

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE INSPECTOR GENERAL**

**DEPARTMENT OF GENERAL SERVICES  
PROTECTIVE SERVICES DIVISION  
REPORT OF RE-INSPECTION**

**April 2015**



**DANIEL W. LUCAS  
INSPECTOR GENERAL**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Inspector General

Inspector General



April 2, 2015

Jonathan Kayne  
Interim Director  
Department of General Services  
2000 14<sup>th</sup> Street, N.W., 8<sup>th</sup> Floor  
Washington, D.C. 20009

Dear Mr. Kayne:

The Office of the Inspector General (OIG) has completed its re-inspection of the Department of General Services Protective Services Division (PSD).<sup>1</sup> The final report is enclosed.

Please use the enclosed *Compliance Forms* to report to the OIG actions taken on each recommendation and ensure that the forms are returned by the dates noted on them.

The OIG will also continue to monitor the issues cited in the two Management Alert Reports (MARs) that were issued during this re-inspection: 1) *Patrol Operations Special Police Officers May Pose a Risk to the District When Providing Law Enforcement Services Outside Their Jurisdiction*, and 2) *Security Gaps at One Judiciary Square Permit Non-District Government Employees Access to Every Floor Without Completing a Required Security Screening*. Please update me by April 15, 2015, on the status of all actions your agency has taken to mitigate and correct the conditions cited in these MARs.

If you have questions or comments concerning this report or other matters related to the re-inspection, please contact me at (202) 727-2540.

Sincerely,

  
Daniel W. Lucas  
Inspector General

DWL/adm

Enclosure

cc: **See Distribution List**

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<sup>1</sup> This was a re-inspection of the Office of the Inspector General's May 2010 Report of Special Evaluation of the Department of Real Estate Services, Protective Services Police Department (OIG No. 10-I-0036AM).

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Letter to Jonathan Kayne  
April 2, 2015  
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The Inspections and Evaluations (I&E) Division of the Office of the Inspector General is dedicated to providing District of Columbia (D.C.) government decision makers with objective, thorough, and timely evaluations and recommendations that will assist them in achieving efficiency, effectiveness, and economy in operations and programs. I&E's goals are to help ensure compliance with applicable laws, regulations, and policies, to identify accountability, recognize excellence, and promote continuous improvement in the delivery of services to D.C. residents and others who have a vested interest in the success of the city.

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**EXECUTIVE SUMMARY**

## EXECUTIVE SUMMARY

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This Department of General Services Protective Service Division (DGS/PSD)<sup>1</sup> re-inspection report is divided into two main sections: Summaries of Management Alert Reports (MARs)<sup>2</sup> and Re-Inspection of Findings from the 2010 Report of Special Evaluation.

The MAR section summarizes issues addressed in MARs published during this re-inspection: (1) PSD patrol operations Special Police Officers (SPOs) occasionally engage in law enforcement activity outside their jurisdiction; and (2) Security gaps at One Judiciary Square permit non-District government employees access to every floor without completing a required security screening. The MARs contained five recommendations requiring the immediate attention of the DGS's and PSD's management. A list of the findings and recommendations in each MAR is included at Appendix 2.

The Re-Inspection of Findings section evaluates the current status of issues and conditions reported in the Office of the Inspector General's (OIG) May 2010 Report of Special Evaluation of the Department of Real Estate Services (2010 special evaluation). The 2010 special evaluation team identified deficient screening practices at security checkpoints; noncompliance with human resources and employee training requirements; limited staffing; and a lack of written policies and procedures. DRES agreed with all but three of the recommendations. (See Appendix 3 for a complete list of the original findings, status of recommendations, and new recommendations.) **The OIG re-inspection team (team) found that DGS made limited progress in correcting many of the deficiencies found during the 2010 special evaluation. Of the 24 original recommendations, the team found that PSD is in compliance with 7, in partial compliance with 4, and not in compliance with 13. This report makes 11 new recommendations that address deficiencies observed during the re-inspection.**

The team observed improvements since the 2010 Report of Special Evaluation regarding SPO proficiency. For instance, PSD ensures that all PSD SPOs have necessary equipment, SPOs are qualifying with their service weapons, and employees are being disciplined for workplace infractions.

Despite these highlighted improvements and PSD's reorganization, PSD did not rectify fundamental concerns reported in 2010. For example, SPOs still do not receive annual and in-service training required by D.C. law, and a comprehensive set of up-to-date internal policies and procedures does not exist. PSD is not in compliance with any of the 2010 report recommendations that addressed these concerns. In addition, although PSD SPO background checks are conducted, PSD has not consistently recorded the results of those checks in SPO personnel files. Finally, the team found that PSD is mismanaging overtime spending for SPO shifts. PSD had already substantially overspent its overtime budget by the end of the third quarter during FY 2014. At the same time, the team observed a significant increase in leave use by SPOs, sometimes by the SPOs that were earning substantial overtime pay during the same pay period.

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<sup>1</sup> See Appendix 1 for a list of report acronyms and abbreviations.

<sup>2</sup> The OIG issues MARs when it believes a matter requires the immediate attention of District government officials.

## EXECUTIVE SUMMARY

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The team also observed that PSD management seems to spend a disproportionate amount of time on strategic planning and future goals rather than updating policies and procedures so they reflect current operations. For example, when the team asked a PSD senior manager to provide the policies and procedures for PSD SPOs, the manager spoke of an overall governance document being in the process of being drafted, but emphasized that PSD does not have daily operating procedures. PSD has not provided clear guidance to its frontline employees regarding the Division's jurisdiction and authority, and PSD management acknowledged that formal guidance is deficient. The team believes that DGS and PSD management's failure to provide essential guidance to employees via written directives, policies, and procedures should be addressed immediately.

PSD has been in transition since October 2013 when the Fiscal Year 2014 Budget Support Act of 2013 (Act) went into effect. The purpose of this Act, as it related to DGS, was to "clarify the authority and role of security officers within [PSD] at DGS" by specifically noting that "security officers are not law enforcement officers."<sup>3</sup> This change shifted PSD's mission from being an organization with presumed law enforcement responsibilities to being an organization primarily focused on facility security and threat assessment. PSD SPOs reported that management did not disseminate a written policy or directive when the Act became effective, and staff did not have a clear understanding of how the agency's mission and goals were impacted.

In FY 2014, in support of the Act's intent, PSD instituted a civilian organization structure<sup>4</sup> that replaced the former law enforcement structure, and PSD's Associate Director made great strides toward ensuring that daily operations would continue with an emphasis on security. Contract security guards currently staff the majority of PSD's fixed posts, and PSD SPOs are assigned to secure several District facilities.

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<sup>3</sup> D.C. COUNCIL COMM. ON GOV'T OPERATIONS, REPORT AND RECOMMENDATIONS ON THE FISCAL YEAR 2014 BUDGET 99-100 (2013).

<sup>4</sup> See Appendix 4 for DGS's organization charts.

**BACKGROUND, OBJECTIVES,  
AND METHODOLOGY**

## BACKGROUND, OBJECTIVES, AND METHODOLOGY

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In May 2010, the Office of the Inspector General (OIG) issued a Report of Special Evaluation ([OIG No.10-I-0036AM](#)) of the Department of Real Estate Services (DRES), Protective Services Police Department (PSPD). Subsequent to that report, the DGS was formed and assumed the functions and responsibilities of DRES and several other District agencies.<sup>5</sup> As part of the formation of DGS, PSPD was renamed the PSD on October 1, 2013, via an amendment in the Fiscal Year 2014 Budget Support Act of 2013. This report is a re-inspection of DGS's PSD.

PSD's mission is to manage and provide security and protective services at District-owned and -leased properties. PSD executes this mission by directly staffing critical locations, responding to incidents throughout the District, and monitoring contracted security guards and electronic security systems.<sup>6</sup> PSD provides services at approximately 70 District-owned and -leased properties through patrol operations and oversight of approximately 480 contract security officers. PSD also assists District and federal agencies during special events and emergencies.<sup>7</sup>

The objectives of the original special evaluation were to assess the quality of internal controls established by management, quality and effectiveness of personnel management, and the effectiveness and efficiency of key operations. That team also assessed the quality of service delivery to customers, and adherence to applicable laws, regulations, policies, and best practices. The objectives of this re-inspection were to: (1) determine whether PSD's mission and authority are defined and understood by key stakeholders (including PSD employees); (2) assess DGS's success in abating and correcting conditions cited in the 2010 Report of Special Evaluation; and (3) document any newly-observed deficiencies in management, operational practices, or hazardous conditions at PSD security posts. The re-inspection began in February 2014 and fieldwork was completed in July 2014.

OIG inspections comply with standards established by the Council of the Inspectors General on Integrity and Efficiency and pay particular attention to the quality of internal control.<sup>8</sup> During the re-inspection, the team conducted approximately 40 interviews with DGS and other District government agency personnel, contractors, equipment manufacturers, and training providers. Further, the team directly observed work processes, reviewed documentation, conducted seven file reviews, and inspected work areas and facilities.

The OIG inspection process includes follow-up with inspected agencies to determine their compliance with agreed-upon recommendations. This re-inspection report is part of the compliance process that the OIG has implemented to assist District agencies in improving the delivery of services to residents and other stakeholders.

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<sup>5</sup> DRES became DGS on October 1, 2011, and DRES dissolved.

<sup>6</sup> [Http://dgs.dc.gov/page/department-general-services](http://dgs.dc.gov/page/department-general-services) (last visited June 20, 2014).

<sup>7</sup> [Http://dgs.dc.gov/page/dgs-protective-services-division](http://dgs.dc.gov/page/dgs-protective-services-division) (last visited June 20, 2014).

<sup>8</sup> "Internal control" is synonymous with "management control" and is defined by the Government Accountability Office (GAO) as comprising "the plans, methods, and procedures used to meet missions, goals, and objectives and, in doing so, supports performance-based management. Internal control also serves as the first line of defense in safeguarding assets and preventing and detecting errors and fraud." STANDARDS FOR INTERNAL CONTROL IN THE FEDERAL GOVERNMENT, Introduction at 4 (Nov. 1999).

**SUMMARIES OF FY 2014  
MANAGEMENT ALERT REPORTS**

## SUMMARIES OF FY 2014 MANAGEMENT ALERT REPORTS

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### **PSD patrol operations SPOs occasionally engage in law enforcement activity outside their jurisdiction. These actions violate District regulations, may place SPOs, the District, and the public at risk, and could result in litigation or monetary losses.**

The D.C. Code and the D.C. Municipal Regulations (DCMR) partially define a Special Police Officer's (SPO) jurisdiction and authority. D.C. Code § 23-582(a) states that "A[n] [SPO] shall have the same powers as a law enforcement officer to arrest without warrant for offenses committed *within premises to which [their] jurisdiction extends*, and may arrest outside the premises on *fresh pursuit for offenses committed on the premises*" (emphases added).<sup>9</sup> Title 6A of the DCMR presents a more restrictive definition of PSD's jurisdiction, stating: "[s]pecial police officers . . . shall be strictly confined in their authority to the particular place or property which they are commissioned to protect."<sup>10</sup> Neither the D.C. Code nor the DCMR grants SPOs law enforcement authority in public space. This jurisdictional limit is reiterated in the PSD SPO position description, which states that SPOs must contact the Metropolitan Police Department (MPD) for law enforcement matters that occur outside of PSD's jurisdiction or authority.

During fieldwork, the team observed that there are no written policies and procedures that define jurisdictional limits for conducting patrol operations, and that PSD and DGS officials have provided inconsistent verbal guidance regarding PSD's jurisdiction. As a result, patrol operations SPOs have acted outside PSD's jurisdiction, particularly in response to circumstances that may prompt them to arrest an individual, issue Notices of Infractions (NOIs), or intervene during crimes. These actions may place SPOs, the District, and the public at risk. The team identified the following potential sources of risk that may result in repercussions, including litigation, substantial monetary loss, or wasted resources:

- unauthorized arrest or use of force;
- failed criminal prosecution;
- SPO hesitation or failure to act;
- officers injured while performing duties outside the scope of their jurisdiction; and
- officers violating the law.

On May 14, 2014, the OIG presented three recommendations concerning this finding to DGS as part of MAR 14-I-001. DGS, in conjunction with the Office of Risk Management (ORM) and the Office of the Deputy Mayor for Public Safety and Justice (ODMPSJ), responded to the OIG on August 29, 2014. The agencies agreed with the OIG's recommendations that DGS: 1) obtain a legal opinion from the Office of the Attorney General<sup>11</sup> (OAG) regarding PSD SPOs' jurisdiction and authority, and 2) distribute guidance based on that opinion to all PSD employees.<sup>12</sup>

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<sup>9</sup> D.C. Code § 23-582(a) (LEXIS through D.C. Act 20-306).

<sup>10</sup> 6 DCMR § A1100.2.

<sup>11</sup> DGS requested a legal opinion from the OAG on July 2, 2014, that addresses issues posed in the OIG's MAR. DGS provided the OIG a copy of the legal opinion on October 15, 2014.

<sup>12</sup> DGS disagreed with the OIG's recommendation to restrict patrol SPOs to fixed posts until OAG rendered its legal opinion. DGS did not believe that it was legally obligated to do so and believed that doing so would create "profound risks to public safety and the security of District properties."

## SUMMARIES OF FY 2014 MANAGEMENT ALERT REPORTS

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On October 27, 2014, the OIG received DGS's response to the OAG legal opinion. DGS indicated in its response that the agency "promptly shared OAG's opinion with PSD's management team" and "DGS's General Counsel's Office is working with PSD to prepare and provide appropriate training to all PSD employees by April 30, 2015." DGS's response did not indicate whether the opinion was shared throughout PSD. The full MAR and DGS's August 2014 response can be found at Appendix 5.

### **Security gaps at One Judiciary Square (OJS) permit non-District government employees access to every floor without completing a required security screening.**

In March 2009, the OIG issued a Compliance Form for Priority Matter (Compliance Form) to DRES alerting the agency to a security concern at OJS: Individuals could enter OJS without passing through the lobby security checkpoint by way of an eatery located in a first-floor food court. The team observed that from the eatery, unauthorized individuals could gain access to a rear hallway through a door adjacent to the dining area and eventually to all OJS floors, by using an unsecured freight elevator, without passing through the security checkpoint.

During this re-inspection the team observed that security controls remain deficient and DGS is not in compliance with the 2010 special evaluation recommendation. A security officer stationed at OJS showed the team places in the parking garage, the Old Council Chambers, and the same eatery discussed in the March 2009 Compliance Form, where unauthorized individuals can enter the building without passing through security. The officer also told the team that visitors routinely enter at these locations to avoid having to undergo security screenings.

On May 14, 2014, the OIG presented three new recommendations concerning this finding to DGS as part of MAR 14-I-002. In its August 25, 2014, MAR response, DGS and ORM agreed that immediate implementation of security improvements at OJS is necessary to mitigate the OIG's concerns, but noted that DGS's FY 2014 and FY 2015 budgets do not contain the necessary funding. Consequently, DGS stated that it will work with District government officials to acquire funding to improve security at OJS.<sup>13</sup>

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<sup>13</sup> The OIG did not publish this MAR on its website because it contained sensitive security information.

**RE-INSPECTION OF FINDINGS FROM  
2010 REPORT OF SPECIAL EVALUATION**

**Original Finding: Some PSPD officers did not have the necessary protective equipment.**

In February 2009, the OIG issued MAR 09-I-002 to DRES regarding protective equipment deficiencies. The 2010 special evaluation team learned that some PSPD officers did not have Oleoresin Capsicum (OC) spray (a.k.a., pepper spray), batons, and/or training that would enable them to apply all seven “levels of control” defined in PSPD’s General Order (GO) 2004.016 regarding “Use of Force.”<sup>14</sup> The team directly observed some officers carrying a firearm but no baton or OC spray. According to interviewees, PSPD did not issue these items because there was no funding for training officers on the equipment once it was issued. As a result of the deficiencies noted, PSPD officers may not have been able to protect themselves, District employees, and citizens properly, in accordance with the use of force general order short of using deadly force.

**Original Recommendation:**

Implement a corrective action plan, to include key milestone dates, for ensuring that all PSD officers have the equipment and related training that would allow them to effectively apply all the “levels of control” defined in PSD’s General Order regarding “Use of Force.”

**Current Status: In Partial Compliance.** The team found that all SPOs had the equipment (e.g., OC spray, batons, and firearms) they needed to apply the appropriate use of force when necessary. The team reviewed the electronic equipment files for PSD’s 85 SPOs and found all were issued the required equipment. Additionally, each of the 15 SPO interviewees stated he/she had the necessary equipment to perform his/her job duties.<sup>15</sup>

However, the team discovered that as of May 2014, SPOs had not received annual re-certification training for using batons and OC spray. Further, as of August 2014, PSD still did not have a formal written plan that defines when annual re-certification training on batons and OC spray should occur.<sup>16</sup>

**New Recommendation:**

That the Director of DGS (D/DGS) implement a formal plan for providing ASP baton and OC spray training.

Agree \_\_\_\_\_  X  \_\_\_\_\_ Disagree \_\_\_\_\_

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<sup>14</sup> Currently, PSD’s use of force policy is outlined in PSD General Order 202.1, which establishes the requirements for carrying and using a firearm, ASP baton, and OC spray.

<sup>15</sup> One SPO stated that he/she did not have the proper equipment for his/her job duties, but the team was later informed that this SPO had been placed on limited duty and thus did not need body armor, an ASP Baton, and OC spray.

<sup>16</sup> Original Finding “Some officers do not have the required training to carry out their job duties” of this re-inspection report contains additional analysis of PSD training.

## RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION

### **DGS February 2015 Response, As Received:**

*ASP and OC training are now tracked formally under PSD's recently implemented iManage program. Within the newly implemented program, PSD has included a feature/modular that will support continued compliance with this and all training requirements. Additionally, as a part of PSD's internal review process, the Risk Management Specialist will conduct an independent review of the records and processes to ensure required training is being conducted and report results to the Associate Director of Security on a quarterly basis.*

**OIG Comment:** PSD's actions appear to meet the intent of the recommendation. When the OIG receives documentation showing that all SPOs are in compliance with ASP baton and OC spray training requirements, it will consider this recommendation closed.

### **Original Recommendation:**

Provide the OIG with a roster of all PSD officers that indicates the protective equipment (i.e., OC spray, ASP baton, firearm) assigned to each officer, and the date of the most recent training the officer has received for each piece of equipment. For any officer on the roster who has not been issued OC spray, a baton, and/or a firearm, please indicate in each instance why the officer does not have a particular piece of equipment.

**Current Status:** **In Compliance.** The OIG reported in its May 2010 report that PSPD submitted the roster as requested and thus had satisfied this recommendation. In March and May 2014, PSD provided the team with similar updated documentation that outlined all equipment issued to SPOs.

The team noted that since the 2010 special evaluation, PSD improved its equipment recordkeeping system by creating electronic files that document equipment issued to and returned from each SPO. PSD hired a Program Support Specialist (Property Manager) in February 2014 who organized PSD's hard copy equipment files and created an electronic "property book" that documents the equipment each SPO received.<sup>17</sup>

The team acknowledges PSD's progress in maintaining complete hard copy equipment files and establishing electronic records. However, the team is concerned with the lack of serial number accountability within the electronic property book. During the team's electronic property book review, serial numbers were not documented in the electronic files for: 48% of SPO-issued body armor; 25% of SPO-issued handcuffs; and 27% of SPO-issued OC spray. Without recordation of serial numbers in the electronic property book, PSD may be hindered in its efforts to determine whether only PSD-issued and approved equipment is in use.

### **DGS February 2015 Response, As Received:**

*As of 1 November 2014, all equipment assigned to PSD is on the Department of General Services' (DGS') property books with associated serial numbers where required.*

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<sup>17</sup> The team reviewed 25% of PSD's electronic equipment files to determine whether issued equipment items listed in the property book matched information stored in the manual equipment files. The quality assurance check revealed that supporting documentation was present for each piece of issued equipment listed in the property book.

**Original Finding: Some security posts lacked or did not have sufficient post orders.**

In February 2009, the OIG issued MAR 09-I-003 to document a lack of sufficient post orders.<sup>18</sup> The 2010 special evaluation team learned that OPM had not developed post orders for all the security posts it managed. Additionally, many of the post orders that existed lacked sufficient detail to inform and guide security officers at the posts. For example, they lacked a building plan, fire evacuation procedures, and a 24-hour emergency contact list. The team was concerned that, without these standard operating procedures (SOPs), officers stationed at security posts may be unaware of their required duties and therefore fail or hesitate to act during a security incident, which may jeopardize the safety of officers and building occupants.

**Original Recommendation:**

That the Director of the Department of Real Estate Services (D/DRES):

- a) Take immediate steps to identify all security posts that do not have current, written post orders;
- b) Provide the OIG with a list of these security posts that includes the locations of each post and the anticipated date that each post order will be written and disseminated;
- c) Research industry best practices on building security and post orders, and expeditiously update all existing post orders and create new post orders where none exist; and
- d) Update General Order No. 2004.005 to reflect the requirement that all security posts have written post orders.

**Current Status: In Partial Compliance.** During this re-inspection, the team found that PSD did not have post orders for all posts. PSD provided the team a set of post orders in January 2014 and a list of posts current through May 2014. When comparing the post orders to the list of posts, the team found that written post orders were missing for 17 of PSD's 80 posts.

When reviewing the 63 post orders PSD submitted to the OIG in January 2014, the team found that only 4 of the 63 had an effective date or a revision date. Therefore, the team could not validate whether PSD had reviewed all post orders within the past year. In 2010, the D/DRES indicated that the agency would "review the post orders on an annual basis to ensure they remain current." Although the Associate Director for PSD (AD/PSD) echoed that sentiment in May 2014, saying that he too would like annual post order reviews, he did not enact a policy requiring periodic reviews.

The team randomly selected 20 of PSD's 63 post orders for review and found that although a few comported with PSPD GO 303.6, titled Post Orders and Post Checks,<sup>19</sup> and the

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<sup>18</sup> According to PSPD GO 303.6, post orders are instructions located at manned posts that provide information necessary to the successful operation of the post. They contain basic information and specific duties relating to a post and provide guidance to officers working at each location.

<sup>19</sup> PSPD indicated in GO 303.6 that all post orders will contain, among other items:



**RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION**

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- (2) That the D/DGS enact a policy that requires annual post order reviews and revisions (if necessary), and designates which PSD employee is responsible for conducting these reviews.

Agree     X     Disagree                     

**DGS February 2015 Response, As Received:**

*PSD's current requirement for post orders is 84. PSD has reviewed and is revising/modifying 60 of those requirements. The revisions and/or modifications include direct coordination with each facility manager and building tenants to adequately produce effective post orders. May 1, 2015 is the projected date to complete post order development and dissemination to all sites. PSD's proposed governance policy directs that post orders are developed and provided prior to assuming duties at any post. Additionally, the mitigation process will develop a schedule to track post order issuance dates, revision dates, amended dates and expiration dates.*

**OIG Comment:** PSD's actions appear to meet the intent of the recommendation. When the OIG receives revised post orders for each site and PSD's Governance Manual detailing the schedule for tracking post order issuance, revision, amended, and expiration dates, it will consider this recommendation closed.

**Original Finding:** **Security contractor allowed contraband to pass through security checkpoints at District-owned and -leased buildings and was assessed monetary penalties for these contract violations.**

- a. Hawk One, Inc. security company failed to provide appropriate security services resulting in monetary penalties.*

DRES/PSPD had a contract with Hawk One Security, Inc. "to provide all trained labor, management, supervision, uniforms, supplies[,] and equipment necessary" to render security services at District-owned and -leased properties. The contract stated that "PSPD shall conduct random inspections of the facilities to ensure contract compliance" and allowed PSD to collect "liquidated damages" when the contractor did not adhere to certain contractual requirements. The 2010 special evaluation team reviewed a list of monetary liquidation damages resulting from contract compliance inspections of Hawk One officers from January 2008 to February 2009 and determined that high dollar amounts of liquidated damages were deducted for multiple months in 2008 for contractor noncompliance. The team found:

- in every month of 2008 except March, August, and December, liquidated damages exceeded \$10,000;
- a total of \$166,026 was deducted in 2008; and
- in January 2009, liquidated damages equaled \$20,867 for noncompliance.

***b. Hawk One officers failed to detect and seize contraband during security checks at District-owned and -leased buildings.***

The 2010 special evaluation team reported that PSPD officers conducted security checks to see if they could transport weapons past Hawk One officers at security posts and into a building. PSPD conducted these checks at a minimum of three times per month. According to employees, PSPD officers passed through the checkpoints with weapons during each security check conducted in February 2009.

**Original Recommendation:**

That the D/DRES seek to increase monetary penalties for noncompliance by contractors.

**Current Status: In Compliance.** During FY 2009, the Citywide Security Services Contract, for which Hawk One was the sole contractor during the 2010 special evaluation, was re-competed. When preparing this solicitation, DRES included higher liquidated damages that corresponded with the potential loss that would be incurred by DRES and the District if the contractor failed to meet the contract obligations. However, DRES reported that during the Office of Contracting and Procurement's (OCP)<sup>21</sup> legal sufficiency review of the solicitation, OCP rejected the modification.

OCP awarded new contracts to Allied Barton in 2009 and 2012. The first contract (DCAM-12-NC-0031) is in its second option year and has two more option years allowable; the second contract (DCPO-2009-C-0008C) expired on September 21, 2014.<sup>22</sup> PSD drafted a new solicitation for the expiring contract and included more stringent liquidated damages in the statement of work. OCP approved the modification and Table 1 on the following page highlights the updated damages.

**Original Recommendation:**

That the D/DRES consider hiring more PSPD officers to replace contract officers.

**Current Status: In Compliance.** PSD interviewees reported that they did not have concerns with either the working relationship or the performance of the contracted security guards. They noted that staffing levels at security posts are sufficient and guards are meeting PSD's performance expectations.

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<sup>21</sup> OCP processes solicitations that yield contract awards and oversees the procurement activities for 16 agencies with delegated contracting authority. See <http://ocp.dc.gov/page/about-ocp> (last visited Aug. 11, 2014).

<sup>22</sup> This contract was extended until November 20, 2014. The new contract was awarded to Security Assurance Management, Inc., which was to provide security services beginning November 21, 2014.

**RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION**

<b>Table 1. Comparison of Former and Current Liquidated Damages</b>			
<b>Former Violations</b>	<b>Fee</b>	<b>Current Violations</b>	<b>Fee</b>
Unmanned security post or security guard is removed from post for any violation.	\$40 per hour	Unmanned security post or security guard is removed from post for any violation.	\$100 per occurrence
Failure to detect a weapon, including: <ul style="list-style-type: none"> <li>• a knife or sharp instrument with a blade that is six inches or more in length,</li> <li>• any handgun (operable or not), or</li> <li>• any rifle or gun (operable or not) that is on a person (concealed or not) or inside a person's bag.</li> </ul>	\$375 per occurrence	Failure to detect a weapon of any type. Failure to detect a weapon may also result in termination of the contract.	\$1,000 per occurrence
N/A		Failure to detect a bomb of any type.	\$2,000 per occurrence
N/A		Failure to identify fraudulent identification.	\$200 per occurrence

**Original Finding:**     **Some officers did not have the required training to carry out their job duties.**

The 2010 special evaluation team found that some SPOs had not received mandatory training in accordance with PSPD's GOs and policies and procedures. Some had not received the required 80 hours of training for newly hired personnel who have not graduated from a law enforcement training program; 40 hours of firearm instruction prior to being issued a weapon; or 40 hours of annual training for department sworn personnel. The team reviewed PSPD training records and found they lacked training certificate documentation for some completed courses. Consequently, the team was unable to determine what training occurred and how many hours of training officers had completed.

**Original Recommendation:**

That the D/DRES ensure that all officers receive the required annual law enforcement and annual training needed to fulfill their job responsibilities and document all training in personnel files.

**Current Status:** **Not In Compliance.** PSD implemented new training requirements since the 2010 special evaluation; however, PSD has not ensured that all SPOs are in compliance with these requirements. On January 1, 2014, PSD approved and implemented a Basic Training Curriculum for all newly hired SPOs, which is primarily taught by PSD SPOs who are certified instructors. PSD is providing its Basic Training Curriculum to SPO recruits hired after January

## RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION

2014, but as of September 2014, these recruits had not completed the full PSD Basic Training Curriculum.<sup>23</sup>

In February 2014, DGS legal counsel provided the following training-related GOs; but, the AD/PSD stated in March 2014 that the following PSD GOs are outdated and need to be revised:

- PSPD GO 401.2 – In-Service Training;<sup>24</sup>
- PSPD GO 202.1 – Use of Force and Use of Deadly Force,
- PSPD GO 202.2 - Field Training Program,<sup>25</sup> and
- PSPD GO 401.1 – Roll Call Training.<sup>26</sup>

The team found that PSD’s current training curriculum and GOs do not comply with pre-assignment, on-the-job, and in-service training requirements outlined in 6 DCMR § A1107. Title 6 DCMR § A1107.2 states that SPO “[p]re-assignment training shall include at least sixteen (16) hours of training on arrest powers, search and seizure laws, the District of Columbia Official Code, and the use of force.” However, PSD’s Basic Training Curriculum for new hires only requires 9 hours for these categories. Additionally, 6 DCMR § A1107.2 requires an additional 24 hours of training generally relating to the SPO’s duties and specifically include terrorism awareness, emergency procedures, and customer service. PSD’s Basic Training Curriculum for new hires only requires 20 hours of training for these categories.

Title 6 DCMR § A1107.3 also requires SPOs to “satisfactorily complete a 16-hour, on-the-job training course within ninety (90) working days following employment, and an 8-hour annual in-service training course.” The D.C. Department of Human Resources (DCHR) provided all PSD employees customer service training in July 2014, and this was the only on-the-job training or in-service training SPOs have received since 2011.

Six SPOs and administrative personnel stated PSD had not provided annual or re-certification training. Furthermore, as of May 2014, PSD training records showed that SPOs had not received annual re-certification training for ASP baton, OC spray, nor any annual in-service training since either 2011 or 2012.

### **DGS February 2015 Response, As Received:**

*PSD has developed a robust four-part training program that includes Entry Level, In-service, Enhanced, and Professional Development trainings. PSD believes this new training*

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<sup>23</sup> The 2014 recruits still needed to complete ASP Baton, Active Shooter, and Crisis Intervention training, which was scheduled for November and December 2014 with MPD.

<sup>24</sup> In-Service Training consists of 40 hours of training each calendar year for SPOs in the grade of Sergeant or below (not including firearms and CPR training) and at least 16 hours of annual training (not including firearms training) for SPOs in the rank of Lieutenant.

<sup>25</sup> The Field Training Program is provided to those SPOs who are selected for patrol operations and requires three, 4-week training cycles for a total of 12 weeks.

<sup>26</sup> PSD conducts patrol operations roll calls every day at 6:30 a.m., 2:30 p.m., and 10:30 p.m. at PSD Headquarters to pass on any information from the last shift, updates from management, and assign vehicles. Fixed post roll calls are conducted at the Wilson building, the Consolidated Forensics Laboratory (CFL), and the Unified Communications Center (UCC) 30 minutes prior to the start of each shift.

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*program meets requirements identified in the applicable DC Municipal Regulations. The new training program provides aspects of physical security, Red Cross First Aid and CPR certifications, use of force, anti-terrorism, and legal policy and procedures. Participation in Penetration Intrusion Testing (PIT) exercises has been added to increase PSD's awareness of potential threats to safety and security at DC owned and leased properties.*

*PSD has created joint training opportunities with MPD. Participation in 40 hours of DC Code training and 3 days of Active Shooter training have been added to the In-service training schedule to ensure PSD can provide the District with best practices-based security support for its facilities, properties and patrons.*

*An online record management and compliance tracking system has been developed to ensure compliance and documentation of all completed PSD trainings. The training required in DCMR 6A has been identified as "Required Training" and is now tracked in this system. This system will generate compliance reports by individual name, course or by position title. In addition, the online record management and compliance tracking system generates notifications for expiring certifications.*

### **Original Recommendation:**

That the D/DRES develop a control mechanism that tracks officers' training hours and notifies managers and officers when training is required.

**Current Status:** **Not In Compliance.** PSD does not have a mechanism for tracking officers' training hours and thus, managers and SPOs are not notified when training is required. PSD reported that in FY 2009 it procured Crowne Point software to automate processes that document, track, monitor, and generate notifications for officer training. This system would electronically store training documentation and notify employees of training expirations and needed renewals. The team learned, however, that PSD only uses Crowne Point software to create an electronic report for each SPO outlining the training courses he/she attended. The Training Specialist manually inputs this information into Crowne Point, but he/she sometimes updates Crowne Point without having supporting documentation on file that verifies training completion. If an SPO attends a training course, the SPO or PSD employee receives documentation of the SPO's attendance. However, PSD has no formal protocol for ensuring that the Training Specialist receives this information and updates employee training records.

The team reviewed all of PSD's SPO electronic training reports from Crowne Point and then crosschecked 25% of them against documentation contained in those SPOs' hard copy training files. Only one of the hard copy files contained documentation that validated each training course listed in the Crowne Point electronic training record.

In August 2014, PSD procured iManage software to replace Crowne Point. The new software will maintain training documentation, track employee/SPO training requirements, and notify supervisors and employees/SPOs of upcoming or overdue training. As of August 2014, PSD provided the vendor with system specifications and data so it could tailor the software to PSD's needs. PSD anticipated that the software would be fully implemented by the beginning of



## RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION

**Current Status:** **In Compliance.** PSD SPOs are requalifying twice annually with their firearms. As of May 29, 2014, all PSD SPOs assigned a firearm<sup>27</sup> qualified with their weapon within the past year and thus met the first half of the biannual qualification requirements<sup>28</sup> in PSPD General Order 901.1 and were not due for another firearm qualification until after July 1, 2014.

### **Original Recommendation:**

That the D/DRES develop a tracking system that alerts managers and officers when they are required to requalify with their weapons.

**Current Status:** **In Compliance.** A PSD Training Division employee monitors when SPOs must requalify and ensures that they qualify by the January 1<sup>st</sup> and June 30<sup>th</sup> deadlines. This employee reserves dates at the MPD shooting range and informs SPOs of when they need to report to the range for firearms requalification. The Lead SPO notifies SPOs, either by email or phone, of when they need to report to the MPD range for firearms requalification.

**Original Finding:** **Background investigations for officers were not thoroughly documented or vetted.**

*(a) Some officers' files did not have complete background investigation checklists and background investigation questionnaires, and/or some files were missing background check supporting documentation.*

The 2010 special evaluation team reviewed 82 officer personnel folders and observed that background investigation checklists and background investigation questionnaires were either incomplete or missing. Of the 82 folders, only 13 had questionnaires and checklists that contained all of the required pre-employment documentation. Twenty-three of the personnel folders represented employees who had transferred from another employer/agency and lacked both a background investigation questionnaire and a background investigation checklist.<sup>29</sup> The remaining 46 personnel folders did not contain all documentation required by PSPD to complete the pre-employment background check questionnaire and checklist.

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<sup>27</sup> There were six PSD SPOs who were not assigned a duty firearm due to their respective administrative status. Additionally, PSD does not assign newly recruited SPOs a firearm until they meet the firearm qualification requirements per PSPD General Order 901.1.

<sup>28</sup> Firearms qualification documentation is recorded in a manual log book and then entered into Crowne Point. In May 2014, the team reviewed Crowne Point electronic copies of all PSD SPO firearm qualification files to determine compliance with this recommendation. The team reviewed 25% of the hard copy firearms qualification files and found that all hard copy qualification records matched the electronic files.

<sup>29</sup> These employees were officers who had a long tenure at PSPD and transferred to PSPD prior to the use of the background investigation questionnaire and a background investigation checklist that PSPD utilized during the inspection.

***(b) There were no written policies and procedures for obtaining and reviewing background checks from Security Officer Management Branch (SOMB).***

PSPD was not sending all officer recruits to the Security Officer Management Branch (SOMB)<sup>30</sup> for a formal criminal background check prior to employment and training, even though passing a criminal background check is a condition of SPO licensure and employment. Further, PSPD's lack of written policies and procedures for obtaining and reviewing background check results from SOMB prior to training may have resulted in inconsistent adherence to the pre-employment requirement and receipt of incomplete background check results. Without SOMB's criminal background check results, PSPD background investigators were unable to include this information in their background review process or document it in officers' personnel files. Consequently, PSPD could not effectively determine whether an applicant for an officer position had a criminal history that would render him/her ineligible to become an officer.

**Original Recommendation:**

That the D/DRES collaborate with SOMB to develop and implement written policies and procedures for conducting background checks prior to employment.

**Current Status:** **Not In Compliance.** In the 2010 special evaluation report, DRES disagreed with this recommendation stating that it implemented a "procedures checklist for the PSPD hiring process that is utilized by PSPD and HR." During this re-inspection, the team asked DGS Human Resources (DGSHR) for the procedures checklist used to document completion of all pre-employment background requirements and received the DCHR "Checklist for Submissions of Competitive & Non-Competitive Recruitment Actions to DCHR."<sup>31</sup> This checklist, however, does not cite a requirement for pre-employment criminal background checks as required pursuant to 6 DCMR § A1102.1 and, thus, the checklist alone does not fulfill the intent of this recommendation. Further, neither DGSHR nor PSD has any written policies or procedures detailing how to conduct noncriminal, pre-employment background checks for SPO candidates.<sup>32</sup>

**Original Recommendation:**

That the D/DRES develop a plan for disseminating the results of the background checks to appropriate PSPD personnel for review.

**Current Status:** **In Partial Compliance.** Although DGS does not have a written plan for disseminating background check results to PSD personnel for review, DGSHR and SOMB

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<sup>30</sup> SOMB is the office responsible for managing security guard and special police officer licensure.

<sup>31</sup> The checklist includes items such as proof of degrees, licenses, and/or certifications (if applicable); three completed personal references checks; mandatory drug and alcohol testing program pre-employment certification form; and proof of residency (eight documents) if the applicant claims District residency preference.

<sup>32</sup> As a part of the SPO license application, SOMB conducts a criminal background investigation for every applicant in accordance with 6 DCMR § A1102. The SOMB informs designated PSD administrative staff members of whether the applicant has a criminal history prior to the SPO's employment. PSD administrative staff then forwards these results to DGSHR's administrative specialist for inclusion in the SPO's DGSHR hiring package. DGSHR and the PSD hiring official review the hiring package to determine the applicant's suitability for the position.

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interviewees stated that they provide PSD hiring officials with the results of their separate pre-employment, noncriminal and criminal background checks. However, as noted below, many SPO personnel files did not contain this information.

**DGS February 2015 Response, As Received:**

*DCHR maintains the official personnel file of all DGS employees including SPO's. DGSHR maintains an unofficial agency personnel file. Criminal background files are placed in a separate file. At the time of this re-inspection, DGSHR had not completed the review of the files to ensure that this requirement was met. However, in November 2014, PSD transferred additional criminal background checks to DGSHR for consolidation and appropriate filing. DGSHR and PSD have drafted updated procedures for disseminating background checks and other required hiring information.*

**Original Recommendation:**

That the D/DRES ensure that background check results are in all officers' personnel files.

**Current Status:** **Not In Compliance.** As of June 2014, not all SPO personnel files contained both noncriminal and criminal background checks. The re-inspection team reviewed 83 SPO personnel files and found:

- 28 files lacked a completed "Checklist for Submissions of Competitive & Non-Competitive Recruitment Actions to DCHR,"<sup>33</sup> and
- 63 files lacked SOMB criminal background check results.

On October 27, 2014, SOMB verified that it had completed a criminal background check for the 63 SPOs; it appears that DGSHR does not consistently document this information in personnel files upon receipt.

**DGS February 2015 Response, As Received:**

*See above response regarding criminal background check results within personnel files. The "Checklist for Submissions of Competitive & Non Competitive Recruitment Actions to DCHR" is not required by DCHR administrative policy to be placed in DCHR Official file or the agency unofficial personnel file.*

**New Recommendation:**

That the D/DGS develop and implement procedures to ensure that both a DCHR noncriminal background check and SOMB criminal background check are completed for each SPO applicant and that all results are disseminated to PSD hiring officials.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

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<sup>33</sup> Thirty-seven of the reviewed files contained an additional set of DGSHR non-criminal background check results. A DGSHR Investigator completed this background check, which included a credit check and reference check, among other things.

**Original Finding: There was a shortage of PSPD officers for daily operations.**

The 2010 special evaluation team found that PSPD had an inadequate number of employees to fulfill its mission. The 2010 team opined that PSPD had an insufficient number of full-time equivalent (FTE) positions (115) and too many vacancies (26) impacted operations. Interviewees estimated that PSPD needed to fill the vacancies and add at least 15 FTEs to fulfill the agency's mission. Interviewees cited multiple causes for the vacancies including a lack of qualified applicants due to uncompetitive salaries, poor working conditions, and attrition due to retirements, resignations, and involuntary terminations. PSPD used overtime to fill its needs.

**Original Recommendation:**

That the D/DRES conduct a staffing analysis of all PSPD posts and shifts to determine the level of staffing required to fulfill PSPD's mission.

**Current Status: Not In Compliance.** DRES commissioned a private company to conduct a job task analysis, which began in July 2010. The company issued a report in December 2010 that identified how many employees PSPD had for each type of position at the time and provided detailed, proposed job descriptions for each of those positions. The job task analysis did not, however, determine the level of staffing required to fulfill PSPD's mission or assess whether PSPD needed additional FTEs for specific shifts or posts.

**DGS February 2015 Response, As Received:**

*DGS/PSD continues to assess and determine appropriate staffing levels to fulfill security and protection needs throughout the city. The agency also continues to supplement security needs with contract services.*

**OIG Comment: DGS's response does not adequately address the OIG's recommendation. The OIG reiterates its recommendation that PSD conduct a formal staffing analysis that will describe in writing the staffing required to fulfill PSD's mission adequately.**

**Original Recommendation:**

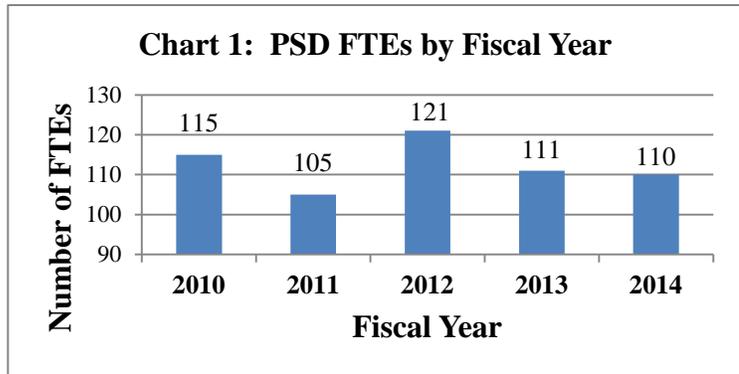
That the D/DRES hire personnel to adequately staff all posts at District-owned and -leased buildings managed by DRES.

**Current Status: In Partial Compliance.**

**Staffing Levels at Fixed Posts:** Contract guards staff nearly all of PSD's fixed posts; SPOs are only stationed at select fixed posts. To address any staffing concerns amongst its contract guards, PSD included clauses in its contracts that allow it to modify the number of contract guards it uses at any location as long as the agency gives the contractor 24 hours' notice. A contractor representative and several PSD employees reported fixed posts were adequately staffed. A SPO supervisor and supervisory contract guard, however, disagreed. They stated that staffing levels are at a minimum; if someone calls out, it is hard to staff the position, and officers cannot watch security camera monitors because they must patrol the facility. The team

encourages PSD to conduct regular assessments of staffing levels at fixed posts to ensure that they are sufficient.

PSD Staffing Levels: PSD was authorized 110 FTEs in FY 2014, a decrease from the 115 FTEs PSPD was authorized when the OIG conducted its special evaluation during FY 2010. The FY 2014 number of FTEs is also a significant decrease from the 121 FTEs that PSD was authorized in FY 2012, the most the agency has been authorized since the 2010 report. Chart 1 illustrates PSD’s FTE levels since the OIG’s 2010 special evaluation report. A DGS employee claimed that the D.C. Council reduced PSD’s FTEs because positions continued to go unfilled. A PSD senior official opined that PSD’s staffing of administrative personnel is now close to adequate, but staffing of “uninformed” personnel “needs some help.”



According to a human resources report, as of July 9, 2014, PSD had 17 vacancies (13 SPO positions and 4 administrative positions). A DGS senior official noted that these positions are still vacant because the hiring process “takes time” and DGSHR only has one person who reviews applications for all DGS personnel. Because of these vacancies, PSD was operating with 93 FTEs as of July 9, 2014, 2 more FTEs than PSD was operating with in 2010.

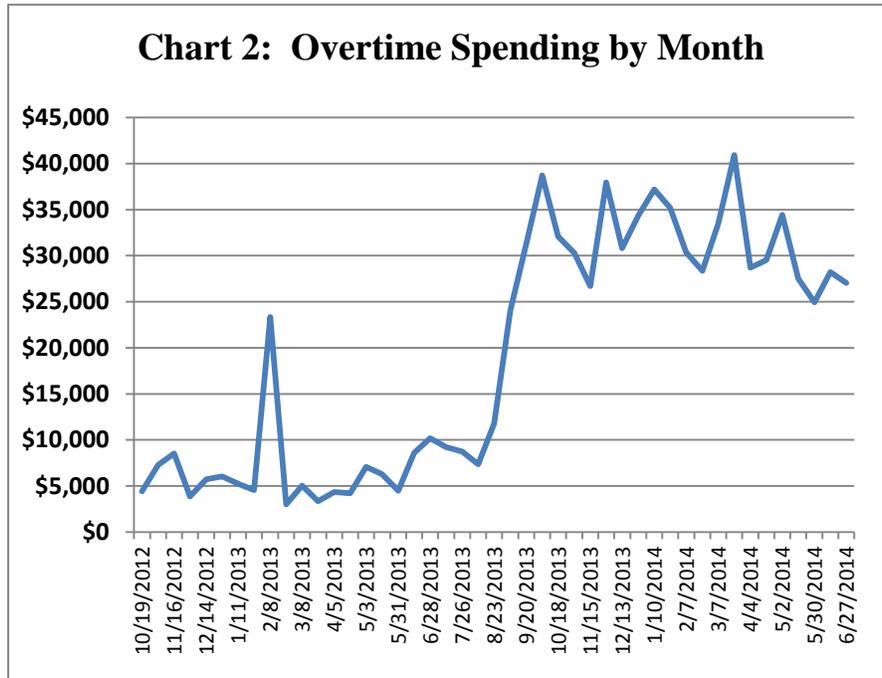
A senior PSD official indicated that the staffing shortage affects its mission both operationally and tactically. A PSD manager indicated that PSD officers have to go to “hot spots” after hours without sufficient backup and some posts only have one SPO manning them. Like the special evaluation team in 2010, the current team remains concerned that such shortages may compromise both SPOs’ and District residents’ safety.

Operationally, PSD continues to use both mandatory and voluntary overtime to fill its needs. PSD’s overtime spending has increased considerably during the last 2 fiscal years. A PSD manager opined that the increase in overtime continues to cause SPOs to burn out and use unscheduled leave more frequently. The team, however, found the juxtaposition of overtime-use and leave-use troubling. During some pay periods, SPOs used significant amounts of leave and worked a significant number of overtime hours.<sup>34</sup> The team analyzed overtime expenditures in FY 2013 and FY 2014 and, as summarized in Table 2 on the following page, found that overtime spending rose dramatically beginning in late FY 2013 and remained high during the first three quarters of FY 2014, almost doubling the entirety of overtime spending in FY 2013. Chart 2 on the following page illustrates the dramatic increase in monthly overtime spending during the end of FY 2013 and the beginning of FY 2014.

<sup>34</sup> I&E was not able to determine the legitimacy of the sick leave uses; the leave use includes some annual leave, but is primarily sick leave use; and the overtime may include forced overtime, as well as voluntary overtime.

**Table 2: Overtime Spending**

	<b>Total Overtime Spending</b>	<b>Average Overtime Spending Per 2-Week Pay Period</b>
FY 2013 <sup>35</sup>	\$256,821	\$9,878
FY 2014 (first three quarters)	\$598,167	\$31,482



Some of PSD’s increase in overtime use is due to the division’s recently acquired responsibility to protect the D.C. Armory.<sup>36</sup> Because the funding designated to pay for PSD’s coverage of the Armory had not yet become available, PSD reallocated some funding from its overtime budget to pay for the Armory positions from October 2013 through March 2014. These expenses should be reimbursed eventually from the funding set aside for the Armory. A PSD resource allocation analyst told the team that PSD has not yet determined how much overtime should be reimbursed for the months of January 2014 through March 2014, but that approximately \$82,000 would be reimbursed for the months of October 2013 through December 2013. This amount (approximately \$13,500 per 2-week pay period) represents just over half of the increase in money PSD spent on overtime during these months. A senior PSD official agreed that overtime hours have increased significantly, and independently of the Armory arrangement.

<sup>35</sup> The overtime spending data that DGS provided the team was organized by paycheck, rather than by day. Because of this organization, the team chose to begin FY 2013 on October 5, 2012, and FY 2014 on October 5, 2013.

<sup>36</sup> DGS provides security services at the D.C. Armory using D.C. National Guard personnel.

## RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION

The team's observation and analysis indicate that PSD has made little progress from the 2010 finding with regard to adequate PSD staffing.

### **DGS February 2015 Response, As Received:**

*DGS/PSD continues to assess and determine appropriate staffing levels to fulfill security and protection needs throughout the city. The agency also continues to supplement security needs with contract services.*

**OIG Comment:** DGS's response does not fully address the staffing concerns described in the OIG's finding. The OIG stands by its recommendation that PSD formally assess its staffing levels and implement a schedule for filling identified vacancies so that the division can reduce its reliance on overtime.

### **Original Finding: PSPD did not have a current union contract with its officers.**

The International Brotherhood of Police Officers Local 445 union contract for PSPD officers expired in 1990. The contract "remain[ed] in full force and effect until September 30, 1990," but had not been updated since its implementation in 1988 and expiration in 1990. In March 2008, the Public Employee Relations Board found that the collective bargaining agreement between the union and the agency expired in 1990, and that no contract was in effect. According to interviewees at that time, PSPD management and the PSD SPOs' union, the Fraternal Order of Police (FOP) had not been able to agree on parts of a new contract, so it was not finalized. PSPD operated under the expired contract while negotiations continued.

### **Original Recommendation:**

That the D/DRES work with union representatives to expeditiously finalize a new contract.

**Current Status:** **Not in Compliance.** PSD and FOP have not finalized a new contract since the 2010 report. An Office of Labor Relations and Collective Bargaining employee reported that the two parties had negotiated all but eight of the contract's articles,<sup>37</sup> and that before those articles could go to impasse,<sup>38</sup> the union elected new leaders and negotiations must start anew. On April 30, 2014, the newly appointed union members emailed a request to renew bargaining, but as of May 15, 2014, no dates for such bargaining had been set.

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<sup>37</sup> The articles that the Union and PSD are still negotiating are: 1) Art. 11 – Personnel Files; 2) Art. 16 – Grievance Procedure; 3) Art. 18 – Training; 4) Art. 21 – Scheduling; 5) Art. 29 – Legal Representation; 6) Art. 30 – Reduction in Force (RIF); 7) Art. 32 - Licenses; and 8) Art. 36 – Duration.

<sup>38</sup> During collective bargaining, an impasse occurs when parties do not agree on certain issues. The next step beyond impasse involves mediation or arbitration. [Http://www.flra.gov/impasse](http://www.flra.gov/impasse) (last visited July 28, 2014).

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### DGS February 2015 Response, As Received:

*DGS PSD and FOP met for bargaining and negotiations on January 29, 2015.*

#### **Original Recommendation:**

That the D/DRES consider partnering with MPD's collective bargaining efforts or using MPD's agreement as guidance in renewing efforts to bring about a new contract.

**Current Status: In Compliance.** Although DRES disagreed with this recommendation in April 2010, the D/DRES reported that DRES had "reviewed MPD's contract as guidance to move forward with PSPD's negotiations with the FOP." The agency found, however, that "while the FOP represents officers for both MPD and PSPD officers, the missions of each organization are different and hence [both] contracts will require different requirements. It should also be noted that we (PSPD) are not legally permitted to simply adopt their agreement." PSPD concluded that a partnership between the two agencies in this regard would not be beneficial.

#### **Original Finding: Not all officers were disciplined when they violated the District of Columbia Personnel Manual (DPM).**

The 2010 special evaluation team found that not all officers were disciplined when they violated the DPM. Interviewees speculated that the lack of disciplinary action resulted from favoritism and supervisors' lack of documentation of misconduct. Others speculated that some written disciplinary actions were intercepted within the chain of command and did not reach the PSPD Chief for appropriate action. The 2010 team was concerned that lack of consistent disciplinary action may have resulted in poor work habits, operational errors, security breaches, and increased risk of injury or death.

#### **Original Recommendation:**

That the D/DRES develop and implement a policy to ensure that PSPD senior management is alerted in writing to all issues that may require disciplinary action.

**Current Status: Not In Compliance.** PSD has not implemented a formal, written policy regarding disciplinary issues. When asked whether one exists, a senior PSD official stated that one is "in the works." A DGSHR interviewee verified that DGS does not have a specific policy (outside the DPM) regarding how PSD should handle disciplinary actions.

### DGS February 2015 Response, As Received:

*The proposed PSD Governance Manual addresses discipline and disciplinary proceedings in Chapter 6 (Mission Support). Further, in addition to Chapter 16 of the DPM, the FOP labor union agreement addresses issues regarding discipline.*

## RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION

*The PSD Governance Manual has undergone Round 1 reviews by DGS Legal and is in the process of internal PSD reviews. The expected passage and adoption of the PSD Governance manual is July 2015.*

**OIG Comment: PSD's actions appear to meet the intent of the recommendation. This recommendation will be considered closed once PSD adopts its draft Governance Manual and the OIG reviews the manual to determine compliance with this recommendation.**

### **Original Recommendation:**

That the D/DRES provide periodic training for supervisors on properly documenting various types of disciplinary action for employee misconduct.

**Current Status:** **Not In Compliance.** A senior PSD official stated that some supervisors probably attended disciplinary action-related training offered by the DCHR. However, the team discovered that as of July 25, 2014, PSD employed eight management supervisory service (MSS) employees and only one had attended DCHR's mandatory progressive discipline course.<sup>39</sup> This senior official commented that he/she plans on incorporating disciplinary action training into PSD's internal training curriculum.

### **DGS February 2015 Response, As Received:**

*All MSS employees will undergo progressive discipline training. The deadline established for completion of this training is July 2015.*

**OIG Comment: PSD's actions appear to meet the intent of the recommendation. When the OIG receives documentation verifying that all MSS employees completed progressive discipline training, it will consider this recommendation closed.**

### **Original Recommendation:**

That the D/DRES ensure that disciplinary actions are appropriately documented and consistently enforced.

**Current Status:** **In Compliance.** The team did not find sufficient evidence indicating that disciplinary actions are being inappropriately documented or inconsistently enforced. During a review of SPOs' personnel files, the team found 33 written disciplinary actions that DGS had taken since 2010 against 19 different officers. Unlike during the 2010 special evaluation, few SPOs (2 of the 13 interviewed) reported inconsistencies with PSD's handling of disciplinary actions. Although the team is unable to determine conclusively whether every potential disciplinary issue was appropriately handled, it appears that PSD is handling disciplinary matters fairly and documenting them appropriately.

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<sup>39</sup> MSS employees must complete a Performance Management course and a Progressive Discipline course, which are described at <http://dchr.dc.gov/page/management-supervisory-service>.

**RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION**

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**Original Finding:** Officers did not undergo physical examinations every 2 years.<sup>40</sup>

SPOs were not undergoing biennial physical examinations in accordance with the expired union contract.<sup>41</sup> A PSPD interviewee reported that high turnover in management prevented clauses of the union contract from being enforced, which, in turn, resulted in SPOs neglecting to complete these physical examinations. The union contract also states that a subcommittee with union and management representatives shall be formed to establish procedures implementing physical examinations.

**Original Recommendation:**

That the D/DRES ensure that officers receive physical examinations every 2 years.

**Current Status:** **Not in Compliance.** DRES disagreed with this recommendation in 2010, and SPOs still do not receive physical examinations every 2 years as required under the expired contract. None of the files for PSD’s 86 SPOs contained results from biennial examinations, even though approximately 70% of the files reviewed were of employees who had been hired more than 2 years ago and therefore should have completed at least 1 biennial examination. In addition, out of the 31 files reviewed in which the SPO was hired following the OIG’s May 2010 report, only 21 contained initial employment “fit for duty” physical examination results.

**New Recommendation:**

That the D/DGS implement a policy requiring pre-employment physicals for all of its SPOs and that DGSHR document the results of those physicals in SPOs’ personnel folders.

Agree \_\_\_\_\_ X \_\_\_\_\_ Disagree \_\_\_\_\_

**DGS February 2015 Response, As Received:**

*The proposed PSD Governance Manual does not stipulate that special police officers must receive a physical exam every two years. Union contract negotiations between DGS PSD and FOP are ongoing. Once the contract negotiations are concluded, if applicable, physical examination requirements may be included in the PSD Governance Manual.*

**OIG Comment: PSD’s actions appear to meet the intent of the original recommendation. However, it does not address establishing a policy for completing and documenting pre-**

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<sup>40</sup> Per the union contract, “All Protective Services Division members will report for a physical examination every two (2) years on the anniversary of their appointment date, until such time as they terminate their employment with the Protective Services [Division].” Agreement Between International Brotherhood of Police Officers Local 445 and the Government of the District of Columbia Department of Administrative Services, Article 17, § F.

<sup>41</sup> As noted above, the contract between PSD and the union expired. PSD operates under the expired contract’s provisions, despite a Public Employee Relations Board declaration that the contract should not be in effect because it does not reflect current terms and conditions of employment.

**employment physical examinations for new SPOs. The OIG recommends that PSD incorporate such a policy into its draft Governance Manual.**

**Original Recommendation:**

That the D/DRES work with union representatives to ensure that a union/management subcommittee develops written procedures for conducting physical examinations.

**Current Status:** **Not In Compliance.** PSD has not implemented procedures for completing biennial physical examinations. In FY 2014, PSD executed a Memorandum of Understanding (MOU) with the MPD that will allow PSD SPOs to use the Police and Fire Clinic (PFC)<sup>42</sup> for physicals, but has not implemented any written procedures for conducting physicals at this facility.

**Original Finding:** **Frontline employees<sup>43</sup> found policies and procedures for daily operations insufficient and out-of-date.**

The 2010 special evaluation team found that PSPD's policies and procedures for daily operations were deficient, and in some instances nonexistent. Multiple SPOs told the team that PSPD was using policies that were not current, written, or approved by management. Additionally, the team found that policies and procedures did not exist for many critical PSPD functions, leaving employees to conduct day-to-day operations guided only by past practices and industry standards. Interviewees told the team that PSPD had some policies and procedures in the form of GOs, but those policies were not signed by the Chief of PSPD, which made them invalid and inoperative according to PSPD General Order 2004.005.<sup>44</sup>

The 2010 team was concerned that the lack of written, up-to-date, and complete policies and procedures would lead to inconsistent practices among SPOs, less accountability among SPOs, and inaccurate and unreliable records.

**Original Recommendation:**

That the D/DRES ensure that complete and current written policies and procedures exist for all PSPD operations.

**Current Status:** **Not In Compliance.** In 2010 and 2011, PSPD enacted general orders for its operations; however, the current PSD administration no longer adheres to those general orders and has not implemented another comprehensive set of policies and procedures. As part of this re-inspection, the team asked DGS and PSD to provide copies of all policies and procedures (including, but not limited to, general orders, directives, and special orders) currently

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<sup>42</sup> The PFC provides "occupational and preventive medical services to the District's more than 6,000 police officers, fire fighters, U.S. Park Police officers and U.S. Secret Service Agents." [Http://www.pfcassociates.org/](http://www.pfcassociates.org/) (last visited July 23, 2014).

<sup>43</sup> The "frontline employees" referred to in the original report of special evaluation are SPOs.

<sup>44</sup> This GO states that only final GOs that are signed by the Chief of PSPD are considered valid and operative.

**RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION**

in effect. A PSD employee provided four official policies as well as several other informal email “reminders,” internal directives, and circulars that primarily address administrative functions (e.g., policies related to uniform requirements, smoking in government vehicles, or leave use).

In addition, a DGS senior official provided a set of PSPD GOs implemented in 2010 and 2011. The AD/PSD stated, however, that these GOs are “dated” and have not been “vetted or revised in forever.” Two PSD managers reported that the AD/PSD attempted to rescind the GOs because they are more applicable to a law enforcement agency, and therefore “do not capture” what PSD does. Reportedly, his effort was rebuffed by DGS’s legal department because he had not drafted new GOs to replace them. The AD/PSD conveyed that PSD does not use these GOs as actual policies or procedures.

SPOs repeatedly told the team that the agency does not have any general orders, and the AD/PSD stated, “There’s nothing in particular in place.” PSD did not provide the team current policies on key operational issues related to arrest procedures, how to handle confiscated contraband, or where to store service weapons. These issues represent just a few daily operational issues that may result in substantial liability for the District if an SPO did not follow proper protocol. Multiple interviewees stated that PSD managers communicate policies and procedures verbally, in lieu of establishing written policies. This is problematic at times because communication between management and frontline employees is ineffective. For example, a PSD senior official stated that when he/she issues a new directive to a mid-manager, he/she does not confirm that mid-managers share the information with SPOs.

The team asked the AD/PSD why management did not write policies and procedures for PSD’s most important daily operations, after the legal department reportedly rebuffed its attempt to rescind the general orders. He stated that he believed policies and procedures should not be drafted until the agency completed an “overarching,” “more comprehensive” document outlining PSD’s overall structure. He estimated that this document would be completed by the end of FY 2014, and that policies and procedures predicated on that document would be implemented around mid-calendar year 2015. The team agrees that a comprehensive document explaining PSD’s new structure and mission is necessary, but questions why it has taken and, given PSD estimates, will continue to take so long to draft fundamental and vital guidance for SPOs.

PSD SPOs perform important and, at times, dangerous functions. The team is concerned that allowing them to continue to do so without formal and comprehensive written policies and procedures exposes the District to significant liability.

**New Recommendations:**

- (1) That within 14 calendar days of the issuance of this report, the D/DGS complete a risk assessment to determine which policies and procedures are most critical to protecting public safety, the welfare of PSD officers, and the financial well-being of the District government.

Agree          X          Disagree      \_\_\_\_\_

**RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION**

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- (2) That within 21 calendar days of completing the risk assessment, the D/DGS publish interim or final written policies and procedures for PSD operations deemed “high risk.”

Agree     X     Disagree \_\_\_\_\_

- (3) That within 30 calendar days of completing the risk assessment, the D/DGS publish a schedule detailing when the implementation of remaining operational procedures can be expected.

Agree     X     Disagree \_\_\_\_\_

- (4) That the D/DGS implement a procedure for disseminating official PSD policies and verifying that SPOs received the instructions.

Agree     X     Disagree \_\_\_\_\_

**DGS February 2015 Response, As Received:**

*In November 2014, a comprehensive proposed PSD governance manual was developed to address the core functions of PSD, which includes a chapter (Chapter 4) on Operations for PSD Officers hired by DC Government and contract officers. The chapter is very detailed and thoroughly addresses the daily operating procedures for frontline employees. Some of the sub-topics in the Operations chapter include: Building Operations, Weapons Training, Use of Force, Types of Security Posts, Appearance Standards, and a variety of other topics. The manual has undergone review by DGS Legal and is in the process of internal PSD reviews. The expected passage and adoption of the proposed PSD Governance manual is July 2015.*

**OIG Comment: The OIG is concerned that SPOs still operate without written policies and procedures and that substantial time may elapse before PSD adopts its Governance Manual. The OIG stands by its recommendations as written and suggests that PSD use policies and procedures in the draft Governance Manual as the platform for implementing interim policies and procedures for high-risk SPO functions.**

**Original Recommendation:**

That the D/DRES ensure that PSPD develops a policies and procedures manual and disseminates it to all PSPD employees.

**Current Status:** **Not In Compliance.** PSD had not developed a policies and procedures manual as of July 2014. The AD/PSD advised that PSD would create a manual after an overarching document, or “governance manual” describing the structure of the agency, is completed. He indicated that PSD has not begun working on policies and procedures other than the governance manual. He anticipated the manual would be completed in 2015.

**RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION**

**DGS February 2015 Response, As Received:**

*In 2014, PSD developed a comprehensive, pre-decisional Governance Manual for PSD that includes the structure of the agency and policies to govern the core functional areas of the organization including, but not limited to, Operations, Threat Management, Mission Support, Training, and Contract Management. The first version of the Governance Manual was completed November 2014. The 450-plus page manual has been reviewed for legal sufficiency and is in the process of internal PSD reviews. The expected passage and adoption of the PSD Governance Manual is July 2015.*

**OIG Comment:** PSD’s actions appear to meet the intent of the recommendation. This recommendation will be considered closed once PSD adopts its draft Governance Manual and provides a copy to the OIG for review.

**Original Recommendation:**

That the D/DRES create a schedule for reviewing policies and procedures to ensure they function as intended and are up-to-date.

**Current Status:** **Not In Compliance.** PSD has not created a schedule for reviewing policies and procedures.

**DGS February 2015 Response, As Received:**

*In development of the Governance Manual in 2014, PSD reviewed its policies and procedures with internal stakeholders and PSD management. The updated content was inserted into the current draft of the governance manual that is in the process of being finalized and ratified.*

*Reviews of the policies and procedures written in the PSD governance manual began in 2014, first with DGS Legal and now with PSD management and internal stakeholders.*

*The internal review schedule is separated by chapter and is as follows:*

<i>PSD Organization/Roles and Responsibilities</i>	<i>Chapters 1, 22</i>	<i>Jan 12 – Feb 20</i>
<i>Threat Management (Physical Security)</i>	<i>Chapter 3</i>	<i>Jan 12- Feb 6</i>
<i>Operations (Contract Security/PSD Force)</i>	<i>Chapter 4</i>	<i>Jan 12- Feb 6</i>
<i>Training</i>	<i>Chapter 5</i>	<i>Jan 12- Feb 30</i>
<i>Mission Support (HR, Contract Mgmt, Risk Mgmt)</i>	<i>Chapter 6</i>	<i>Jan 12- Feb 30<sup>[45]</sup></i>

<sup>45</sup> The OIG will confirm that February 28, 2015, was the intended date rather than February 30, 2015.

## **RE-INSPECTION OF FINDINGS FROM 2010 REPORT OF SPECIAL EVALUATION**

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*Updated policies and procedures were inserted into the current draft of the governance manual. The draft governance manual has been passed to the FOP.*

**APPENDICES**

## APPENDICES

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- Appendix 1:** Acronyms and Abbreviations
- Appendix 2:** List of New MAR Findings and Recommendations
- Appendix 3:** List of Re-Inspection Findings and Recommendations From 2010 Report of Special Evaluation and New Re-Inspection Recommendations
- Appendix 4:** Organization Charts
- Appendix 5:** MAR 14-I-001, DGS's August 2014 Response

**APPENDIX 1**

## APPENDICES

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### Acronyms and Abbreviations

<b>AD</b>	Associate Director
<b>AWOL</b>	Absent Without Leave
<b>CFL</b>	Consolidated Forensics Laboratory
<b>CIGIE</b>	Council of the Inspectors General on Integrity and Efficiency
<b>CPR</b>	Cardiopulmonary Resuscitation
<b>DCHR</b>	District of Columbia Department of Human Resources
<b>DCMR</b>	District of Columbia Municipal Regulations
<b>DCNG</b>	District of Columbia National Guard
<b>DCRA</b>	Department of Consumer and Regulatory Affairs
<b>DGS</b>	Department of General Services
<b>DGSHR</b>	Department of General Services Human Resources
<b>DPM</b>	District Personnel Manual
<b>DRES</b>	Department of Real Estate Services
<b>FOP</b>	Fraternal Order of Police
<b>FTE</b>	Full-Time Equivalent
<b>FY</b>	Fiscal Year
<b>GAO</b>	U.S. Government Accountability Office
<b>GO</b>	General Order
<b>I&amp;E</b>	Inspections and Evaluations
<b>MAR</b>	Management Alert Report
<b>MOU</b>	Memorandum of Understanding
<b>MPD</b>	Metropolitan Police Department
<b>NOI</b>	Notice of Infraction
<b>OAG</b>	Office of the Attorney General
<b>OC</b>	Oleoresin Capsicum
<b>OCP</b>	Office of Contracting and Procurement

## APPENDICES

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<b>OIG</b>	Office of the Inspector General
<b>OJS</b>	One Judiciary Square
<b>OPM</b>	Office of Property Management
<b>PFC</b>	Police and Fire Clinic
<b>PSD</b>	Protective Services Division
<b>PSPD</b>	Protective Services Police Department
<b>SOMB</b>	Security Officer Management Branch
<b>SOP</b>	Standard Operating Procedures
<b>SPO</b>	Special Police Officer
<b>UCC</b>	Unified Communications Center

**APPENDIX 2**

**List of New MAR Findings and Recommendations**

- (1) **PSD patrol operations SPOs occasionally engage in law enforcement activity outside their jurisdiction. These actions violate District regulations, may place SPOs, the District, and the public at risk, and could result in litigation or monetary losses.**  
(MAR 14-I-001 – issued on May 10, 2014)

That the D/DGS:

- (1) Request a formal legal opinion from the Office of the Attorney General (OAG) that defines PSD's jurisdiction and all situations in which patrol operations SPOs are authorized to operate outside of that jurisdiction, if at all. This formal legal opinion should, at a minimum, answer the following questions:
  - a. What are the jurisdictional limits of PSD SPOs, including patrol operations SPOs?
  - b. What are SPOs' duties, responsibilities, and authority when traveling between District properties?
  - c. May SPOs issue NOIs for parking violations occurring on public streets adjacent to District-owned or leased buildings?
- (2) That, until the OAG issues its opinion on PSD SPOs' jurisdiction and authority, should temporarily assign patrol operations SPOs only to fixed posts.
- (3) Promptly disseminate guidance based on the OAG's legal opinion to every PSD employee so they have formal, written instruction on PSD's jurisdiction and SPO duties, responsibilities, and authority outside that jurisdiction, if any.

- (2) **Security gaps at One Judiciary Square permit non-District government employees access to every floor without completing a required security screening.**  
(MAR 14-I-002 – issued on July 16, 2014)

That the D/DGS:

- (1) Draft and provide the OIG with a written plan to secure the back hallway and deny access to unauthorized individuals. This plan should include a reasonable timetable for its effectuation.
- (2) Install access control hardware in each of the freight elevators denying access to anyone who does not have a District government employee identification card or valid credential for that particular floor.
- (3) Ensure that a security camera in the Old Council Chambers feeds images to the monitors at the lobby's security station.

**APPENDIX 3**

**List of Re-inspection Findings and Recommendations From 2010 Report of Special Evaluation and New Re-inspection Recommendations**

**Some PSPD officers did not have the necessary protective equipment.**

**Original Recommendations:**

(That PSD) implement a corrective action plan, to include key milestone dates, for ensuring that all PSD officers have the equipment and related training that would allow them to effectively apply all the “levels of control” defined in PSD’s General Order regarding “Use of Force.”

(That PSD) provide the OIG with a roster of all PSD officers that indicates the protective equipment (i.e., OC spray, baton, firearm) assigned to each officer, and the date of the most recent training the officer has received for each piece of equipment. For any officer on the roster who has not been issued OC spray, a baton, and/or a firearm, please indicate in each instance why the officer does not have a particular piece of equipment.

**New Recommendation:**

That Director of DGS (D/DGS) implement a formal plan for providing ASP baton and OC spray training.

**Some security posts lacked or did not have sufficient post orders.**

**Original Recommendation**

That the D/DRES:

- a) Take immediate steps to identify all security posts that do not have current, written post orders;
- b) Provide the OIG with a list of these security posts that includes the locations of each post and the anticipated date that each post order will be written and disseminated;
- c) Research industry best practices on building security and post orders, and expeditiously update all existing post orders and create new post orders where none exist; and
- d) Update General Order No. 2004.005 to reflect the requirement that all security posts must have written post orders.

**New Recommendations:**

- (1) That the D/DGS ensure that post orders prominently display the effective date or date of last revision.

## APPENDICES

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- (2) That the D/DGS enact a policy that requires annual post order reviews and revisions (if necessary), and designates which PSD employee is responsible for conducting these reviews.

### **Security contractor allowed contraband to pass through security checkpoints at District-owned and -leased buildings and was assessed monetary penalties for these contract violations.**

- a. *Hawk One, Inc. security company failed to provide appropriate security services resulting in monetary penalties.*
- b. *Hawk One officers failed to detect and seize contraband during security checks at District-owned and -leased buildings.*

#### **Original Recommendations:**

That the D/DRES seek to increase monetary penalties for noncompliance by contractors.

That the D/DRES consider hiring more PSPD officers to replace contract officers.

### **Some officers did not have the required training to carry out their job duties.**

#### **Original Recommendations:**

That the D/DRES ensure that all officers receive the required annual law enforcement and annual training needed to fulfill their job responsibilities and document all training in personnel files.

That the D/DRES develop a control mechanism that tracks officers' training hours and notifies managers and officers when training is required.

#### **New Recommendations:**

- (1) That the D/DGS ensure that PSD's training curricula comply with DCMR requirements outlined in 6 DCMR § A1107.
- (2) That the D/DGS ensure that documentation from all SPO training is collected and documented in the appropriate PSD training file.

### **Some officers were not requalifying with their firearms as required by PSPD policy.**

#### **Original Recommendations:**

That the D/DRES ensure that officers requalify twice annually with their firearms, and document all training in personnel files.

That the D/DRES develop a tracking system that alerts managers and officers when they are required to requalify with their weapons.

**Background investigations for officers were not thoroughly documented or vetted.**

- a. Some officers' files did not have complete background investigation checklists and background investigation questionnaires, and/or some files were missing background check supporting documentation.*
- b. There were no written policies and procedures for obtaining and reviewing background checks from SOMB.*

**Original Recommendations:**

That the D/DRES collaborate with SOMB to develop and implement written policies and procedures for conducting background checks prior to employment.

That the D/DRES develop a plan for disseminating the results of the background checks to appropriate PSPD personnel for review.

That the D/DRES ensure that background check results are in all officers' personnel files.

**New Recommendation:**

That the D/DGS develop and implement procedures for ensuring that both a DCHR noncriminal background check and SOMB criminal background check are completed for each SPO applicant and that all results are disseminated to PSD hiring officials.

**There was a shortage of PSPD officers for daily operations.**

**Original Recommendations:**

That the D/DRES conduct a staffing analysis of all PSPD posts and shifts to determine the level of staffing required to fulfill PSPD's mission.

That the D/DRES hire personnel to adequately staff all posts at District-owned and -leased buildings managed by DRES.

**PSPD did not have a current union contract with its officers.**

**Original Recommendations:**

That the D/DRES work with union representatives to expeditiously finalize a new contract.

That the D/DRES consider partnering with MPD's collective bargaining efforts or using MPD's agreement as guidance in renewing efforts to bring about a new contract.

**Not all officers were disciplined when they violated the District of Columbia Personnel Manual (DPM).**

**Original Recommendations:**

That the D/DRES develop and implement a policy to ensure that PSPD senior management is alerted in writing to all issues that may require disciplinary action.

That the D/DRES provide periodic training for supervisors on properly documenting various types of disciplinary action for employee misconduct.

That the D/DRES ensure that disciplinary actions are appropriately documented and consistently enforced.

**Officers did not undergo physical examinations every 2 years.**

**Original Recommendations:**

That the D/DRES ensure that officers receive physical examinations every 2 years.

That the D/DRES work with union representatives to ensure that a union/management subcommittee develops written procedures for conducting physical examinations.

**New Recommendation:**

That D/DGS implement a policy requiring pre-employment physicals for all of its SPOs and that DGSHR document the results of those physicals in SPOs' personnel folders.

**Frontline employees found policies and procedures for daily operations insufficient and out-of-date.**

**Original Recommendations:**

That the D/DRES ensure that complete and current written policies and procedures exist for all PSPD operations.

That the D/DRES ensure that PSPD develops a policies and procedures manual and disseminates this manual to all PSPD employees.

That the D/DRES create a schedule for reviewing policies and procedures to ensure they function as intended and are up-to-date.

**New Recommendations:**

- (1) That within 14 calendar days of the issuance of this report, the D/DGS conduct a risk assessment to determine which policies and procedures are most critical to protecting public safety, the welfare of PSD officers, and the financial well-being of the District government.

## APPENDICES

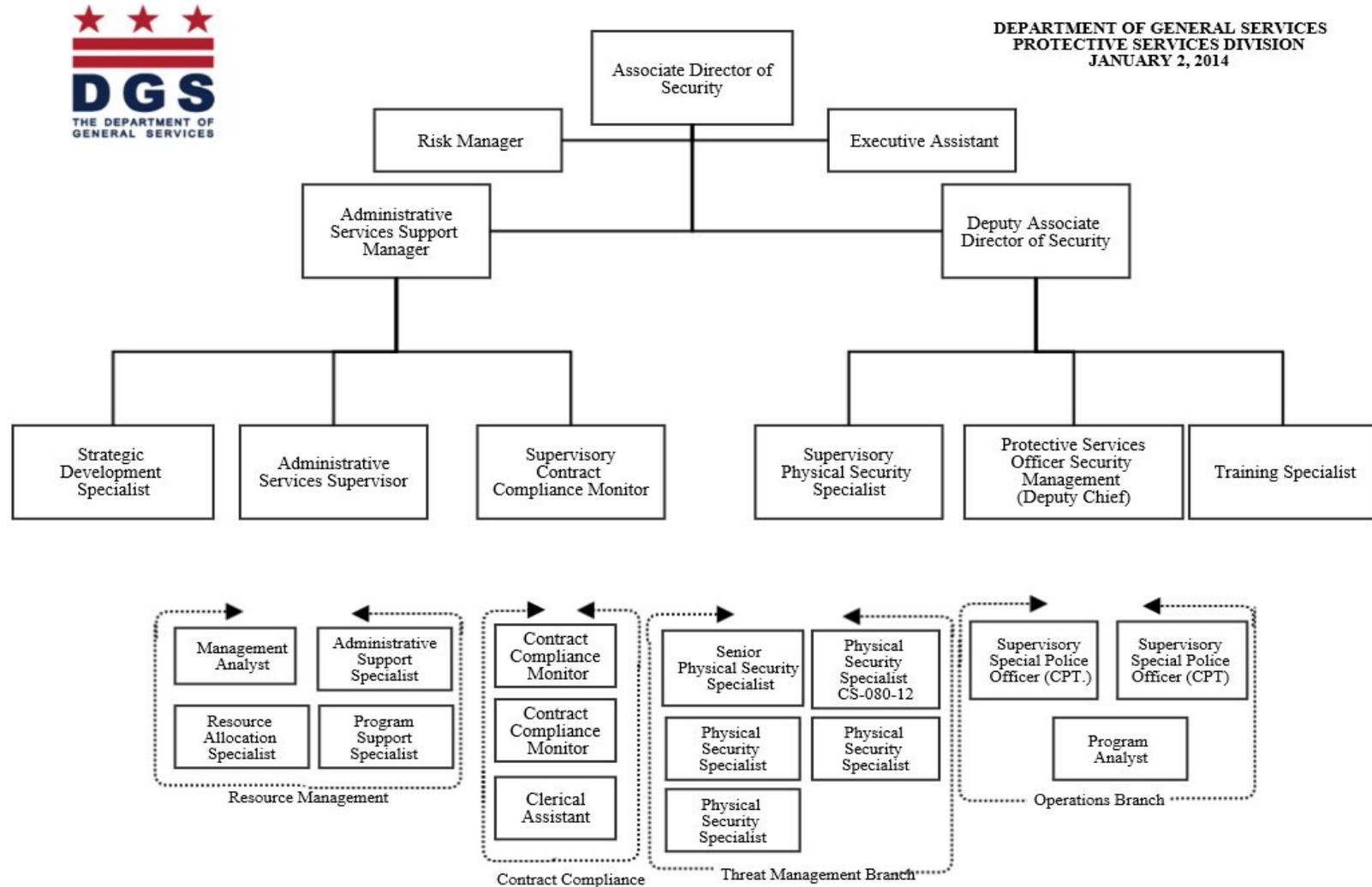
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- (2) That within 21 calendar days of conducting the risk assessment, the D/DGS publish interim or final written policies and procedures for PSD operations deemed “high risk.”
- (3) That within 30 calendar days of conducting the risk assessment, the D/DGS publish a schedule detailing when the implementation of remaining operational procedures can be expected.
- (4) That the D/DGS implement a procedure for disseminating official PSD policies and verifying that SPOs received the instructions.

**APPENDIX 4**

APPENDICES

ORGANIZATION CHARTS

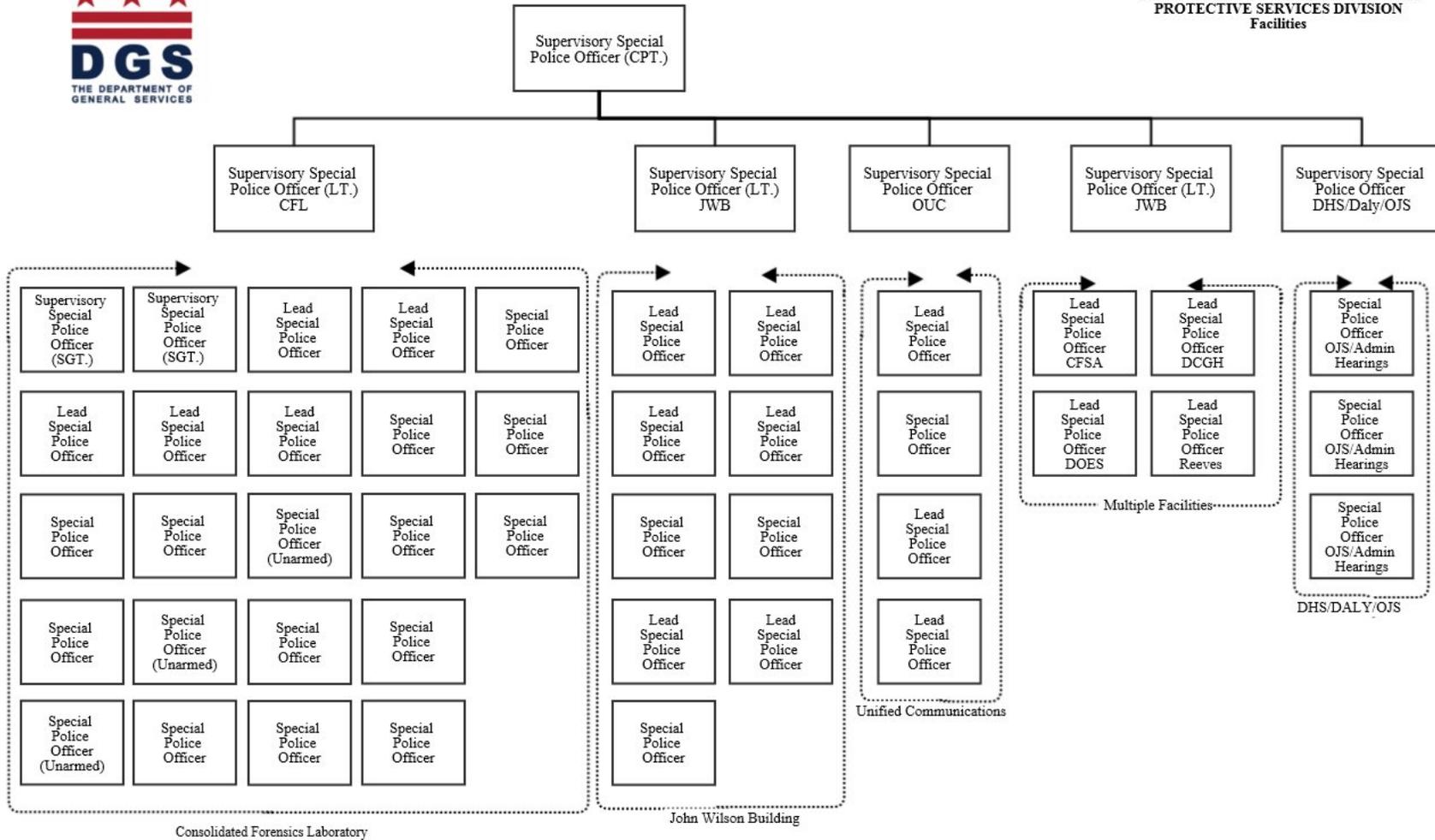


Source: Organization Chart provided by DGS in January 2014.

# APPENDICES



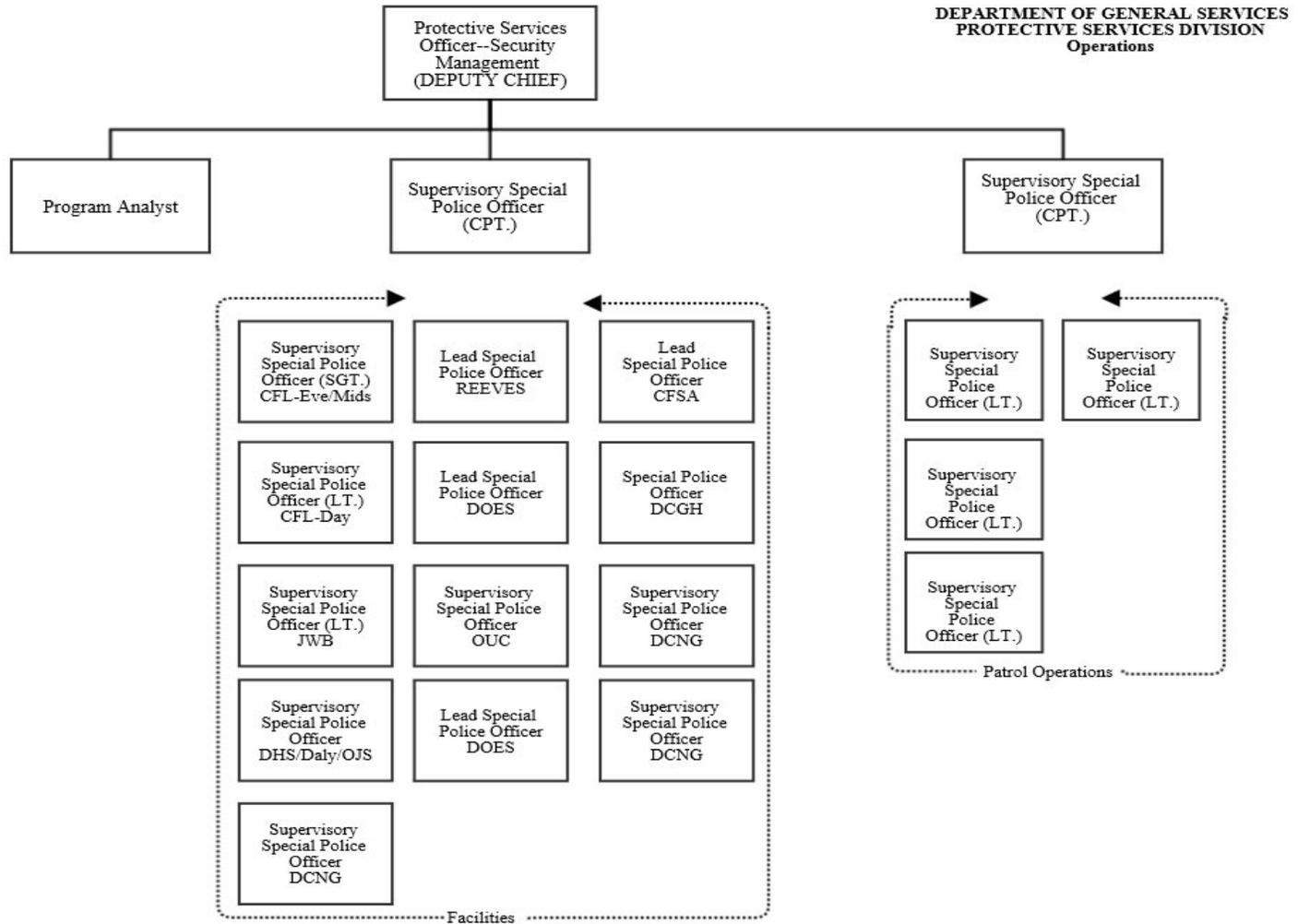
**DEPARTMENT OF GENERAL SERVICES  
PROTECTIVE SERVICES DIVISION  
Facilities**



**Source:** Organization Chart provided by DGS in January 2014.

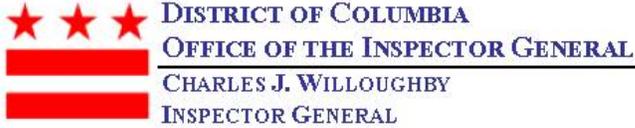


# APPENDICES



**Source:** Organization Chart provided by DGS in January 2014

**APPENDIX 5**



INSPECTIONS AND EVALUATIONS DIVISION  
*MANAGEMENT ALERT REPORT*

**DEPARTMENT OF GENERAL SERVICES  
PROTECTIVE SERVICES DIVISION**

**PATROL OPERATIONS SPECIAL POLICE  
OFFICERS MAY POSE A RISK TO THE  
DISTRICT WHEN PROVIDING LAW  
ENFORCEMENT SERVICES OUTSIDE THEIR  
JURISDICTION**

**MAR 14-I-001**  
**MAY 13, 2014**

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Inspector General

Inspector General



May 13, 2014

The Honorable Paul A. Quander  
Deputy Mayor for Public Safety and Justice  
District of Columbia  
1350 Pennsylvania Avenue, N.W., Suite 326  
Washington, D.C. 20004

Brian Hanlon  
Director  
Department of General Services  
2000 14<sup>th</sup> Street, N.W., 8th Floor  
Washington, D.C. 20009

Phillip A. Lattimore III  
Director and Chief Risk Officer  
Office of Risk Management  
One Judiciary Square  
441 4th Street, N.W., Suite 800 South  
Washington, D.C. 20001

Dear Messrs. Quander, Hanlon, and Lattimore:

This is a Management Alert Report (MAR 14-I-001) to inform you that during our re-inspection of the Department of General Services' (DGS) Protective Services Division (PSD),<sup>1</sup> the Office of the Inspector General (OIG) determined that PSD special police officers (SPOs) assigned to patrol operations have engaged in law enforcement activity outside their jurisdiction as defined in the D.C. Code and D.C. Municipal Regulations (DCMR). District regulations state that SPOs' authority extends to District-owned and leased property, and they may only arrest alleged offenders while in those authorized locations or when pursuing a suspect leaving an authorized location. However, the OIG learned that PSD patrol operations SPOs also have engaged in law enforcement activity in response to incidents occurring on public property, which may have exposed the District to significant liability. The OIG believes this matter requires the immediate attention of District government officials.

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<sup>1</sup> The OIG's initial report of inspection was published in May 2010 when DGS was called the Department of Real Estate Services and PSD was called the Protective Services Police Department.

## APPENDICES

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May 13, 2014  
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reportedly determined that SPOs cannot issue NOIs for parking violations because DGS's jurisdiction only extends from District buildings to the curb and therefore does not include public streets. An interviewee stated that while driving in the District's Eastern Market neighborhood, an SPO was stopped by citizens who reported that cars were illegally parked in the pedestrian crosswalk. Because these cars were parked in the street along the curb and not between the building and the curb, the SPO contacted his supervisor to inquire whether the parking violations were outside of his jurisdiction. After the SPO's supervisor consulted several PSD and DGS officials, the officials authorized the SPO to issue the NOI in this instance.

In a separate instance, when patrol operations SPOs are in transit to District-owned or leased facilities, they occasionally intervene in situations occurring on public property (e.g., District streets, residential neighborhoods, federal parks, etc.), which violates PSD's jurisdiction as prescribed in the D.C. Code and DCMR. A recent incident occurred in March 2014. While travelling in the neighborhood surrounding One Judiciary Square, N.W.,<sup>8</sup> an SPO observed a stabbing in a pedestrian crosswalk. To prevent the assault from escalating, the SPO intervened by arresting the assailant. Because of inconsistent guidance she/he had received in the past, the SPO was then concerned that she/he may have acted outside her/his jurisdiction. When assaults occur in public, SPOs must ask MPD police officers to respond.

PSD senior officials have drafted written policies and worked with an outside consultant to address jurisdictional limits for patrol operations SPOs, but they have not established a deadline for finalizing and implementing this guidance. As a result, SPOs continually encounter instances in which they question their authority to act because they are unsure whether an incident falls within PSD's jurisdiction.

### Conclusion and Recommendations

Patrol operations SPOs acting outside PSD's jurisdiction, particularly in response to circumstances that may prompt them to arrest an individual, issue NOIs, or intervene during crimes, may place the SPO, the District, and the public at risk. The team identified the following potential sources of risk that may result in repercussions, including litigation, substantial monetary loss, or wasted resources:

1. **Unauthorized arrest or use of force:** If SPOs arrest citizens or use force to detain them in areas where PSD lacks jurisdiction, these citizens may take civil action against the SPO and/or the District government.
2. **Failed criminal prosecution:** If an SPO arrests an individual without authority to do so, evidence obtained pursuant to an unauthorized arrest may be ruled inadmissible in court, which could hamper a successful criminal prosecution.
3. **SPO hesitation or a failure to act:** If PSD SPOs are unclear regarding the area of their jurisdiction or what actions would be outside their jurisdiction, the potential that SPOs will not act appropriately when necessary, particularly in emergency situations,

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<sup>8</sup> One Judiciary Square is a District-owned facility.

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increases. If SPO hesitation or failure to act results in the occurrence of a crime and/or serious bodily injury, the District may be liable for any resulting harm.

4. **Officers injured while performing duties outside the scope of their jurisdiction:** An SPO who is injured while performing operations outside of the scope of his/her jurisdiction after being directed to perform them could have the basis for a civil suit against the District.
5. **Officers violating the law:** SPOs are granted “the same powers as law enforcement officers” to arrest without a warrant, within their jurisdiction under D.C. Code § 23-582. If an SPO were to brandish a weapon during an arrest outside that jurisdiction, she/he may be in violation of the law and could be prosecuted accordingly.

The OIG recommends:

1. That the Director of the Department of General Services (D/DGS) request a formal legal opinion from the Office of the Attorney General (OAG) that defines PSD’s jurisdiction and all situations in which patrol operations SPOs are authorized to operate outside of that jurisdiction, if at all. This formal legal opinion should, at a minimum, answer the following questions:
  - a. What are the jurisdictional limits of PSD SPOs, including patrol operations SPOs?
  - b. What are SPOs’ duties, responsibilities, and authority when traveling between District properties?
  - c. May SPOs issue NOIs for parking violations occurring on public streets adjacent to District-owned or leased buildings?
2. That, until the OAG issues its opinion on PSD SPOs’ jurisdiction and authority, the D/DGS should temporarily assign patrol operations SPOs only to fixed posts.
3. That the D/DGS promptly disseminate guidance based on the OAG’s legal opinion to every PSD employee so they have formal, written instruction on PSD’s jurisdiction and SPO duties, responsibilities, and authority outside that jurisdiction, if any.

Please provide your comments to this MAR by May 28, 2014. Your response should include actions taken or planned, dates for completion of planned actions, and reasons for any disagreement with the concerns and recommendations presented. Please distribute this MAR only to those who will be directly involved in preparing your response.

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Should you have any questions or desire a conference prior to preparing your response, please contact [REDACTED], Director of Planning and Inspections, at [REDACTED]

Sincerely,

  
Charles J. Willoughby  
Inspector General

CJW/bc

cc: Mr. Irvin B. Nathan, Attorney General, District of Columbia  
Mr. Allen Y. Lew, City Administrator, District of Columbia  
The Honorable Kenyan McDuffie, Chairperson, Committee on Government Operations  
Mr. Ronan Gulstone, Committee Director, Committee on Government Operations  
The Honorable Tommy Wells, Chairperson, Committee on the Judiciary and Public Safety  
Ms. Anne Phelps, Committee Director, Committee on the Judiciary and Public Safety

GOVERNMENT OF THE DISTRICT OF COLUMBIA



August 29, 2014

CONFIDENTIAL

[REDACTED]

Ms. Blanche L. Bruce  
Interim Inspector General  
District of Columbia Office of the Inspector General  
717 14<sup>th</sup> Street, N.W.,  
Washington, DC, 20005

**RE: Management Alert Report MAR 14-I-001 "Patrol Operations Special Police Officers May Pose a Risk to the District When Providing Law Enforcement Services Outside their Jurisdiction"**

Dear Ms. Bruce:

The District of Columbia Department of General Services ("DGS"), in consultation with its Protective Services Division ("PSD"), District of Columbia Office of Risk Management ("ORM") and Deputy Mayor for Public Safety and Justice ("DMPSJ") have carefully reviewed the above captioned Office of Inspector General's ("OIG") Management Alert Report ("Report"), issued May 13, 2014, and OIG's observations and recommendations. DGS previously submitted a response to this Report on June 20, 2014 and has elected to rescind and supplement DGS' prior response to clarify DGS' response to the specific recommendations proposed in the Report. This supplemental response was prepared in collaboration with ORM and the DMPSJ. Accordingly, DGS, ORM and DMPSJ submit the following in response to the Report's three (3) recommendations:

**OIG Recommendation 1:**

"That the Director of the Department of General Services (D/DGS) request a formal legal opinion from the Office of the Attorney General (OAG) that defines the PSD's jurisdiction and all situation in which patrol operations SPOs are authorized to outside of that jurisdiction, if at all. This formal legal opinion should, at a minimum, answer the following questions:

- a. What are the jurisdictional limits of PSD SPO's, including patrol operations SPOS?
- b. What are SPO's duties, responsibilities, and authority when traveling between District properties?

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- c. May SPOs issue NOIs for parking violations occurring on public streets adjacent to District owned or leased buildings?"

Response:

DGS agrees with this recommendation and on July 2, 2014 submitted a formal request to the Office of the Attorney General ("OAG") for a legal opinion addressing the OIG recommended questions. DGS is awaiting OAG's legal opinion and upon receipt of the opinion, DGS will notify OIG and ensure that OIG has a copy of the opinion.

ORM concurs with the decision by DGS to seek an opinion from OAG.

OIG Recommendation 2:

"That until the OAG issues its opinion on PSD SPOs' jurisdiction and authority, the D/DGS should temporarily assign patrol operations only to fixed posts."

Response:

DGS agrees that the authority of DGS PSD officers extends only to District-owned and leased property. Although DGS concurs with OIG regarding the jurisdictional limitations of DGS PSD officers, the DCMR explicitly provides the legal authority of SPOs to travel between properties in the performance of their duties. The officers can carry their badge and weapon while they are traveling from one District property to the other, provided that they are on-duty and do not deviate from their work-related travel destination. *See 6A DCMR § 1103.4*. Therefore, DGS finds that restriction of DGS PSD officers to fixed posts only is neither legally required nor consistent with the security requirements of the District's real estate portfolio. DGS cannot implement this recommendation without profound risks to public safety and the security of District properties. Assignment of patrol operations to fixed posts only would severely compromise the security mission of DGS PSD because:

1. DGS PSD does not currently have the staffing or financial resources to provide fixed post SPO's to all of the buildings and properties within its portfolio;
2. Fixed post officers would not meet the security requirements of most District properties. For example, this approach does not address environments such as the DC General Campus, St. Elizabeth's Campus, Eastern Market, or those locations involving recreational activities such as community pools and parks. These and similar environments comprise multiple structures and extensive grounds. Access and movement within and throughout these properties cannot be controlled by fixed posts alone; and
3. This recommendation does not recognize the scale, geographic reach and dynamic nature of the real estate portfolio secured by DGS PSD. DGS jurisdiction extends to 582 buildings or properties consisting of more than 25 million square feet, including, but not limited to, recreation centers, municipal centers, vacant land and vacant schools. Assignment of an officer to a fixed post at each of these locations is not practical.

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Notwithstanding the need for DGS PSD officers to travel between properties and DGS' determination that fixed posts are not suitable to satisfy the security needs of the District's portfolio, DGS remains committed to ensuring that DGS PSD officers only exercise authority within their jurisdictional boundaries (District properties) in accordance with applicable legal requirements. Upon receipt of further guidance from the OAG, DGS will distribute further direction to DGS PSD officers to clarify their jurisdictional limitations. In the interim, while we await the opinion from OAG, DGS will provide DGS PSD officers with interim instructions related to their jurisdictional limitations.

In summary, a sudden shift to fixed posts only, without a backup plan to address the security needs of the facilities patrolled by PSD officers, is untenable and DGS does not agree with this recommendation.

ORM concurs with DGS' response to OIG's recommendation regarding the jurisdictional limitations of DGS PSD officers and that the regulations provide PSD officers with the authority to travel between government properties. *6A DCMR § 1103.4*. After OAG issues its legal opinion on the jurisdictional authority of DGS PSD officers, ORM will conduct a risk assessment of the practices of PSD police officers and address the risk issues set forth in OIG's report.

### **OIG Recommendation 3:**

"That the D/DGS promptly disseminate guidance based on the OAG's legal opinion to every PSD employee so they have formal, written instructions on PSD's jurisdiction and SPO duties, responsibilities, and authority outside that jurisdiction, if any."

### **Response:**

Upon DGS' receipt and review of OAG's legal opinion, DGS will disseminate appropriate guidance to its PSD employees. ORM concurs.

In the interim, we trust that the foregoing responses satisfy your concerns regarding the patrol operations of DGS' PSD officers. We appreciate the concerns raised by the Report. Hopefully, a formal opinion from the Office of the Attorney General will assist in providing clarity or at least lay the groundwork for future rulemaking or legislation to address any inconsistencies or confusion regarding the authority of DGS' PSD officers.

Sincerely,



*for Brian Hanlon*

Brian J. Hanlon  
Director  
Department of  
General Services



Phillip A. Lattimore III, Esq  
Chief Risk Officer and Director  
District of Columbia Government  
Office of Risk Management



Paul A. Quander  
Deputy Mayor for  
Public Safety and  
Justice