

# **MPD ENFORCEMENT OF THE DISTRICT'S WINDOW TINT LAW**



## **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**

**November 21, 2013**

### **POLICE COMPLAINTS BOARD**

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## I. INTRODUCTION AND OVERVIEW

From 2007 through the end of 2012, the District of Columbia Office of Police Complaints (OPC)<sup>1</sup> received 77 complaints and potential complaints involving Metropolitan Police Department (MPD) enforcement of the District's vehicular window tint law.<sup>2</sup> Almost 40 percent of these complaints were filed by non-District residents. Eighteen of these out-of-state motorists stopped by MPD officers alleged that their cars were registered outside Washington, D.C., and were in compliance with their home states' window tint requirements. Two of the out-of-state drivers alleged that MPD officers refused to acknowledge their medical tint waivers, through which their home states permitted them to have darker-tinted windows than otherwise allowed. According to the District's Motor Vehicle Tinted Window Amendment Act of 1994, however, these interactions are proper, and MPD officers do have the authority to issue citations for any non-compliant, private passenger vehicle, regardless of the state in which it is registered.

At the hearing leading up to the passage of the law in 1994, MPD argued before the Council of the District of Columbia (District Council) that the city's goal of promoting public and officer safety would be furthered by enforcing the restriction against all vehicles operating within the District, not simply District-registered vehicles. The law, however, is not as much of a deterrent for out-of-state motorists as it is for owners of District-registered vehicles, who are additionally subject to the suspension of their vehicle registration if the tint is not removed. Instead, the broad application of the law has served to frustrate motorists from other states who argue that they should not be penalized for something that is legal in their home state. Furthermore, there is no available research indicating that enforcement of the law against out-of-state motorists has increased public or officer safety in the District.<sup>3</sup>

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<sup>1</sup> The Office of Police Complaints is overseen by the Police Complaints Board (PCB). PCB issues this report and makes these recommendations pursuant to D.C. Code § 5-1104(d) (2013), which authorizes the Board to recommend to the Mayor, the Council of the District of Columbia, and the Chiefs of Police of MPD and the D.C. Housing Authority's Office of Public Safety, reforms that have the potential to reduce the incidence of police misconduct. The report and recommendations are supported by four of the five members of PCB: Kurt Vorndran, Iris Chavez, Karl M. Fraser, and Margaret A. Moore. The fifth member of the Board, MPD Assistant Chief Patrick A. Burke, has abstained from taking a position on the report and recommendations. PCB is grateful to the following persons who assisted in preparing the report and accompanying recommendations: OPC Executive Director Philip K. Eure, who supervised the project with the assistance of OPC Special Assistant Nicole Porter; OPC Deputy Director Christian J. Klossner, who provided technical assistance; Daniel R. Reed, an OPC legal assistant and 2013 graduate of the University of Iowa College of Law; and Chang Zhou, a third-year law student at American University Washington College of Law.

<sup>2</sup> Potential complaints are complaints made by citizens who then do not submit a signed, formal complaint within the statutorily governed time period. Seventeen of the 77 window tint complaints that OPC received from 2007 through 2012 are classified as potential complaints. OPC has not sustained a complaint involving window tint. The content of these complaints, however, is helpful in identifying the concerns of individual members of the community as well as patterns of negative police-citizen interactions that can be addressed through PCB's review of MPD policies and practices.

<sup>3</sup> In its response to a draft version of this report, MPD objected to this statement and argued that the Board has not conducted an analysis that would support the assertion. The Department, however, did not provide in its response any evidence that would demonstrate the law's effectiveness in increasing officer safety in the District, instead drawing upon anecdotes based on media accounts from other jurisdictions. Nor has MPD pointed to any local or national studies establishing that window tint laws improve driver and officer safety.

In addition to the concerns raised by out-of-state motorists, the Police Complaints Board (PCB) notes that 97 percent of the window tint-related complaints — both in-state and out-of-state combined — were filed by African American motorists. All but one of the 77 complaints received were based on incidents that occurred east of Rock Creek Park. Several complaints alleged the possibility of racial profiling based on the color of the motorist’s skin or the geographic location of the traffic stop.<sup>4</sup>

The Department has challenged the notion of biased policing concerning enforcement of the window tint law, maintaining that MPD stops are bias-free because excessive window tint, by its very nature, precludes race identification. While it is true that window tint could be dark enough to obscure a driver’s race, PCB notes that none of the complaints received by OPC involved tinted windshields. Therefore, officers may well be in a position to identify the race of a driver in many situations. Furthermore, racial profiling in this context is not necessarily limited to an officer’s ability to assess a motorist visually; instead, it could be evidenced by a geographic disparity in enforcement. As noted above, an overwhelming majority of these complaints arose from incidents occurring east of Rock Creek Park. This concentration indicates that MPD may be focusing enforcement of the window tint law in areas populated by people of color. If MPD officers are targeting such areas, they are increasing the likelihood that the driver of any given vehicle they stop will be a person of color, regardless of whether the driver’s race was identified prior to initiating the traffic stop.

PCB has previously monitored MPD’s efforts to measure the extent of racial profiling by providing input into the biased policing study that MPD conducted in 2006.<sup>5</sup> PCB has not conducted an actual racial profiling study concerning the at-issue complaints; however, the data highlight the need for further examination of MPD’s enforcement of the District’s window tint law.

To address concerns about varying tint standards in the Washington, D.C., metropolitan area, medical waiver requirements, and police enforcement, PCB has proposed a set of nine recommendations in Section VII of this report.

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<sup>4</sup> According to the most recent U.S. Census Bureau estimates, the District’s population is 50.1 percent African American and 42.9 percent white. *District of Columbia QuickFacts*, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/11/11001.html> (last visited Nov. 20, 2013). African Americans filed 78.2 percent and whites filed 13.8 percent of all complaints received by OPC from 2007 through 2012. While these figures provide some context for this report, an analysis of possible racial profiling would require more data to come up with a valid benchmark against which MPD window tint stops could be assessed. A reliable benchmark incorporating driver demographics and vehicle data would be needed to determine the characteristics of the vehicles that ought to be stopped under the law. Detailed data on the vehicles actually stopped and cited could then be compared against this benchmark, with appropriate controls for MPD resource allocation, to determine whether there is a significant disparity in enforcement. See NORTHEASTERN UNIV. INST. ON RACE & JUSTICE, PRACTITIONERS GUIDE FOR ADDRESSING RACIAL PROFILING 14, 22 (2005), available at [http://www.racialprofilinganalysis.neu.edu/IRJ\\_docs/Report\\_PractitionersGuide.pdf](http://www.racialprofilinganalysis.neu.edu/IRJ_docs/Report_PractitionersGuide.pdf).

<sup>5</sup> D.C. POLICE COMPLAINTS BOARD, ADDRESSING BIASED POLICING IN WASHINGTON, DC: NEXT STEPS (2007).

## II. APPLICABLE STATUTES AND MPD POLICY

### *Window Tint Statutes*

Vehicle window tinting, also known as window shading, is generally regulated under state law. Most states regulate the level of “light transmittance” or “luminous reflectance” of vehicle windows. Similar to other motor vehicle regulations, the allowable light transmittance may vary from state to state. Accordingly, the level of tint that is allowed within Washington, D.C., Maryland, and Virginia varies at each jurisdiction’s discretion. See Appendix A for a comparison chart of the various tint levels.

Subsection (a) of D.C. Code § 50-2207.02 provides that no motor vehicle, other than a minivan, may be operated or parked in the District of Columbia with a front windshield or front-side windows that allow less than 70 percent light transmittance; or a rear windshield or rear-side windows that allow less than 50 percent transmittance.<sup>6</sup> This statute applies to all vehicles, whether or not they are registered in the District.<sup>7</sup> The penalty for a vehicle found in violation of the statute is a \$50 citation.<sup>8</sup> In addition, motorists cited under the section must present their vehicles at the city inspection station within five days to prove that the illegal tint has been removed. The penalty for not presenting the vehicle is a fine of up to \$1,000 for the initial infraction, and up to \$5,000 for second and subsequent infractions.<sup>9</sup> If the owner of the vehicle fails to pay the fine, the vehicle’s registration will be suspended.<sup>10</sup> The provisions of this statute, however, do not apply to certain classes of vehicles, including:

- limousines;
- ambulances;
- buses;
- hearses;
- church-owned vehicles;
- all official government vehicles;
- vehicles with tinted windows installed by the manufacturer prior to purchase;<sup>11</sup> and

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<sup>6</sup> D.C. Code § 50-2207.02(a) (LexisNexis 2013). Minivans are subject to light transmittance minimums of 55 percent for the front-side windows and 35 percent for the rear and rear-side windows. *Id.*

<sup>7</sup> The provisions of the bill originally submitted to committee applied only to vehicles registered in the District. However, at MPD’s suggestion, the committee amended the enrolled bill to include all vehicles operated in the District. MPD’s testimony cited public safety (decreased visibility for drivers, especially at night) and officer safety (spotting dangers within a vehicle). See COMM. ON PUB. WORKS AND THE ENV’T, REPORT ON BILL 10-422, THE “MOTOR VEHICLE TINTED WINDOW AMENDMENT ACT OF 1994,” available at [http://dclclims1.dccouncil.us/images/00001/CP10/103249912\\_1.PDF](http://dclclims1.dccouncil.us/images/00001/CP10/103249912_1.PDF).

<sup>8</sup> D.C. Code § 50-2207.02(c).

<sup>9</sup> D.C. Code § 50-2207.02(d) & (e).

<sup>10</sup> See § 50-2207.02(n).

<sup>11</sup> This is distinguished from “aftermarket” tint films applied after purchasing a vehicle.

- vehicles exempted by the Director of the DMV because the owner of the vehicle has a medical condition requiring windows that allow less light than otherwise permitted.<sup>12</sup>

A “Vehicle Tint Waiver Request Form” is available on the District Department of Motor Vehicles (DMV) website, and motorists whose vehicles are registered in other states can request a waiver using that form.<sup>13</sup>

Virginia’s window tint law also applies to all motor vehicles operated within the state, but the tint limitations are less restrictive overall than those in the District.<sup>14</sup> Light transmittance levels must not be below 100 percent for the front windshield, 50 percent for front-side windows, and 35 percent for rear and rear-side windows.<sup>15</sup> Motorists in violation of the statute are guilty of a “traffic infraction” but do not receive demerit points.<sup>16</sup> Virginia allows residents to apply for a medical waiver before applying aftermarket tint to their windows.<sup>17</sup> Under the waiver provisions, the front-side windows must have a light transmittance level no less than 35 percent.<sup>18</sup> Rear and rear-side window tint levels remain the same as without a waiver, at a minimum of 35 percent light transmittance.<sup>19</sup> To qualify and receive the waiver, applicants must obtain “a signed statement from a licensed physician or licensed optometrist” certifying that “the equipping of a vehicle with sun-shading or tinting films or applications is necessary to safeguard the health of the person seeking the written authorization.”<sup>20</sup> The Virginia Department of Motor Vehicles then issues to the vehicle owner a new registration card with “sunshading” printed in a section labeled “Special Conditions.”<sup>21</sup> The authorization is only available for vehicles titled and registered in Virginia.

In contrast to Washington, D.C., and Virginia, Maryland only issues window tint citations to Maryland-registered motorists who violate the light transmittance requirements.<sup>22</sup> The tint levels allowed under Maryland law are also less restrictive overall than those in the District and Virginia. Light transmittance can be no less than 100 percent for the front windshield, and 35 percent for the front-side, rear, and rear-side windows.<sup>23</sup> A Maryland police officer may stop the driver of a vehicle in violation of the specified levels and issue a citation and

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<sup>12</sup> D.C. Code § 50-2207.02(h).

<sup>13</sup> Although the District DMV will acknowledge and certify a medical waiver request from an out-of-state motorist, the DMV is not the body charged with enforcement of the law. MPD issues tint citations. It is currently unclear, however, whether the Department will during a traffic stop honor a medical waiver granted to the driver of a vehicle registered in another state.

<sup>14</sup> See VA. CODE ANN. § 46.2-1052(A) (2013).

<sup>15</sup> § 46.2-1052(C).

<sup>16</sup> *Id.*

<sup>17</sup> See § 46.2-1053.

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

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Vehicle Sun-Shading Medical Authorization*, VA. DEP’T OF MOTOR VEHICLES, <http://www.dmv.state.va.us/drivers/#medical/sunshading.asp> (last visited November 14, 2013).

<sup>22</sup> See MD. CODE ANN, TRANSP. § 22-406(i) (LexisNexis 2013).

<sup>23</sup> § 22-406(i)(1)(i) & (ii).

a “safety equipment repair order.”<sup>24</sup> Motorists who “must be protected from the sun for medical reasons” are exempt from the tint level provisions if they have “in the vehicle at the time the vehicle is stopped by a police officer, a written certification that details the owner’s medical need for tinted windows, from a physician licensed to practice medicine in the State [of Maryland].”<sup>25</sup> The statute does not specify what tint-level limits, if any, apply to vehicles exempted through a medical waiver.

### ***Window Tint Law Applicability for Out-of-State Motorists***

Even if the windows of a vehicle registered outside the District are currently in compliance with the home state’s window tint laws, the motorist is subject to District law. For instance, in *United States v. Walters*, the defendant was stopped by three police officers (all in one vehicle), based on the belief that the windows of his Maryland-registered vehicle were too darkly tinted in violation of the D.C. Code.<sup>26</sup> A tint meter test revealed that the front driver’s side window permitted only 10 percent of available light to pass through, which is far less than what the District requires: 70 percent light transmittance. The vehicle’s windows were also in violation of Maryland’s tint law (minimum 35 percent light transmittance), but the issue in the case was whether an officer’s reasonable suspicion that a vehicle’s windows are too heavily tinted must be based on the District’s tint-level limits or those of the state in which the vehicle is registered. The U.S. District Court for the District of Columbia held that the District limits apply because “District of Columbia law provides that *no* vehicle may be operated or parked upon the public streets or spaces of the District of Columbia with a ‘front windshield or front side windows that allow less than 70 percent light transmittance,’ regardless of where the car is registered.”<sup>27</sup> Thus, the only applicable tint-levels for all motorists operating within the District are those specified in the D.C. Code.

### ***MPD Policies***

Although MPD successfully urged the District Council in the 1994 committee hearing to adjust the wording of the proposed window tint law so that it would apply to all vehicles operating or parked within the District, the Department subsequently issued a special order the following year that modified how MPD would enforce the law. Special Order SO-95-14, issued on September 27, 1995, establishes enforcement procedures and provides a detailed enforcement policy, which requires that an officer conduct a window illumination check using a tint meter before citing a motorist for violating the tint law.<sup>28</sup> A police officer not certified in the use of a tint meter is required to request the assistance of a certified officer to conduct a window illumination check. If tint measurements indicate a violation, the officer conducting the window illumination check is directed to prepare a PD Form 61-C, which is an order requiring that the car be inspected. Any vehicle with less than 25 percent light transmittance in either the front windshield or front-side windows is deemed a “health and safety risk” and immediately towed for inspection.

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<sup>24</sup> § 22-406(i)(2).

<sup>25</sup> § 22-406(i)(4).

<sup>26</sup> *See, e.g., United States v. Walters*, 563 F. Supp. 2d 45 (D.D.C. 2008).

<sup>27</sup> *Id.* at 48 (citing D.C.Code § 50–2207.02(a)(1)(A)).

<sup>28</sup> *See* SO-95-14, “Motor Vehicle Tinted Window Amendment Act of 1994” (eff. Sept. 27, 1995).

In addition, this special order directs officers *not* to issue citations for vehicles registered *outside* the District when in compliance with the vehicle's home-state regulations, regardless of whether the operator carries a medical waiver.<sup>29</sup> This limitation on enforcement of the law against out-of-state-registered vehicles is in direct conflict with MPD's testimony at the 1994 committee hearing and contravenes the statute as enacted by the District Council. Special Order SO-94-14 is no longer listed in the index of active directives and has not yet been replaced with another directive. MPD has indicated to PCB that the omission of this directive from the index was inadvertent and that Metropolitan Police Academy training is still based on this special order.

### III. COMPLAINTS RECEIVED BY OPC

The following is a sample of complaints involving window tint that OPC has received. The complaints are primarily divided into two groups. The first group is provided as an illustration of the concerns that some non-District motorists have raised, while the second group of complaints mostly highlights concerns about possibly biased policing. One of the complaints summarized in this second category involves allegations of racial profiling, as well as concerns about the impact of the window tint law on out-of-state motorists.

#### Group 1

- A black female complainant alleged that she was driving a grey Chrysler 300 with Maryland tags and tinted windows near the intersection of 19<sup>th</sup> and H streets, N.E., around 4:00 p.m. when she was approached by two MPD police officers. One of the officers explained to the complainant that the reason for the stop was because her windows were too dark and the officers could not see inside her car. The complainant believed that her window shading complied with Maryland standards. One of the officers then used a tint meter to determine that the complainant's windows were in fact too dark for driving in the District. The officers never issued a ticket to the complainant. The complainant stated to OPC that she has worked in the city for a long time and never came

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<sup>29</sup> The special order read, in pertinent part:

Operators whose vehicles are registered outside the District of Columbia and are in compliance with their state's window tinting law shall not be cited for failure to comply with the District of Columbia's tinted window law. The state of Maryland allows no less than 35% light transmittance in all windows. The state of Virginia allows no tinting on the windshield and no less than 35% light transmittance on the side and rear windows.

EXAMPLE: If a vehicle registered in the state of Maryland is stopped and the total illumination is 55% in the left front window, the operator shall not be cited because the vehicle complies with Maryland law. However, if a vehicle registered in the state of Maryland is stopped and the total illumination is 25% in the left front window, the operator shall be cited because the vehicle violates not only the District of Columbia's tinted window law, but also violates Maryland's tinted window law.

MPD Special Order SO-95-14, "Motor Vehicle Tinted Window Amendment Act of 1994," Part B.5 (eff. Sept. 27, 1995).

across any problems about her window tints. The complaint was ultimately dismissed because OPC was not able to positively identify the subject officer from the information provided.

- A black male complainant alleged that he was pulled over in his Maryland-registered car near the intersection of Southern Avenue and 57<sup>th</sup> Place, S.E., around 5:00 p.m. The officer informed the complainant that he was stopped because of his window tints. The officer allegedly told the complainant that he did not have a tint meter with him, and then began to ask the complainant a series of questions, including where the complainant was going and why. The complainant expressed in his statement to OPC, “I felt that the questions were offensive because I did not see the relationship between the questions and the reasons provided for the stop.” According to the complainant, the officer asked whether the complainant would like to wait for the tint meter to be brought to the location, and the complainant indicated that he did not want to wait. The complainant was then told that he was free to go and did not receive any tickets or written warnings. OPC dismissed the complaint after determining that the conduct alleged by the complainant did not violate MPD policies.

## Group 2

- A black male complainant operating a 2004 Chevy Impala registered in Maryland alleged that he was stopped by two MPD officers during mid-afternoon while driving westbound on the 1700 block of U Street, N.W. The complainant stated that he had had aftermarket tint applied to his vehicle that reduced the light transmittance to 5 percent. When the first officer asked for his license and registration, the complainant also provided the first officer with a “Post Manufacture Vehicle Window Tint Certification” form issued by the Maryland State Police and an accompanying doctor’s certification. After arguing with the complainant whether the form was subject to an expiration date and whether there were limits to the tint level allowed even with the medical waiver, the first officer stated that he was going to call the Maryland State Police to verify the validity of the paperwork. Meanwhile, the second officer conducted a tint-level test using a tint meter. The complainant alleged that he saw that the meter read 5 percent, which he had expected. The first officer returned, stating that he was unable to reach anyone at the Maryland State Police, but that he could have the complainant’s vehicle impounded because the waiver was not recognized in the District. The complainant asked the officer how to bring his vehicle into compliance with the District’s requirements. The officer allegedly responded that the man would need to move to the District and request a tint waiver. The complainant noted in his formal complaint that he had previously lived in the District and did have a tint waiver for his vehicle at that time. Ultimately, the complainant was released without a citation. The complainant stated, “He seemed to be eager to cite me for anything he could find. I believe that this may have happened because I am African American and I was making valid points about how he was wrong.” The complaint was dismissed after OPC was unable to identify the subject officers.
- A black male complainant alleged that he was attempting to find a place to park by circling a block on Bates Street, N.W., in his D.C.-registered Chrysler Pacifica around midnight. While he was still looking for a parking spot, he was pulled over by two male MPD officers. One officer asked the complainant for his license and registration.

According to the complainant, after he asked the officer why he was stopped the officer hesitated and looked toward the complainant's rear windows. The officer then said that he stopped the complainant because he had tinted windows and because he was circling the block in an area known for high drug use. The officers walked back to their police vehicle for about 15 minutes and then returned with the complainant's license, registration, and a warning ticket for making a right turn without signaling. The complainant stated, "Because the officer changed the reason for why he stopped me, I don't think he had a legitimate reason to pull me over. I think the reason he pulled me over was because I am black and because of the neighborhood I was in. . . . The officers did not mention anything about race, but my race is the only explanation I can think of for why they pulled me over." The complaint was closed following a successful mediation.

## IV. LEGAL AND POLICY CONCERNS

### *Public and Officer Safety*

According to MPD, regulation of window tint is important because deeply tinted windows on motor vehicles can impair a driver's vision, especially at night, and this decreased visibility can contribute to accidents.<sup>30</sup> Obscured windows can also threaten the safety of law enforcement personnel when they approach a vehicle during a traffic stop because officers may not be able to see into the vehicle to detect a potentially dangerous situation.<sup>31</sup> Tinted windows can also hinder the proper identification of suspects who commit crimes and flee behind the safety of vehicles with deeply tinted windows.<sup>32</sup>

Despite these concerns about the safety of the public and police officers, the District Council made numerous exceptions for various types of vehicles operating within the District. For example, minivans are allowed lower light transmittance minimums.<sup>33</sup> In addition, limousines and hearses do not fall within the scope of the statute,<sup>34</sup> even though the driving public and officer safety justifications cited above conceivably ought to apply equally to all of these vehicles.<sup>35</sup> Moreover, a motorist who has a medical condition requiring the use of windows that allow less light than otherwise permitted under the statute can apply to the District

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<sup>30</sup> See COMM. ON PUB. WORKS AND THE ENV'T, REPORT ON BILL 10-422, THE "MOTOR VEHICLE TINTED WINDOW AMENDMENT ACT OF 1994," available at [http://dcclims1.dccouncil.us/images/00001/CP10/103249912\\_1.PDF](http://dcclims1.dccouncil.us/images/00001/CP10/103249912_1.PDF).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> Minivans are subject to light transmittance minimums of 55 percent for the front windshield and front-side windows, and 35 percent for the rear and rear-side windows. D.C. Code § 50-2207.02(a)(2) (LexisNexis 2013).

<sup>34</sup> D.C. Code § 50-2207.02(h).

<sup>35</sup> Although not entirely clear, the exception for limousines and hearses may have been added to avoid any dormant Commerce Clause concerns that could arise if the operator of a commercial vehicle were forced to comply with conflicting state and federal laws. See *Bibb v. Navajo Freight Lines, Inc.*, 359 U.S. 520 (1959) (holding Pennsylvania statute unconstitutional where Pennsylvania required curved mudguards and Arizona required square mudguards) (cited in VA. TRANSP. RESEARCH COUNCIL, REPORT TO THE DEPARTMENT OF MOTOR VEHICLES AND THE DEPARTMENT OF STATE POLICE ON THE EFFECTS OF MOTOR VEHICLE WINDOW TINTING ON TRAFFIC SAFETY AND ENFORCEMENT, S. Doc. 6 (1994)).

DMV for a medical tint waiver.<sup>36</sup> The safety concerns apply equally to these motorists, but it appears that they have been exempted because the competing public policy concern of providing a reasonable accommodation for these motorists' disabilities outweighs the public and law enforcement safety benefits that the law was enacted to promote.

Perhaps the greatest exception in the District window tint law is for vehicles with tinted windows installed by the manufacturer prior to purchase. While federal standards require that the windshields and front-side windows of vehicles sold by the manufacturer have a light transmittance level of at least 70 percent, no such tint restrictions apply to rear-side and rear windows. As a result, many sport-utility vehicles sold by the manufacturer have rear-side and rear windows with extremely low visible light transmittance. Under the District statute, however, the operation of these vehicles — even though the rear-side and rear windows may be darker than what is permitted for vehicles with aftermarket tint — is not unlawful.

Because so many exceptions have been carved into the law, only a small percentage of vehicles is even subject to its restrictions. Only motorists driving private passenger vehicles with *aftermarket* tint in excess of certain limits are subject to a fine. Furthermore, MPD's own directive, Special Order 95-14, instructs officers not to issue a citation when a vehicle is in compliance with the laws of its state of registration. If the safety of officers and the driving public is truly as grave a concern as MPD argued in 1994, it is puzzling why the Department then chose to limit its enforcement to an even more narrow subset of vehicles than those specified in the statute. Given that a majority of states allows vehicles to operate with much less stringent front-side window tint requirements than those imposed by the District, the District is an outlier regarding this particular area of traffic enforcement.<sup>37</sup> As a result, it is possible that safety issues are not as severely affected as MPD claims.

Virginia analyzed many of these safety concerns in 1993, after the legislature had amended the state's tint law to limit total light transmittance levels.<sup>38</sup> The Virginia Transportation Research Council (VTRC) found that “[a]lthough there are reasons to suspect that there are some conditions under which tinted windows would compromise safe driving, there is insufficient evidence to back these suspicions” and “there is insufficient evidence to indicate whether there is a point at which tinting provides too little light transmittance for safe driving.”<sup>39</sup> The VTRC additionally found that “[a]lthough there is some anecdotal evidence that the safety of police officers may be compromised by the use of window tinting, there is little documentation to support this.”<sup>40</sup>

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<sup>36</sup> Motorists from other states can apply for this waiver as well, and the District DMV will certify the request if a physician's note is provided; however, the waiver will not necessarily be honored by MPD during enforcement. The Department's general and special orders are silent on this issue.

<sup>37</sup> See INT'L WINDOW FILM ASSOC., STATE WINDOW TINTING RULES & LAWS, available at [http://www.iwfa.com/Portals/0/PDFDocs/Law\\_Charts/State%20Law%20Chart%201-1-2013.pdf](http://www.iwfa.com/Portals/0/PDFDocs/Law_Charts/State%20Law%20Chart%201-1-2013.pdf).

<sup>38</sup> VA. TRANSP. RESEARCH COUNCIL, REPORT TO THE DEPARTMENT OF MOTOR VEHICLES AND THE DEPARTMENT OF STATE POLICE ON THE EFFECTS OF MOTOR VEHICLE WINDOW TINTING ON TRAFFIC SAFETY AND ENFORCEMENT, S. Doc. 6 (1994).

<sup>39</sup> *Id.* at 36.

<sup>40</sup> *Id.* OPC's research has not identified any more recent studies analyzing driver and officer safety with respect to tinted windows that are as comprehensive as the VTRC report.

## ***Impact on Commuters and Tourists***

It is important for the District government to recognize the impact that tint stops and citations can have on commuters and visitors to the nation's capital. A tint law that applies to motorists from other states imposes an unfair burden on these individuals who dutifully comply with the laws and regulations of their respective home states. According to the U.S. Census Bureau, over 550,000 of those working in the District commute from outside the city.<sup>41</sup> That equates to 72 percent of the District's workforce.<sup>42</sup> These commuters choose to live in Virginia or Maryland for any number of economic, social, or political reasons. While many commuters use public transportation, others choose to drive to work. It seems unfair for those motorists who drive cars with tinted windows to be faced with altering their vehicles in order to avoid a fine when they are only driving on District roads 10 to 20 minutes each work day. The same can be said for the millions of visitors who travel to Washington, D.C., each year to visit the museums, government buildings, and other attractions the city offers. It is unreasonable to expect those tourists who drive vehicles with tinted windows to research the city's tint law and make material alterations to their vehicles for a trip that will likely last no more than a few days.

## ***Police Accountability***

Although it is legal for police officers to conduct traffic stops based on the reasonable suspicion that a vehicle's tint is in violation of District law — even if that reason is a pretext to investigate another suspected crime<sup>43</sup> — doing so can undermine the public's confidence in law enforcement and can even run afoul of the Equal Protection Clause of the Fourteenth Amendment.<sup>44</sup> Unconstitutional racial profiling can take many forms, the most obvious of which is an express classification based on race that does not survive strict scrutiny.<sup>45</sup> However, facially neutral laws or policies that are administered with a discriminatory purpose also violate the Equal Protection Clause.<sup>46</sup> Similar to other minor traffic violations — such as operating with a defective brake light, changing lanes without signaling, or exceeding the speed limit by a negligible amount — police officers have a high level of discretion when enforcing the city's tint law. Discretionary traffic stops based on these minor violations can lead to vehicle searches, arrests, the use of force, and occasionally police misconduct.<sup>47</sup> Therefore, it remains incumbent

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<sup>41</sup> BRIAN MCKENZIE, U.S. CENSUS BUREAU, OUT OF STATE AND LONG COMMUTES: 2011, at 10 tbl. 6 (2013).

<sup>42</sup> *Id.*

<sup>43</sup> *See Whren v. United States*, 517 U.S. 806 (1996).

<sup>44</sup> *See id.* at 813 (“We of course agree with petitioners that the Constitution prohibits selective enforcement of the law based on considerations such as race. But the constitutional basis for objecting to intentionally discriminatory application of laws is the Equal Protection Clause, not the Fourth Amendment.”) Although the Fourteenth Amendment applies only to the states, its equal protection guarantees have been read into the Fifth Amendment and apply to the District of Columbia. *See Bolling v. Sharpe*, 347 U.S. 497, 499–500 (1954).

<sup>45</sup> *See Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 720 (2007) (“It is well established that when the government distributes burdens or benefits on the basis of individual racial classifications, that action is reviewed under strict scrutiny.”)

<sup>46</sup> *See Washington v. Davis*, 426 U.S. 229, 241 (1976) (“A statute, otherwise neutral on its face, must not be applied so as invidiously to discriminate on the basis of race.” (citing *Yick Wo v. Hopkins*, 118 U.S. 356 (1886))).

<sup>47</sup> *See* David A. Harris, “*Driving While Black*” and *All Other Traffic Offenses: The Supreme Court and Pretextual Traffic Stops*, 87 J. Crim. L. & Criminology 544, 546 (1997) (“[O]nce police stop a car, they often search it, either by obtaining consent, using a drug sniffing dog, or by some other means. In fact, searching cars for narcotics is perhaps the major motivation for making these stops.”)

upon the District and MPD to ensure that the law is not selectively enforced. Indeed, as AAA Mid-Atlantic has noted, law enforcement officials have a responsibility to “forestall every hint or prospect of racial disparities in traffic stops.”<sup>48</sup>

Out of all the complaints that OPC received in all categories from 2007 through 2012, 78.2 percent were from African Americans and 13.8 percent were from whites.<sup>49</sup> OPC found, however, that 97.1 percent of the 77 window tint complaints received<sup>50</sup> during that time period<sup>51</sup> — an overwhelming number — were filed by African Americans. Not a single window tint-related complaint was received from any white individuals. In addition to the racial disparity apparent in the complaints received, the incident locations giving rise to the complaints markedly coincide with what has historically been perceived as the District’s pronounced racial divide,<sup>52</sup> with all but one of the 77 complaints arising from incident locations east of Rock Creek Park.<sup>53</sup> Furthermore, many motorists specifically voiced racial and other profiling concerns, as recounted above in Section IV.

The stark racial and geographic disparity in the complaints is a cause of concern and could reflect differential treatment, as between blacks and whites, in the actual enforcement of the District’s window tint law.<sup>54</sup> The Department has not offered an explanation for the concentration of so many complaints made by black motorists who were stopped in the eastern portions of the city, that is, in neighborhoods heavily populated by African Americans.<sup>55</sup>

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<sup>48</sup> AAA’s Position on Window Tint Regulations (July 17, 2013) (on file with OPC).

<sup>49</sup> This figure represents the percentage of African American complainants out of the total number of all categories of complaints for which OPC was able to determine the race of the complainant.

<sup>50</sup> This figure represents the percentage of African American complainants out of the total number of window tint complaints for which OPC was able to determine the race of the complainant.

<sup>51</sup> From 2002 to 2007, OPC received 25 complaints and potential complaints involving window tint, 12 of which came from District residents. Out of the complaints where OPC was able to determine the race of the complainant, 95.7 percent were filed by African Americans.

<sup>52</sup> See Kat Downs et al., *Interactive: Mapping the Census*, WASH. POST (July 21, 2011), <http://www.washingtonpost.com/wp-srv/special/nation/census/2010>.

<sup>53</sup> These complaints are plotted on two maps at the end of this report. Appendix C contains an overlay of the District’s Wards and Appendix D contains an overlay of the Metropolitan Police Districts.

<sup>54</sup> The Washington Lawyers’ Committee found similar racial and geographic disparities in arrest rates in the District, including arrests resulting from traffic violations. See WASH. LAWYERS’ COMM. FOR CIVIL RIGHTS & URBAN AFFAIRS, *RACIAL DISPARITIES IN ARRESTS IN THE DISTRICT OF COLUMBIA, 2009–2011*, at 32 (2013) (“[T]he data show that there are significant disparities between African American representation in the population and D.C. arrest patterns for a variety of offenses. . . . [T]here are also substantial disparities in the number of arrests and their concentration among wards.”).

<sup>55</sup> One possibility is that the Department may claim that it is attempting to use the tint law as a tool for the interdiction of illegal drugs and firearms:

When patrolling the streets, police officers often make use of traffic laws to stop and question drivers whom they suspect of involvement in illegal drug and firearm offenses. Because the vehicle code provides an officer with a reason to stop virtually any one, traffic stops are well suited for this instrumental use. Traffic offenses encompass not only “moving violations” (e.g. speeding), but also “equipment violations” (broken taillights) that may be “almost wildly hypertechnical.” Unsurprisingly, traffic law enforcement has been called the “general warrant of the twentieth century.” That arrests for drugs and firearms charges are often the result of stops ostensibly for broken taillights, driving too slowly, or too quickly, or failing to signal, is well-documented. Often the targets of these traffic stops are young minority men.

Although it is permissible for police officers to use race identification contained in a *specific* suspect description or “lookout” when investigating a particular crime, selective law enforcement based on *generalized* racial disparities in crime data is “tantamount to stereotyping”<sup>56</sup> — an action characterized by the U.S. Supreme Court as “a hallmark of violations of the Equal Protection Clause.”<sup>57</sup> Whether the racial and geographic disparities in the complaints that OPC has received are the result of selective enforcement or are an unintended outcome created by other factors, it is evident that many members of a definable class — black motorists operating in areas east of Rock Creek Park — perceive that there is a racial motive in the enforcement of the window tint law. As this suspicion travels throughout Washington, D.C., neighborhoods, mere traffic stops can transform from minor annoyances to a major demoralizing force, signaling to people in particular communities that their social standing may be lower than that of others in the District of Columbia.<sup>58</sup>

The perception of biased policing need not be based on explicit actions in order to have a negative impact on the community. Although explicit biases are easier to identify and often rooted in animus, bias can be implicit, or even unconscious.<sup>59</sup> Implicit bias is an instinctual characteristic of the human thought process and can, for example, “lead an officer to be ‘under-vigilant’ with a female subject because he associates crime and violence with males.”<sup>60</sup> Despite the innate quality of implicit biases, however, they can be overcome through awareness and behavioral training.<sup>61</sup> Furthermore, it is important to note that biases can be present not just at the level of an officer’s individual enforcement, but also at the policy and supervisory levels.<sup>62</sup>

In addition to concerns about possible bias, another factor that potentially serves to undermine the public’s confidence in MPD’s enforcement of the District window tint law is the high level of dismissed tint citations. According to data from the District Department of Motor Vehicles (DMV), 10,880 window tint citations were issued from 2007 through 2012. Of those

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Elizabeth E. Joh, *Discretionless Policing: Technology and the Fourth Amendment*, 95 CALIF. L. REV. 199, 209–210 (2007) (citations omitted).

<sup>56</sup> U.S. DEP’T OF JUSTICE, CIVIL RIGHTS DIV., GUIDANCE ON THE USE OF RACE BY FEDERAL LAW ENFORCEMENT AGENCIES 4 (2003) (Even if there were overall statistical evidence of differential rates of commission of certain offenses among particular races, the affirmative use of such generalized notions by federal law enforcement officers in routine, spontaneous law enforcement activities is tantamount to stereotyping. It casts a pall of suspicion over every member of certain racial and ethnic groups without regard to the specific circumstances of a particular investigation or crime, and it offends the dignity of the individual improperly targeted.”).

<sup>57</sup> *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 515 (1989) (Stevens, J., concurring in part and concurring in the judgment).

<sup>58</sup> See Joh, *supra* note 55, at 211 (2007) (citing Andrew E. Taslitz, *Stories of Fourth Amendment Disrespect: From Elian to the Internment*, 70 FORDHAM L. REV. 2257, 2355 (2002) (stating that racial profiling “arguably [has] the effect of reducing [minority] groups’ social status and increasing their sense of isolation from the broader American political community”)).

<sup>59</sup> See Lorie Fridell & Anna T. Laszlo, *Reducing Biased Policing Through Training*, COMMUNITY POLICING DISPATCH (Feb. 2009), [http://www.cops.usdoj.gov/html/dispatch/February\\_2009/biased\\_policing.htm](http://www.cops.usdoj.gov/html/dispatch/February_2009/biased_policing.htm) (“Social psychologists have shown that ‘implicit’ or ‘unconscious’ bias can affect what people perceive and do, even people who consciously hold nonprejudiced attitudes.”).

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> See LORIE FRIDELL ET AL., POLICE EXEC. RESEARCH FORUM, RACIALLY BIASED POLICING: A PRINCIPLED RESPONSE 90 (2001).

10,880 citations, 18.7 percent were contested. From that group of contested citations, 49.8 percent were dismissed by DMV Adjudication Services. That equates to over 1,000 motorists during that five-year time period who were stopped and ticketed for a window tint violation, but whose citations were later dismissed. While PCB does not have information as to why these citations were dismissed by DMV, the fact that so many tickets were dropped raises potentially legitimate questions about MPD's enforcement of the law. See Appendix B for additional DMV tint citation data.

## V. BEST PRACTICES

### *Nationwide Tint Levels*

The District's window tint law is on the more restrictive side of the spectrum as compared to other states. At the time the law was adopted, 31 states allowed darker tint than the District of Columbia for the front-side windows and 28 states allowed darker tint for the rear-side windows.<sup>63</sup> According to a survey conducted by the International Window Film Association in January 2013, 40 states now allow darker tint than the District for the front-side windows and 46 allow darker tint for the rear-side windows.<sup>64</sup> These figures represent a significant trend toward less restrictive tint requirements and signal the need for a rigorous review of the District's own window tint law.

### *Tri-State Areas*

Many metropolitan areas with a large city at the core see an influx of out-of-state motorists in much the same way that Washington, D.C., receives thousands of Maryland and Virginia commuters and visitors every day. Typically, this is the result of the abundance of jobs available in these major metropolitan areas, which pulls commuters into the city from suburban and rural areas. Additionally, cities serve as cultural hot spots, with entertainment and activities that draw in visitors from surrounding areas. Where cities are located at the border between two or three states, a high volume of interstate traffic is likely. This section examines two such areas and how the window tint laws are enforced in each.

Memphis is located in the southwest corner of Tennessee, bordering Arkansas and Mississippi. The three states do have differing tint laws; however, the jurisdictions mostly limit the applicability of their tint laws to vehicles registered in their respective states. Tennessee's tint law provides: "The restrictions of [the tint law] do not apply to . . . [a]ny motor vehicle that is registered in another state and meets the requirements of the state of registration."<sup>65</sup> Arkansas's statute provides: "The provisions of [the tint law] shall not apply to motorists operating vehicles registered in other states that have enacted legislation regulating the shading

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<sup>63</sup> VA. TRANSP. RESEARCH COUNCIL, REPORT TO THE DEPARTMENT OF MOTOR VEHICLES AND THE DEPARTMENT OF STATE POLICE ON THE EFFECTS OF MOTOR VEHICLE WINDOW TINTING ON TRAFFIC SAFETY AND ENFORCEMENT, S. Doc. 6, at 10–11 tbl.1 (1994).

<sup>64</sup> INT'L WINDOW FILM ASSOC., STATE WINDOW TINTING RULES & LAWS, *available at* [http://www.iwfa.com/Portals/0/PDFDocs/Law\\_Charts/State%20Law%20Chart%201-1-2013.pdf](http://www.iwfa.com/Portals/0/PDFDocs/Law_Charts/State%20Law%20Chart%201-1-2013.pdf).

<sup>65</sup> TENN. CODE ANN. § 55-9-107(6)(A) (West 2013).

of windshields or windows of motor vehicles who are driving on Arkansas roads and highways.”<sup>66</sup> Mississippi’s statute limits applicability to “any motor vehicle required to be registered in this state.”<sup>67</sup> Because each state is only enforcing compliance among its own residents (or, in the case of Tennessee, only enforcing against motorists who fail to comply with their home state’s requirements), cross-jurisdictional complaints are not likely to arise.

New York City is another area where motorists from neighboring jurisdictions regularly travel into the city. Unlike the Memphis metropolitan area, however, the laws of New York, New Jersey, and Connecticut each apply to all motorists operating within the state — not simply motorists registered in the state of enforcement. In spite of this broad applicability, New York and New Jersey have come to a more selective agreement regarding enforcement of local window tint regulations against some operators of vehicles registered out-of-state. In response to complaints raised by New Jersey limousine operators, many of whom were ticketed for excessive window tint upon entering New York City, the state of New York agreed to cease issuing citations to limousine drivers.<sup>68</sup>

There were, however, issues with the agreement’s implementation that highlight the importance of communication and training. According to the Limo Associations of New Jersey (LANJ), which is the organization that lobbied for the agreement, New York City Police Department (NYPD) and Port Authority officers continued to issue citations in the face of the agreement.<sup>69</sup> When operators cited the agreement, many NYPD officers reportedly retaliated by issuing multiple citations per vehicle — as many as one citation per each window found in violation of New York law.<sup>70</sup> After several months of improper citations, a representative of the LANJ met with the NYPD police chief to help educate his officers on unlawful summons writing for window tinting.<sup>71</sup> Two months later, the LANJ considered the issue resolved.<sup>72</sup> These issues faced by out-of-state drivers in New York highlight the need for simultaneous officer training when implementing new procedures.

## VI. CONCLUSION

Since the District’s window tint law was adopted in 1994, many states have shifted toward less restrictive requirements. Although the law’s presumed goal is to reduce the number of motorists traveling in the District with excessive aftermarket window shading, PCB questions the law’s effectiveness because motorists with vehicles registered in another state are only

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<sup>66</sup> ARK. CODE ANN. § 27-37-306(d) (2012).

<sup>67</sup> MISS. CODE ANN. § 63-7-59 (2013).

<sup>68</sup> *Targeting Town Cars: NY Ticketeers Feed Their Frenzy*, LIMOUSINE, CHARTER & TOUR (Aug. 3, 2011), <http://www.lctmag.com/regulations/news/40581/targeting-town-cars-ny-ticketeers-feed-their-frenzy>.

<sup>69</sup> *NYC Window Tint Busts Keep Operators in the Dark*, LIMOUSINE, CHARTER & TOUR (Feb. 2, 2011), <http://www.lctmag.com/regulations/news/13453/nyc-window-tint-busts-keep-operators-in-the-dark>.

<sup>70</sup> *LANJ Hard at Work on Window Tinting Tickets*, E-NEWS (Limousine Ass’ns of N.J.), July 28, 2011, *available at* [http://lanj.org/wp-content/uploads/2013/09/7\\_28\\_11.pdf](http://lanj.org/wp-content/uploads/2013/09/7_28_11.pdf).

<sup>71</sup> *Window Tinting Battle Lines Drawn*, E-NEWS (Limousine Ass’ns of N.J.), Sept. 29, 2011, *available at* [http://lanj.org/wp-content/uploads/2013/09/9\\_29\\_11.pdf](http://lanj.org/wp-content/uploads/2013/09/9_29_11.pdf).

<sup>72</sup> *LANJ, Matt Daus and Lancer Insurance Work Together*, E-NEWS (Limousine Ass’ns of N.J.), Nov. 23, 2011, *available at* [http://lanj.org/wp-content/uploads/2013/09/11\\_23\\_11.pdf](http://lanj.org/wp-content/uploads/2013/09/11_23_11.pdf).

subject to a small fine. In addition, the complaints received by OPC suggest that many of these out-of-state drivers are not even cited with a violation. In light of the national trend toward less restrictive tint requirements, citizen concerns about biased policing, and because the benefits of this law as applied to out-of-state motorists fail to outweigh the costs of limited District resources required to enforce it, PCB believes that the law and accompanying MPD policy and training should be reviewed and updated.

## **VII. RECOMMENDATIONS**

Based on its examination of the issues discussed above, the Police Complaints Board makes the following recommendations to the Mayor, the Council of the District of Columbia, and MPD's Chief of Police:

### **Review of the District's Window Tint Law**

1. The Mayor should direct the DMV to form a task force with MPD, OPC, and other stakeholders, as appropriate, from within and outside the District government. The task force should conduct a complete review of the law — examining national and state tint standards, medical waiver requirements, police enforcement practices, and law enforcement safety issues — and propose amendments to the law as necessary.
2. Consistent with Recommendation No. 1, DMV should reach out to and collaborate with relevant state officials from Maryland and Virginia with the goal of possibly adopting uniform window tint laws across the three jurisdictions.
3. Once Recommendation Nos. 1 and 2 have been carried out, the Mayor should work with the District Council to enact appropriate changes to the District's window tint law.

### **Analysis of MPD Enforcement Data and Involvement of Fair and Inclusive Policing Task Force**

4. MPD should conduct a review of its enforcement of the District's window tint law through an analysis of window tint citations issued from 2007 through 2012 and any related documentation. Using the incident address recorded on each ticket (or "Notice of Infraction"), MPD can analyze geographic trends in enforcement and compare the results to relevant benchmark data. In order to manage the approximately 10,880 window tint NOIs issued over the relevant time period, MPD should consider examining a sample set of tickets that is large enough to allow MPD to determine whether there are any patterns or trends in the entire pool of tickets.
5. Based on its review of the data, MPD should fully examine the reasons for any possible racial, geographic, or other disparities in enforcement of the window tint law and consider whether there are any systemic issues relating to this area of traffic enforcement, or other areas of discretionary traffic enforcement.
6. MPD's Fair and Inclusive Policing Task Force should be reconvened to guide and provide input into the Department's review, as proposed here, of its practices concerning

enforcement of the District's window tint law and other areas of discretionary traffic enforcement.<sup>73</sup>

### **New Police Procedures and Training**

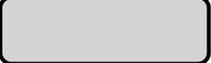
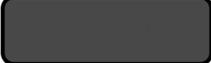
7. MPD should issue a new general order, including possibly issuing an interim special order pending the full implementation of Recommendation Nos. 1 - 3 above, in order to provide officers with clearer guidance when they are conducting traffic stops of vehicles with suspected improper window tint levels, whether or not any changes are made to the District's window tint law.
8. The new general order (or interim special order) should incorporate feedback from the Fair and Inclusive Policing Task Force's input into MPD's review of its window tint enforcement practices, explicitly reminding sworn personnel of their constitutional duty to enforce the law in an unbiased manner.
9. Once the new general order (or interim special order) has been issued, MPD should conduct updated window tint enforcement training for recruits and incumbent officers.

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<sup>73</sup> The Fair and Inclusive Policing Task Force was previously known as the Biased Policing Task Force.

## Appendix A

### D.C. Metropolitan Area Tint Regulations

	District of Columbia	Virginia	Maryland
<b>Light Transmittance Minimums</b>	<b>Applies to all motor vehicles (except minivans)<sup>74</sup>, regardless of state of registration.</b>	<b>Applies to all motor vehicles, regardless of state of registration.</b>	<b>Applies only to vehicles registered in Maryland.</b>
Front (windshield)	70% 	100% 	100% 
Front-side	70% 	50% 	35% 
Rear-side	50% 	35% 	35% 
Rear	50% 	35% 	35% 
<b>Light Transmittance Minimums with Medical Waiver</b>	<b>Waiver available to all motorists, but MPD may not recognize waiver for out-of-state motorists.</b>	<b>Only available to Virginia drivers</b>	<b>Applies only to vehicles registered in Maryland.</b>
Front (windshield)	<b>No limit specified</b>	70% 	<b>No tint below AS1 line (top 5 inches)</b>
Front-side	<b>No limit specified</b>	35% 	<b>No limit specified</b>
Rear-side	<b>No limit specified</b>	35% 	<b>No limit specified</b>
Rear	<b>No limit specified</b>	35% 	<b>No limit specified</b>

Note: The visual representations of various tint levels above are provided for comparison purposes only and are not meant to represent actual light transmittance levels.

<sup>74</sup> Minivans are subject to light transmittance minimums of 55 percent for the front (windshield) and front-side windows, and 35 percent for the rear and rear-side windows. D.C. Code § 50-2207.02(a)(2) (LexisNexis 2013).

## Appendix B

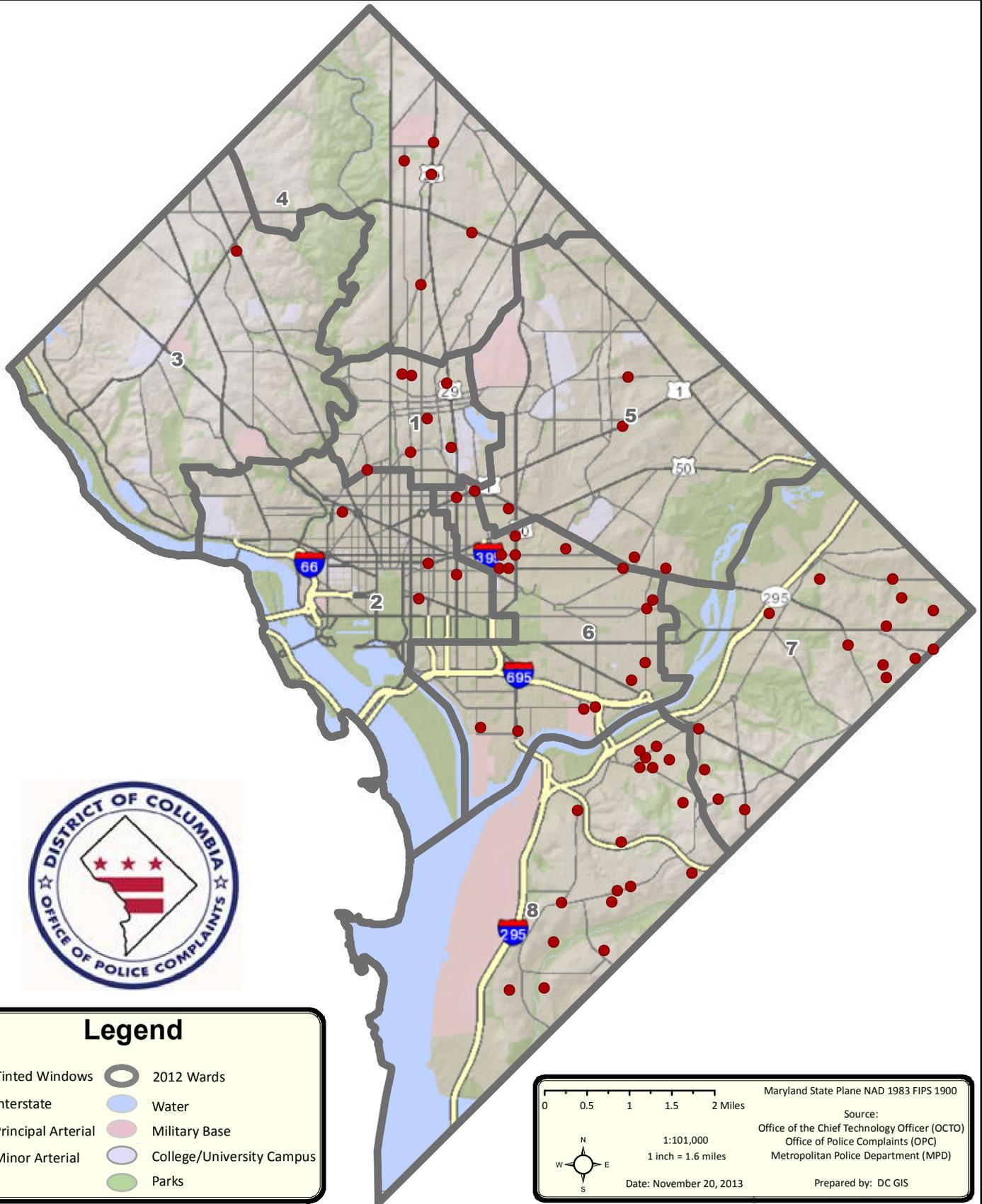
### Window Tint Citation Data

	2007	2008	2009	2010	2011	2012	Total
<b>Issued</b>	<b>1,846</b>	<b>1,964</b>	<b>2,017</b>	<b>2,356</b>	<b>1,498</b>	<b>1,199</b>	<b>10,880</b>
<b>D.C. Residents</b>	972	1,131	1,094	1,299	908	732	6,136
<b>Non-D.C. Residents</b>	874	833	923	1,057	590	467	4,744
<b>Contested</b>	<b>227</b>	<b>287</b>	<b>327</b>	<b>513</b>	<b>376</b>	<b>301</b>	<b>2,031</b>
<b>D.C. Residents</b>	137	181	188	298	250	202	1,256
<b>Non-D.C. Residents</b>	90	106	139	215	126	99	775
<b>Dismissed</b>	<b>124</b>	<b>174</b>	<b>151</b>	<b>228</b>	<b>184</b>	<b>150</b>	<b>1,011</b>
<b>D.C. Residents</b>	79	114	86	135	124	103	641
<b>Non-D.C. Residents</b>	45	60	65	93	60	47	370

Source: District of Columbia Department of Motor Vehicles Adjudication Services. Data received July 24, 2013, and on file with OPC.



# Appendix C - District Wards Map



## Legend

- Tinted Windows
- 2012 Wards
- Interstate
- Principal Arterial
- Minor Arterial
- Water
- Military Base
- College/University Campus
- Parks

Maryland State Plane NAD 1983 FIPS 1900  
 Source:  
 Office of the Chief Technology Officer (OCTO)  
 Office of Police Complaints (OPC)  
 Metropolitan Police Department (MPD)

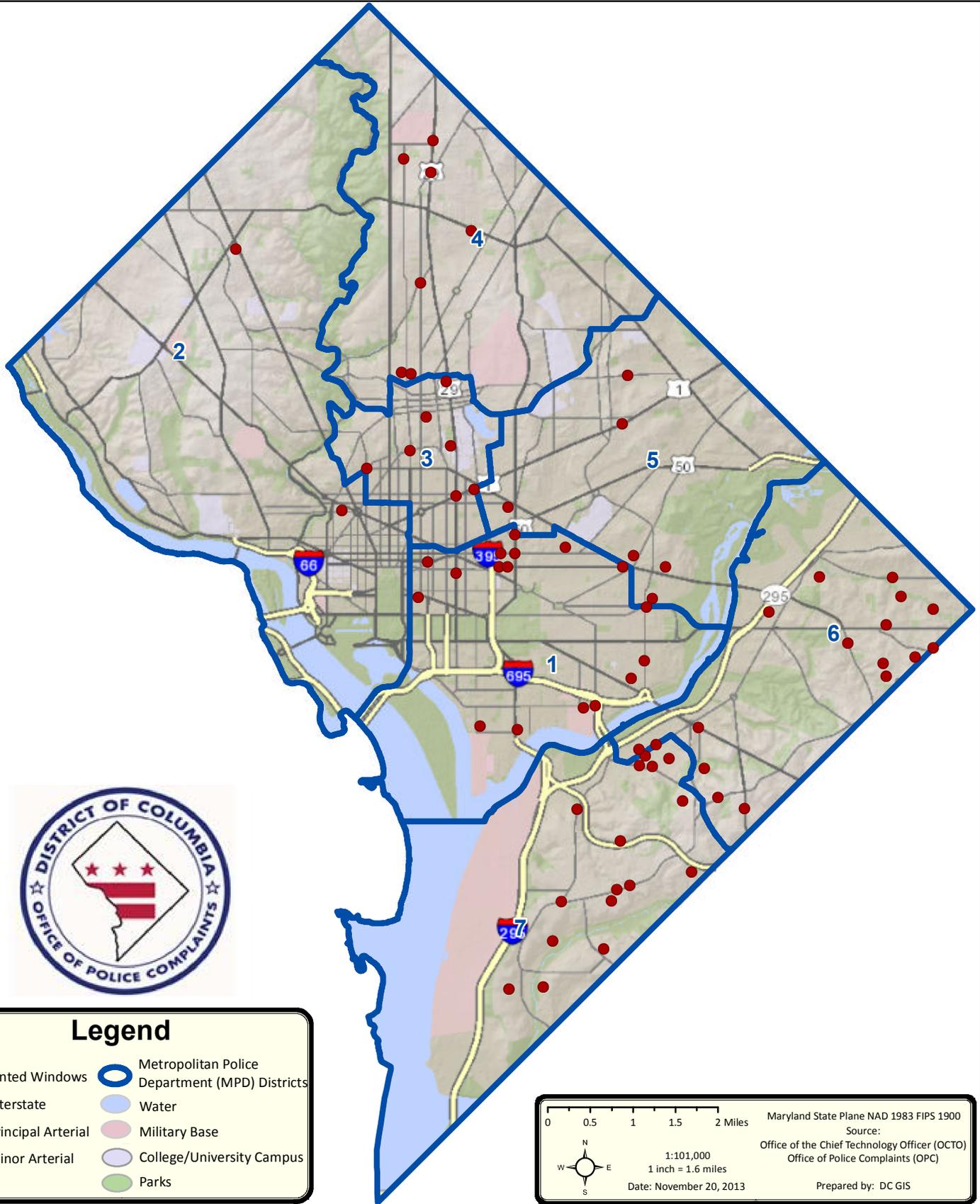
0 0.5 1 1.5 2 Miles  
 1:101,000  
 1 inch = 1.6 miles  
 Date: November 20, 2013  
 Prepared by: DC GIS

Information on this map is for illustration only. The user acknowledges and agrees that the use of this information is at the sole risk of the user. No endorsement, liability, or responsibility for information or opinions expressed are assumed or accepted by any agency of the District of Columbia Government.





# Appendix D - Police Districts Map



**Legend**

- Tinted Windows
- Interstate
- Principal Arterial
- Minor Arterial
- Metropolitan Police Department (MPD) Districts
- Water
- Military Base
- College/University Campus
- Parks

0 0.5 1 1.5 2 Miles

Maryland State Plane NAD 1983 FIPS 1900

Source:  
Office of the Chief Technology Officer (OCTO)  
Office of Police Complaints (OPC)

1:101,000  
1 inch = 1.6 miles

Date: November 20, 2013

Prepared by: DC GIS

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