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**Testimony of Katrina L. Goodjoint  
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**Before the Committee on the Judiciary and Public Safety  
Council of the District of Columbia**

**Performance Oversight Hearing Regarding the Metropolitan Police Department**

**February 13, 2024**

Legal Aid DC<sup>1</sup> submits the following testimony regarding the performance of the Metropolitan Police Department (MPD), with a focus on its role in our record clearing work. Our testimony highlights three main areas of concern that are creating barriers to individuals seeking record clearing relief in the District of Columbia:

- 1) MPD's delay in providing individuals with their "Criminal Arrest History for Determining Records Sealing Eligibility of Filing Purposes Only" ("MPD Arrest History"), a document necessary for seeking sealing and expungement relief;
- 2) Even when MPD does eventually provide individuals with their arrest histories, the records are often inaccurate or incomplete;

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<sup>1</sup> Legal Aid DC was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 92 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, [www.LegalAidDC.org](http://www.LegalAidDC.org).

- 3) MPD's requirement that individuals provide sensitive information, such as full social security number and place of birth, in order to request their arrest histories; and
- 4) MPD's personnel staff treating our client community with disrespect and a lack of professionalism.

Since 2015, Legal Aid DC's Reentry Justice Project has been dedicated to assisting clients facing barriers in accessing housing, employment, and other opportunities as a result of having a criminal record. Individuals who have interacted with police and the criminal judicial system – disproportionately people of color and people who live in areas of concentrated poverty – find themselves facing a multitude of collateral civil consequences that act in real and concrete ways to perpetuate generational cycles of poverty. Our work seeks to eliminate those barriers through direct representation and systemic advocacy which requires significant interaction with the Metropolitan Police Department. We help clients obtain documents such as police reports and arrest histories which are essential in the record clearing process.

We urge the Committee to use today's hearing to explore these issues with MPD representatives and to identify next steps that should be taken to improve how MPD works with formerly system-involved members of our community.

### **Our Clients Often Encounter Significant Delays and Inaccuracies in Police Records**

The Court expects individuals seeking to seal their records to have an MPD Arrest History, which shows every arrest an individual has had in the District. Requesting arrest histories is a two-step process. Individuals or their representatives (e.g. victim's advocates, attorneys, etc.) make a request at MPD Headquarters and then return again at a later date to pick it up.

Once an individual or representative requests their arrest history, the length of time before it is ready for pickup varies between 10 business days and sometimes over two months. The significant delays do not correspond to the length of the document. For example, we had a client with one no-papered arrest from 2011 whose arrest history took over two months to be completed. During that time, MPD does not provide updates or respond to email and phone inquiries. Our staff is tasked with repeatedly returning to MPD's physical location to inquire about the status of the document and given no clear date to return. On at least two occasions, MPD staff were not been able to find the Arrest History when we returned for a pickup. Our staff was asked to re-request the document and wait another 21 days.

Moreover, we have had several clients receive inaccurate MPD Arrest Histories. Sometimes there are arrests listed that are mistakenly attributed to our clients. Other times the provided arrest number is wrong, which we only find out after filing a Motion to Seal, resulting in significant delays. Attempting to have these issues corrected results in even more delays as MPD staff takes weeks to investigate and remedy their own mistakes.

MPD arrest histories are not the only documents many folks need. Some residents also need to request police reports when exploring their record clearing options. Police reports are helpful particularly for individuals whose offenses have been decriminalized or legalized. However, we often see that older police reports do not include a police narrative or really any detail about the alleged crime. There are limited, if any, alternatives for finding a description of an individual's alleged offense. Additionally, individuals need to make an appointment online for requesting a police report before showing up. This step alone is prohibitive for folks who do not have access to technology, are not tech savvy, or who simply do not know they have to make an appointment before going to MPD.

Considering the above, Legal Aid encourages the Committee to ask MPD the following questions so that it can work with MPD to remedy these problems:

1. How does MPD compile relevant arrest information for police clearances and Criminal Arrest Histories?
2. What is the average amount of time between an individual requesting their Arrest History and that document being ready for pick up?
3. What identifying information about the requestor (e.g. name, PDID) is used to find corresponding arrest information?
4. What safeguards are in place to ensure the correct arrest information is listed on the requested document? Can MPD provide a copy of any written protocols, policies, or procedures?
5. What training do officers and staff working in the Records Department receive on creating Criminal Arrest Histories and police reports? How often was such training and guidance offered in FY23 and in FY24 to date?
6. MPD staff has told us that "older" police reports will not have a written narrative. Is there a specific year in the past where police reports no longer have narratives? What other options do individuals have to review the police narrative from their older arrests?

## **MPD Requires Sensitive information From Individuals Requesting Police Records**

For years, Legal Aid has worked with MPD to obtain records for individuals seeking record clearing relief. Many of our clients do not have the time to go make these requests or still experience anxiety about entering a police station. In order to authorize us to make a request on their behalf, individuals have to sign an authorization form in the presence of a notary. MPD requires this notarized authorization form to include sensitive information such as the individual's Social Security Number and place of birth. Some individuals are not comfortable sharing this information without knowing how it is used or how the information is protected. Even if an individual goes and makes the request on their own, they are still required to include their Social Security Number and place of birth.

Additionally, MPD has refused to accept the form if individuals leave the Social Security Number blank or just include the last four digits. It is not clear how many individuals at MPD are viewing these documents, and where MPD stores these documents, and individuals are rightly concerned about their privacy. Additionally, requiring this information can deter undocumented individuals from pursuing record clearing relief.

Considering the above, Legal Aid encourages the Committee to ask MPD the following questions:

1. Why does MPD require requestors to include non-contact-related information, particularly Social Security Numbers and place of birth, on requests for a Criminal History Report for Purposes of Determining Eligibility for Record Sealing or Expungement?
2. What is MPD's position if a requestor does not have or does not feel comfortable providing their Social Security Number? Under what circumstances will MPD release, or not release, these documents without the requestor providing a Social Security Number? Why does MPD refuse to accept just the last four digits of a Social Security Number?
3. Since moving to the new Headquarters at 441 4<sup>th</sup> Street NW in October 2023, MPD has been handing out "Records Division Inquiry Check List" forms for requestors to separately fill out when they are requesting police clearances and Criminal Arrest Histories. The form asks requestors to provide the following information: full name, address, date of birth, Social Security Number, sex, race, place of birth, and phone number. What is MPD's reasoning for including this information (particularly non-contact-

related information) on this check list if the requestor will provide this information on the police clearance or Criminal Arrest History form?

4. How does MPD store or dispose of Records Division Inquiry Check Lists or Criminal Arrest History requests that have requestor's sensitive personal information on them (e.g. Social Security Number)?
5. Since summer 2023, MPD has started requiring third party police report requestors (e.g. attorneys, victim's advocates, etc.) to provide additional documentation when requesting an arrest history on behalf of another individual. Specifically, MPD is requiring a notarized authorization form signed by the requestor allowing the third party to request the arrest history, the third party requestor's valid government-issued ID, and the third party requestor's business card. What is the reason behind MPD's policy change?

### **MPD Personnel Do Not Treat Our Client Community with Respect and Professionalism**

We continue to hear from our client community that MPD staff makes disrespectful comments to them when they are making requests for their own records. We have witnessed this ourselves, as well. One Legal Aid attorney picked up their client's MPD Arrest History and the staff member at the window exclaimed something to the effect of "What a long arrest history. They should have kept him in jail!" Another client told us a staff member said his MPD Arrest History was taking a long time for pick up because "he has a long rap sheet." The client only had one no-papered arrest from the early 1990s.

Moreover, despite the website showing a closing time of 4:45 PM every weekday, on at least one occasion in January 2024, MPD Headquarters staff turned off the lights and all front window staff left at approximately 4:21 PM. The staff stated to the Legal Aid attorney and other individuals waiting to be helped that the Public Records Department closes at 4:00 PM.

Considering the above, Legal Aid encourages the Committee to ask MPD the following questions:

1. What training, if any, do officers and staff working at the windows in the Public Records Department receive on customer service, trauma, and/or the psychological impact of an arrest or incarceration? How often was such training offered in FY23 and in FY24 to date?

2. What training, if any, do officers and staff working at the windows in the Public Records Department receive on cultural competency? How often was such training and guidance offered in FY23 and FY24 to date?
3. MPD Headquarters' website shows the office closes at 4:45 PM.<sup>2</sup> Is this the correct closing time for the Public Records Department located in Suite 550 of MPD Headquarters?

### **Conclusion**

Thank you again to the Committee for your commitment to our DC community. The questions that we suggest the Committee ask today are aimed at getting a better understanding of MPD's policies and practices so that the Council can work with MPD to improve its practices. Our testimony highlights some of the challenges our clients face as they seek record clearing relief to overcome barriers to housing and employment. MPD's response to former system-involved individuals is a critical point in their journeys to restore their dignity, employment opportunities, and housing prospects.

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<sup>2</sup> Metropolitan Police Dep't., Police Headquarters, <https://mpdc.dc.gov/page/police-headquarters> (last accessed February 8, 2024). Please note this website still has the incorrect address of 300 Indiana Ave, NW.