Public Drinking Arrests by MPD Officers on Residential Property

(Last Updated – February 2012)

Recommendation	Status
MPD should develop a new POCA general order and corresponding recruit and in-service POCA training. Although the general order and training should cover all aspects of POCA enforcement, special emphasis should be placed on how properly to enforce POCA in the residential context, since this is the area of greatest confusion and the one that presents the greatest potential for civil rights violations, given the primacy of the right of citizens to be free of government intrusion in and around their homes. At a minimum, the new directive and the attendant training should ensure that MPD officers know: a) Not all residential yard space in the District of Columbia is public property; therefore, not all District yards are subject to POCA; b) Most backyards are not subject to POCA, even in neighborhoods where "parking" abuts front yards; c) The front yards of many residential properties adjoined by "parking" consist both of "parking" and privately owned land, and arrests for POCA are not sanctioned on the part of a yard that is not "parking;" and d) If it is unclear whether residential yard space is "parking," POCA arrests should not be made.	**Adopted in part.** In PCB's 2009 annual report, MPD stated that it had updated recruit training and included in roll call training guidance on POCA enforcement. The Department noted, however, that general orders are designed to address MPD procedures and policies, and that unless a law necessarily involves new MPD policies or procedures, MPD will not issue a general order but instead address the matter during training.