

April 20, 2021

TO: Ronald J. Pavlik, Jr., Chief of Metro Transit Police Department - 5315 1st PI NE, Washington, DC 20011

CC: WMATA Board - 600 Fifth Street, N.W., Washington, DC 20001

SUBJ: 2019 (Q4) Case Reviews performed by Metro Transit Police Department Investigations Review Panel

Greetings,

Metro Transit Police Department (MTPD) Investigations Review Panel reviewed four (4) 2019 Q4 cases, and respectfully submit the following findings and recommendations:

1. [REDACTED] – Improper Arrest (Arrestee taken to police station, and released without being charged; a search incident to arrest in a non-public location was not performed to determine probable cause)
  - a. Findings - The Review Panel agreed with the investigation's findings, but also felt the scope of the investigation was inadequate, and should have included investigation of:
    - i. Trainee and Field Training Officer's failure to provide the Sergeant with the necessary information to make a more fully informed decision regarding the arrestee's release status.
    - ii. The facts of the arrest to determine if the arrest was made with probable cause.
  - b. Recommendations
    - i. Training Improvements
      1. Conducting Searches - Search incident to arrest is to be conducted by MTPD in a non-public location in accordance with their policy.
      2. Communication - Thorough and complete reports provide the best chance for watch/supervisory personnel to make informed decisions, so it is imperative that clear and open communication is required within MTPD.
      3. Reinforcement - Lessons learned from investigations reinforced at roll calls, included in the Training Bulletin, and if a pattern is noted, included in-service training.
2. [REDACTED] – Biased Based Stop (Individual stopped for fare evasion and counseled)
  - a. Findings – The Review Panel agreed with the investigation's findings.
  - b. Recommendations – None
3. [REDACTED] – Unlawful Arrest (Individuals in a parking garage arrested for failure to leave the property when they did in fact have a car parked there)
  - a. Findings – The Review Panel agreed with the investigation's findings, but also felt the scope of the investigation was inadequate, and should have included:
    - i. Subject and two witnesses of the unlawful arrest should have been interviewed.

- ii. Addressing the fact that the arrest probably would not have been lawful if the officer had the information that the arrestee had a car parked there, giving them a reason for them to be there.
  - b. Recommendations – Since it was determined that the lawful order to leave the property and subsequent arrest could have been avoided with better communication between the officer and the juveniles involved, recommend communication and policy training to reduce likelihood of an incident like this happening in the future.
- 4. [REDACTED] - Racial Profiling (Complainant was stopped for not paying their fare, but observed a white individual (Metro employee) passing through nearby fare gate during interaction with MTPD)
  - a. Findings – The Review Panel agreed with the investigation’s findings, but also felt the scope of the investigation was inadequate, and should have included:
    - i. Complainant’s report of entering at PG Plaza Station.
    - ii. The individual who was later identified as a Metro employee entering gate and observed not paying a fare.
  - b. Recommendations
    - i. When letters are sent to complainants, and there is specific mention by the complainant of seeing someone go through gates without paying, the letter should reference that these were employees of the Metro or otherwise allowed to use the gates without fare. In general, it is recommended that communication with the complainant(s) to discuss outcome and justification would improve helping complainant(s) to better understand an incident.
    - ii. If there are no signage/markings on employee gates, signage should be placed on them indicating they are available to authorized personnel to enter without paying fares.

After you have had time to review our findings and recommendations, we request that you please respond to this letter, including what actions were taken. Thank you.

Sincerely,

[REDACTED]  
Don Nuckois

Chairman, Metro Transit Police Department Investigation Review Panel