

# SPECIAL ORDER



DISTRICT OF COLUMBIA

Title  
**Handling of Fireworks**

Topic/Number  
**SO-08-08**

Effective Date  
**June 23, 2008**

**Rescinds:**

Special Order 86-38, Enforcement of Firework Regulations, Effective Date June 18, 1986

General Order 601.1 (Recording, Handling, and Disposition of Property Coming into the Custody of the Department), Part III.J

**Related to:**

General Order 304.8 (Collection of Physical Evidence; Utilization of the Crime Scene Examination Section and Crime Scene Search Officers), Effective Date April 30, 1992  
General Order 308.2 [Nuisances, Incidentals, Defects and PD FORM 61D (Violation Citation)], Effective Date June 20, 1980

SOP PD Form 61D (Violation Citation) Effective Date 12/26/05

GO-OPS-308.11 (Handling Fire/EMS Incidents), Effective Date December 29, 2003

GO-OPS- 309.02 (Bomb Threats and Explosive Devices), Effective Date July 13, 2004

GO-SPT-601.02 (Preservation of Potentially Discoverable Material), Effective Date February 3, 2004

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## I. BACKGROUND

On May 15, 2008, the Metropolitan Police Department (MPD) and the District of Columbia Fire and Emergency Medical Services Department (hereinafter "D.C. Fire and EMS") entered into a Memorandum of Understanding (MOU). The MOU states that the D.C. Fire and EMS Fire Investigations Unit will dispose of fireworks collected by members of the Metropolitan Police Department no later than August 31<sup>st</sup> of each calendar year. As a result of the MOU, MPD members are now responsible for the collection, transportation, and storage of fireworks.

## II. POLICY

It is the policy of the Metropolitan Police Department to prevent the sale, possession, and use of illegal fireworks. These efforts will promote the health, safety, and welfare of D.C. residents and visitors.

## III. DEFINITIONS

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

1. Day Box – Storage container located at each Police District/Element for the purpose of the temporary storage of recovered fireworks set out for destruction.
2. Fireworks – Any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation.
3. Illegal Fireworks – Fireworks that are prohibited from being manufactured, possessed, stored, displayed, sold, set off, or discharged under 12H DCMR (Fire Code), Chapter 33H (Explosives and Fireworks), Section F-3309.1.1.1 (Prohibited Fireworks).
4. Improvised Explosive Device (IED) – Fireworks that contain a fuse including, but not limited to, a ¼ stick dynamite, an ash can, or a cherry bomb.
5. Legal Fireworks – Fireworks that are permitted to be stored, displayed, sold, delivered, used, and possessed in accordance with the provisions of 12H DCMR (Fire Code), Chapter 33H (Explosives and Fireworks), Section F-3309.1.1.2 (Permitted Fireworks).
6. Memorandum of Understanding – Signed agreement between the Metropolitan Police Department and the District of Columbia Fire and Emergency Medical Services Department.
7. Set Out for Destruction – Process of placing recovered fireworks in a Day Box to be picked up by the District of Columbia Fire and Emergency Medical Services Department Fire Marshal.

#### **IV. REGULATIONS**

- A. 12H DCMR (Fire Code), Chapter 33H (Explosives and Fireworks), § F-3309 (Fireworks) prohibits the manufacture of fireworks in the District of Columbia and sets forth the legal requirements for the display, sale, and discharge of fireworks within the District of Columbia.
- B. Members are not required to recover legal fireworks other than those fireworks deemed found or abandoned in accordance with General Order 601.1 (Recording, Handling, and Disposition of Property Coming into the Custody of the Department).

#### **V. PROCEDURAL GUIDELINES**

- A. Enforcement

1. When a member observes an individual in possession of illegal fireworks, the member shall issue the individual a PD Form 61D (Violation Citation) for \$25.00.
2. When a member observes an individual using/discharging illegal fireworks, the member shall issue the individual a PD Form 61D for \$25.00.
3. When a member believes that a vendor is engaging in the business of selling or offering to sell fireworks without a license issued by the D.C. Department of Consumer and Regulatory Affairs, and/or or a permit issued by the D.C. Fire and EMS, Fire Prevention Division, the member shall immediately notify the Command Information Center (CIC) to request that the D.C. Fire and EMS Fire Marshal be notified to respond to the scene. The D.C. Fire and EMS Fire Marshal will handle the investigation of a vendor suspected of operating a firework stand without a license and/or permit.

B. Handling Illegal Fireworks When a PD Form 61D Is Issued

1. The member shall notify a dispatcher at the Office of Unified Communications (OUC) over the City Wide radio zone to request a Forensic Science Services Division (FSSD) Crime Scene Search Officer to respond to recover the fireworks.
2. A Crime Scene Search Officer shall respond to the scene to recover and transport the fireworks to the FSSD for processing.
3. The Crime Scene Search Officer shall complete a PD Form 81 (Property Record), place the fireworks on the FSSD PD Form 82 (Property Book), and follow the procedures for further handling and disposal established in current FSSD standard operating procedures.
4. When a firework is identified as an IED, the Explosive Ordinance Disposal (EOD) shall be contacted to respond to the scene to assist the Crime Scene Search Officer in rendering the IED safe. Once the IED is rendered safe, the Crime Scene Search Officer shall recover, transport, and process the IED in accordance with Section V. B. 3 above.

C. Handling Found or Abandoned Fireworks (PD Form 61D Is Not Issued)

1. Members shall recover and transport illegal fireworks to his/her Police District/Element:
  - a. When the amount of recovered fireworks is not too large to be transported in the assigned MPD vehicle; and
  - b. The fireworks do not include any IED.

2. After transporting the recovered fireworks to his/her Police District/Element, the recovering member shall:
  - a. Enter the date, location, circumstances of recovery, and quantity of fireworks recovered, on the Police District/Element PD Form 82 and list the fireworks as "Set Out for Destruction/Fire Marshal"; and
  - b. Place the recovered fireworks in the Police District/Element Day Box.

NOTE: Members are not required to complete a PD Form 81 when a PD Form 61D is not issued

3. Members shall contact a Crime Scene Search Officer to respond to the scene when the conditions of Section V.C.1 are not met (i.e., an IED is present or a large volume of fireworks must be recovered).
- D. Following notification of the delivery of illegal fireworks to a Police District/Element, the Watch Commander shall:
1. Sign the PD Form 82 in the open space below the listing/recovering member's name to verify the entry;
  2. Check the Day Box at the beginning of each tour of duty to determine if the D.C. Fire and EMS Fire Marshal shall be notified by the Police District/Element property officer, through the CIC, to collect the fireworks;
  3. Ensure the Police District/Element property officer notifies the D.C. Fire and EMS Fire Marshal regarding the need for fireworks collection; and
  4. Ensure that, upon responding to the Police District/Element, the D.C. Fire and EMS Fire Marshal signs the right side of the PD Form 82.
- E. When members have questions regarding the nature and/or the legality of fireworks that have been observed or recovered, the member shall immediately notify the CIC to have the D.C. Fire and EMS Fire Marshal paged to make a determination.
- F. The Commander, FSSD, is responsible for overseeing the handling of fireworks as defined in this Special Order.
- G. The Director, Corporate Support Bureau is responsible for providing one (1) Day Box at each identified Police District/Element.

**VI. CROSS REFERENCE**

General Order 601.1 (Recording, Handling, and Disposition of Property Coming into the Custody of the Department)

A handwritten signature in black ink that reads "Cathy L. Lanier". The signature is written in a cursive style with a large initial 'C'.

Cathy L. Lanier  
Chief of Police

CLL:JAE:JGW:PAS:JK