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**Before the Committee on the Judiciary and Public Safety
Council of the District of Columbia**

Oversight Hearing Regarding the Metropolitan Police Department

March 11, 2025

Legal Aid DC¹ submits the following testimony regarding the performance of the Metropolitan Police Department (“MPD”), with a focus on its response to domestic violence related matters, and issues that affect the immigrant population in the District. Our testimony this year addresses three main areas of concern that have affected our client community over the past year:

- MPD’s inaccurate reading of Court documents and laws;
- MPD’s handling of service and enforcement of Civil Protection Orders (“CPO”) and Temporary Protection Orders (“TPO”); and
- MPD’s interconnection with federal immigration laws and enforcement officers.

Legal Aid’s Domestic Violence/Family Law Unit attorneys have continued to work with domestic violence survivors this year, helping applicants file Petitions for CPOs and representing clients in hearings. We are currently staffing the Domestic Violence Intake Centers at D.C. Superior Court and at the Big Chair in Southeast, D.C. We additionally staff the Family Law Assistance Network (“FLAN”) and the Child Support Resource

¹ Legal Aid DC is the oldest and largest general civil legal services program in the District of Columbia. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal legal system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. For more information, visit www.LegalAidDC.org.

Center (“CSRC”). At these projects, we meet community members who are seeking advice, assistance, and representation in a variety of legal matters. We help hundreds of applicants a year at these centers and often provide same-day representation to people who need assistance.

Through our work, we support and assist survivors who are fleeing domestic violence, seeking protection, and who are confronting their abusers in judicial proceedings. We assist survivors in many different court cases, including in civil protection orders, divorce, child custody, and immigration matters. These cases are vitally important; even for clients who do not pursue a civil protection order, they often seek safety and stability through the issuance of a custody order that eliminates the amount of time they have to spend with their abuser. We also engage in holistic services, connecting clients with additional support to assist them beyond their legal needs. We are proud to assist clients throughout multiple stages as they escape violence and seek long-term stability for themselves and their families.

For clients who choose to pursue a civil protection order, their first step is often to seek coordination with local law enforcement officers. We work with MPD to make sure that the relevant CPO documents are properly served on a Respondent and that all provisions of an order are enforced. We also work with MPD to collect evidence in their possession, including recordings of 911 calls, body-worn camera (“BWC”) footage, and photographs taken by MPD at the scene of a crime. We additionally assist District residents with all forms of immigration status.

For many years, we have continued to come before this Committee to share concerns that our client community has faced. We have been encouraged by MPD’s response to those concerns and have been able to work more directly with specific individuals at MPD to address the issues we see survivors facing across the District. Our testimony this year is presented in the hopes that we can continue to work together to solve identified problems and close critical safety gaps.

As a direct legal services provider for people living at or below 200% of the federal poverty level, we regularly bear witness to the impact that MPD’s response to domestic violence and family issues has on survivors of domestic violence. Our testimony will address some of the bigger issues that we see among our client communities.

Additionally, while we appreciate that officers commit to protecting the safety of residents no matter their status, we have become concerned about whether officers are following MPD’s previously published policy of not questioning residents about immigration status when the answer has no bearing on the current call. We hope to gather additional information on how MPD is enforcing their own policies and whether they will change in the face of the new administration.

We urge the Committee to use today's hearing to explore the issues we raise with MPD representatives and to identify the next steps that should be taken to improve how MPD officers work with survivors, and to instill additional confidence in District residents.

Issue 1: MPD has Been Inaccurately Reading Court Documents and Laws, Causing Confusion and Spreading False Information

Our clients rely on MPD to help enforce orders and to rectify situations that occur, including if one party is refusing to follow an order that was signed by a judge. One example we see is when two parents have a custody order, and one party is refusing to comply. In these situations, clients have called MPD to assist them in enforcement and in returning the child. Providing clients with the ability to seek law enforcement intervention is vital, especially when they are attempting to enforce an order against their abuser.

Unfortunately, we have not seen MPD consistently assist parents in exercising their custodial rights. In fact, we have recently experienced MPD inaccurately reviewing and reading court documentation and subsequently denying a parent access to her children. We are concerned that officers are not trained to read and interpret court paperwork, resulting in disastrous consequences, such as the giving of a child to someone without custody or any custodial rights.

One example of this happened to a client of ours recently. We represented a mother of two children who were briefly staying with their grandmother. The children's grandmother refused to return the children to their mother at her request and the mother sought assistance from MPD. When the client and MPD went to the grandmother's home, MPD officers spoke to the grandmother. After speaking with the grandmother, MPD refused to retrieve the children, claiming that the grandmother was *working on filing* for third-party custody. Though the grandmother did not have any custodial rights, MPD refused to return the children to their mother. The next day, the mother tried to pick her children up directly from school only to find out that the grandmother filed for custody of the children and requested temporary emergency custody and had provided her filings to the school. MPD officers misread the filings and inaccurately informed the mother that the request for temporary emergency custody was an *order* for temporary emergency custody. MPD once again failed to help this mother and refused to allow her to pick her children up from school. Instead, MPD officers made the mother wait at school for four hours while they called additional people to the scene. Legal Aid counsel had to speak to multiple officers, sergeants, and commanders to explain the plain language of the documentation before the officers on scene would release the children. It is unacceptable that MPD withheld these children from their mother because of their misreading of a document.

It is extremely important that officers can read and interpret paperwork, especially court documents. One can picture a scenario where an abuser files for temporary emergency custody, and even if it is not granted, MPD will turn the children over to this person because of their misreading of the document. This is dangerous and unprofessional. MPD officers denied a biological mother access to her children for hours, akin to parental kidnapping. Biological parents have a constitutional right to parent their children, and by denying her children to her, the officers violated her rights. The resident is following up with formal complaints due to the poor treatment she received from officers that day.

We have heard other instances where MPD misinformed District residents about the law. In a recent situation, a Legal Aid client called MPD for assistance with gaining access to a home she previously owned with her ex-husband. MPD incorrectly informed the client that since she and the husband had been married for over 10 years, she should have access to the home. MPD officers did not ask the client to see court documents or ask other questions about the ownership of the home, instead improperly telling her that she still owned the home. In many high conflict situations, especially where there has been domestic violence, misinformation can further put individuals at risk of harm, instability, and continued violence.

Legal Aid is proud and willing to step in to help facilitate interactions with MPD where our clients are involved. However, we and other legal services organizations only represent a fraction of the residents of the District who interact with MPD on a daily basis. We are concerned about all the other instances where MPD officers are misinforming District residents about their rights and responsibilities. We encourage the Council to ask MPD the following questions:

1. Is there a legal liaison that residents can speak to when officers are attempting to interpret or enforce a court document? It is imperative that residents get timely and accurate information, especially when their constitutional rights are at issue.
2. Is there guidance for officers on how they should interpret legal document (e.g., filings and Court Orders) and what laws apply in specific situations? Please provide the general order with this guidance.

Issue 2: Our clients Continue to Face Issues With the Service of and Enforcement of Civil Protection Orders

Civil Protection Orders can provide extraordinary relief to survivors who need immediate assistance and protection from abusers. When a petitioner files a CPO, and the respondent is located in Washington, D.C., MPD is frequently asked to assist with serving

the documents on the respondent. This is an important first step in obtaining relief. If the CPO is not served, the survivor cannot obtain their order, potentially leaving them in a vulnerable position.

CPOs can be served by any person over the age of 18 who is not involved in the case. Having police officers serve the documents is the safest option for many survivors. Though petitioners can ask family or friends to serve the documents, that often puts the server in a dangerous position.

When filling out a petition for a civil protection order, if the petitioner knows the respondent's address, they can include that on the form with a request that officers attempt to serve the paperwork. However, even when providing an address, we have experienced MPD not even attempting to serve the paperwork. This year, one of our clients filed a CPO and included a valid address for the respondent. The paperwork went to MPD for service. MPD filed a return of service with the Court indicating that the address provided to them did not exist. However, the client had personal knowledge of the address and the attorney working with the client was easily able to find the address and street view of the address on Google Maps. Counsel had to follow up with MPD to make sure that officers did attempt service at the known and existing address. Once again, this client experience raises concerns for the large number of CPO Petitioners who do not have attorneys to advocate for them.

Further, we are continuing to see that officers are not correctly filling out the Return of Service form and are not serving all required documents. To proceed on a CPO court date, the respondent must receive a copy of the petition for civil protection, the notice of hearing and order to appear, and the temporary protection order ("TPO"), if any. After the officer serves the respondent with those documents, the officer must complete the court-generated Return of Service form by writing their initials next to each document that was served on the return of service form, identifying who was served and where service was accomplished, and by signing the form. The officer must then return the form to the petitioner or file it directly with the court.

Though service of all these forms is extremely important, serving the TPO is especially vital as this is the most dangerous time a person experiencing domestic violence will face when trying to leave an abuser. After any temporary protection order is served, the order is immediately able to be enforced. If the respondent violates the TPO, the petitioner can file a Motion for Contempt or can call the police to obtain assistance. TPOs may contain provisions such as requiring the respondent to stay away from the petitioner, not contact the petitioner, vacate a shared home, and can even grant temporary custody. If service of the TPO is not properly documented, the petitioner may not be able to obtain the relief necessary for their or their children's safety and the respondent may not be held accountable if they violate the terms.

Further, the Court needs to receive properly filed Return of Service forms to proceed with a default judgment at the hearing date if the respondent fails to appear. If a respondent has been properly served, the form is correctly filed, and the respondent fails to appear at their hearing, the Court can enter an order in their absence. However, the Court must first determine that the Respondent was properly served and had the opportunity to appear at the hearing. The Court cannot make that determination if the Return of Service was incomplete, incorrectly filled out, or if no attempts at service were made. This causes additional delays in obtaining critical relief for survivors. Anecdotally, our attorneys have seen the judges in CPO Court reach out to MPD regarding incomplete returns of service, but it is unclear if this is an informal practice or protocol.

We encourage the Committee to ask MPD representatives the following questions:

1. How can Petitioners contact the officer who served a CPO to correct a Return of Service form that was incorrectly filled out? Please provide a copy of any written protocols, policies, or procedures.
2. How do officers confirm an address before attempting to serve? Do officers use any special GPS programs to find a location?
3. If officers are provided with a description of an apartment, rather than a specific number, are they able to serve the documents? For example, if Petitioner knows that the Respondent lives right off the elevator on the 2nd floor, can officers serve with that information?

Issue 3: Legal Aid is Concerned About MPD's Questioning of Residents' Immigration Status

We understand that MPD's policy historically has been that officers will not question any person about residency or immigration status unless the officer is investigating any crime in which immigration status is relevant or inquire through any database solely for the purpose of getting information about an individual's immigration status. See [MPD Immigration Policy Fliers](#).

We are concerned that officers are asking residents questions about their immigration status when they are seemingly investigating an issue that has no relation to their status. It is vital that people feel comfortable enough to call the police in times of need, without fearing that their immigration status may stop them from getting help. Our concern is that a survivor without immigration status would not feel safe calling MPD even in the face of active harm, for fear that officers will interrogate or detain them for their immigration

status. All residents should be able to have confidence that MPD will assist them if needed, without having hesitancy with regard to seeking help.

We are in volatile times now, and people of all immigration statuses are experiencing fear and stress. We hope that MPD sticks to its promise that it will not cooperate with federal immigration enforcement and will not detain people on their behalf. Though we understand that MPD has such policies in place, based on our client experiences, we are unfortunately not confident that they will be executed uniformly. We are also concerned that MPD will decide to change course and start detaining residents and turning them over to immigration officials, for no reason other than their immigration status.

We urge the Council to hold MPD accountable to their previous policies. However, if MPD is unwilling to do that, we ask the Council to confirm MPD's policies with regard to its cooperation with federal immigration enforcement. It is imperative that residents have confidence in the police officers in their community, and it is important that we can properly advise clients about their rights when coming in contact with police.

1. [EO-21-007](#), issued on March 25, 2021, states that “members are reminded not to make inquiries into any person’s immigration status for the purpose of determining whether they have violated the civil immigration laws or for the purpose of enforcing civil immigration laws.” Is this policy still in effect?
2. What steps will MPD take to ensure that its general orders and protocols are properly followed by officers on the scene? Are supervisors easily available if a resident encounters an officer who is refusing to comply with known MPD protocols?
3. If a resident reports that an MPD officer has asked about their immigration status for a reason that is not relevant to any criminal warrant or criminal judicial order, how can they report this violation?

Conclusion

It is important that domestic violence survivors, attorneys, and other community stakeholders have a clear understanding of the policies and procedures that MPD has in place in order to continue to assist them in an effective manner. Especially now, when public trust in police is faltering, residents deserve transparency and open communication with MPD.

Our testimony intends to bridge the gap and ensure that MPD is aware of the issues that District residents are having. We also hope to quell some of the fears that residents have regarding whether or not MPD is cooperating with federal immigration enforcement.