



PRESS RELEASE

DC Police Union Statement on Report by DC Auditor

FOR IMMEDIATE RELEASE

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Contact: Gregg Pemberton, Chairman

On October 6, 2022, the DC Auditor published a report on a small group of officers who were reinstated to the department after being wrongly terminated by the Chief of Police.

Of these 36 cases of reinstatement, the lion's share is due to *"MPD's failure to provide adequate evidence, meet deadlines, or follow procedures."* On Page 17, the Auditor even makes a formal recommendation that, *"MPD should comply with statutory requirements on timely action in discipline matters, [and] provide evidence sufficient to support any MPD appeals..."*

Chairman Pemberton stated, *"What the Union finds in most of these cases is that MPD alleges misconduct against a member, but provides no evidence to support the allegation, and terminates the member anyway. When the member appeals their case, arbitrators, the five-member Public Employee Relations Board, a DC Superior Court Judge, and the three-judge panel at DC Court of Appeals all come to agreement that the member was improperly or unjustly terminated. It seems the Auditor wants to make sure that these unjust decisions by the Chief stick and are not subject to any scrutiny."* The Chairman went on to say, *"The standard of proof required in these administrative hearings is incredibly low, and in this small sample of cases, MPD was unable to produce any evidence that the alleged misconduct occurred. This report by the auditor confirms that."*

What we find incredibly concerning, is that the Auditor seems to find mountains of wrongdoing, incompetence, and outright failure throughout MPD management, but makes almost no effort to correct them. As just one example, the report finds that MPD refuses to comply with Court Orders from DC Judges on a regular basis, and only complies when threatened with contempt. The Auditor does not seem to be concerned that the top Law Enforcement Officer in our jurisdiction regularly and routinely ignores orders from the Court, as if he is above the law. On page 22, the report makes a recommendation that, *"MPD should stop ignoring court orders and reinstate terminated employees in a timely fashion when so ordered."* However, the Auditor does little more than pay lip service to this astonishing fact.

Although the Auditor makes an unfounded, baseless indictment of Arbitrators and Judges, this conclusion is belied by their finding on page 14. The report states that, *"ODCA did not find any evidence of a particular pattern in decisions by individual arbitrators or judges."* In fact, the report states that 43 different judges presided over these 36 cases, and that, *"it was nearly impossible to assess trends in the reasons an individual arbitrator overturned a termination...so no trends could be assessed."*

The report reviewed 36 cases of reinstatement going back to 2005. To put this in perspective, the Auditor is taking issue with an average of two termination cases per year in an agency of over 3,500 employees. 28 of the 36 terminations occurred in 2010 or prior, some going back as far as 2005. Of the 36 cases, only one involved a use of force, and only 15 of the reinstated members remain on the department.

These capricious decisions by the Chief are usually due to personal biases against a particular member or outright discriminatory practices not uncommon to MPD. There is a disproportionate number of Black officers that account for terminations, which has always been a concern for our members.

The DC Auditor seems to be jumping on the 'Anti-Police' bandwagon and engaging in an effort to eliminate transparency and accountability for decisions made by the Chief of Police.

This completely biased report with its overly broad conclusions is just another political swipe at police officers and their rights. Any citizen of the District who is fed up with rising crime and a diminishing police department should question this completely inflammatory and partisan report.

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