

# **TRAFFIC ENFORCEMENT BY OFF-DUTY OFFICERS**



## **REPORT AND RECOMMENDATIONS OF THE POLICE COMPLAINTS BOARD**

**TO**

**MAYOR VINCENT C. GRAY,  
THE COUNCIL OF THE DISTRICT OF COLUMBIA, AND  
CHIEF OF POLICE CATHY L. LANIER**

**September 27, 2012**

## **POLICE COMPLAINTS BOARD**

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## **I. INTRODUCTION AND OVERVIEW**

The Office of Police Complaints (OPC) has received at least six citizen complaints alleging that Metropolitan Police Department (MPD) officers who were off duty, out of uniform, and driving either their personal automobiles or police vehicles stopped people for minor traffic violations or for traffic incidents in which the officers were personally involved. Five of the six complaints were sustained by OPC complaint examiners, and one complaint was successfully mediated. In three of the complaints, the citizens did not initially know that the individual effecting the stop was a police officer. All the complainants, however, believed that the officers abused their police authority by and while conducting the stop.

A female complainant alleged that an off-duty officer not in uniform and in an unmarked police vehicle equipped with grill lights gave her a traffic citation because the officer was upset that the motorist did not allow him to merge in front of her. According to the complainant, when she failed to yield to the officer, he rolled down his window and yelled, "Let me in there or I'll throw you in jail." The complainant responded by saying that she was calling the police. The officer then said, "I am the police."

Another female complainant alleged that an off-duty plain clothes officer in an MPD patrol car followed and stopped her after the complainant's car accidentally tapped the right front tire of the officer's personal vehicle while the complainant was trying to parallel park. The officer opened the complainant's door, pulled her out of the car, and allegedly told her that "[her] ass was going to jail today."

To its credit, MPD has created policies governing the traffic enforcement responsibilities of off-duty officers. However, in reviewing the directives, OPC found that some policies lacked clarity and provided insufficient guidance to officers. This may be one of the reasons behind the abuses of authority found in sustained OPC complaints. Because the policies are confusing in some areas and appear to provide conflicting information about officer responsibilities, they should be revised and clarified so that they are consistent with one another.

Additionally, while researching this issue, OPC could not locate an MPD policy that generally sets forth the standards of conduct for off-duty officers engaged in law enforcement. A policy that more clearly addresses the required conduct of officers when not on duty, whether in the traffic context or not, along with enhanced training on the policy, would clarify the scope of authority for off-duty officers and likely reduce the number of citizen complaints filed alleging off-duty officer misconduct.

To address these concerns, the Police Complaints Board (PCB), the governing body of OPC, recommends that MPD revise its current policies to clarify when off-duty officers should engage in traffic enforcement. MPD should also consider including in an existing policy, or creating as part of a separate protocol, overall standards of conduct for off-duty officers. In addition, MPD should conduct training on the revised directives in an effort to prevent any actual or perceived abuses of authority by off-duty police. Lastly, MPD should institute record-keeping

requirements for off-duty officers engaging in contacts to ensure that all interactions between motorists and off-duty officers are documented and can be reviewed by MPD management.<sup>1</sup>

## **II. CURRENT MPD POLICIES REGARDING OFF-DUTY OFFICER TRAFFIC ENFORCEMENT**

Three MPD directives govern traffic enforcement actions by off-duty officers: 1) General Order 303.1, “Traffic Enforcement,” which pertains to all traffic enforcement actions; 2) Special Order 00-11, “Changes to G.O. 301.3 and G.O. 303.1,” which supplements, among other things, General Order 303.1; and 3) General Order 301.04, the “Motor Vehicle Take Home Program,” which specifies the extent to which officers participating in the Department’s take-home vehicle program can engage in traffic enforcement.

The two general orders are lengthy, with General Order 303.1 consisting of 20 pages and General Order 301.04 totaling 14 pages. Some of the language in all three directives is confusing. Officers must first read General Order 303.1 and compare it with Special Order 00-11 in order to fully understand their obligations under the directives. Essentially, though, General Order 303.1 and Special Order 00-11, when read together, state that an officer “may” take traffic enforcement action when the officer is either: 1) on duty, uniformed, and in a marked vehicle; 2) off duty, but uniformed and operating a marked vehicle as a participant in MPD’s take-home cruiser program; or 3) uniformed and operating an unmarked vehicle equipped with grill lights and sirens.<sup>2</sup> The two directives further state that an officer either not in uniform, or in uniform but operating an unmarked vehicle without grill lights or sirens, may take enforcement action only where the violation is “so grave as to pose an immediate threat to the safety of others.”<sup>3</sup> Under Special Order 00-11, when taking action, the officer does not have to call for assistance right away, but rather “as soon as practical.”<sup>4</sup> The tables below, created by OPC in connection with this report, have helped to clarify what appear to be the traffic enforcement standards for on-duty and off-duty officers pursuant to General Order 303.1 and Special Order 00-11.<sup>5</sup>

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<sup>1</sup> PCB is making these recommendations pursuant to D.C. Official Code § 5-1104(d), which authorizes the Board to recommend to the District of Columbia Mayor, Council, and the Chiefs of Police of the MPD and the District of Columbia Housing Authority’s Office of Public Safety reforms that have the potential to reduce the incidence of police misconduct. PCB is grateful to the following staff persons who assisted in preparing this report and the accompanying recommendations: OPC’s executive director, Philip K. Eure, who supervised the project; special assistant, Nicole Porter; former law clerk Lauren Posten (Lewis and Clark Law School); and former law clerk Dan Burbott (California Western School of Law).

<sup>2</sup> General Order 303.1, “Traffic Enforcement,” Part I, Section A.2(a) (effective Apr. 30, 1992); Special Order 00-11, “Changes to G.O. 301.3 (Operation of Emergency Vehicles, Fresh Pursuit and Vehicular Pursuit) and to G.O. 303.1 (Traffic Enforcement),” (effective May 30, 2000).

<sup>3</sup> *Id.*

<sup>4</sup> Special Order 00-11.

<sup>5</sup> Without the benefit of these tables, it would be difficult for the reader (and perhaps for MPD officers as well) to understand officer obligations under the directives. PCB has attached General Order 303.1 and General Order 301.04 as an appendix to this report. Shortly before the issuance of this report, MPD asked OPC not to include Special Order 00-11 as an attachment or otherwise release the special order, asserting that the document is of a sensitive nature. However, the Department has informed us that it is currently reviewing all directives deemed sensitive by MPD, and will notify us in the event that the policy can be publicly released. PCB and OPC will monitor this issue and include the special order as an appendix to this report should it no longer be deemed sensitive by MPD or should it otherwise be determined that Special Order 00-11 is appropriate for public review.



## TRAFFIC ENFORCEMENT STANDARDS FOR MPD OFFICERS

		On-Duty Traffic Enforcement?	Off-Duty Traffic Enforcement?
UNIFORM	Marked Departmental vehicle	Yes ( <i>see</i> General Order 303.1)	Yes ( <i>see</i> General Order 303.1)
	Unmarked vehicle with grill lights and sirens	Yes ( <i>see</i> Special Order 00-11)	Yes ( <i>see</i> Special Order 00-11)
	Unmarked vehicle without grill lights and sirens	Only if violation is so grave as to pose an immediate threat to others ( <i>see</i> Special Order 00-11)	Only if violation is so grave as to pose an immediate threat to others ( <i>see</i> Special Order 00-11)

		On-Duty Traffic Enforcement?	Off-Duty Traffic Enforcement?
NO UNIFORM	Marked Departmental vehicle	Only if violation is so grave as to pose an immediate threat to others ( <i>see</i> Special Order 00-11)	Only if violation is so grave as to pose an immediate threat to others ( <i>see</i> Special Order 00-11)
	Unmarked vehicle with grill lights and sirens	Only if violation is so grave as to pose an immediate threat to others ( <i>see</i> Special Order 00-11)	Only if violation is so grave as to pose an immediate threat to others ( <i>see</i> Special Order 00-11)
	Unmarked vehicle without grill lights and sirens	Only if violation is so grave as to pose an immediate threat to others ( <i>see</i> Special Order 00-11)	Only if violation is so grave as to pose an immediate threat to others ( <i>see</i> Special Order 00-11)

While General Order 303.1, with the inclusion of the word “may,” appears to allow uniformed off-duty officers operating marked take-home vehicles *discretion* to engage in traffic enforcement,<sup>6</sup> General Order 301.04 provides that members of the program operating a vehicle while off duty *shall* take immediate action for incidents “requiring an immediate police response.” (emphasis added).<sup>7</sup> Presumably, this includes traffic enforcement. If true, the two directives seem to lay down different traffic enforcement standards for officers operating marked take-home cruisers.

<sup>6</sup> See General Order 303.1, Part I, Section A.2(a).

<sup>7</sup> General Order 301.04, “Motor Vehicle Take-Home Program,” Part IV, Section B.9(c) (effective September 16, 2010).

Stripped to their essentials, General Order 303.1 and Special Order 00-11 clearly permit traffic enforcement by uniformed officers who are operating Departmental vehicles with grill lights or sirens. Other officers may engage in these activities only if the violation is so grave that it poses an immediate threat to others' safety. Because the language contained in the two directives is at times hard to understand and confusing, it can be difficult to ascertain officer obligations under the orders. These ambiguities, coupled with the existence of a different traffic enforcement standard for off-duty officers operating take-home vehicles pursuant to General Order 301.04, may be part of the impetus behind the complaints discussed below.<sup>8</sup>

### **III. COMPLAINTS RECEIVED BY OPC**

The allegations in the examples below underscore the need for additional policy guidance and training for off-duty officers who engage in traffic enforcement. The scenarios also demonstrate the types of complaints OPC has received in the past and the basis for this policy recommendation. All of the complaints below involved off-duty officers who were not in uniform.

- The complainant, a male, alleged that the subject officer, an off-duty police officer not in uniform and driving his private vehicle, followed him for several miles and gave him two traffic tickets because the officer was personally upset over a near collision involving their two vehicles. The driver was traveling on a three-lane road when he realized that he was in the "right turn only" lane and he needed to merge left. While attempting to merge into the appropriate lane, the motorist's vehicle nearly struck the car being driven by the officer. The complainant and officer both got out of their vehicles and began to curse and yell at each other. The officer then pulled out his badge and identified himself as an MPD officer. The man told the officer that he was unimpressed by the officer's show of authority. This made the officer even more upset. Because there had not been a collision, the complainant thought that it was not prudent to continue arguing with the officer. The man drove away, but the officer followed him. After a short distance, the officer signaled to two on-duty officers in an MPD cruiser to pull over the complainant. When the on-duty officers did so, the subject officer told them that the motorist had been involved in a "hit and run." The off-duty subject officer borrowed a ticket book from one of the on-duty officers and issued the man two traffic tickets, for failure to maintain proper lane and for not having a license plate in the front of his car. The OPC complaint examiner sustained the harassment allegation against the officer, finding that the complainant's actions did not pose an immediate threat to the safety of others.
- The complainant, a male, alleged that an off-duty police officer not in uniform and driving her personal vehicle harassed him by unlawfully stopping him. The complainant, who was driving behind the officer, noticed that the officer kept

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<sup>8</sup> In a letter to OPC, MPD maintains that General Order 303.1 is "clear in its meaning and direction." However, the Department notes that the directive is presently being reviewed by MPD staff and says that it will consider PCB's recommended modifications to the general order during the course of its review. MPD further states that a "revised General Order 301.04 is currently being drafted."

stopping suddenly. The man used his cell phone to take a picture of the officer's license plate. The officer finally got out of her vehicle, approached the complainant, and erroneously informed him that taking pictures of someone's tag was against the law. The officer also accused the man of driving too close to her. During their conversation, the officer repeatedly told the motorist that she was a police officer and stated, "You do as I say." At one point, the subject officer flashed her badge at the man. The officer then returned to her vehicle without issuing any traffic tickets or documenting the incident. The OPC complaint examiner sustained the harassment allegation against the officer, finding that the complainant's actions did not pose an immediate threat to the safety of others and, accordingly, there was no legitimate basis for the off-duty non-uniformed subject officer to make the stop.

- The complainant, a female, alleged that an off-duty police officer not in uniform and in an unmarked Department vehicle equipped with grill lights gave her a traffic citation because the officer was upset that the motorist did not allow him to merge in front of her. The complainant was traveling in the right lane of traffic when the officer, who was driving on an adjacent service road, attempted to merge into her lane. Although the woman believed that the officer had to yield to existing traffic, the officer reportedly rolled down his window and yelled, "Let me in there or I'll throw you in jail." The complainant responded by saying that she was calling the police. The officer then said, "I am the police." The woman dialed 911 and drove to a gas station where several police cars were parked. The officer activated his grill lights and followed the complainant. While at the gas station, the officer obtained a ticket book from one of the police officers present at the station and issued the woman a ticket for failing to yield the right of way. The complainant eventually paid the ticket. The OPC complaint examiner sustained the harassment allegation against the officer, finding that there was no immediate threat to the safety of others that warranted the off-duty officer's actions.
- The complainant, a female, alleged that an off-duty police officer not in uniform and driving an MPD cruiser harassed her by stopping the complainant as she drove home. The woman was returning home from a friend's house when she mistakenly stopped her car at a parkway junction. When she stopped, the officer pulled beside her, activated the emergency lights and allegedly yelled, "What the hell are you doing? What the fuck are you doing?" The officer then drove off without any further explanation. The complainant continued driving on the same road while the officer drove ahead of her. After a short distance, the officer pulled over to the right, let the woman pass, and then activated her emergency lights and pulled over the complainant. The officer walked up to the woman's car and reportedly yelled, "Roll down your window! Why are you stalking me?" The officer also told the complainant that she could be arrested or receive a ticket for almost driving the officer "off the road." The officer again told the woman that she was, in her view, "stalking" the officer, and warned the motorist that if she continued, the complainant could "stalk [the officer] back to the police station." The officer then left without giving a ticket or documenting the incident. The harassment allegation was sustained against the officer. In sustaining the allegation, the OPC complaint examiner found

that there was no basis for the stop, because the complainant had not committed a traffic offense nor was she suspected of engaging in criminal activity.

- The complainant, a female, alleged that an off-duty plain clothes police officer in an MPD cruiser followed and stopped her after she tapped the right front tire of his personal vehicle while the complainant was trying to parallel park. The officer allegedly opened the complainant's door, pulled her out of the car, and told her that "[her] ass was going to jail today." Uniformed officers were called to the scene, and at the non-uniformed off-duty subject officer's direction, the woman was arrested for leaving after colliding. The United States Attorney's Office declined to prosecute the charge against the complainant. OPC's complaint examiner determined that the subject officer violated MPD regulations by following the complainant while he was off-duty and not in uniform when there was no immediate threat to the safety of others. As a result, the harassment allegation against the officer was sustained.

#### IV. LEGAL AND POLICY CONCERNS

In each of the cases summarized above, the OPC complaint examiner found that the subject officers who were not in uniform when the relevant traffic stops occurred violated MPD policies regarding off-duty traffic enforcement, finding that the events leading up to the stop did not require an immediate response by the officers or pose an immediate threat to others' safety. Violations of Departmental policy, standing alone, may not automatically translate into violations of constitutional rights, *see, e.g., Fernandors v. District of Columbia*, 382 F.Supp.2d 63, 77 (D.C. 2005). However, off-duty officers who stop drivers after minor, negative personal interactions may not have legitimate bases for such stops. Additionally, stops that occur without probable cause to believe that a traffic violation occurred or reasonable suspicion of criminal activity run afoul of the Fourth Amendment's prohibition against unreasonable seizures. *See Whren v. U.S.*, 517 U.S. 806 (1996); *Terry v. Ohio*, 392 U.S. 1 (1968). At a minimum, the behavior creates an atmosphere of distrust between motorists and law enforcement because it allows officers to use their authority to further their own personal ends and retaliate for perceived slights instead of serving the public safety needs of the community.

The fact that MPD officers are not required to document all police-citizen interactions further inhibits scrutiny of such off-duty stops. Under current MPD policy, officers are technically required to document all stops of motorists and pedestrians.<sup>9</sup> However, officers who are initiating "contacts" with individuals, defined by MPD as a "face-to-face communication . . . under circumstances in which the citizen is free not to respond, and to leave,"<sup>10</sup> are not required to complete any documentation, although the recording of the incident on a form is encouraged.<sup>11</sup> As a result, unless a driver complains about an interaction with an off-duty officer, incidents where an off-duty officer has improperly initiated a contact with that driver or failed to document

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<sup>9</sup> See MPD General Order 304.10, "Police-Citizen Contacts, Stops and Frisks," Part 1, Section D.1 (effective Jul. 1, 1973) (requiring officers to complete an PD 251 (Incident Event Report) whenever force is used to stop an individual); MPD General Order 304.10, Part 1, Section D.2 (requiring officers to complete a PD Form 76 (Stop or Contact Report) for non-forcible stops).

<sup>10</sup> MPD General Order 304.10, Part 1, Section A.

<sup>11</sup> MPD General Order 304.10, Part 1, Section D.3.

a stop will probably go unchecked by MPD. It is similarly problematic when an on-duty officer fails to record a traffic stop. In those cases, though, the Department may be able to determine whether a stop was made by reviewing MPD cruiser vehicle logs, mobile data terminal information, or dispatch communications. Because off-duty police officers, particularly those traveling in their personal vehicles, are unlikely to have access to these forms of documentation and systems, a separate record of their interactions with residents should be created and maintained.

## V. BEST PRACTICES

One way to limit off-duty officers from conducting improper traffic stops is to have a strong, clear policy generally prohibiting officers from engaging in traffic enforcement. Because of the risks posed by having off-duty officers engage in even minor traffic enforcement, on-duty uniformed officers driving marked Departmental vehicles should ordinarily be responsible for conducting stops. However, because there may be particular situations warranting traffic stops by off-duty officers, the policy should also plainly specify the circumstances under which off-duty officers *should* engage in law enforcement.

Cincinnati Police Department Procedural Manual 12.205, “Traffic Enforcement,” restricts off-duty police officers from stopping vehicles unless the situation is “serious[ly] life-threatening.”<sup>12</sup> Under the directive, if the matter is seriously life threatening and the off-duty officer has to act immediately, the officer must request an on-duty supervisor as soon as possible.<sup>13</sup> The on-duty supervisor will investigate the incident and submit a report to the police chief detailing the circumstances of the incident.<sup>14</sup> This policy is different from MPD’s because it clearly emphasizes that on-duty officers should take the lead in handling these matters.

The International Association of Chiefs of Police’s (IACP) model policy pertaining to officer standards of conduct states, “Unless operating a marked police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.”<sup>15</sup> The IACP concepts and issues paper involving off-duty arrests provides further guidance by citing examples of the kinds of incidents that warrant, and do not warrant, action by off-duty officers.<sup>16</sup>

Having uniformed, on-duty officers in marked Departmental vehicles act as primary responders makes sense for several reasons. First, an off-duty officer’s initiation of a stop without proper identification can evoke fear and concern in a motorist, who may be confused about the reason for the stop, suspicious of the officer’s credentials, and concerned that law enforcement members are abusing their police authority by conducting the stop. Second, according to the IACP, off-duty officers traveling in their personal vehicles may not be equipped with emergency communication devices, have immediate access to officer assistance, or have on

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<sup>12</sup> Cincinnati Police Department Procedural Manual 12.205, “Traffic Enforcement,” A.2(a) (effective Dec. 2, 2003).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> IACP National Law Enforcement Policy Center, “Standards of Conduct,” Model Policy (Aug. 1997).

<sup>16</sup> IACP National Law Enforcement Policy Center, “Off-Duty Conduct: Powers of Arrest,” Concepts and Issues Paper (Oct. 1996).

their person the tools or weapons needed to handle an escalating encounter.<sup>17</sup> Third, off-duty officers may not have time to prepare adequately for a situation quickly unfolding in front of them. Moreover, if the officer is personally involved in the incident, the involvement may affect the officer's judgment and lead to an improper stop or arrest, or escalate the incident even further.

In contrast, uniformed officers will frequently have time to prepare for the incident and will be better equipped to handle the situation objectively since they are not emotionally invested in the matter. The IACP suggests that rather than engaging in high-level enforcement action, off-duty officers should take a supporting role and use their police power to assist with the investigation and reporting of the incident. These officers can still fulfill their law enforcement duties while avoiding endangering the lives or safety of others.<sup>18</sup>

Another way to prevent off-duty officers from engaging in questionable traffic enforcement is by creating a policy generally outlining the standards of conduct for off-duty officers. MPD has issued a training bulletin in recent years advising off-duty officers to exercise caution when conducting stops and to "proceed cautiously in order to avoid any appearance of impropriety."<sup>19</sup> MPD should consider building upon the guidance in the bulletin and the recommendations made in IACP's model policies and concept papers by either issuing a directive exclusively addressing off-duty officer standards of conduct or by incorporating such standards into an existing directive.<sup>20</sup>

## VI. RECOMMENDATIONS

Based on its review of the issues discussed above, PCB makes the following recommendations:

1. MPD should issue a revised and updated general order that clarifies when off-duty officers should conduct traffic stops. Currently, MPD's policy pertaining to traffic stops, General Order 303.1, must be read in conjunction with another directive to grasp its meaning fully. Additionally, because the language in both directives is somewhat confusing, officers may not completely understand the limitations placed on off-duty officers who conduct traffic stops. The revised policy should be reworded to clearly prohibit off-duty officers from engaging in traffic enforcement, except under narrow, limited circumstances. For example, General Order 303.1 could be revised to state definitively, in a single sentence, that traffic enforcement must be conducted by on-duty uniformed officers in marked Departmental vehicles, and that all other officers may take enforcement action only where the violation is so grave that it poses an immediate threat to others. Like the IACP concepts and issues paper, the revised policy should also give examples of the kinds of situations that warrant, and do not warrant, enforcement action by off-duty officers. In addition, tables

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<sup>17</sup> *Id.* at 2.

<sup>18</sup> *Id.* at 3.

<sup>19</sup> TB-07-1, "Off-Duty Safety and Conduct of Metropolitan Police Officers," (effective Sept. 19, 2007).

<sup>20</sup> MPD currently has a directive, General Order 201.26, which generally establishes duties, responsibilities, and standards of conduct for officers. It may be helpful to add standards of conduct for off-duty officers to this directive. MPD has informed OPC, however, that it believes General Order 201.26, as well the Department's code of ethics directive, General Order 201.36, "provides sufficient guidance of officer conduct, on or off duty."

similar to the ones included on page 3 of this report may help officers better conceptualize their obligations under the policy.

2. MPD should revise General Order 301.04 to state that uniformed off-duty officers operating take-home cruisers are allowed (as opposed to required) to engage in traffic enforcement. The directive should also stress that traffic enforcement action by non-uniformed officers operating take-home cruisers, whether on duty or not, should occur only under conditions set forth in revised general order 303.1. These revisions will make the two directives consistent with one another.
3. MPD should consider creating in a new policy, or including in an existing protocol, general standards of conduct for off-duty officers. The standards should stress that off-duty officers who are personally involved in the matter should not engage in enforcement, except under very limited circumstances. The policy should also provide examples of appropriate and inappropriate off-duty conduct.
4. MPD should institute record-keeping requirements for off-duty officers initiating contacts. Adding such requirements will add a level of scrutiny and accountability to contacts initiated by off-duty officers, and may possibly deter those officers from making inappropriate contacts.
5. MPD should provide training on the Departmental policies and reporting requirements that are created to address these issues.

## APPENDIX – MPD GENERAL ORDER 303.1 AND MPD GENERAL ORDER 301.04



# Metropolitan Police Department □ Washington, D.C.



## GENERAL ORDER



Subject:  Traffic Enforcement	Series	Number	Distribution	Change Number
	303	1	A	1
	Effective Date			
	April 30, 1992			
Revision Date				

The purpose of this order is to establish the policy and procedures for carrying out an effective traffic enforcement program. This order consists of the following parts:

### PART I Responsibilities and Procedures for Members of the Department

- A. Objectives and Policies.
- B. Summary Arrests.
- C. Notices of Infractions (NOI's).
- D. Warning NOI's.
- E. NOI's issued to Postal Service Employees.
- F. Traffic Violations by Other Operators of Government Vehicles.
- G. Enforcement of Pedestrian Regulations.
- H. Enforcement of Public Regulations.
- I. Enforcement of Traffic Regulations Pertaining to the Operators of Bicycles.
- J. Enforcement of the Parking Regulations.
- K. Enforcement of the 72 Hour Parking Restriction.
- L. Department of Administrative Services' Parking Lots.
- M. Enforcing Violations of Excessive Smoke.
- N. Information to be Furnished the Motor Vehicle Inspection Stations Concerning Vehicles Conveyed There for Inspection by Members.
- O. Enforcement of Moped Regulations.
- P. Traffic School Information.
- Q. Processing Citizens' Complaints Relative to Motorists Illegally Passing Stopped School Buses.
- R. Congressional Tags.
- S. Elected City Officials.
- T. Military Personnel.
- U. Use of Radar Equipment.

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**PART II Responsibilities and Procedures for  
Special Assignment Personnel**

- A. Station Clerks.
- B. Traffic Enforcement Branch Personnel,  
Special Operations Division.

**PART III Responsibilities and Procedures for  
Supervisory and Command Personnel**

- A. Commanding Officer, Traffic Enforcement Branch,  
Special Operations Division.
- B. District Commanders.
- C. Patrol Operations Officer.

**PART I**

**A. Objectives and Policies.**

This department's traffic enforcement policies and objectives are as follows:

**1. Objectives.**

- a. To prevent traffic accidents;
- b. To promote greater traffic safety awareness by the public;
- c. To facilitate the efficient flow of traffic;
- d. To ensure the convenience and safety of all users of public  
roadways including pedestrians, bicyclists, and motorists;
- e. To target enforcement activities against those committing  
hazardous violations;
- f. To selectively enforce the Traffic Regulations, (DCMR, Title 18,  
Vehicles and Traffic) in proportion to the occurrence of traffic  
accidents or citizen complaints;
- g. To implement the selective enforcement policy with respect to  
time, place, frequency, and type of violation; and
- h. To assist employees of the Department of Public Works (DPW)  
in the District of Columbia Parking Enforcement Program.

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2. Policies.

- a. Traffic enforcement action may be taken under the following circumstances:
  - (1) By on duty uniformed members driving marked departmental vehicles; or
  - (2) By off duty uniformed members driving marked departmental vehicles while participating in the department's take home cruiser program; or
  - (3) By on duty uniformed members of the Public Vehicle Enforcement Unit, Traffic Enforcement Branch operating unmarked departmental vehicles; or
  - (4) Members who are not in uniform or are in unmarked vehicles may take enforcement action only in the case of a violation that is so grave as to pose an immediate threat to the safety of others.
- b. In each instance of a stop for a traffic violation, the member shall:
  - (1) Issue either a Notice of Infraction (NOI); or
  - (2) Issue a Warning NOI; or
  - (3) Under extreme circumstances an oral warning may be given (e.g., receipt of a radio assignment requiring immediate response, or the motorist was enroute to a hospital for emergency treatment of a sick or injured passenger).
- c. On-duty members shall not:
  - (1) Conceal themselves from the view of the public for traffic enforcement purposes; or
  - (2) Park department vehicles in such a manner that will impede the flow of traffic or create hazardous conditions.
- d. This order does not supersede the provisions of either law or departmental orders pertaining to persons who have either Congressional or diplomatic immunity.

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- e. Members are expected to be courteous and polite when making stops for either traffic or pedestrian violations. Members shall:
  - (1) Identify themselves and their element;
  - (2) Inform the motorist why he/she has been stopped; and
  - (3) Not enter into discussions with citizens over the legality or justification for the citation or arrest.

**B. Summary Arrests.**

1. Members shall make summary arrests and prepare NOI's for the following offenses:

- a. Reckless driving;
- b. Leaving the scene after colliding, with personal injury and property damage;
- c. Driving under the influence of intoxicating liquor or drugs;
- d. Operating without a valid permit;
- e. Operating after suspension or revocation;
- f. Operating over 30 mph in excess of the posted speed limit;
- g. Failure to surrender permit after suspension or revocation; and
- h. Smoke screens.

2. When members stop motor vehicles for a minor traffic violation and the operator of the motor vehicle exhibits a recently expired operator's permit, the member:

- a. May issue the operator an NOI for "No Permit" or "No D.C. Permit;" and
- b. Shall not summarily arrest the operator of the vehicle if it appears that the operator has through oversight, allowed the permit to expire.

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3. Members shall make a summary arrest for "No Permit" or "No D.C. Permit" where no operator's permit has been issued or the permit has been expired for more than 90 days. Before the operator of the vehicle is released, the member shall advise the operator:

- a. That until renewal he/she cannot legally operate a motor vehicle in the District of Columbia; and
- b. That only a validly licensed operator or tow truck operator can remove the vehicle from its present location.

4. When members stop motor vehicles for minor traffic violations and the operator fails to exhibit an operator's permit but states that he/she does have one, the member shall check WALES to verify that a permit has been issued and is still valid.

5. In the event that WALES is not in operation, members shall:

- a. If inquiring from his/her element, contact the Telecommunication Operations Branch, Communications Division, by telephone, and request that the subject's identifying information be run through the Department of Public Works, Transportation Systems Administration Computer Network (information such as partial spelling of the person's first, middle and last name and his/her approximate date of birth will help identify the individual); or
- b. If inquiring via radio communications, contact the Communications Division dispatcher who will in turn, contact the Telecommunication Operations Branch for assistance.

6. When an operator's permit status cannot be verified through the Communications Division dispatcher or the Telecommunication Operations Branch personnel, members shall:

- a. Summarily arrest the operator for "No Permit;"
- b. Transport the operator to the arresting member's element or closest element; and
- c. Have the operator processed.

7. If the operator has been issued a permit which is still valid, the member shall issue the operator an NOI for "Failure to Exhibit a Permit" in addition to NOI's for any other infraction which the operator may have committed. The operator may be permitted to continue to operate the vehicle.

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8. When it is determined that the arrestee does in fact, have a valid driver's permit and he/she has already been arrested for "No Permit," the member shall:

- a. Immediately initiate the procedures for placing a person on the Detention Journal, set forth in General Order No. 502.5 (Detention Journal); and
- b. Issue the arrestee an NOI for "Failure to Exhibit a Permit."

9. When a person is stopped for a traffic violation and a WALES check reveals that there is an outstanding Superior Court warrant on file, the member shall place the violator under arrest and arrange for him/her to be transported to the nearest district station where the WALES check can be verified and the appropriate action taken. A "Hit" on an out-of-state warrant should be verified with the entering agency prior to arrest, as outlined in General Order 302.6 (WALES).

10. When a member stops a motorist for a traffic violation and it is determined that there is a suspension or revocation order pending against the motorist, the issuing member shall:

- a. Complete a DOT Form 33-40 (Official Notice of Proposed Suspension);
- b. Request the signature of the person to be served and issue the pink copy to the operator. Should the operator refuse to sign the Official Notice of Proposed Suspension, enter the word "Refused" in the space provided for the operator's signature. The operator shall not be summarily arrested for refusing to sign the notice; and
- c. Release the operator after the appropriate police action has been taken.

11. Members who make summary arrests or issue NOI's for the following offenses shall submit a PD Form 31 (Report to DOT for Flagrant Violations), in triplicate, to the Chief of Police, who will then forward it to the Director, Department of Public Works:

- a. Homicide, operation of motor vehicle involved;
- b. Reckless driving-involving bodily injury;
- c. Physically unqualified to drive an automobile;

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- d. Lending of one's DC Permit;
- e. Charged with a felony, motor vehicle involved;
- f. Offenses tending to reflect on character of a taxi cab operator (Hacker);
- g. Colliding and failing to stop;
- h. Speed, 30 MPH or more in excess of posted speed limit;
- i. Excessive smoke or defective exhaust;
- j. Permitting an unlicensed operator; and
- k. Any other flagrant traffic violation which the member feels should be called to the immediate attention of the Director, Department of Public Works.

C. Notices of Infractions (NOI's).

In addition to those offenses requiring summary arrests in Part IB, an NOI shall also be issued for any offense which in the prudent judgement of the issuing member exhibited a flagrant disregard for the law and was likely to cause an accident or endanger the safety of pedestrians, bicyclists, or other motorists.

D. Warning NOI's.

1. Members may issue Warning NOI's for offenses that do not require the summary arrest of the motor vehicle operator.
2. Members shall not issue a Warning NOI to a motorist who has:
  - a. Committed a Right Turn on Red Offense;
  - b. Committed an offense which caused an accident;
  - c. Failed to Yield the Right of Way to a Pedestrian; or
  - d. Committed any parking violation.
3. The decision as to whether to issue the motorist a Warning NOI or a NOI shall be based upon the sound judgement of the member making the traffic stop.



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E. NOI's issued to U.S. Postal Service Employees.

In dealing with operators of vehicles of the Postal Service, members shall bear in mind that movement of the mail shall not be unduly delayed; however, U.S. Postal employees are required to obey the law and have no immunity from arrest.

1. The U.S. Postal Service has requested that moving traffic violations committed by operators of their vehicles be reported. In cases where enforcement action is taken by members of this department against operators of Postal Service vehicles, members shall:

- a. Complete a PD Form 101 (Report of Violation of the Traffic Regulations by Operators of Vehicles Owned by the District of Columbia or the U.S. Government) in duplicate and distributed as noted.
- b. If the operator of a vehicle is transporting U.S. Mail, the member shall expedite the transaction and shall not detain the operator any longer than absolutely necessary to secure the pertinent information for the completion of the citation and the PD Form 101.

2. Whenever a member wishes to speak with, serve a summons upon, or arrest an employee of the U.S. Postal Service at the Main Post Office, he/she shall contact the Director, Employees and Labor Relations, U.S. Postal Service, on weekdays between 0800 and 1700 hours (at other times, the Postal Inspector in charge may be contacted for this purpose).

3. If it becomes necessary to arrest an operator of a vehicle carrying mail on the street, the member shall:

- a. Immediately notify the Inspector in charge, Postal Inspector's Office, U.S. Postal Service, in order that someone may respond to take charge of the mail and the vehicle; and
- b. Take all necessary precautions to protect the mail.

4. If the operator of a postal vehicle violates the law or Municipal Regulations and flees into the City Postal Service Building or garage, the member will not be interfered with in effecting his/her arrest provided the member is able to apprehend the employee before he/she is able to exit the postal vehicle, or go beyond the immediate vicinity of the vehicle.



Note: If the member is a plainclothes officer and the circumstances permit, he/she should stop at the guard's office or post and be identified prior to taking any further action.

5. Members must contact the tour superintendent on duty if the employee should flee into any other part of the Postal Service Building. The tour superintendent will see that the employee in question is brought to the member or that the member is taken to the employee.

F. Traffic Violations by other Operators of Government Vehicles.

Whenever the operator of a motor vehicle bearing District of Columbia or U.S. Government license plates or a vehicle otherwise identifiable as being owned by either government is arrested for a traffic violation or is involved in an accident and it appears that the operator is at fault, the member handling the incident shall prepare a PD Form 101 as noted and follow the distribution schedule the morning following the day the case is disposed of in court.

G. Enforcement of Pedestrian Regulations.

Uniformed members of the force shall be responsible for the enforcement of all traffic laws and regulations pertaining to pedestrians. Primary emphasis shall be placed on those offenses where the pedestrian, through violation of existing statutes, creates a danger to himself, other persons, or the motoring public.

1. A separate criminal sanction is applicable in situations where a pedestrian violator refuses or fails to inform a member of his/her true name and address to facilitate proper issuance of an NOI.

2. Pedestrian violators shall not, however, be required to produce or display documentary evidence of identity unless the name and address furnished to the member at the time of the stop is known to be, or is reasonably suspected of being, fictitious. In this instance, members shall:

- a. Caution the pedestrian that continued refusal(s) to provide correct identity could result in the violator's arrest; and
- b. Issue an appropriately completed NOI for "Failure to Make Proper Identity Known," a Superior Court charge, should an arrest become necessary.

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Note: Absent articulable facts and circumstances supporting an member's belief that a pedestrian violator is intentionally providing false or fictitious information, the citizen's verbal disclosure of identity must be accepted.

3. Pedestrian violations involving juveniles under the age of 16 shall be processed according to the procedures set forth in General Order 305.1 (Handling Juveniles).

4. Warning NOI's may be issued for pedestrian violations when, in the judgement of the issuing member, a warning NOI rather than an NOI is appropriate.

- a. All appropriate spaces of the NOI shall be completed; and
- b. The word "WARNING" shall be written in the space for indicating the amount of collateral.

H. Enforcement of Public Vehicle.

It is the responsibility of all uniformed members on patrol to enforce the public vehicle regulations.

I. Enforcement of the Traffic Regulations Pertaining to the Operators of Bicycles.

Bicycle operators are required to comply with applicable traffic regulations. Uniformed members of the force on patrol shall enforce the traffic regulations pertaining to bicycle operators, giving particular emphasis to violations which at that time and place, unduly impede or obstruct traffic or endanger the bicycle rider or other persons.

J. Enforcement of the Parking Regulations.

Uniformed members on patrol shall enforce the parking regulations, giving primary attention to the more serious parking infractions (e.g., rush hour violations, obstructing fire hydrants, parking in alleys, and those parking violations which may contribute to an accident).

K. Enforcement of the 72 Hour Parking Restrictions.

Whenever it is brought to the attention of members of the department that a vehicle is reportedly parked in violation of the 72-hour restriction, the investigating member shall:

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1. Check WALES for a stolen or wanted report on the vehicle.
  - a. If the vehicle has been reported stolen or has a want status (e.g., use in a robbery holdup, kidnapping or recovered), the vehicle shall be impounded pursuant to General Order 601.1 (Recording, Handling and Disposition of Property Coming into the Custody of the Department);
  - b. If it is determined that the vehicle is not wanted, the member shall prepare PD Form 866 (Overtime Parking Sticker). The PD Form 866:
    - (1) Has an adhesive back designed to stick on a rubber surface (the card containing the PD Form 866 shall be carried in back of the NOI Book); and
    - (2) Shall be placed on the tire tread so as to be readily visible to investigating members.

2. Whenever a member prepares an NOI based upon the information contained on the PD Form 866, he/she shall record the pertinent facts on the back of the number one copy of the citation.

**L. Department of Administrative Services Parking Lots.**

The Department of Administrative Services (DAS) has under its control and jurisdiction a number of parking lots used by government personnel. Some DAS officers are authorized to write parking citations while others will require assistance from the MPD. The following is the procedure to be followed in dealing with parking violations on DAS property:

1. A member who receives an assignment to assist DAS officers with parking violations shall note the name of the DAS officer/complainant on the back of the citation and issue the NOI and/or impound the vehicle.
2. In the event the violator chooses to appear at the Bureau of Traffic Adjudication hearing, the member shall summons the complainant as a witness.

**M. Enforcing Violations of Excessive Smoke.**

1. Whenever an NOI is issued for excessive smoke on a vehicle, the issuing member shall prepare (in addition to the NOI), a PD Form 31 (Report to the Director, Department of Transportation for Flagrant Traffic Violations) in triplicate.

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- a. The PD Form 31 is not to be issued to the violator;
- b. All copies of the PD Form 31 and the first and third copies of the NOI shall be turned in to an official at the expiration of the member's tour of duty (If the operator to whom an NOI is issued is not the owner of the vehicle, the owner of the vehicle in violation may also be issued an NOI if he/she knowingly permitted the vehicle to be operated in violation); and
- c. The Department of Public Works will then issue a notice directing the owner to submit his/her vehicle for inspection within 72 hours.

Note: In doubtful or borderline cases, members of the force shall not issue NOI's, but shall prepare a PD Form 31 so the vehicle may be inspected by the appropriate authority.

2. When persons elect to appear at the Bureau of Traffic Adjudication hearing to contest excessive smoke charges, arrangements shall be made by the issuing member for a motor vehicle inspector to appear as a witness for the government. This can be accomplished by contacting the Chief Inspector, Vehicle Section, Department of Public Works.

**N. Information to be Furnished the Motor Vehicle Inspection Stations Concerning Vehicles Conveyed There for Inspection by Members.**

1. When a member of this department causes a motor vehicle to be presented to a District of Columbia Motor Vehicle Inspection Station for examination, he/she shall furnish, or cause to be furnished to the inspector in charge, the following information:

- a. The name and address of the owner and/or operator;
- b. The purpose of the inspection; and
- c. The name and element of the member initiating the action.

2. Upon completion of the inspection and the owner and/or operator is not present to take possession of the motor vehicle, members shall comply with the provisions of General Order 601.1 (Procedures for Handling Property).

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O. Enforcement of Moped Regulations:

1. The District of Columbia Motorized Bicycle Act, D.C. Law 1-110 defines a "Motorized Bicycle" (moped) as a motor vehicle with:

- a. Two or three wheels;
- b. A seat;
- c. An automatic transmission; and
- d. An engine no larger than 50 cubic centimeters capable of producing no more than 1.5 horsepower or a maximum speed of 25 mph.

2. mopeds operated within the District of Columbia are considered motor vehicles, and as such, fall within the scope of the District law that forbids the operation of a motor vehicle without the permission of its owner. The application of D.C. Code 22-2204 (Unauthorized Use of Vehicles) also applies when an arrest is made for the unauthorized use of a moped.

3. Out-of-state moped operators who have complied with the law of their state need not register their moped in the District (District residents must register their mopeds). The States of Maryland and Virginia do not require mopeds to be registered.

4. All operators of mopeds from Maryland and the District of Columbia must have a permit. Operators of mopeds from states which do not require a license may operate a moped in the District of Columbia without a license.

5. The following rules apply to mopeds operated in the District of Columbia:

- a. No helmet is required;
- b. No insurance is required;
- c. A moped may be parked like a bicycle;
- d. Operators must obey all motor vehicle rules;
- e. The operator must be at least sixteen years of age;
- f. Mopeds may not be operated on any sidewalk, off-street bike path, or bicycle route unless motor vehicles are allowed;



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- g. Mopeds may be operated on any part of a roadway designated for the use of bicycles; and
- h. All mopeds registered in the District must be inspected once every three years; rental mopeds must be inspected annually.

6. Any individual operating an unregistered moped in the District of Columbia that is required to be registered shall be cited for "Using or Permitting Use of Unregistered Vehicle." The operator shall be allowed to proceed but the moped shall not be allowed to be operated. Members impounding mopeds shall utilize the services of their district's motorscooter trailer.

- a. The moped may be impounded for safekeeping (no impoundment fee); or
- b. Operated after it has been registered.

7. NOI's shall be issued to mopeds and operators of mopeds for violations of the DCMR, Title 18, "Vehicles and Traffic."

P. Traffic School Information.

1. A citizen who receives a moving violation may elect to attend Traffic School in lieu of receiving points against his/her license under the following circumstances:

- a. When he/she is referred by the Superior Court, or the Corporation Counsel's Office, Superior Court; or
- b. When he/she is referred by the Bureau of Traffic Adjudication.

2. Unless referred by Superior Court or BTA, violators are ineligible for Traffic School.

3. Violations for which forfeiture of collateral is not permitted (e.g., driving under the influence, hit and run, etc.), will make the offender ineligible for Traffic School unless referred by the Superior Court.

4. Within fifteen (15) days of the date of issuance, the violator must pay the fine at the Bureau of Traffic Adjudication Cashier's Office, 65 K Street N.E. (for BTA charges) and request a Bureau of Traffic Adjudication hearing; or at the D.C. Finance Office for the Superior Court, 500 E Street N.W. (Superior Court charges).

5. Upon disposition of the traffic case the violator must, within five (5) days, appear in person at the Traffic Enforcement Branch (excluding Sundays and holidays), to register for Traffic School.

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6. A listing of the names of all persons registered for Traffic School (together with the NOI number and the completion date of the scheduled class) shall be compiled daily by the Traffic Enforcement Branch, Special Operations Division and forwarded to the Bureau of Traffic Adjudication for entry and updating of pertinent data into computer systems.

7. In order to complete the course, the violator must attend each of the scheduled classes. He/she must report at the scheduled time and place and present his/her ATTENDANCE CARD (PD 200B):

- a. The ATTENDANCE CARD is stamped at the end of each session; and
- b. At the end of the final session, test scores and the signature of the Commander, Traffic Enforcement Branch is affixed to certify that the violator has successfully completed the course (this constitutes final disposition of the traffic case).

**Q. Processing Citizens' Complaints Relative to Motorists Illegally Passing Stopped School Buses.**

1. When a citizen (including a school bus driver) reports that he/she has witnessed a vehicle illegally pass a stopped school bus with its warning lights activated, the member taking the report shall:

- a. Prepare a PD Form 251 (Event/Offense Report) and a PD Form 252 (Supplement Report) on each reported occurrence. The PD Form 251 report shall include:
  - (1) The license tag number and description of the offending vehicle;
  - (2) Any physical description of the motorist operating the offending vehicle; and
  - (3) A notation concerning whether the witness believes himself/herself able to identify the motorist.
- b. The PD Form 252 (Supplement Report) shall include the name, address, and telephone number(s) (home/work) of each person witnessing the incident.

2. Prior to the end of the tour of duty, the member taking the complaint from the citizen shall present the PD Forms 251, 252, and other relevant documents to the watch commander.

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3. The watch commander shall ensure that the incident is referred to the Traffic Enforcement Branch, Special Operations Division, within twenty-four hours.

- a. The originals of the PD Forms 251 and 252 shall be forwarded to the Information Processing Section, Data Processing Division; and
- b. A copy will be forwarded to the Traffic Enforcement Branch, Special Operations Division.

**R. Congressional Tags.**

This order is not intended to supersede the provisions of the law pertaining to persons who have Congressional immunity.

1. Members of the force are reminded that Title 40, Chapter 7, Section 703 of the District of Columbia Code provides for the issuance of Congressional tags to members of Congress and other selected individuals connected with Congress for their official use which, when used by them while on official business, shall authorize them to park their automobiles in any available curb space in the District of Columbia except within fire plug, fire house, loading station, and loading platform limitations.

2. The Congressional tags referred to above are issued by the Department of Public Works and are made of metal. The tag is made to be attached to the regular vehicle license plate and indicates the current session of Congress with further identification of "H" or "S" followed by a number.

**S. Elected City Officials.**

Elected city officials are required to attend many meetings and functions throughout the day and evening on a city-wide basis, therefore, it is the department's policy to take this into consideration and extend to them the same courtesies afforded members of Congress relative to parking infractions.

**T. Military Personnel.**

1. The Department of Public Works does not recognize operator's permits issued by military units or facilities as valid.

2. Active members of the Armed Forces exhibiting expired operator's permits from jurisdictions that extend the actual permittee's expiration to coincide with the date of the member's discharge shall:



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- a. Not be issued an NOI for "No D.C. Permit;" and
- b. Be permitted to continue the operation of their motor vehicle.

3. Active members of the Armed Forces who possess a District of Columbia operator's permit shall be required to maintain a valid permit at all times while operating a motor vehicle in the District of Columbia.

U. Use of Radar Equipment.

1. Only members who are trained and currently certified in the use of radar equipment shall be permitted to operate radar devices and issue radar speed NOI's.

2. Radar equipment shall be used only at those locations where the justification for its use can be demonstrated (e.g., locations where accidents occur frequently, school zones, or locations where speed is a contributing factor to accidents) Radar may also be used at locations selected at the discretion of a supervisory official.

3. When choosing a location to conduct radar speed measurements, members shall ensure that the flow of vehicular and pedestrian traffic will not be impeded or obstructed.

4. Members shall wear the visibility vest when operating radar equipment during hours of reduced visibility.

5. Members operating radar equipment are to complete a PD Form 715 (Radar Enforcement Record) for each location worked. This form shall be turned in at the end of the member's tour of duty.

6. When a member stops a vehicle and the operator has a device used to detect or counteract police radar in his/her possession, the member shall:

- a. Issue the motorist a PD Form 61D (Violation Citation) and list the collateral as fifty (\$50.00) dollars;
- b. Confiscate the radar detection device;
- c. Complete a PD Form 251 (Event Report) classifying the event as an incident for reporting purposes and include all pertinent facts surrounding the incident; and
- d. Complete a PD Form 81 (Property Record) and place the radar detection device on the Property Book as evidence.

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- e. When collateral is posted and forfeited, the radar detector shall be released to the owner with specific instructions to immediately remove the device from the District of Columbia.

7. If the vehicle has a factory installed radar device mounted in the dashboard, the member shall make no attempt to seize the device or impound the vehicle. The member shall determine the device to be operational, issue the motorist a PD Form 61D, make note of the device's name, location, model and serial number for use in court.

Note: A motorist shall not be summarily arrested exclusively for possession of a radar detection device.

## PART II

### A. Station Clerks.

The original and one copy of PD Form 31 shall be forwarded to the Office of the Chief of Police no later than the following business day for transmittal to the Director, Department of Public Works (one copy shall be filed at the forwarding organizational element).

### B. Traffic Enforcement Branch Personnel, Special Operations Division.

Upon being assigned a complaint by a citizen that a motorist has illegally passed a stopped school bus, the member shall:

1. Ensure that a PD Form 119 (Complaint/Witness Statement) has been completed, and that the statement includes:

- a. The time, date, and place of the occurrence;
- b. A description of the motorist, if possible; and
- c. The complainant's signature.

2. Attempt to contact and interview the owner of the offending vehicle to determine the operator at the time of the occurrence. Once the operator of the offending vehicle has been identified, the member shall:

- a. Interview the operator; and
- b. Take appropriate enforcement action which may include issuing an NOI (A notation as to why the NOI was written, i.e., complaint, investigation, shall be made on the reverse side of copy "A" along with any other pertinent information).

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### PART III

#### A. Commanding Officer, Traffic Enforcement Branch, Special Operations Division.

1. The Commanding Officer, Traffic Enforcement Branch, Special Operations Division, shall coordinate and periodically meet with the district commanders relative to traffic problems within their respective districts with a view toward assuring the safe and efficient movement of traffic. More specifically, he/she shall:

- a. Indicate the selective enforcement action needed to remedy the situation;
- b. Provide operational support for district enforcement activities where special skills or specialized equipment are needed such as radar enforcement, investigation of serious accidents, etc;
- c. Provide data on high accident frequency areas and causative violations to element commanding officers on a regular basis to assist in their selective enforcement efforts; and
- d. Provide data comparing enforcement efforts to accident occurrence in relation to time, place, and violation.

2. Assign all complaints of motorists illegally passing a stopped school bus for further investigation.

#### B. District Commanders.

District Commanders shall:

1. Enforce all traffic regulations.
2. Ensure controlled and unobstructed traffic flow.
3. Monitor arterial roadways and bridges at all times with particular attention given during rush hour periods.
4. Ensure that only trained and currently certified members operate radar and issue Notices of Infraction for speeding violations.
5. Frequently consult with the Commanding Officer, Traffic Enforcement Branch relative to traffic conditions and enforcement efforts within their respective districts.

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6. Submit a PD Form 107 (Outside Agency Report) to the Director, Department of Public Works, when traffic signs conflict or are obsolete.

7. Discuss the subject of courtesy at least once each week at roll calls (supervisors shall emphasize the need for courtesy at all times and shall take remedial action as necessary).

8. Ensure that 30% of all roll call training is traffic enforcement related.

9. Ensure that members of their command submit FL 140 (Monthly Report of Traffic Enforcement Activities) reports in an original and three (3) copies.

- a. The original and two copies shall be forwarded to the Commander, Special Operations Division (so as to arrive no later than the fifth (5th) day of the following month); and
- b. The third copy shall be retained in file at the originating element for one year.

10. Ensure that members of their command submit FL 140-A (Weekly Reports of Notices of Infraction) reports in an original and three (3) copies.

- a. The original and two copies shall be forwarded to the Chief of Police, through the Patrol Operations Officer, so as to arrive no later than Tuesday of the following week; and
- b. The third copy shall be retained in file at the originating element for one year.

C. Patrol Operations Officer.

The Patrol Operations Officer shall assume overall responsibility for traffic conditions within the District of Columbia.

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

IF:RMD:jtp

# GENERAL ORDER



## DISTRICT OF COLUMBIA

Title <b>Motor Vehicle Take-Home Program</b>		
Topic	Series	Number
<b>OPS</b>	<b>301</b>	<b>04</b>
Effective Date <b>September 16, 2010</b>		
Replaces GO-OPS- 301.04 (Motor Vehicle Take Home Program), Effective Date July 24, 2002		

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### I. POLICY

The policy of the Metropolitan Police Department (MPD) is to provide a Patrol Motor Vehicle Take-Home Program for selected uniform patrol members and other members as designated by the Chief of Police to increase police presence in the community, to serve as a deterrent to criminal activity through high visibility, and to serve as an incentive for patrol members that reside in the District of Columbia.

### II. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. Member – Sworn member of the Metropolitan Police Department.
2. Washington Metropolitan Area – Any point within a 25-mile radius extending from the U.S. Capitol Building.



**III. REGULATIONS**

- A. The Chief of Police or his/her designee shall determine, based on fleet availability, the number of vehicles that will be distributed to each police district for the Motor Vehicle Take Home Program ("Program").
- B. Members selected for participation in the Program shall be assigned to uniform patrol or as designated by the Chief of Police. Members assigned to duties in the patrol districts that are not eligible for selection include but are not limited to, administrative positions, property clerks, and similarly assigned personnel within a Patrol Service Area (PSA).
- C. Participation by members in the Program shall be terminated after three (3) years in any one (1) police district. Participants shall be required to reapply if they wish to be considered for participation after three (3) years.
- D. Members the rank of Sergeant and below are eligible to participate in the program. Lieutenants shall be ineligible to continue participating in the program unless approved by the Chief of Police.
- E. In order to be eligible for selection and participation in the program, at the time of application a member must:
  - 1. Provide proof of District of Columbia residency (e.g., driver's license, mortgage statement); dual residency is prohibited.
  - 2. Have at least three (3) years of MPD service and (2) years in Patrol.
  - 3. Have a current performance rating of exceeds expectations or higher.
  - 4. Have the Optional Sick Leave privilege in effect and no documented history of sick leave abuse, such as frequent use of sick leave prior to or following days off, holidays and/or major details.
  - 5. Have the expected tardiness privilege in effect.
  - 6. Have no more than one (1) preventable motor vehicle accident within the twelve (12) month-period preceding the date of application.
  - 7. Have no sustained adverse action within the previous three (3) years prior to the date of application.
  - 8. Be Civil Disturbance Unit (CDU) and Field Training Officer (FTO) trained or willing to be trained in both areas.
  - 9. Provide a letter of recommendation from an official regarding their work performance.

- F. Take-home vehicles shall remain assigned to members for three (3) years as long as they maintain DC residency, are assigned to a PSA, and remain in good standing or as otherwise approved by the Chief of Police.
- G. Members who fail to maintain any of the selection criteria outlined in Part III.E above shall be terminated from the program (e.g., member receives sustained adverse action.)
- H. Members participating in the Program are expected to stop for short periods of time to assist citizens with jump-starts and directions without receiving compensation. When members make an off-duty arrest, compensation shall be provided as required by the Fair Labor Standards Act.
- I. Absent authorization from their Watch Commander, members may not operate their take home vehicle outside the District of Columbia.
- J. Members may request approval from their Watch Commander to operate their take home vehicle outside of the District of Columbia for official police business only.

#### **IV. PROCEDURES**

##### **A. Selection Process**

- 1. Take-Home vehicles shall be assigned giving priority consideration to the following members:
  - a. Master Patrol Officers; and
  - b. Field Training Officers.
- 2. When assigning take-home vehicles, consideration shall be given to:
  - a. Members residing in public housing and/or neighborhoods identified as high crime areas; and
  - b. Members who reside in their patrol districts.
- 3. District Commanders shall:
  - a. Ensure that program vacancy announcements are read at roll calls, and published and posted in a timely manner on a secure bulletin board or case where it is accessible to every member of the organizational element.

- b. Ensure that a list is prepared containing the names of eligible applicants listed alphabetically by date of application including the patrol district of residence.
- c. Establish a Motor Vehicle Take-Home Selection Committee ("Committee") consisting of no less than three (3) members to include:
  - (1) One (1) Lieutenant or above who shall serve as the chairperson;
  - (2) A representative of the collective bargaining unit for officers and sergeants;
  - (3) One (1) MPO or one (1) sergeant member of the Patrol Motor Vehicle Take-Home Program;
  - (4) The Take Home Vehicle Coordinator; and
  - (5) The Vehicle Maintenance Officer (VMO).
- 4. The Committee shall review the list of eligible members and forward recommendations to the District Commander for approval.
- 5. The Chief of Police shall have final approval authority via the PD Form 895 (Authorization for the Use of a Government Owned- Leased Vehicle Designated Take Home Use) regarding all recommendations and the assignment of members to the Patrol Motor Vehicle Take-Home Program.
- 6. Members remaining on the eligibility list after initial selections are made shall be considered for temporary details in the Program that become available through transfers, retirements, and other administrative actions.
- 7. Temporarily selected members must maintain their eligibility and adhere to all responsibilities that are required of the members formally chosen by the Committee.
- 8. Members temporarily assigned as a participant for more than one (1) year shall have their accrued time deducted from the aggregate (3) three-year eligibility period.
- 9. Eligibility lists shall expire when a new vacancy announcement is published. Members temporarily assigned to the Program and those remaining on the expired eligibility list shall reapply for consideration when a new announcement is published.



**B. Responsibilities of Participating Members**

1. Members who meet all eligibility criteria and are selected to participate in the Program shall attend a mandatory orientation session prior to having a take-home vehicle assigned.
2. Members shall be notified of the date, time and location of the orientation session through the Commander or designee of their assigned district.
3. Members receiving temporary assignments shall attend an orientation session before receiving a vehicle from the take-home coordinator.
4. Members shall receive authorization from their District Commanders to be assigned a take-home vehicle after completion of the mandated orientation session.
5. Members participating in the Program shall comply with all MPD policies and procedures including, but not limited to:
  - a. GO-OPS-301.1 (Vehicle Operation and Maintenance);
  - b. GO-OPS-301.3 (Vehicular Pursuits);
  - c. GO-SPT-302.5 (Radio Communications);
  - d. GO-PER-201.19 (Employee Personnel Records);
  - e. D.C. Municipal Regulations Title 6A (Police Personnel); and
  - f. D.C. Official Code § 50-204 (Restrictions on the Use of Official Vehicles)
6. Members shall utilize their assigned take-home vehicle when on duty, unless otherwise directed by an official.
7. Members shall prepare and complete a PD Form 775 (Daily Vehicle Inspection and Activity Report) for on-duty use of their assigned take-home vehicle. The PD Form 775 shall be submitted to the reviewing official at the conclusion of the tour of duty.
8. Members shall prepare a PD Form 776 (Vehicle Take Home Monthly Report) each month, in an original and one (1) copy, to report activities for their assigned take-home vehicle.

- a. The PD Form 776 shall be submitted through the chain of command to the district commander no later than the 5th business day of each month, for the preceding month.
  - b. The report shall include the following information:
    - (1) A description of any police action taken, including moving and parking notices of infraction issued listing the date;
    - (2) Moving and parking notices of infractions received, listing the date and jurisdiction of occurrence;
    - (3) A record of gas, oil, and mileage used;
    - (4) A record of vehicular crashes or other damage to the vehicle with copies of all reports generated regarding such incidents;
    - (5) Participation in community, civic, and/or mentoring activities;
    - (6) Special requests for assistance received from citizens;
    - (7) Other activities related to the Program's objectives; and
    - (8) A record of all travel outside of the District of Columbia including, but not limited to, travel date, destination, time of departure, authorizing Watch Commander, and time of return.
9. When operating a take-home vehicle off-duty, members shall:
- a. Monitor the appropriate channel for the patrol district in which the vehicle is being operated.
  - b. Respond to citizens' requests for service or emergency calls in the immediate proximity to their location.
  - c. Notify the Office of Unified Communications (OUC) of incidents requiring an immediate police response and:
    - (1) Take whatever immediate action is required, given the circumstances surrounding the incident;

- (2) Request, when appropriate, that an on-duty unit respond; and
  - (3) Give their CAD number and four-digit off duty take-home cruiser number to the OUC dispatcher.
- d. Advise the OUC dispatcher when leaving the District of Columbia of the time of departure and return after approved by the Watch Commander.

NOTE: Members may only leave the District of Columbia for official police business with the approval of their Watch Commander.

- e. Immediately submit any police reports taken via RMS to a sergeant on duty.

NOTE: Members participating in the Program are expected to stop for short periods of time to assist citizens with jump-starts, and directions, without receiving compensation. When members make an off-duty arrest, compensation will be provided as required by the Fair Labor Standards Act.

- 10. Members are permitted to transport civilian passengers when operating a take-home vehicle off-duty and they shall follow all applicable laws for transporting persons (e.g., child restraint seats, seat belts.)
  - a. Members shall exercise good judgment at all times and not engage in any inherently dangerous activity when accompanied by a civilian passenger.
  - b. Members responding to emergency situations shall not engage in fresh or hot pursuit when a civilian passenger is present in their vehicle.
- 11. Members operating a take-home vehicle off-duty shall comply with D.C. Official Code § 50-204 (Restrictions on the Use of Official Vehicles), the applicable provisions of D.C. Municipal Regulations Title 18 (Vehicles and Traffic) (e.g., speed limits, parking regulations, seat belts, shoulder harnesses, and child restraint seats.)
- 12. Members shall remove their hand-held portable radio and all other portable police equipment whenever leaving their assigned take-home vehicle in accordance with MPD policy and procedures.
- 13. Members shall request a police crane, through the OUC, when a take-home vehicle becomes disabled.

14. Members may use their assigned take-home vehicle to travel to and from MPD-approved outside employment.
  - a. Members shall document their use of their assigned take-home vehicle for outside employment on the PD 776 (Vehicle Take Home Monthly Report).
  - b. Members shall not park their assigned take-home vehicle at any commercial, public, or private location for compensation.
15. Members are responsible for responding to, and adjudicating the payment of all traffic infraction notices received in all jurisdictions, while operating take-home vehicles, on and off duty. Members shall forward to their commanding official a copy of such notices, payment receipts and/or court dispositions within twenty-four (24) hours of receipt or knowledge of such notices whichever occurs first.
16. Members shall store their vehicles at their assigned districts when they will be outside the Washington Metropolitan Area for five (5) or more calendar days.

**C. Restrictions**

1. Members are prohibited from operating their assigned take-home vehicle and shall immediately surrender their vehicle to their commander/revoking official when on limited duty status, on sick leave, when their police powers are revoked, or upon termination, resignation or retirement. The revoking official shall ensure that the vehicle is returned to the district commander.
2. Absent exigent circumstances, members shall not permit any other person to operate their assigned take-home vehicle while off-duty (e.g., spouse, children, friends.)

NOTE: An assigned patrol partner is permitted to operate the vehicle while on-duty.

3. Master patrol officers shall permit non-certified recruit officers to operate a take-home vehicle while on-duty. The non-certified officers shall be accompanied by the assigned member whenever operating the vehicle.
4. Members shall be in possession of their badge, identification folder, service pistol, and MPD-issued less-than lethal weapons (e.g., OC spray and ASP) whenever operating a take-home vehicle.

- a. Members with authorization to operate a take-home vehicle in Maryland or Virginia shall comply with the laws of those states regarding carrying firearms.
  - b. Members carrying firearms off-duty in a manner not in compliance with the laws of the neighboring states may be subject to arrest and/or disciplinary action.
- 5. Members shall not frequent ABC establishments or strip clubs unless on official police business and shall not operate their take-home vehicle through any drive-through liquor stores.
- 6. Members operating a take-home vehicle off-duty and their passengers shall not dress in a manner or exhibit conduct that will bring discredit to the MPD or the District of Columbia.
  - a. The wearing of revealing attire such as bathing suits, flip-flops, halter-tops, or clothing with derogatory, obscene, and/or offensive language or designs is prohibited.
  - b. Members are responsible for the appearance and conduct of all passengers in their take-home vehicle, both sworn and civilian.
- 7. Members shall not use their take-home vehicle to transport pets, carry excessive loads, or carry protruding objects, unless transporting found or recovered property while on-duty.
- 8. Members shall not install personal equipment or make modifications to their assigned take-home vehicle, except when the following conditions are met:
  - a. Written approval is obtained from the Director, Fleet Services Branch, in advance of the equipment installation and/or modification (e.g. electronic items, radios, cellular telephones, speakers, window tinting, and future add-ons);
  - b. The member assumes responsibility for the cost of the personal equipment, to include installation and/or modifications;
  - c. The equipment is specifically designed for the make and model of the vehicle;
  - d. The vehicle is not disfigured in any way (e.g., by adding radio speakers to augment factory installed speaker systems);

- e. The member is responsible for having the vehicle inspected by the Radio Shop Section, OUC, following completion of electronic equipment installations/modifications; and
- f. All personal equipment installed in a take-home vehicle becomes a permanent fixture of the vehicle.

**D. Removal from the Program**

1. Members selected for participation in the Program may be suspended and/or removed from the Program for the following:
  - a. Failure to comply with any provision of this order or any other general or special order or directive, which governs members in the performance of their duties and responsibilities;
  - b. Failure to maintain the Program eligibility criteria established in Part III.E of this order;
  - c. Negligence in the care, maintenance, and/or operation of their assigned take-home vehicle; or
  - d. Failure to comply with Program requirements as determined by the element commander, respective bureau heads, and the Chief of Police.
2. Members cited, charged and/or convicted for Driving While Under the Influence or Driving While Intoxicated in any jurisdiction while operating a take-home or personal vehicle shall constitute cause for removal from the Program. The vehicle shall be surrendered to the Commanding Official immediately for reassignment.
3. Whenever a cruiser has to be surrendered, the receiving official or vehicle maintenance officer shall conduct an inventory and inspection of the vehicle and prepare a PD Form 775 (Weekly Vehicle Inspection Checklist).

**E. Special Operations Division**

1. The Commanding Official or designee, Special Operations Division (SOD), shall designate MPD vehicles assigned to SOD as either take-home vehicles or on-call vehicles based upon personnel and operational needs.
2. SOD members shall meet and maintain all eligibility criteria in Part III.E of this order with the exception of Part III.E.1, 2, and 8.



3. SOD members shall be selected for take-home and on-call vehicles by the Commanding Official, SOD, with concurrence from the Assistant Chief, Homeland Security Bureau and the Chief of Police.
4. SOD members operating either a take home or an on-call vehicle shall adhere to the rules and regulations of this order with the exception of those limitations enumerated in Part III.D, I, and J.

**F. Crash Review Board**

The Crash Review Board shall:

1. Review all crash investigations involving take-home vehicles.
2. The Crash Review Board shall prepare a final report, documenting its findings and recommendations and forward the report through channels to the command that reported and investigated the crash. See GO-SPT 401.02 (Crash Review Board).

**G. Watch Commander Responsibilities**

Watch commanders may authorize a member participating in the Program to attend an Advisory Neighborhood Commission meeting, Citizens Advisory Council meeting, or other community meeting having direct impact upon the neighborhood in which the member patrols or resides while the member is on duty, provided the member's absence does not interfere with police operations.

**H. District Commander Responsibilities**

District Commanders shall:

1. Prepare and publish Patrol Motor Vehicle Take-Home Program vacancy announcements within their respective elements.
2. Ensure that Program vacancy announcements are read at roll calls, and published and posted in a timely manner on a secure bulletin board or case where it is accessible to every member of the organizational element.
3. Ensure that an eligibility list of qualified applicants is published as described in this order.
4. Forward to the Chief of Police, for review and approval all names of members selected for assignment to the Program.

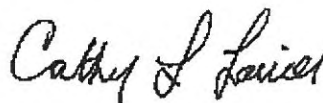
5. Suspend members from the take-home vehicle program in accordance with this order.
6. Forward recommendations, accompanied by the investigative package, if applicable, for any terminations from the Program to the Chief of Police for approval.
7. Ensure that all accident investigations involving take-home vehicles are submitted to the Crash Review Board and take no action prior to receiving recommendations from the Crash Review Board as specified in GO-SPT 401.02 (Crash Review Board).
8. Ensure their VMO establishes files for the PD Form 775 (Weekly Vehicle Inspection) and the PD Form 776 (Vehicle Take Home Monthly Report) filed by date, and forwards all PD 776s to PSSSB monthly.
9. Make temporary assignments of a take-home vehicle when:
  - a. The vehicle's assigned member is on limited duty, extended sick leave, administrative leave, annual leave, leave without pay or on a non-qualifying detail for a period in excess of thirty (30) calendar days; or
  - b. A vehicle becomes available due to the assigned member's resignation, retirement, transfer to a non-qualifying position, or removal, until a permanent selection can be made.
10. Make temporary assignments to applicants currently on the Program eligibility list who meet the eligibility criteria contained in Part III.E of this order.
11. Maintain a separate set of keys for each take-home vehicle assigned to the district.
12. Ensure parking spaces at the district where take-home vehicles may be secured when the assigned member is leaving the Washington Metropolitan Area for five (5) or more calendar days, or when their police powers are revoked, or when the member is suspended, terminated or resigns.
13. Ensure that members participating in the Program comply with this order and other applicable directives concerning members' duties and responsibilities.



- I. The Director, Fleet Services Branch, shall:
  - 1. Assign Program vehicles to District Commanders for disbursement as directed by the Chief of Police.
  - 2. Implement written guidelines for use when reviewing a member's request to make personal equipment installations or modifications to a take-home vehicle.
  - 3. Ensure that the vehicle history files are current, to include accurate documentation of personal equipment installations and modifications.

**V. CROSS REFERENCES**

- A. GO-PER-201.19 (Employee Personnel Records)
- B. GO-OPS-301.01 (Vehicle Operation and Maintenance)
- C. GO-OPS-301.03 (Vehicular Pursuits)
- D. GO-SPT-302.05 (Radio Communications)
- E. GO-SPT-401.02 (Crash Review Board)
- F. D.C. Municipal Regulations Title 6A (Police Personnel)
- G. D.C. Official Code § 50-204 (Restrictions on the Use of Official Vehicles)



Cathy L. Lanier  
Chief of Police