

# SPECIAL ORDER



Title  
**Pre-Trial Hold/Conditions of Release Request Form (PD Form 255-A)**

Topic/Number  
**SO-08-12**

Effective Date  
**December 17, 2008**

DISTRICT OF COLUMBIA

Related to:  
G.O. 701.1 (Courts and Hearings)  
Teletype 01-084-08 (Papering Elimination Project), Dated January 23, 2008

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## I. BACKGROUND

The Metropolitan Police Department (MPD), in partnership with the United States Attorney's Office (USAO), has implemented the "Papering Elimination Project" for cases presented by MPD members. The revised papering process was designed with the goal of eliminating the need for members to appear for the prosecutorial review of arrest paperwork. As a result of the successful implementation of the PEP, there has been a significant reduction in the number of personal appearances of MPD officers at arraignments, but also a concomitant reduction in the opportunity for MPD officers to share information regarding suspects and request specific conditions of release and pre-trial holds.

The purpose of this Special Order is to describe the policies and procedures newly established by the Chief of Police which will permit MPD officers to share with the United States Attorney's Office law enforcement information and community concerns regarding on-going complaints and repeat and violent offenders. The procedures provide a means for officers to request specific conditions of release and/or pre-trial holds in order to protect and serve the community.

## II. POLICY

It is the policy of the Metropolitan Police Department to ensure the safety and security of the residents of and visitors to the District of Columbia. With this in mind, it is the policy of the Metropolitan Police Department to inform the prosecutors of the United States Attorney's Office of situations when MPD officers and officials wish to recommend that a pre-trial hold or specific conditions of release be imposed on defendants arrested by MPD members.

**III. DEFINITIONS**

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

1. Child – Person under the age of eighteen (18) years;
2. Crime of Violence – Aggravated assault; act of terrorism; arson; assault on a police officer (felony); assault with a dangerous weapon; assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual abuse; assault with intent to commit any other offense; burglary; carjacking; armed carjacking; child sexual abuse; cruelty to children in the first degree; extortion or blackmail accompanied by threats of violence; gang recruitment, participation, or retention by the use of threatened use of force, coercion, or intimidation; kidnapping; malicious disfigurement; manslaughter; manufacture or possession of a weapon mass destruction; mayhem; murder; robbery; sexual abuse in the first, second, or third degrees; use, dissemination, or detonation of a weapon of mass destruction; or an attempt or conspiracy to commit any of the foregoing offenses, [D. C. Official Code § 23-1331(4)].
3. Dangerous Crime – Any felony under Chapter 45 of Title 22 (weapons or Chapter 23 of Title 6 (Firearms Control); any felony offense under Chapter 27 of Title 22 (Prostitution, Pandering); any felony offense under Unit A of Chapter 9 of Title 48 (Controlled Substances); arson or attempted arson of any premises adaptable for overnight accommodation of persons or for carrying on business; burglary or attempted burglary; cruelty to children; robbery or attempted robbery; or sexual abuse in the first degree, or assault with intent to commit first degree sexual abuse [D. C. Official Code § 23-1331(3)].
4. Hold Request Code – Combination of letters and numbers used on police reports and in law enforcement databases to indicate that a PD Form 255-A has been submitted for a defendant. The element codes are:

Element	Code
1D	1DHLD
2D	2DHLD
3D	3DHLD
4D	4DHLD
5D	5DHLD
6D	6DHLD
7D	7DHLD
NSID	NDHLD

5. Member – Sworn employee of the MPD and member of the MPD Reserve Corps.

6. Papering – Process MPD members engage in order to present cases to the United States Attorney's Office and Office of the Attorney General for the District of Columbia for consideration of arraignment.
7. Papering Elimination Project (PEP) – Process designed with the ultimate goal of eliminating the need for members to appear for the prosecutorial review of arrest paperwork. The PEP applies to all adult felony and misdemeanor arrests with the exception of any domestic violence case and any firearms case, whether the charge is prosecuted by the United States Attorney's Office or the Attorney General for the District of Columbia.
8. PD Form 255-A – “Pre-Trial Hold/Conditions of Release Request Form” used to document the reasons that MPD members are requesting that a pre-trial hold and/or specific conditions of release be imposed on a defendant arrested by MPD members.
9. Reviewing Official – Member the civil service rank of sergeant or above who is responsible for reviewing and approving a member's arrest package.

#### IV. REGULATIONS

- A. Every member who makes an arrest shall complete a PD Form 255-A to request a pre-trial hold and/or conditions of release for a defendant under the following circumstances:
  1. Defendant is charged with a crime of violence **or** a dangerous crime;
  2. Defendant has pending charge(s);
  3. Defendant is currently on probation and/or parole;
  4. Defendant is at risk for flight;
  5. Defendant has violated one (1) or more conditions of release;
  6. The victim has sustained a serious injury as a result of the offense committed; and/or
  7. The victim is a child.
- B. The PD Form 255-A shall be signed and dated by a reviewing official when the reviewing official determines that the facts of the case warrant a request under one (1) or more of the following circumstances:
  1. Defendant was armed with a firearm during the commission of the crime for which the defendant was arrested (e.g., PWID W/Armed, Burglary while Armed);
  2. Defendant is charged with “Obstruction of Justice”;

3. Defendant has previous convictions and /or arrests for violent or armed offenses;
  4. Defendant was charged with a violation of PWID/Distribution Of **or** using PCP at the time of the offense;
  5. The "Communities Safety and Crime Concerns with Pattern Offenses" requires conditions be imposed on the defendant (e.g., Burglary/UUV/Theft from Auto);
  6. Offense occurred during/in a special enforcement zone (e.g., Prostitution-Free Zone/Drug-Free Zone); and/or
  7. Defendant could be involved in witness tampering or intimidation if released.
- C. Only MPD members booking arrests shall use the PD Form 255-A and the associated Hold Request Codes to request conditions of release and/or pre-trial holds.

## V. PROCEDURAL GUIDELINES

### A. Arresting Member Responsibilities

The arresting member shall:

1. Complete the PD Form 255-A in its entirety in accordance with Part IV.A above;

NOTE: All pertinent information regarding the arrest and the related complaint(s) should be recorded on the Form. This Form is the single means of ensuring that the USAO is provided with a clear reason why the MPD is requesting a pre-trial hold or specific conditions of release for a defendant.

2. Record in Box # 45 (Special Ops Section) of the PD Form 163 (Prosecution Report) related to the arrest of the defendant the member's element "Hold Request Code";
3. Conduct records checks using the CJIS, PRISM, and NCIC/III databases;
4. Attach the results of the records checks to the completed PD Form 255-A; and
5. Submit the completed PD Form 255-A to the official reviewing the arrest package at the time the PD Form 163 is reviewed.

**B. Station Clerk Responsibilities**

The element station clerk shall:

1. At the time of booking the suspect, enter the arresting member's element Hold Request Code into CJIS;
2. Use the Hold Request Codes included in Part III above; and
3. If the arresting/processing member is not assigned to one of the listed Districts/Division, then use the Hold Request Code for the element in which the arrest is booked.

**C. Reviewing Official Responsibilities**

1. The official approving the arrest shall ensure that, for any arrest which requires or otherwise merits a pre-trial hold or conditions of release request, the arresting member completes a PD Form 255-A in its entirety, with as much pertinent information about the arrestee and/or related community situation, and that a copy of all records check are attached to the PD Form 255-A.
2. After reviewing the facts of the arrest, if a pre-trial hold and/or conditions of release should be requested, the official shall sign the PD Form 255-A based on his/her knowledge of the situation as presented by the arresting member.
3. Following signed approval, the PD Form 255-A shall be attached to the related approved PD Form 163 to be included in the arrest package.
4. The PD Form 255-A shall remain a part of the papering jacket for both PEP cases and USAO intake cases requiring a member to appear for papering.

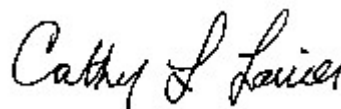
**D. Court Procedures**

1. Papering
  - a. When an arrest requires a member to appear for papering, the papering member shall provide a copy of the PD Form 255-A to the papering United States Attorney along with the other arrest documentation. The PD Form 255-A shall be part of the standard arrest paperwork/package and accompany the PD Form 163 and other required forms to the Court Liaison Division/Court.

- b. The arresting member shall also ensure that a copy of the completed PD Form 255-A is provided to the Court Liaison Division.
  - c. The Court Liaison Division shall establish a file for all received PD Forms 255-A. Each PD Form 255-A shall be retained for ninety (90) days in order to track holds and conditions of release as well as to assist with internal audits.
2. Officer-Less Papering (PEP)
- a. The PD Form 255-A shall be included in the arresting member's completed "Officer-Less Papering Package."
  - b. Court Liaison Division (CLD) officials receiving the arrest packages shall ensure that upon intake that a PD Form 255-A is included with all PEP packages consistent with Part IV.A and IV.B above.
  - c. If, during the review of a PEP package, it is determined that a pre-trial hold and/or conditions of release should be requested, and a PD Form 255-A is not a part of the PEP package, the CLD official shall notify an official from the arresting officer's District/Division. The element official so notified shall ensure that a PD Form 255-A is completed and forwarded to the CLD to be included in the PEP package.
- E. The Commanding Official/Director, Office of Risk Management shall determine a schedule for unit and Department-wide audits of the PD 255-A process.

## VI. ATTACHMENT

Attachment A [PD Form 255-A (Pre-Trial Hold/Conditions of Release Request Form)]



Cathy L. Lanier  
Chief of Police

CLL:PH:JGW:BH

**METROPOLITAN POLICE DEPARTMENT  
PRE-TRIAL HOLD/CONDITIONS OF RELEASE REQUEST FORM**

PD FORM 255-A

<b>Defendant Name @ Time of Arrest</b>	<b>Charge</b>	<b>Date/Time of Arrest</b> /
<b>Arrest Number</b>	<b>Central Complaint Number</b>	<b>Arresting Officer Name/Badge Number/Unit</b> / /

\*\*\*Arresting Officer Must Check all that Apply & Attach PRISM/Records Check\*\*\*

Based on the following reason(s) I request a hold on the named defendant.

- Defendant has been arrested multiple times for weapons offenses in D.C. and was rearrested in possession of an illegal firearm
- Defendant was arrested for a crime of violence and/or a firearm was used during the commission of this offense
- Defendant has current charges pending in the D.C. Court System and was rearrested
- Defendant was arrested while on a release status of Parole/Probation
- Defendant has a history of violent crimes as evidenced by arrests and/or convictions
- Defendant has a documented history of violence towards law enforcement, and is known to be armed
- Defendant has a history of arrests outside of Washington, D.C. for crimes of violence
- Defendant was arrested and charged with an offense associated with the *Sales or Distribution of PCP*
- Defendant is a known drug offender with a history of violence and/or weapons offenses
- Defendant has a history of or has been arrested and charged with Failure to Appear/BRA and poses a flight risk
- Victim in the crime committed sustained serious bodily injury and release could bring harm to the witness(es)
- Defendant has a history of witness intimidation or there is evidence of witness intimidation in the present case
- Defendant is a repeat offender as evidenced by his/her documented arrests for similar crimes (e.g. *Theft, UUV, etc.*)
- Defendant was arrested in a special enforcement zone operation (i.e. Drug Free Zone / Prostitution Free Zone) and has a pattern of criminal behavior/arrests associated with the current arrest
  
- Defendant is the target of on-going criminal investigation *(Note: This section is to be used only by Vice/NSID/CID Personnel. Specific information related to this reason should be provided below. Use reverse side as necessary.)*
  
- Other reasons based on officer observations/interactions and community concerns:  
*(Use reverse side as necessary)*

If a hold is not approved, I request the following condition(s) of release be imposed on the defendant:

- I request only the following condition(s) of release be imposed on the defendant.
  - Curfew
  - Stay-Away Order from Complainant/Witnesses
  - Stay-Away Order from Area where Offense Occurred
  - Not Permitted to Possess, Handle, Purchase, or Use a Firearm or other Dangerous Weapon in any manner

<b>Reviewing/Requesting Official's Full Signature, Rank, and Badge Number (Use Ink):</b>	<b>Date of Signature:</b>
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**Continuation/Additional Information:**