO 901.07.E.1 outlines the types of use-of-force incidents that FIT is required to investigate. These include uses of deadly force, serious uses of force, vehicle pursuits resulting in death, deaths in custody, and other critical incidents.

We conclude that MPD has adequately implemented our recommendation in this area. Notably, the re-establishment of FIT by former MPD Chief Contee was a key institutional change that promises higher quality and greater consistency in investigations of serious uses of force.

- *IAD Should Enhance the Training of IAD Investigators who Handle Serious Use of Force Cases. (March 2021 Report, Recommendation #2)*

MPD reports that it implemented this recommendation through the re-establishment of FIT, enhancements to its use-of-force policy, and the publication of the FIT Manual. MPD also reports the creation of a dedicated FIT training program and

states that all FIT training classes will be recorded and made available to all FIT members. Additionally, General Order 901.07.G.2 requires that “IAD investigators specifically trained in use-of-force investigations be assigned to lead use-of-force investigations involving deadly force or serious use of force.”

We conclude that MPD has adequately implemented our recommendation in this area.

- *Document De-escalation in Investigations. (March 2021 Report, Recommendation #10)*

MPD reports that the IAD implemented this recommendation in practice during the summer of 2021 and that MPD made corresponding enhancements to General Order 901.07 (Use of Force) in January 2022. We conclude that MPD has adopted a policy that meets the objectives of this recommendation. Specifically, GO 901.07.G.3(e) requires IAD investigators to “document the possibilities for de-escalation or whether no reasonable opportunity for de-escalation is apparent.” However, we have not confirmed the implementation of this policy in practice.

- *Involvement of Academy Personnel in Tactical Review. (March 2021 Report, Recommendation #11)*

MPD reports that the Internal Affairs Division (IAD) implemented this recommendation in practice during the summer of 2021 and made corresponding enhancements to General Order 901.07 (Use of Force) in January 2022. We conclude that MPD has adopted a policy that meets the objectives of this recommendation. Specifically, GO 901.07.G.3(g) requires IAD investigators to “[i]nvolve the defensive tactics instructors when conducting a tactical review of the member(s)’ actions. In high-risk entry incidents, involve Emergency Response Team officials in the tactical review. Document these findings.” Again, we have not confirmed the implementation of this policy change in practice.

- *Follow-Up Investigative Interviews (March 2021 Report, Recommendation #13)*

MPD reports that IAD implemented this recommendation in practice in the summer of 2021 and included this requirement in the FIT Manual, which was published in January 2022. We have not confirmed the implementation of this policy change in practice.

- *Transcribe All Investigative Interviews (March 2021 Report, Recommendation #16)*

MPD reports that IAD implemented this recommendation in practice during the summer of 2021. Further, MPD made corresponding enhancements to General Order 901.07 (Use of Force) in January 2022 and included this requirement in the FIT Manual,

also published in January 2022. We conclude that MPD has implemented a policy that meets the objectives of this recommendation.

Specifically, GO 901.07.G.3(d) requires IAD investigators to:

Record by audio or video (in conformance with applicable laws and MPD orders) the interviews of subjects, members, and material witnesses. If a subject or non-member witness refuses to be recorded, then a written narrative of the statement shall be prepared to be signed by the witness. Ensure that all recorded statements are transcribed and included in the investigative file for fatal uses of force, cases where identified misconduct will likely result in an adverse action hearing, in-custody deaths, vehicle pursuits resulting in a fatality, serious uses of force, and any other cases as determined by the IAD commanding official.

We have not confirmed the implementation of this policy change in practice.

- *No Leading Questions in Investigative Interviews (March 2021 Report, Recommendation #15)*

MPD reports that IAD implemented this recommendation in practice during the summer of 2021. Further MPD reports it made corresponding enhancements to General Order 901.07 (Use of Force) in January 2022 and included this requirement in the FIT Manual, also published in January 2022. We conclude that MPD has implemented a policy that meets the objectives of this recommendation.

Specifically, GO 901.07.F.4(b) requires IAD investigators to:

Interview all complainants and witnesses, including MPD members and supervisors. Avoid leading questions. Whenever practicable, interview complainants and witnesses at sites and times convenient to them.

We have not confirmed the implementation of this policy change in practice.

- *No Group Interviews (March 2021 Report, Recommendation #18)*

MPD reports that IAD implemented this recommendation in practice during the summer of 2021. Further, MPD reports that it made corresponding enhancements to General Order 901.07 (Use of Force) in January 2022 and included this requirement in

the FIT Manual, also published in January 2022. We conclude that MPD has implemented a policy that meets the objectives of this recommendation.

Specifically, GO 901.07.F.4(d) requires IAD investigators to:

Avoid group interviews by conducting interviews separately, whenever possible. If a group interview is unavoidable, attempt to supplement the interview with subsequent individual interviews, whenever possible.  
Document any inconsistencies in member, complainant, and witness interview statements.

We have not confirmed the implementation of this policy change in practice.

- *IAD interview all involved officers at least twice and record walk-throughs. (May 2021 Report, Recommendation #2)*

MPD reports that IAD implemented this recommendation in practice during the summer of 2021. Further, MPD reports that it made corresponding enhancements to General Order 901.07 (Use of Force) in January 2022 and included this requirement in the FIT Manual, also published in January 2022. We conclude that MPD has implemented a policy that meets the objectives of this recommendation.

Specifically, GO 901.07.G.3(c) requires IAD investigators to:

Interview all members directly involved in the use of force, as well as those involved in the events leading up to the use of force, once immediately after the incident and at least once after all the relevant evidence has been collected and analyzed when necessary.

We have not confirmed the implementation of this policy change in practice.

- *Examine All Uses of Force in Incident (March 2021 Report, Recommendation #19)*

MPD reports that IAD implemented this recommendation in practice during the summer of 2021. Further, MPD reports that it made corresponding enhancements to General Order 901.07 (Use of Force) in January 2022 and included this requirement in the FIT Manual, also published in January 2022. We conclude that MPD has largely implemented a policy that meets the objectives of this recommendation.

GO 901.07.G.1 reiterates the importance of a broad investigative scope and GO 901.07.G.3(f) specifically requires a “documented analysis of the events leading up to

and following the incident.” This language reflects the appropriate scope of use-of-force investigations, but we recommend the MPD go further.

This recommendation is particularly informed by the case of Mr. Young, in which we raised concerns about the officer firing additional rounds that may not have been justified. To address such concerns more explicitly, we recommend that MPD policy clearly emphasize the importance of separately analyzing each discrete use of force within an incident – especially subsequent uses of force – to ensure accountability and improve training and policy development.

We have not confirmed the implementation of this policy change in practice.

- *More Rigorous Review and Oversight of Investigations. (March 2021 Report, Recommendation #14)*

MPD reports that IAD implemented this recommendation in practice during the summer of 2021. Further, MPD reports that it made corresponding enhancements to General Order 901.07 (Use of Force) in January 2022 and included this requirement in the FIT Manual, also published in January 2022. We conclude that MPD has largely implemented a policy that meets the objectives of this recommendation.

Specifically, GO 901.07.G.3(5) requires IAD supervisors to:

“Provide oversight of use of force investigations by periodically (i.e., bi-weekly at a minimum) reviewing investigative files and documenting each review in writing to be included as part of the completed investigative file.”

As noted above, we have observed a marked improvement in the overall quality and completeness of IAD investigations. We infer that this enhanced supervisory oversight has contributed meaningfully to those improvements.

### **C. Recommendations Concerning MPD Training**

Our reviews also considered a number of tactical errors made by the officers involved in the use of force incidents. To address these concerns, we offered several recommendations concerning additional training that should be offered to MPD members discussed in this section.

- *Enhance Training to Reinforce the Need for Immediate Reporting of Serious Use of Force Incidents. (March 2021 Report, Recommendation #20)*

MPD reports that this training was implemented as part of MPD’s semi-annual pistol requalification training. A copy of this training was provided to the review team.

We conclude MPD has implemented training that meets the objectives of this recommendation.

- *Training on Use of Ballistic Shields, and Breaching Doors, and Dealing with Armed Subjects in Buildings (March 2021 Report, Recommendations #26, 27, 28)*

MPD reports that training on the use of ballistic shields, breaching doors, and dealing with armed subjects in buildings was implemented as part of MPD's annual Professional Development Training ("PDT") as of 2023. In each case, MPD reports that the training is scenario-based and takes place at MPD's tactical training center.

- *Specialized Training for Crime Suppression Team ("CST") Members (May 2021 Report, Recommendation #4)*

MPD reports that this recommendation – originally made by the lead investigator in the Deon Key case – was primarily implemented through a CST-specific training program launched in March 2023. The program includes, among other topics, training on the Fourth Amendment, search warrants, bias reduction, de-escalation and use of force, and community trust-building. Additionally, MPD reports indicates that our recommendations were incorporated into its PDT program, which covers leadership and management topics. We understand that these trainings are scheduled to be repeated regularly. Based on this information, we conclude that MPD has implemented training that fulfills the objectives of this recommendation.

#### **D. Recommendations Concerning MPD Policies**

Finally, a number of our recommendations were directed specifically at MPD policies – either policies that needed to be clarified or fully implemented. We discuss those recommendations in the following section.

- *Remind Officers to Check for Vital Signs (March 2021 Report, Recommendation #17)*

MPD reports that this recommendation was incorporated into General Order 901.07 (Use of Force) and General Order 901.04 (Less-Lethal Weapons), which were published on January 1, 2022. Consistent with our recommendations, the Use of Force Policy makes clear that "[w]hen force is used, members shall promptly conduct a visual and verbal check of the subject, to include checking vital signs when appropriate, to determine the need for medical care."<sup>19</sup> The Less-Lethal Weapons policy reinforces that members should "check vital signs when appropriate" after deploying each of the Less-

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<sup>19</sup> GO-RAR-901.07.II.9.

Lethal Weapons referenced in the policy.<sup>20</sup> We conclude that these policy changes accomplish the objectives of our recommendations, provided that officers are adequately trained on these policies. We have not confirmed the implementation of this policy change in training or in practice.

➤ *Clarify Definition of Vehicular Pursuit. (March 2021 Report, Recommendation #22)*

MPD reports that General Order 301.03 (Vehicle Pursuit) was published in December 2021 in response to our recommendations. Our recommendations emphasized the need for clear, objective, and easily understood criteria for defining when a pursuit occurs – criteria that should not depend on whether an officer activates emergency equipment or subjectively believes they have a sufficient basis to pursue.

We conclude that the new MPD policy meets the objectives underlying our recommendation. The policy adopts the definition of vehicular pursuit from the D.C. Code, which defines it as:

Operation of a pursuit vehicle in a manner that is not consistent with the posted speed limit or other applicable traffic regulations in an attempt to apprehend a suspect who is eluding apprehension while operating a motor vehicle.<sup>21</sup>

The term “pursuit vehicle” is further defined as any motor vehicle operated by a law enforcement officer during a vehicular pursuit of a fleeing suspect.<sup>22</sup> While the definition is somewhat circular, we believe it nonetheless provides officers with a clearer and more objective standard for identifying a vehicle pursuit, consistent with our recommendation.

However, we note our concern regarding D.C. Code § 5-365.02, as amended by the 2024 Secure D.C. Act. While there are other requirements for a pursuit, the amendment also now prohibits vehicle pursuits unless the officer believes that:

Under the totality of circumstances, [the pursuit is] not likely to cause death or serious bodily injury to any person, other than to the fleeing suspect or suspects.<sup>23</sup>

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<sup>20</sup> GO-RAR-901.04.II.B.4, C.5, D.6, E.8, F.9.

<sup>21</sup> GO-OPS-301.03.III.10; D.C. Code § 5-365.01(12).

<sup>22</sup> GO-OPS-301.03.III.16; D.C. Code § 5-365.01(9).

<sup>23</sup> D.C. Code § 5-365.02(a)(2)(B).

Consistent with concerns raised by criminal justice advocates<sup>24</sup>, we do not believe this exception, which excludes consideration of harm to the fleeing suspect(s), reflects sound policy. We encourage the D.C. Council to reconsider this provision to ensure that pursuit policies prioritize both public safety and accountability.

- *Clarify Responsibilities of Off-Duty Officers (March 2021 Report, Recommendation #23)*

MPD reports that it has implemented this recommendation through revisions to General Order 201.26.V.5-6 (Code of Conduct), which governs MPD members' use of firearms while off duty and their authority to take police action while off duty within the District of Columbia. We conclude that these policy updates meet the objectives underlying our recommendation: to clearly advise officers on what they can and should do when confronted with criminal activity while off duty, and to affirm that MPD's use-of-force policy remains fully applicable even when officers are not on duty. In addition, MPD issued a training bulletin in June 2025 (TB-25-08) addressing use of force in the context of off-duty conduct and providing several real-world scenarios.

- *Refine Policies Concerning Barricade Incidents (March 2021 Report, Recommendation #24)*

MPD reports that it implemented this recommendation through the publication of EO-21-033 (Barricaded Subjects/Hostage Situations and Other Unusual Incidents) in December 2021. Consistent with our recommendations, EO-21-033.II makes clear when a barricade should be ordered and when ERT (or other tactical support) should be contacted.

- *Review Policy Concerning Ballistic Shields (March 2021 Report, Recommendation #25)*

MPD reports that it implemented this recommendation through the publication of EO-22-002 (Ballistic Shield Deployment) in February 2022, which was later incorporated into GO 110.11 (Uniform Equipment, and Appearance Standards). Consistent with our recommendations, GO 110.11.C.6.h.3. states, "when deploying a ballistic shield, members shall request that a supervisor respond to the scene. The supervisor shall assess the conditions and determine if the Emergency Response Team (ERT) should be notified."

- *Create policy that defines purpose and function of Crime Suppression Teams (May 2021 Report, Recommendation #3)*

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<sup>24</sup> DC Justice Lab, *Car Chases, a high-speed police chase needlessly puts DC residents at risk*, (June 16, 2025, 11:40 A.M.), <https://dcjusticelab.org/library/policing/car-chases/>.

MPD reports that it implemented this recommendation through the publication of GO 301.02 (Patrol Specialized Mission Units) in October 2021. Using the term “Patrol Specialized Mission Units,” the new policy defines what PMUs are, clarifies the responsibilities of PMU supervisors, and mandates specialized training for all PMU members. We conclude that this policy, along with the required training, meets the objectives underlying our recommendations.

- *Implement a social media policy (May 2021 Report, Recommendation #5)*

The MPD reports that it implemented this recommendation through the issuance of EO-21-025 (social media for Investigative and Intelligence-Gathering Purposes). We conclude that this policy meets the objectives underlying our recommendations. However, we recommend that MPD regularly review and update this policy, given the rapid pace of technological change that could impact its effectiveness.

- *Create a foot pursuit policy (May 2021 Report, Recommendation #6)*

MPD reports that it implemented this recommendation through the implementation of revisions to GO 302.01 (Calls for Service). We conclude that this policy meets the objectives underlying our recommendations. GO 302.01.II.I. In contrast to the vehicle pursuit policy, we note that the foot pursuit policy appropriately does require the officer to consider the safety of the suspect in assessing whether to engage in a foot pursuit.

#### **E. Confirmation by the Risk Management Division**

In the discussion above of eight of the recommendations, we note that we have not confirmed the implementation in practice of those recommendations. The appropriate MPD unit to do so is MPD’s Risk Management Division (RMD). RMD was originally created in 2005 as the Quality Assurance Unit and re-named in 2007. The unit’s members worked closely with the independent monitor’s team to learn the methods and techniques needed to review the critical issues addressed by the MOA, almost exclusively issues relating to different aspects of use of force. The quality of its work was a major factor in terminating the MOA in 2008. By 2015, both the number and quality of reviews of MOA-related issues had declined precipitously – down to 5% of RMD’s total audits for the period 2010-2014, whereas at the unit’s inception, use of force-related reviews and audits comprised the vast majority of its workload. In response to our concerns, 11 out of 47 audits (23%) on RMD’s 2016 audit plan focused on MOA-related issues.<sup>25</sup>

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<sup>25</sup> 2016 Report, at 79-83.

Our recent communications with RMD personnel, together with a review of a list RMD's recent audits, suggest that use of force-related reviews have in recent years been given scant attention. For audits conducted in FY 2025, only one out of 36 audits (< 3%) related to use of force. This lack of attention to use of force-related issues is unfortunate. We suggest that conducting audits and reviews to confirm the real-world implementation of the recommendations in our 2021 reports is an important step in reestablishing the important role RMD should play in reviewing use of force issues.

## **V. Recommendations in July 2025 Report**

In our recently published report on the case involving the death of Karon Hylton-Brown,<sup>26</sup> we made eleven specific recommendations that flowed from our detailed review of that case. The recommendations in that report were generated in the same way as the recommendations in the 2021 reports – careful consideration of lessons that should be drawn from the case we reviewed and the formulation of a manageable number of practical recommendations for MPD improvement. In stark contrast to MPD's constructive engagement with our prior recommendations, MPD rejected each of the eleven recommendations in a July 9, 2025, letter from Chief Smith. For each recommendation, an unconvincing reason was provided. We have requested to meet with Chief Smith to discuss those recommendations but have not received a response.

## **VI. Conclusion**

As this report demonstrates, MPD has largely implemented each of the recommendations made in March and May 2021 Reports, especially to the extent that the recommendations required changes in policy. In many cases, our review did not include confirmation that the policy changes have translated to changes in practice.

As we demonstrated in a report we published ten years ago,<sup>27</sup> the durability of police reform only begins with changes to a policy manual. Sustained progress requires an ongoing commitment, particularly from senior leadership, to the core principles underlying these reforms: maintaining public trust, ensuring the safety of both officers and community members, and upholding fairness and justice for all.

We recognize that this is no easy task, especially as the momentum for reform has shifted. MPD's leadership has faced – and will continue to face – significant headwinds in preserving and building upon the progress achieved over the past five

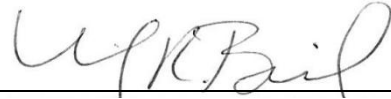
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<sup>26</sup> MPD and the Use of Deadly Force: The Karon Hylton-Brown Case (July 23, 2025), available at <https://dcauditor.org/report/mpd-and-the-use-of-deadly-force-the-karon-hylton-brown-case/>.

<sup>27</sup> The Durability of Police Reform: The Metropolitan Police Department and Use of Force 2008-2015 (Jan. 28, 2016), available at <https://dcauditor.org/report/the-durability-of-police-reform-the-metropolitan-police-department-and-use-of-force-2008-2015/>.

years. From national politicians undermining D.C.'s home rule in an effort to appear tough on crime, to evolving public perceptions of policing and public safety, to shifting rhetoric and policy priorities among local leaders, MPD must remain steadfast in its commitment to reform.

August 2025

A handwritten signature in black ink, appearing to read "M.R. Bromwich", written in a cursive style.

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Michael R. Bromwich

Michael G. Scavelli  
Ida Adibi

# Agency Comments

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On September 5, 2025, we sent a draft copy of this report to the Metropolitan Police Department (MPD) for review and written comment. MPD responded with comments on September 22, 2025. Agency comments are included here in their entirety.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**METROPOLITAN POLICE DEPARTMENT**

September 22, 2025

Kathleen Patterson  
District of Columbia Auditor  
Office of the District of Columbia Auditor  
1331 Pennsylvania Avenue, NW  
Suite 800 South  
Washington, DC 20004

Dear Ms. Patterson,

Thank you for providing the Metropolitan Police Department (MPD) with an opportunity to review the draft Office of the District of Columbia Auditor (ODCA) report, *Implementation of Recommendations for Metropolitan Police Department on Use of Deadly Force*. MPD's use of force policies reflect our commitment to professionalism and accountability while ensuring that force is used only when strictly necessary and proportionate to the situation. We are committed to the ongoing evaluation of our policies and training to ensure we remain at the forefront of fair and constitutional policing. Our specific responses to your recommendations appear below.

**Release of IAD and UFRB Summaries (Draft Report, Page 17 and 20)**

MPD agrees in part with the recommendation to enhance our use of force case summaries that are available on the MPD website. We will add clarification that the documents are summaries, not full investigative records, and we will include when recommendations for training or tactical improvement opportunities are made. However, we note that the draft's discussion of the summaries on page 20 indicates that the release of full IAD investigations is still under discussion with union. That is not the case. MPD designed our public summaries to include both the IAD investigation and the UFRB findings. The design of the report was based on the format used for the publicly available complaint examiner decisions issued by the District of Columbia Office of Police Complaints (OPC).

**UFRB Hearing Memos (Draft Report, Page 19)**

MPD agrees that the findings and recommendations of the UFRB need to be shared with relevant units including the Metropolitan Police Academy (MPA) and the Policy and Standards Branch (PSB). MPD has already implemented this practice. The MPA and PSB directors were both formally designated as non-voting, UFRB members in January, 2022, with the publication of General Order (GO) 901.07 (Use of Force). This ensures both units are aware of the deliberations and recommendations issued by the UFRB. Additionally, the memorandum referenced in the report, which summarizes each hearing and applicable recommendations, is distributed to the entire UFRB including the MPA and PSB directors. We will add language to GO 901.07 (Use of Force) to ensure this practice is codified in policy.

**Assessing Each Use of Force in an Incident (Draft Report, Page 25)**

MPD agrees that assessing each use of force in an incident is critical and has already implemented this requirement. MPD modified GO 901.07 (Use of Force) in January, 2022, to specifically require that investigations include proposed findings “for each use of force”. Examples of these findings can be found in our public summaries on our website where both the IAD investigation and the UFRB findings are listed for each discrete use of force (e.g., each round of a firearm discharge).

**Periodic Review of Social Media Policies (Draft Report, Page 29)**

MPD agrees that given the potential for technological change and advancement, regular reviews of our policy governing the use of social media is prudent. We will ensure that we conduct timely reviews of our policy going forward.

**Audit of 2021 ODCA Report Recommendations (Draft Report, Page 30)**

MPD agrees that our Risk Management Division (RMD) plays a critical role in ensuring that our policies are implemented effectively. RMD will include an audit of the ODCA’s 2021 use of force recommendations in its audit plan for 2026. MPD will also continue to ensure an annual audit is conducted each year of use of force investigations pursuant to GO 901.07 (Use of Force). However, regarding additional audits, topics and frequency will be determined by the risk factors faced by the department each year.

I hope this feedback and information is helpful. Please do not hesitate to contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink that reads "Pamela A. Smith". The signature is written in a cursive, flowing style.

Pamela A. Smith  
Chief of Police

# About ODCA

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The mission of the Office of the District of Columbia Auditor (ODCA) is to support the Council of the District of Columbia by making sound recommendations that improve the effectiveness, efficiency, and accountability of the District government.

To fulfill our mission, we conduct performance audits, non-audit reviews, and revenue certifications. The residents of the District of Columbia are one of our primary customers and we strive to keep the residents of the District of Columbia informed on how their government is operating and how their tax money is being spent.

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