
No. 03-3066

[ORAL ARGUMENT – September 28, 2006]

In the United States Court of Appeals
for the District of Columbia Circuit

UNITED STATES OF AMERICA,

Appellee,

v.

NELSON VALDES

Appellant.

**On Appeal from the United States District Court
for the District of Columbia**

***EN BANC BRIEF OF THE NATIONAL ASSOCIATION OF CRIMINAL
DEFENSE LAWYERS AS AMICUS CURIAE IN SUPPORT OF APPELLANT***

Blair G. Brown
Barak Cohen
Zuckerman Spaeder LLP
1800 M Street, NW
Washington, DC 20036-5802
Tel: (202) 778-1800

*Counsel for Amicus Curiae National
Association of Criminal Defense Lawyers*

July 3, 2006

CERTIFICATE AS TO PARTIES, RULINGS AND RELATED CASES

PARTIES and AMICI:

Except for *Amicus Curiae* herein, the National Association of Criminal Defense Lawyers (the “NACDL”), all parties appearing before the District Court below are listed in Appellant’s Brief.

RULE 26.1 DISCLOSURES:

The NACDL is a not-for profit, professional bar association for the criminal defense bar, with over twelve thousand subscribed members. The American Bar Association recognizes the NACDL as one of its affiliate organizations and awards it full representation in its House of Delegates.

The NACDL was founded in 1958 to promote study and research in the field of criminal law; to disseminate and advance knowledge of the law in the area of criminal practice; and to encourage the integrity, independence and expertise of defense lawyers in criminal cases, both civilian and military, public, private and assigned.

RULINGS UNDER REVIEW:

United States v. Valdes, CR-2001-154 (RMU).

RELATED CASES:

There are no related cases.

CONSENT:

Both Appellant's counsel and Appellee's counsel have kindly consented to NACDL's appearance herein as *amicus curiae*.

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Authorities upon which we chiefly rely are marked with asterisks.

GLOSSARY

- ABA - The American Bar Association.
- MPD - District of Columbia Metropolitan Police Department
- NACDL - National Association of Criminal Defense Lawyers, *amicus* herein.
- OGE - Office of Government Ethics
- WALES - Washington Area Law Enforcement System

QUESTIONS PRESENTED

1. Considering the evidence in the light most favorable to the government, *see United States v. Schaffer*, 183 F.3d 833, 839-40 (D.C. Cir. 1999), whether any rational trier of fact could have found beyond a reasonable doubt that the acts for which Valdes received compensation were “official acts,” within the meaning of 18 U.S.C. § 201(a)(3), to wit, “any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official’s official capacity, or in such official’s place of trust or profit.”

2. Whether the district court erred in its jury instruction by defining an official act under § 201 (a)(3) as “any decision or action within the scope of the public official’s authority.”

***AMICUS CURIAE* STATEMENT OF INTEREST
NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS
By Consent of the Parties**

The National Association of Criminal Defense Lawyers ("NACDL") is a nonprofit corporation with a membership of more than 12,000 attorneys and 35,000 affiliate members in all 50 states. The American Bar Association ("ABA") recognizes the NACDL as an affiliate organization and awards it full representation in the ABA's House of Delegates. The NACDL was founded in 1958 to promote research in the field of criminal law, to disseminate and advance knowledge of the law in the area of criminal practice, and to encourage the integrity, independence, and expertise of defense lawyers in criminal cases. Among the NACDL's objectives are to ensure the proper administration of justice and to ensure that criminal statutes are properly construed and applied.

This appeal raises questions that go to the core of efforts to promote the integrity of public officials and employees in all three branches of the federal and District of Columbia governments. Affirming the lower court's decision would criminalize a broad category of behavior best left to administrative regulation of their officials and employees by the executive, legislative, and judicial branches. *Amicus* urges reversal to ensure that Mr. Valdes and similarly situated public servants are treated in a manner that is just and proportionate when they stray over ethical lines in their interactions with constituents and other citizens.

SUMMARY OF ARGUMENT

In *United States v. Sun-Diamond Growers*, the Supreme Court warned that 18 U.S.C. § 201(c), which regulates gratuities to federal officials, should be implemented as a “scalpel” rather than a “meat axe.” 526 U.S. 398, 399, 412 (1999). Consistent with that guidance, the panel correctly held that Mr. Valdes had not performed “official acts” under § 201 when he accessed police computer databases for his private use. *United States v. Valdes*, 437 F.3d 1276 (D.C. Cir. 2006) (reversing the conviction of Mr. Valdes). Adoption of the panel dissent’s expansive reading of the “official act” requirement would be inconsistent with the approach of *Sun-Diamond* and would unbalance the complex ethics regulatory scheme enacted by Congress and implemented by all three branches of government.

Congress has taken significant steps to help ensure the integrity of federal officials. Among those efforts was the passage of 18 U.S.C. § 201, which in pertinent part criminalizes certain types of gratuities to public officials. Specifically, § 201(c)(1)(B) makes it illegal for officials to “demand[], seek[], receive[], accept[], or agree[] to receive or accept anything of value personally for or because of an *official act*.” 18 U.S.C. § 201(c)(1)(B) (emphasis added). A mirror provision makes it illegal to provide such a gratuity to a federal official for an official act. 18 U.S.C. § 201 (c)(1)(A). Section 201(a)(3) of the statute defines

“official act” as “any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official’s official capacity, or in such official’s place of trust or profit.”

In *Sun-Diamond*, a unanimous Supreme Court examined the proper scope of the illegal gratuity statute, 18 U.S.C. § 201(c), by looking to the following factors for guidance:

- Public corruption is a heavily-regulated area of law in which “precisely targeted prohibitions are commonplace” and where even “more general prohibitions have been qualified by numerous exceptions.” *Sun-Diamond*, 526 U.S. at 412. Thus, a narrow reading of the illegal gratuity statute is consistent with its place as part of an “intricate web of regulations, both administrative and criminal, governing the acceptance of gifts and other self-enriching actions by public officials.” *Id.* at 399, 409.
- Reading § 201 in a broad manner would lead to absurd results by criminalizing otherwise innocent behavior. *Id.* at 406-407.
- When Congress has sought to “adopt such a broadly prophylactic criminal prohibition upon gift giving,” it has done so in a relatively precise fashion. *Id.* at 399 (citation omitted).

Those principles also dictate a narrow interpretation of the “official act” requirement of § 201. *First*, there is already a complicated skein of federal anti-corruption laws and regulations in place that allows the imposition of administrative sanctions on employees like Mr. Valdes. Criminalizing violations of computer access policies and other informal transgressions of duty that benefit a

government employee and a citizen would muddle the lines and unbalance the hierarchy of prohibitions and proportionate sanctions for ethical violations. The system of ethics regulations now in place give a degree of autonomy to each branch of government to tailor its rules to the manner in which its employees interact with the public. 5 U.S.C. § 7353(b)(1). What is tolerable constituent interactions, services, and benefits in Congress will not be so for the judiciary. Criminalizing some of those interactions by a broad definition of “official acts” lessens the ability of each branch of government to use a “scalpel” to define permissible conduct.

Second, a broad reading of the “official act” requirement would lead to absurd results in which *de minimus* benefits received by federal employees related to their performance of a routine, informal function would be a felony.

Third, there are no explicit textual indications that Congress intended the accessing of computer databases and similar informal functions to be considered an official act. It would therefore be improper to stretch the official act provision to criminalize such conduct under § 201. This Court should continue to adhere to the reasoning of *United States v. Muntain*, 610 F.2d 964 (D.C. Cir. 1979), in which it limited official acts to conduct that results in a formal change in the official status of something for which a federal official is responsible.

Mr. Valdes's behavior was at worst an unethical misuse of government resources that did not rise to the level of criminal conduct. To treat it as criminal would unduly extend the grasp of the illegal gratuity statute and thereby hurt – not help – important legislative and administrative efforts to provide clear and effective guidelines for the behavior of public officials. Mr. Valdes's conviction should be reversed.

I. THE “OFFICIAL ACT” REQUIREMENT UNDER § 201 SHOULD BE NARROWLY CONSTRUED IN LIGHT OF THE THREE *SUN-DIAMOND* FACTORS.

For the same reasons that the Supreme Court rejected a broad reading of § 201(c) in *Sun-Diamond*, a narrow approach should be taken here to defining “official acts” under the same statute. The three factors used by the Supreme Court in that case to hold that the illegal gratuity statute should be narrowly tied to particular acts also support reading the official act provision of § 201 in an equally restricted manner.

A. The Broad Application Of § 201 Would Over-Criminalize Ethics Transgressions And Prevent The Branches Of Government From Addressing Ethics Violations In A Balanced Manner.

Broadening the scope of § 201 would ultimately confuse efforts to distinguish proper from improper behavior of federal officials by over-criminalizing ethical transgressions. The scheme of federal anti-corruption measures is vast and complex. For example, there are at least seventy-nine

different statutory provisions intended to promote the ethical behavior of federal government officials. See Office of Government Ethics (the “OGE”), *Compilation of Federal Ethics Laws*, (2004), http://www.usoge.gov/pages/laws_regs_fedreg_stats/comp_fed_ethics_laws.pdf (listing the provisions). Those provisions range from prohibitions regarding conflicts of interest to procurement and contracting. *Id.*

In addition, each branch of the federal government takes its own approach to regulating gratuities under 5 U.S.C. § 7353. Rule XXXV of the Standing Rules of the Senate, Senate Manual, S. Doc. No. 107-1 (2003) and Rule XXV of the Rules of the House of Representatives, 108th Cong. (rev. Jan. 7, 2003) apply to the legislature; 1 Research Papers of the National Commission on Judicial Discipline & Removal, Code of Conduct for U.S. Judges, Canon 5(C)(4), pp. 925, 927 (1993) applies to the judiciary; and 5 C.F.R. § 2635.202 *et seq.* (2003) applies to the executive branch. Such latitude allows each branch to individualize its ethical standards in accordance with its unique function. 5 U.S.C. § 7353(b)(1) (“Each supervising ethics office is authorized to issue rules or regulations implementing the provisions of this section and providing for such reasonable exceptions as may be appropriate.”). That ability is important because each branch interacts differently with the public, necessitating different ethics guidelines. For example, while it is ethically permissible for a member of the executive branch to receive a

gift of \$20, 5 C.F.R. § 2635.204(a), the same gift would be impermissible for a federal judge to accept from a party appearing before him in court, Annotated Model Code of Judicial Conduct, Canon 4(D)(5), pp. 298-310 (2004).

As the Supreme Court held in *Sun-Diamond*, interpreting § 201 imprecisely would throw the entire structure into disarray by *over*-criminalizing a broad category of conduct. 525 U.S. at 409 (“a narrow, rather than a sweeping, prohibition is more compatible with the fact that § 201(c)(1)(A) is merely one strand of an intricate web of regulations, both administrative and criminal, governing the acceptance of gifts and other self-enriching actions by public officials.”). By overly “expand[ing] . . . one piece of the regulatory puzzle” that comprises the system of anti-corruption laws, extending the criminal reach of § 201 would prevent the branches of the federal government from separately addressing ethical violations by their members in a proportionate and relevant manner. *Id.* at 412.

B. Defining The “Official Act” Requirement Broadly Would Undermine The Complex System That Regulates Government Ethics Through Over-Criminalization.

Extending the criminal reach of § 201 would obliterate many of the bright line rules specified in the federal anti-corruption scheme. The resulting absence of clear guidelines would create numerous problems capable of jeopardizing the effort to guide the behavior of federal employees in a balanced manner.

1. Over-Criminalization Would Make The Application Of The Federal Anti-Corruption Scheme Unclear, Thereby Discouraging Federal Officials And Ordinary Citizens From Participating In Innocent Interactions.

Defining official acts expansively under § 201 would criminalize much otherwise innocuous behavior, confusing the current anti-corruption scheme by over-criminalizing illegal gratuities. In *Sun-Diamond*, the Supreme Court's discussion of that effect with respect to 5 C.F.R. § 2635.202 (1999) is particularly instructive. 526 U.S. at 411-12.

Section 2635.202, which the OGE issues to cover the employees of the executive branch and independent agencies, includes specific prohibitions regarding the giving of gifts. *Id.* at 411. The Supreme Court noted in *Sun-Diamond* that a subsection of that provision states that “[u]nless accepted in violation of paragraph (c)(1) of this section,” which bans the acceptance of a gift “in return for being influenced in the performance of an official act,” “a gift accepted under the standards set forth in this subpart shall not constitute an illegal gratuity otherwise prohibited by 18 U.S.C. § 201(c)(1)(B).” *Id.* (quoting 5 C.F.R. § 2635.202(b)). The sub-part also includes exceptions for things such as gifts of \$20 or less. *See* 5 C.F.R. § 2635.204(a). As the Supreme Court stated, “[w]e are unaware of any law empowering OGE to decriminalize acts prohibited by Title 18,” yet an expansive reading of § 201 would criminalize many gifts otherwise permissible as exceptions under the sub-part. *Sun-Diamond*, 526 U.S. at 411-12.

Expanding the reach of § 201 by defining an official act so broadly that it includes any act undertaken by a federal employee within the range of that employee's duties would result in a like discrepancy.

The Supreme Court also noted in *Sun-Diamond* that over-criminalization of gratuities to federal officials would produce numerous other absurd consequences. *Id.* at 406 Among such consequences, innocent gifts such as a sports jersey given by a professional sports team to the United States President and a principal's gift of a high school baseball cap to the Secretary of Education would be deemed criminal. *Id.*

The above examples emphasize that over-criminalization of § 201 would muddle the complex, yet clearly-delineated rules concerning gifts to federal employees. *Id.* In particular, the Supreme Court warned in *Sun-Diamond* that the confusion resulting from over-criminalization would create "snares for the unwary" federal employee innocently accepting a gift, as well as the private citizen offering one. *Id.* The ultimate concern, however, is that over-criminalization would discourage the ordinary giving and receiving of gifts that has long been an accepted part of our system of government, including everything from token gifts from constituents to legitimate lobbying efforts. The American Bar Association (the "ABA") declared in a report by its Committee on Government Standards that

[o]f particular concern are statutes that criminalize, in broad and uncertain sweep, behavior outside the core of bribery, extortion and

illegal gratuities. Such statutes contravene the essential characteristics of effective ethics regulation (especially, [c]larity of purpose and [p]roportionality). *They unfairly burden employees with the fear of unwittingly committing a federal crime. . . .*

ABA Comm. On Gov't Standards, *Keeping Faith: Government Ethics and Government Ethics Regulation*, 45 Admin. L. Rev. 287, 304-305 (1993) (emphasis added). Consequently, the ABA confirmed that "this is an area in which we should be especially wary of introducing the threat of criminal sanctions." *Id.* at 304.

Notably, it is irrelevant whether or not such innocuous conduct would ever actually face prosecution. The threat that it could do so would be sufficient to discourage both federal employees and ordinary citizens from participating in a broad range of gift-giving that Congress never intended to suppress. Federal employees and citizens will reasonably fear that a prosecutor will allege that a routine and legitimate act – an informative phone call from an executive branch employee or normal constituent services by a Hill staffer – will be linked to the receipt of a legitimate, *de minimus* meal or gift. That threat would thereby disturb the carefully-balanced federal anti-corruption scheme – which decidedly does not seek to ban *all* gifts to federal employees – through over-reaching criminal penalties.

2. Criminalization Of *De Minimus* Ethical Lapses Unnecessarily Burdens The Criminal Justice System.

It also bears emphasis that as a general matter, over-criminalization tends to undermine the deterrent force of criminal law because “however slight its effect on the public, to criminalize the trivial is to trivialize the criminal.”¹ Moreover, extending the illegal gratuity statute’s reach would place additional strain on the judiciary and law enforcement. *See, e.g., Rosado v. Wyman*, 397 U.S. 397, 435 (1970) (highlighting “the very important consideration of judicial economy”). Expanding the statute’s ambit would thereby impact the public fisc without necessarily helping to curtail the corruption of federal officials.

Instead, as both *Sun-Diamond* and the ABA Commission on Government Standards report imply, where alternatives to criminalization exist, they should be utilized to regulate gift-giving to federal officials. Here, District of Columbia Metropolitan Police Department (the “MPD”) regulations already govern use of

¹ Paul H. Robinson, *The Five Worst (And Five Best) American Criminal Codes*, 95 Nw. U. L. Rev. 1, 14, and 15 n.28 (2000) (“A central task of a criminal code is to impose punishment on those who deserve the condemnation of criminal liability and to protect from punishment and condemnation those who do not deserve it” and the criminalization of trivial offenses is “undesirable not only because those activities themselves are minor or morally insignificant, but because their existence subverts the moral and social power of the criminal code as a whole.”); *see also* Sanford H. Kadish, *The Crisis of Overcriminalization*, *Annals of the American Academy of Political and Social Science* at 157 (1967) (“The use of criminal law to enforce morals . . . has tended both to be inefficient and to produce grave handicaps for enforcement of the criminal law against genuinely threatening conduct.”)

the computerized Washington Area Law Enforcement System (the “WALES”) that Mr. Valdes accessed at the request of a government informer. (See, e.g., Addendum Ex. A - MPD Special Order Regarding Metropolitan Police Department Code of Ethics, effective December 15, 1997; Addendum Ex. B - MPD General Order Regarding WALES, effective April 30, 1992.) Established and implemented by the organization directly responsible for Mr. Valdes’s conduct as an MPD officer, those regulations are better suited to cover the relatively petty misconduct in question than the illegal gratuities statute.

C. It Is Consistent With The Careful Approach That Congress Takes With Respect To Prohibitions On Gift-Giving To Interpret The “Official Act” Provision Of § 201 Narrowly.

When Congress crafts broad prohibitions on the giving of gifts to public officials, it usually does so in a precise manner “[w]ith clearly framed and easily administrable provisions. . . .” *Sun-Diamond*, 526 U.S. at 409. The *Sun-Diamond* decision provides several examples of statutes that include such specific gift prohibitions. *Id.* at 408-409.

In particular, the decision notes that 18 U.S.C. § 212 makes it illegal for “an officer, director, or employee of a financial institution” to “make[] or grant[] any loan or gratuity, to any examiner or assistant examiner who examines or has authority to examine such bank, branch, agency, organization, corporation, association, or institution.” *See id.* at 409. The opinion likewise emphasizes that

the chapter entitled “Bribery, Graft, and Conflicts of Interest” in Title 18 “criminalizes the giving or receiving of any ‘supplementation’ of an Executive official’s salary, without regard to the purpose of the payment.” *Id.* at 409 (discussing 18 U.S.C. § 209(a)). *Sun-Diamond* also highlights the Labor Management Relations Act, which “makes it a felony for an employer to give to a union representative, and for a union representative to receive from an employer, anything of value.” *Id.* (discussing 29 U.S.C. § 186 (1994 ed. and Supp. III)).

Here, the official act requirement under § 201 does not explicitly include the type of misuse of resources that Mr. Valdes was convicted of below. Moreover, a broad reading of the term “official act” under § 201 would confuse the overall scheme of anti-corruption laws. Thus, “[a]bsent a text that clearly requires it,” *id.* at 412, it does not make sense that Congress intended § 201 to be applied in such a broad manner. *See id.* at 408 (“when Congress has wanted to adopt such a broadly prophylactic criminal prohibition upon gift giving, it has done so in a more precise and more administrable fashion”).

D. This Court Correctly Held in *Muntain* That The “Official Act” Requirement Under § 201 Should Be Narrowly Construed.

The controlling decision in this Circuit regarding the scope of the “official act requirement” in § 201(a), *United States v. Muntain*, 610 F.2d 964 (D.C. Cir. 1979), narrowly defined that term. *Muntain* concerned a federal official who used his position, which involved interaction with senior labor leaders, to attempt to sell

group automobile insurance to labor unions as a negotiated benefit in union contracts. 610 F.2d at 964. Evaluating whether the official's conduct represented an official act under § 201, this Court ruled that “[i]t is the corruption of official *decisions* through the misuse of influence in governmental *decision-making*” that § 201(a) concerns. *Id.* at 968 (emphasis added). In so doing, it expressly rejected the view that § 201(a) enables “a statutory prohibition against the misuse of public office and contacts gained through that office to promote private ends.” *Id.* at 967. Thus, while “reprehensible,” this Court did not deem the official's conduct in *Muntain* to be criminal under § 201 because it did not directly impact the performance of an official government function constituting a decision or action. *Id.* at 968; *accord Valdes*, 437 F.3d at 1280 (analogizing the conduct in *Muntain* to the conduct at issue).

This Court's decision in *Muntain* was supported by the Supreme Court's decision in *United States v. Birdsall*, 233 U.S. 223 (1914). *See Muntain*, 610 F.2d at 968 n.3 (analyzing the opinion). In *Birdsall*, the Supreme Court held that “[e]very action that is within the range of official duty comes within the purview” of the statute, including “duties not completely defined by written rules” or statutes. *Muntain*, 610 F.2d at 968 n.3 (quoting *Birdsall*). This Court explained, however, that the Supreme Court's decision in *Birdsall* merely “establishes . . . that ‘official acts’ are not limited to those duties set forth in a written job description. . .

.” *Id.* at 968. *Muntain* thereby made clear that *Birdsall* only identified the broad area in which § 201 applies. *Id.* On the other hand, this Court’s decision in *Muntain* clarified *how* the statute should apply within that area – specifically, to conduct carried out under the guise of official activity that directly influences government decision-making. *Id.*

The panel opinion in the present appeal correctly held that both *Sun-Diamond* and *Muntain* “clearly reject” the proposition that “every action within the range of official duty automatically satisfies” the illegal gratuity statute, contrary to what an overly-literal reading of *Birdsall* might suggest. *Valdes*, 437 F.3d at 1281-82 (internal quotation marks and citation omitted). At bottom, *Muntain* stands for the proposition that an official act under § 201 must effect some “change in . . . status” through the auspices of public office; it is not enough merely to exploit public resources. *Id.* at 1280. Examples of such a change include “a clerk’s manufacture of official government approval of Supplemental Security Income benefits,” *id.* at 1279 (citing *United States v. Parker*, 133 F.3d 322 (5th Cir. 1998)), and “an official’s ignoring garbage violations and parking violations he was charged with enforcing,” *id.* (citation and internal quotation marks omitted).

Muntain further defines an official act under § 201 by contrasting conduct like Mr. Valdes’s with the formal actions found to violate the statute in decisions from other circuits. 610 F.2d at 968. Each of those decisions involves a public

official who accepted a bribe or gratuity in return for activity that directly involved official decision making or review.² This Court echoed that consensus when it first reviewed the present appeal. *Valdes*, 437 F.3d at 1276, 1279. In its opinion reversing Mr. Valdes’s conviction, this Court held that an official act under § 201 requires “at least a rudimentary degree of formality, such as would be associated with a decision or action directly related to an adjudication, a license issuance (or withdrawal or modification), an investigation, a procurement, or a policy adoption.” *Id.* at 1279.

Muntain and the weight of the authority from other circuits supports the view that the “official act” provision under § 201 should be read narrowly to include only acts that involve the exercise of authority. Moreover, that view is consistent with the Supreme Court’s discussion in *Sun-Diamond* regarding whether a federal official, such as the President, violates § 201 by accepting a token gift while receiving sports teams. 526 U.S. at 407-408. The Supreme Court stated that

² *United States v. Evans*, 572 F.2d 455, 481 (5th Cir. 1978) (holding that there was an official act where a federal official with responsibilities for a student loan program received payments from a private source that had and wanted additional contracts for the collection of delinquent loans); *United States v. Arroyo*, 581 F.2d 649 (7th Cir. 1978) (ruling that a loan authorization by a federal official was an official act); *United States v. Alessio*, 528 F.2d 1079 (9th Cir. 1976) (holding that a prison administrator’s exercise of the ability to “affect the conditions of confinement of appellant’s father” comprised official acts); *United States v. Carson*, 464 F.2d 424 (2d Cir. 1972) (holding that there was an official act where the defendant received money in exchange for his support in attempting to quash a pending official action by the Department of Justice).

while the President would have received the gift “for or because of” the official acts of receiving the sports teams,” “those actions – while they are assuredly ‘official acts’ in some sense – are not ‘official acts’ within the meaning of [§ 201].” *Id.* at 407. Thus, *Sun-Diamond* requires an “official act” to result in some measure of formal impact or official change of status to constitute a § 201 violation.

II. THE CONDUCT AT ISSUE SHOULD NOT AND DOES NOT CONSTITUTE AN OFFICIAL ACT UNDER § 201.

For the reasons discussed above, none of the conduct that led to Mr. Valdes’s conviction is an official act under the illegal gratuity statute. In particular, like the federal official in *Muntain*, Mr. Valdes’s conduct – the accessing of police records for personal reasons – was not criminal; it consisted merely of the “misuse of public office . . . to promote private ends.” *Muntain*, 610 F.2d at 967.

Nor did Mr. Valdes’s review of those records rise to the level of a “change in . . . status” produced through official activity. *Valdes*, 437 F.3d at 1280. Like the official in *Muntain*, Mr. Valdes was not involved in a “subject which could be brought before [him] or . . . anyone else” that could influence formal MPD business. *Muntain*, 610 F.2d at 968. Thus, according to the controlling law in this jurisdiction, Mr. Valdes’s actions may very well have been “reprehensible” and unethical, but they were not criminal under § 201. *Id.* at 968.

Furthermore, with respect to the broader impact that the disposition of this appeal would have on anti-corruption law, affirming Mr. Valdes's conviction would impermissibly enlarge the coverage of the illegal gratuity statute. Consistent with the negative consequences discussed above, warping the definition of an "official act" under § 201 so that it includes the mere reading of computer databases would criminalize much innocuous activity. Taken to its logical extreme, the innocent use of government computer resources to access publicly-available information would suddenly assume a criminal character under § 201.

For example, a Department of Justice attorney using his government-provided Westlaw account to print a case on behalf of a non-government colleague for use in a law review article could be accused of committing an official act in violation of the illegal gratuity statute if that colleague paid for the DOJ attorney's lunch. But if this Court rejects the argument that § 201 should cover the type of conduct that led to Mr. Valdes's conviction, that same action would only be seen for what is, a negligible misuse of government resources subject to, at most, an administrative sanction .

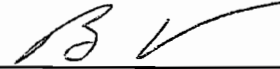
CONCLUSION

For the foregoing reasons, Mr. Valdes's conviction should be reversed. Affirming his conviction would unbalance the complex system of anti-corruption laws by stretching the definition of an "official act" under § 201 beyond its

reasonable bounds and leading to over-criminalization of ethics violations. Such over-criminalization would leave little flexibility for the federal and District of Columbia governments to respond to relatively minor ethical transgressions without the threat of criminal sanctions. Mr. Valdes and other government employees should not be branded felons for unethical conduct that does not compromise the performance of an official act.

July 3, 2006

Respectfully submitted,



Blair G. Brown (D.C. Bar # 372609)
Barak Cohen (D.C. Bar # 485945)
Zuckerman Spaeder LLP
1800 M Street, NW
Washington, DC 20036-5802
Tel: (202) 778-1800


Counsel for amicus curiae NACDL

CERTIFICATE OF COMPLIANCE
FRAP, Rule 32(a) and D.C. Circuit Rule 32(a)

1. This Brief of *Amicus Curiae*, NACDL has been prepared using Microsoft Word, Times New Roman font, 14-point.
2. **EXCLUSIVE** of the Statement of Interest by *Amicus Curiae*, Table of Contents, Table of Authorities, Glossary, any Addendum containing statutes, rules or regulations, and the Certificate of Service, this Brief contains **3,931 words** (which is less than the allowable **7000** words).

I understand that a material misrepresentation may result in the Court striking the brief and imposing sanctions. If the Court so requests, I will provide an electronic version of the brief.

Date: July 3, 2006



Barak Cohen (D.C. Bar # 485945)
Zuckerman Spaeder LLP
1800 M Street, N.W., Suite 1000
Washington, D.C. 20036
(202) 778-1800

Counsel of Record for Amicus Curiae

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the attached *Brief of Amicus Curiae*, National Association of Criminal Defense Lawyers, was sent this 3rd day of July, 2006 via first class mail to:

Paul H. Zukerberg
Law Office of Paul Zukerberg
1790 Lanier Place, N.W.
Washington, D.C. 20009-2118

Lisa H. Schertler, Esquire
Assistant United States Attorney
555 4th Street, N.W.
Washington, D.C. 20001

The Campaign Legal Center
J. Gerald Hebert, Esquire
1640 Rhode Island Avenue, N.W.
Suite 650
Washington, D.C. 20036



Barak Cohen

ADDENDUM

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Department Code of Ethics, effective December 15,
1997
- Addendum Exhibit B MPD General Order Regarding WALES, effective
April 30, 1992

ADDENDUM EXHIBIT A

Metropolitan Police Department □ Washington, D.C.



SPECIAL ORDER



Subject: Metropolitan Police Department Code of Ethics	Series	Number	Distribution
	97	31	A
	Effective Date December 15, 1997		
	Expiration Date N/A		

The Metropolitan Police Department's integrity has been called into question by the recent events concerning individual cases of corruption which have resulted in an arrest and a continuing federal grand jury investigation. The community's confidence in the department has been shaken at two levels: the department's integrity as an organization and the personal integrity of its members. One broad brush has been used to paint most members of the Metropolitan Police Department the same way. This is very unfair to our 3,600 men and women, most of whom have the highest personal integrity.

Today, I am publishing a **Code of Ethics** which will communicate unequivocally to our employees the standards I believe the community has a right to expect from its public servants. The **Code of Ethics** is intended to reinforce just that fact: police officers are public servants and we must be responsive to and earn the confidence of the community we serve.

I can assure you that I take this **Code of Ethics** seriously, as I have for each and every day of the past 23 years that I have served the citizens of the District of Columbia. I fully expect every man and woman employed by the Metropolitan Police Department, whether sworn or civilian, irrespective of rank, grade or position, to fully share those values.

In conclusion, let me say that I am absolutely and personally committed to regaining the community trust we have lost in recent weeks. I sincerely believe that the vast majority of the men and women of this agency join me in that commitment. The officers and sergeants in the PSA's know how important it is to have the respect and trust of the community in order to work together with citizens to solve the many problems we face. I also demand this same level of commitment to integrity and excellence from the department's command staff, managers, and supervisors. Those who feel unable to join with us, have no place in public service.

Sonya T. Proctor
Interim Chief of Police

STP:WRP:smf

METROPOLITAN POLICE DEPARTMENT

Code of Ethics

The power of the police to fulfill their functions is dependent upon securing and maintaining community respect and approval, which includes obtaining the community's willingness to cooperate in the task of ensuring public safety. The extent to which the community will cooperate with the Metropolitan Police Department is dependent upon its respect for, and confidence in, the police. The extent to which the community's respect and trust can be secured is diminished when a member of the department acts in an unprofessional, improper, dishonest, or unlawful manner.

In any effort to strengthen the citizen-police officer relationship, the personal conduct and attitude of the police officer is of paramount importance. Each member of the force must understand that the basis of the police service is a desire and a willingness to serve the community. In order to earn the respect and trust of the community, all sworn and civilian employees of the Metropolitan Police Department must subscribe to the following:

Members shall regard their office as a public trust and, in the discharge of their duties, be constantly mindful of their primary obligation to serve the community honestly, efficiently, and effectively.

★

Members shall administer the law in a just, impartial, and reasonable manner and shall not accord to some more reasonable treatment than to others. They shall recognize the limitations of their authority and at no time use the power of their office for their own personal advantage.

★

Members must observe, uphold, and enforce all laws without bias or prejudice, and without regard to the individual or individuals involved.

★

Members shall recognize their responsibility as public servants and shall be particularly attentive to citizens seeking assistance, information, who desire to register complaints, or give evidence.

★

Members shall cooperate fully with all other public officials to the end that the safety and general welfare of the community will be insured.

★

Members must conduct their private and professional lives in such a manner as to avoid bringing discredit upon themselves, the department, or the community. The community must regard them as examples of honesty, stability, fidelity, and morality.

★

Members must not conduct themselves in a manner which might be construed by the community as immoral, indecent, or unprofessional.

★

Members shall not engage in any relationships which might be construed as evidence of favoritism, unfairness, partiality, or unfair advantage. Members shall serve all members of the community in a fair, impartial, and professional manner.

ADDENDUM EXHIBIT B

Metropolitan Police Department □ Washington, D.C.



GENERAL ORDER



Subject: The Washington Area Law Enforcement System (WALES)	Series	Number	Distribution	Change Number
	302	6	A	1
	Effective Date			
	April 30, 1992			
Revision Date				

The purpose of this order is to establish policies, procedures, and responsibilities for members utilizing the WALES information system. This order consists of the following parts:

PART I Responsibilities and Procedures for Members of the Department

- A. Definitions.
- B. Policy.
- C. General.
- D. Accountability.
- E. Security.
- F. Validation.

PART II Responsibilities and Procedures for Special Assignment Personnel

- A. Station Personnel.
- B. Wales Security Officer.
- C. Desk Lieutenant, Criminal Investigations Division.

PART III Responsibilities and Procedures for Supervisory and Command Personnel

- A. Commanders and Directors.
- B. Director, Data Processing Division.
- C. Director, Communications Division.
- D. Director, Identification and Records Division.
- E. Commander, Criminal Investigations Division.
- F. Commander, Youth Division.
- G. Director, Property Division.
- H. Director, Intelligence Division
- I. Watch Commanders, Patrol Operations Bureau and Criminal Investigations Division.
- J. Watch Commander, Communications Division.

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PART I

A. Definitions.

The following definitions and terms are referenced and applicable to this general order:

1. **WALES** - Washington Area Law Enforcement System: A regional police information system which, through the use of a computer, serves the Washington, D.C., Metropolitan Area. The system provides data on motor vehicles, wanted persons, and stolen articles.
2. **RAIN** - The Regional Arrest Information Network: A computer exchange system in which participating law enforcement agencies enter arrest information into a data base that may be accessed via telephone modem. The information entered includes an arrested subject's name, address, vehicle identification, race, sex, date of birth, height, weight, date of arrest, charges, local case numbers, and the arresting officer's name and telephone number. Only data concerning arrests for homicide, rape, abduction, felonious assault, robbery, concealed weapons, stolen vehicles, burglary/commercial, burglary/residential and drug sale/manufacture are stored in the data base. After five (5) days, this information is purged.
2. **NCIC** - National Crime Information Center: A computer network administered by the FBI.
3. **NLETS** - National Law Enforcement Telecommunications System: A nationwide computer message switching system which allows access from WALES to other state computer networks.
4. **APS** - Automated Personnel System contains personnel information of employees of the Metropolitan Police Department.
5. **Authorized Person** - Any law enforcement officer or member of this department having a legitimate need for WALES information.
6. **HIT** - Identifies a response to any inquiry with information that a person or property is wanted.
7. **911** - A self-explanatory set of instructions on what is contained in WALES, and how to retrieve it.
8. **ADM** - A reference guide for users of the system which provides information about such things as embassies, hotels, and government buildings.

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9. **PROMIS - Prosecutor's Management Information System:** A computer system designed for use by U.S. Attorneys and Judges.
10. **HELP -** A set of instructions detailing what data is available through the U.S. Attorney's Office computerized PROMIS system.
11. **CRT - Cathode Ray Tube.** Terminology used to describe the WALES terminal.
12. **Monitor -** a video display appearing in color or monochrome.
13. **WALES Terminal or Micro Computers with emulation capabilities -** Devices connected to the WALES system that are located in all district headquarters, police headquarters, and at police department headquarters in the jurisdictions surrounding Washington, D.C. The majority of terminals are Video Display/Keyboard units.
14. **Demand Deployment System (DDS) -** Provides command officials with the current deployment schedule of Patrol Operations Bureau organizational elements and the Criminal Investigations Division.
15. **Validation -** Validation obliges the originator, (ORI), i.e., agency contributing the record, to confirm that the record is complete, accurate, and still outstanding or active. Validations are accomplished by reviewing the original entry, current supporting documents, by recent consultation with the complainant, prosecutor, court, motor vehicle registry files or other appropriate sources of information. In the event the ORI is unsuccessful in its attempt to contact the complainant, the entering authority must make a determination, based on the best information and knowledge available, whether or not to retain the original entry in the file.

B. Policy.

1. The Washington Area Law Enforcement System (WALES) provides timely and accurate information which enables members using the system to efficiently accomplish their mission.
2. The information provided by WALES shall be for legitimate law enforcement purposes and is restricted to those persons responsible for the administration of justice.
3. WALES is designed to enable the user to have ease of access to operational/managerial information and frequent use of the system by all users is encouraged.

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4. Information from RAIN shall be made available upon request to investigative personnel of this department.

C. General.

1. All members shall familiarize themselves with WALES and the information files contained in the system.

- a. The various codes and instructions on the use of WALES are available at each terminal.
- b. The simple entry of "911", "ADM", or "HELP" will provide the user with an index of what is in WALES.

2. In order to prevent overloading of WALES with unnecessary inquiries, members shall make only those requests necessary to perform legitimate law enforcement functions.

3. Anyone authorized to use WALES is required to use his/her badge number or civilian ID number when making any WALES inquiry.

- a. Under no circumstances shall a member provide a badge number other than his/her own.
- b. Civilian employees shall identify themselves by using their Identification Badge Number preceded by an "X" for the purpose of complying with this section.
- c. Failure to comply with this requirement shall result in disciplinary action.

4. Members requiring large volumes of information such as statistical printouts or bulk information shall make a request, with the approval of an official of their element, to the Director, Data Processing Division. Information pertaining to this procedure may be obtained from the Management and Liaison Branch, Data Processing Division.

5. When a member requests a WALES inquiry by police radio, he/she shall provide all available information and specify the service required.

6. Members shall not, under any circumstances, attempt to disconnect, reconnect, move or repair any piece of data processing equipment. This shall include turning on or off of the CRT Display, printer, or other pieces of data processing equipment.

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7. In the event a terminal malfunctions, this situation shall be brought to the attention of the station clerk. Under no circumstances shall any member, except Data Processing Division personnel, attempt repairs or contact the manufacturer's repair service directly.

8. A "HIT" on a WALES record, indicating an outstanding warrant on file, is probable cause to arrest and detain.

a. Members shall exercise reasonable diligence to ensure that they are arresting the person designated in the warrant by comparing the following:

- (1) name,
- (2) address,
- (3) date of birth,
- (4) social security number,
- (5) race,
- (6) height,
- (7) weight,
- (8) place of birth, and
- (9) any other identifying information.

b. Members are further reminded that a misdemeanor warrant may not be executed more than one year after the date of issuance (D.C. Code 23-563).

9. A "HIT" on an out-of-state NCIC record shall be verified with the entering agency prior to arrest, either by contacting the Telecommunications Branch and requesting that they contact the outside agency for verification or by contacting the outside agency directly.

10. When a member receives a "HIT" on an out-of-state felony, he/she shall notify the Telecommunications Branch as soon as possible.

11. Under no circumstances shall any member change, modify, alter or delete any record or information in WALES without the proper authority from the official in charge of the element responsible for the routine entry or maintenance of such information.

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D. Accountability.

1. Members initiating requests through WALES and RAIN for information shall be held strictly accountable for the proper use and disposition of the information obtained.

2. Information from WALES, NCIC, RAIN, and NLETS shall be used for official legitimate law enforcement purposes only and shall not be given to persons outside the field of law enforcement. For the purpose of this order, the law enforcement field shall consist of any agency having primary responsibility for the administration of criminal justice and which allocates a substantial portion of its budget for this purpose in one or more of the following categories:

- a. Arrest and/or prosecution,
- b. Adjudication,
- c. Administration of probation or parole, and
- d. Detention of subjects in the criminal justice process.

3. Information requested by persons outside of the department, not in the field of law enforcement, may only be released in compliance with General Order 204.5 (Freedom of Information).

E. Security.

1. Members requesting information from WALES by police radio shall take reasonable precautions to prevent unauthorized persons from overhearing the information. (This shall not be construed so as to apply to situations, such as approved ride-alongs or prisoners in transport vehicles, in which it is difficult or impossible to reasonably prevent inadvertent disclosures.)

2. No member shall provide, or cause to provide, to any unauthorized person the various codes used to make WALES inquiries. Any such person requesting this information shall be directed to contact the WALES Security Officer for a determination of clearance.

3. Members making inquiries or receiving information on the WALES or RAIN terminal(s) shall take extraordinary precautions to ensure that this information is not observable to unauthorized persons.

4. Unless otherwise instructed, when a computer printout is no longer needed, the member who requested the printout shall be responsible for destroying it.

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F. Validation.

1. The MPD contributes records to the following files that are maintained within the National Crime Information Center computer system. These records are accessible from any terminal within the NCIC nationwide system.

- a. Wanted persons
- b. Missing persons
- c. Stolen securities: stocks, bonds, and currency
- d. Stolen guns
- e. Stolen vehicles; autos and planes
- f. Stolen license plates
- g. Stolen boats
- h. Stolen articles

2. The MPD has entered into a users' agreement with the FBI/NCIC regarding the use of the NCIC computerized files and the submission of records into those files. As part of the users' agreement, the MPD must adhere to certain records standards established by the Advisory Policy Board (APB) of NCIC. One quality control measure required by NCIC is the regular validation of computer records.

3. The NCIC validation procedure is as follows:

- a. MPD will receive a computer tape on a monthly basis, listing all "active computer records". A time limit of 45 days will be allocated to conduct the validation of these records. This will be a continuing on-going process each month throughout the year.
- b. The certification form provided with the computer tape shall be returned to the FBI/NCIC, signed by the Director, Data Processing Division, the Control Terminal Officer for the District of Columbia, within 45 days.
- c. Direct contact, if possible, must be made with the complainant/victim (or insurance company if they are the current owner/complainant) of the offense in order to ascertain the accuracy of the entered data, i.e., is the entry correct, is the item/person still out and wanted/missing?

- d. If unable to contact anyone related to the incident, a determination must be made whether or not to retain the original entry in the file.
- e. A PD Form 252 shall be prepared to document the action taken on each report to include the following:
 - (1) Date and time complaint was contacted;
 - (2) Entry verified still outstanding;
 - (3) Item/person recovered/located to this case;
 - (4) Dates and times efforts were made;
 - (5) Recommendation to:
 - (a) Remove from system because information has not been verified.
 - (b) Retain as a valuable criminal investigation lead.
 - (c) Retain because of critical missing person.
4. Forward all completed PD Forms 252 along with PD Form 33 (Validation Certificate Form) to the Commanding Officer for his signature.
5. Return all completed PD Forms 252 relating to validation and PD Form 33, signed by the Commander, to the Director, Data Processing Division, within 10 working days of receipt.

PART II

A. Station Personnel.

1. Station clerks shall familiarize themselves with the procedures in the WALES and NCIC handbook relative to the available features and procedures of both systems.
2. Station personnel shall assist members in making the various inquiries required, and shall not permit unauthorized persons to view computer printouts or CRT displays of WALES information.
3. Members assigned to station duty shall be jointly responsible for security of the WALES terminals located within their stations, and shall not permit unauthorized persons access to these devices.

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4. Station clerks shall be responsible for ensuring that no information concerning the various WALES inquiry codes is in view or accessible to unauthorized persons, and that dissemination is limited to authorized personnel only.

5. Should any terminal become inactive, the station clerk shall first check the electrical connection to ensure that the device is plugged in; the switch to ensure that the device is turned on; and the screen illumination switch to ensure that the screen is active. If all these checks are made and the device still does not operate, the station clerk shall contact the Computer Operations Branch, Data Processing Division.

6. Station clerks working the day tour shall be responsible for maintaining the various supplies to ensure that the printing devices remain operational for all tours of duty.

7. Station clerks shall be responsible for "serving" warrants closed by arrest prior to the end of their tour of duty. For the purpose of this order, "serving" means "making entries into WALES."

B. WALES Security Officer.

The Wales Security Officer shall be responsible for:

- a. Determining the degree of access to WALES that each of the various users of the system shall be granted. Access shall be determined by survey of the needs of the user, measured in conjunction with the security requirements of the system;
- b. Maintaining the integrity of the system;
- c. Periodically scanning the WALES transaction log and correcting breaches or other misuses of the system;
- e. Developing and implementing the validation process;
- f. Making a printout listing of all reports in CCN order that are to be validated upon receipt of a computer validation tape from NCIC, and forwarding the list to the Director, Identification and Records Division
- g. Reviewing all PD Forms 252 submitted for validation and notifying the appropriate bureau head of any missing reports.
- h. Ensuring that all computer records have been updated; and
- i. Certifying to NCIC that all records have been validated, upon receiving the certification from the various commanders.

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C. Desk Lieutenant, Criminal Investigations Division.

The Desk Lieutenant, CID, shall be responsible for:

1. Maintaining a microcomputer which is interfaced with CJIS and the RAIN host computer.
2. Assisting members in making various required inquiries and not permitting unauthorized person(s) to view computer printouts
3. Providing printouts that will be available for pick-up each Monday and Friday at 0900 hours.
4. Securing the RAIN terminal and not permitting unauthorized person(s) access to the device.
5. Ensuring that distributions are available for investigative units in each district as well as for the Narcotics and Special Investigative Division, the Intelligence Division, the Internal Affairs Division, and the Criminal Investigations Division.

PART III

A. Commanders and Directors.

1. Commanders/Directors shall be responsible for:
 - a. The proper use of the WALES terminal(s) assigned to their organizational elements and for ensuring the proper training of their personnel in the use of such terminal(s).
 - b. The security of the WALES terminal(s) located within their element.
 - c. Notifying the Director, Data Processing Division, whenever a sworn or civilian member of their command who has been issued a WALES password leaves a job position due to:
 - (1) Re-assignment/Transfer,
 - (2) Separation from the department, or
 - (3) Administrative leave or Indefinite Suspension.
 - d. Cause WALES security to be a frequent subject of roll call training within their element.

- e. Cause frequent inspection of the area surrounding computer terminals to ensure that security procedures are being complied with.
- f. Where applicable update for each tour of duty the deployment schedule. For example, if the tour of duty is 0700 - 1500 hours, the information shall be entered no later than 0700 hours. In the event that WALES is down at the time of the schedule update, the deployment information shall be telephonically relayed to the Communications Division.
- g. Ensuring that, when it is determined that any data processing equipment must be relocated within their organizational element, a request is submitted to the Director, Data Processing Division. Upon approval of the request, the relocation of the equipment shall be accomplished entirely by members of the Data Processing Division or a manufacturer's representative.
- h. Where applicable, District/Division Commanders shall establish procedures within their commands to implement the NCIC validation process.

B. Director, Data Processing Division.

The Director, Data Processing Division, shall be responsible for approving or disapproving requests for relocation of data processing equipment submitted by commanders/directors.

C. Director, Communications Division.

The Director, Communications Division, shall be responsible for ensuring that:

- 1. The Operations Branch enters radio run information into WALES.
- 2. The Telecommunications Branch enters the following information into

WALES:

- a. Lost, stolen, and recovered vehicles, boats, articles, guns, bicycles, and license plates;
- b. Impounded, repossessed, and moved vehicles;
- c. All data pertaining to missing and located persons;
- d. Lookouts for and "attempts to locate" persons; and

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- e. Persons admitted to hospitals and the Medical Examiner's Office.

3. The person in charge of the Telecommunications Branch acts as liaison with NLETS and NCIC for the purpose of securing criminal history information.

D. Director, Identification and Records Division.

The Director, Identification and Records Division, shall be responsible for ensuring that:

1. The Firearms Registration Section enters gun registration information into WALES.
2. The Stolen Property Section:
 - a. Has responsibility for making quality control checks of data being entered into WALES by the Telecommunications Branch by comparing the computer entry with the contents of the PD Forms 251, etc., for accuracy and completeness; and
 - b. Enters all recovered guns into the proper file.
3. The Data Conversion Section updates criminal record information and enters identification index information into WALES.
4. The Criminal Warrants Section enters:
 - a. Warrant information on United States District Court warrants forwarded to this department for service.
 - b. Tracking information for the PD Form 26 (Record of Warrant on File in Identification and Records Division Requiring Service).
5. The Modus Operandi Section modifies WALES identification records of individuals to indicate suicidal or dangerous tendencies and enters nicknames, aliases, and photographic data maintained in the WALES identification records.
6. Copies of all reports bearing the CCN's listed on the validation printouts are made and forwarded to the respective district of occurrence. Exceptions are as follows:
 - a. Missing person reports shall be forwarded to the Youth Division;

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- b. Cases investigated by Criminal Investigations Division shall be forwarded to that element;
- c. Wanted Person File information shall be validated by the Identification and Records Division, along with the Warrant Section, D.C. Superior Court; and
- d. If a report cannot be located, a notation shall be made on the printout, and a memorandum listing all missing reports shall be forwarded to the Director, Data Processing Division.

E. Commander, Criminal Investigations Division.

The Commander, Criminal Investigations Division, shall be responsible for ensuring that:

- 1. The Major Violators Section updates and modifies information concerning offenders on probation and parole and tracks fugitive warrants in WALES;
- 2. The Burglary, Arson, and Pawn Section enters and modifies information concerning pawned articles on a timely basis.

F. Commander, Youth Division.

The Commander, Youth Division, shall be responsible for:

- 1. The quality control of WALES/NCIC computer records pertaining to missing person records by:
 - a. Comparing all missing person reports with the WALES/NCIC computer entries.
 - b. Verifying that the entry has been made/deleted; and
 - c. Ensuring that the entry is accurate.
- 2. Ensuring that the Missing Persons Section maintains quality control of all records entered by this department into the NCIC Missing Persons File; and
- 3. Ensuring that the Bicycle Section enters registration information into WALES.

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G. Director, Property Division.

The Director, Property Division, shall be responsible for entering:

1. Lost and stolen police department property into WALES and NCIC;
2. Issued service revolvers and badges into WALES/APS.

H. Director, Intelligence Division.

The Director, Intelligence Division, shall be responsible for ensuring that the Security Officers Management Branch updates and enters the WALES information pertaining to each individual commissioned as a special police officer in the District of Columbia.

I. Watch Commanders, Patrol Operations Bureau and Criminal Investigations Division.

The watch commanders in Patrol Operations Bureau elements and in the Criminal Investigations Division shall personally:

1. Update Demand Deployment System information for his/her element within 30 minutes of the time a unit or section reports on duty or off duty during his/her tour of duty; and
2. Telephone the deployment information update, within the same time frame as above, to the Supervisor's Office, Communications Division, whenever WALES is out-of-service.

J. Watch Commander, Communications Division.

The watch commander, Communications Division, shall enter any pending deployment information received from organizational elements into DDS whenever WALES returns to service after having been out-of-service.

Isaac Fulwood, Jr.
Isaac Fulwood, Jr.
Chief of Police