

Policy Recommendation Status

Traffic Enforcement By Off-Duty Officers

(September 27, 2012)

Recommendation	Status
<p>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 similar to the ones included on page 3 of this report may help officers better conceptualize their obligations under the policy.</p>	<p>Pending. MPD reports that its Policies and Development Branch recently began a review of General Order 303.1, "Traffic Enforcement," as part of an ongoing effort to update policies and incorporate best practices. Although MPD stated that it felt PCB's recommendations are covered in other general orders, it pledged to consider these recommendations as part of its review.</p>
<p>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 nonuniformed 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.</p>	<p>Pending. MPD reports that it has revised General Order 301.04 and that the revisions are pending final approval.</p>

<p>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.</p>	<p>Pending. MPD reports that its current General Orders 201.26, “Duties, Responsibilities and Conduct of Members of the Department,” and 201.36, “Metropolitan Police Department Sworn Law Enforcement Code of Ethics,” provide instruction for off-duty conduct, but that the Department will consider adding more guidance to General Order 201.26 in response to PCB’s recommendation.</p>
<p>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.</p>	
<p>MPD should provide training on the Departmental policies and reporting requirements that are created to address these issues.</p>	<p>Pending. Although MPD’s response did not include this specific recommendation, PCB is aware that the Department has been proactive in ensuring its officers receive training on updated or new orders through roll call briefings, on-line training modules, and notices in its internal publications.</p>