

# GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Office of the Inspector General



Inspector General

### **Executive Summary Concerning the Results of an Office of the Inspector General Investigation Into Misconduct Violations by an Officer of the District of Columbia Protective Services Police Department**

**2012-0318**

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#### **INVESTIGATIVE SYNOPSIS**

The District of Columbia Office of the Inspector General (OIG) recently completed an investigation, which revealed that a Lead Police Officer (Officer 1), D.C. Protective Services Police Department (PSPD), improperly accessed and queried confidential personal information on a Mobile Data Terminal (MDT) during his official tour of duty on May 26, 2011. Officer 1 completed queries for other than official PSPD purposes in violation of two sections of the DPM and PSPD General Order 601.3, Section IV.H, which states, “No member shall access official records except for official purposes.”

During the investigation, OIG investigators reviewed queries that Officer 1 conducted on May 26, 2011, PSPD records relating to officers’ service calls, PSPD operating procedures, and pertinent emails. Investigators also interviewed several PSPD officials, including Officer 1.

On May 26, 2011, Officer 1’s assigned shift was 1500 to 2300 hours. He was partnered with Officer 2 and assigned to a vehicle containing an MDT. MDT records indicate that between 21:36 and 22:12 hours on May 26, 2011, Officer 1 accessed the confidential Washington Area Law Enforcement System (WALES) database on the MDT and queried seven license plates. The initial query, of his own license plate, occurred at 21:36 hours. Officer 1 then queried the license plate of a PSPD coworker, another officer, at 21:39 hours.

Subsequently, Officer 1 queried five nearly consecutive one-digit District of Columbia license plates that were registered to the Council Chair, a former Council Chair, a former councilmember, a former Mayor, and the wife of a former Mayor. One-digit District of Columbia license plates, called “reserved-number” license plates, typically are assigned to high-level District government officials or their family members.

In his interview, Officer 1 said that approximately 2 years ago, as a member of PSPD’s Strategic Services Branch, he was assigned as coordinator between PSPD and the Office of Unified Communications (OUC) to assist in setting up communications classes for PSPD officials at OUC. With respect to the queries he ran on May 26, 2011, Officer 1

said that he could not recall any of the specific vehicle tags queried because it was so long ago. He said, however, that he often queried his own license plate at the start of his tour of duty to check the computer system and verify that it was working properly. Officer 1 also said that he may have queried the license plate of a coworker because it was parked in the lot near PSPD's offices. He stated that if he did not recognize the vehicle and felt it may not belong there, he was required, as part of his duties, to query the license plate to identify illegally parked vehicles and ticket them.

With respect to the five one-digit license plates, Officer 1 said that he could not remember why he queried them but said that if they were parked in an area that required a parking placard and none was displayed, then he may have queried those license plates. Officer 1 told investigators that his queries were for legitimate law enforcement purposes. Officer 1 acknowledged that MDT screens display the following warning: "ALL TRANSMISSIONS ON THIS SYSTEM ARE RECORDED AND MONITORED BY MPD." He also acknowledged that the following statement is displayed on every WALES query: "INFORMATION OBTAINED FROM WALES MAY BE USED FOR CRIMINAL JUSTICE PURPOSES ONLY."

Officer 2 told OIG investigators that he and Officer 1 have been partners in the same patrol car approximately 8-12 times during the past year, but he did not recall specifically the May 26, 2011, shift he worked with the officer. Officer 2 described himself as "computer illiterate," while Officer 1 is the "computer guy" and said that when they have been assigned to the same vehicle, Officer 1 extensively used the MDT computer.

OIG investigators also obtained information from a PSPD Assistant Chief regarding Officer 1's assignment on May 26, 2011, calls for service during Officer 1's shift, and PSPD policy regarding the use of WALES. The Assistant Chief said that on May 26, 2011, Officers 1 and 2 were assigned to patrol the 1<sup>st</sup> District, which includes the Wilson Building, housing the offices for the District of Columbia Mayor and councilmembers. He informed investigators that another officer is assigned to query license plates for the Wilson Building and that Officers 1 and 2 were not assigned to this task on May 26, 2011.<sup>1</sup> In the alternative, if Officer 1 was not running license plates of vehicles parked near the Wilson Building and simply was entering random, low-numbered license plates, the Assistant Chief said that this would constitute "playing around" and is not an authorized use of the system for official purposes. Similarly, with respect to the parking lot near PSPD's offices, the Assistant Chief said that queries of license plates for vehicles in the PSPD portion of that parking lot without an appropriate permit are supposed to be conducted by an officer on the day shift. Officers 1 and 2 were not assigned to that duty on May 26, 2011.

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<sup>1</sup> The Assistant Chief told investigators that although PSPD officers are supposed to log in the number of license plate queries conducted, no one does so and Officer 1 did not do so.

## ANALYSIS AND CONCLUSIONS

The OIG investigation revealed that on May 26, 2011, Officer 1 inappropriately queried the WALES system for seven license plates. Officer 1's explanations as to why he might have queried his own license plate (to verify that the system was operating properly – 6 hours after his tour of duty began), the license plate of a coworker (because the car was parked in a lot near PSPD offices and may have been illegally parked), and the license plates of current and former high-level District officials and the wife of a former Mayor (he said that he could not recall why he made these queries), do not make sense in light of his assignment on May 26, 2011.

According to the Assistant Chief, on May 26, 2011, Officer 1 was assigned to patrol the 1<sup>st</sup> District, which included the Wilson Building. He was not, however, assigned to query license plates for the Wilson Building. Further, the Assistant Chief stated that Officer 1's license plate queries of vehicles in the PSPD lot also was unauthorized because license plate queries for vehicles without an appropriate permit in the PSPD lot were assigned to officers on the day shift. Neither Officer 1 nor Officer 2 was assigned to this duty on May 26, 2011. Finally, Officer 1's query of his own license plate 6 hours after his tour of duty began, purportedly to determine whether the MDT was properly functioning, was not a query for official purposes.

Therefore, Officer 1's conduct on May 26, 2011, violated two sections of the DPM and the pertinent PSPD General Order. First, Officer 1 used government property, the MDT and the WALES system, for non-official purposes. Second, by using the MDT for non-official purposes, he impeded government efficiency or economy in that the MDT was not available for official use at that time by himself or his partner. Third, Officer 1's conduct affects adversely the confidence of the public in the integrity of government in that members of the public and other government employees have a right to expect that their personal and confidential information will be accessed using confidential computer systems only for official purposes. Finally, Officer 1 violated PSPD General Orders for Computer Use and Security by accessing confidential records for non-official purposes.

Accordingly, the issue of whether Officer 1 violated DPM § 1803.1 (a)(3) (Impeding government efficiency or economy); § 1803.1 (a)(6) (Affecting adversely the confidence of the public in the integrity of government); and PSPD General Order 601.3, Section IV.H: (No member shall access official records except for official purposes) is **substantiated**.

## RECOMMENDATIONS

Based on the results of this investigation, the OIG recommends that PSPD:

- Address Officer 1's conduct with appropriate administrative action;

- Ensure that all PSPD employees are instructed appropriately regarding PSPD policy and procedures for accessing law enforcement sensitive databases; and
- Have all PSPD employees with access to confidential computer databases sign an appropriate Use Policy, which will be maintained by the agency.

*March 30, 2012*