

Metropolitan Police Department □ Washington, D.C.



SPECIAL ORDER



Subject: Change in Handling the Charge of "Failure To Comply With Order" When Enforcing Traffic Violations	Series	Number	Distribution
	96	10	A
	Effective Date		
	July 10, 1996		
Expiration Date			
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The purpose of this special order is to provide the force with new procedures authorized for the handling of violations of "Failure to Comply With the Lawful Order or Direction of a Police Officer."

Recent amendments (D.C. Law 11-130, effective May 24, 1996) involving the Safe Streets Anti-Prostitution Act have clarified police authority in situations where a person fails or refuses to comply with the lawful order of a police officer in the course of directing, controlling or regulating traffic, including Moving, Parking, Standing, Stopping, and Pedestrian violations. Although these changes were enacted as a part of the Safe Streets Anti-Prostitution Act, they apply to all other traffic control situations where a police officer issues a lawful order or direction.

The new amendments define all violations of the "Failure To Comply" provision in Section 2000.2 of the Traffic Regulations (18 DCMR — Vehicles and Traffic) as criminal offenses and raise the penalty to "not less than one-hundred dollars (\$100) nor more than one thousand dollars (\$1,000)."

For convenience, Section 2000.2 (as amended) is recited below:

No person shall fail or refuse to comply with any lawful order or direction of any police officer, police cadet, or civilian crossing guard invested by law with authority to direct, control, or regulate traffic. This section shall apply to pedestrians and to the operators of vehicles.

Section 2603.1 of 18 DCMR (Lawful Direction or Order of Police Officer [Fail to comply with . . . \$25.00]) has been repealed.

As criminal offenses, violations subject the perpetrator to issuance of a Notice of Infraction (NOI), possible summary arrest, and prosecution in the D.C. Superior Court.

Issuance of NOI's

Members may issue an NOI for any traffic-related violation as described in General Order 303.1 (Traffic Enforcement) and General Order 303.2 (Notices of Infraction Procedures). In addition, whenever a pedestrian or the operator of a vehicle fails or refuses to comply with a lawful order or direction of an officer, that person has committed a criminal traffic violation subject to the jurisdiction of the Superior Court and an NOI may be issued requiring the payment of collateral or appearance in traffic court. Collateral for this offense is \$50.00.

PEP V. DC (FOIA)

When an NOI is issued for failure to comply with an officer's order and no arrest is made, the officer shall inform the violator that the collateral may be paid by mailing a check or money order within 15 days to the address noted on the violator's copy (Copy B) if the violator does not wish to appear in court.

Summary Arrest

In most circumstances, officers shall not summarily arrest a person who has violated the "Failure to Comply" provision. Only in a situation where the continued refusal creates a flagrant and immediate danger to the violator, other persons or the motoring public, or interferes with ongoing traffic enforcement activities of the police, may an officer consider summary arrest. The decision as to whether to make a summary arrest under these circumstances shall be based upon the prudent judgement of the member whose order was refused. If it is determined that the circumstances are serious enough to warrant an arrest, members shall:

- a. Caution the person that continued refusal to comply with the officers order could result in the violator's arrest; and
- b. Issue an appropriately completed NOI for "Failure To Comply," a Superior Court charge, should an arrest become necessary.

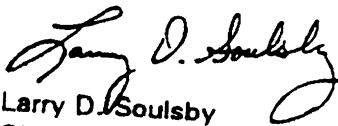
When the violation involves a pedestrian, officers are reminded of the possible applicability of separate criminal sanctions where a pedestrian violator fails to inform a member of his/her true name and address to facilitate proper issuance of an NOI.

Effect on Outstanding General Orders

Members shall note the applicability of General Order 303.1 (Traffic Enforcement) and General Order 303.2 (Notices of Infraction Procedures) and shall observe all procedures in those orders which are not superseded by this special order. Any necessary pen-and-ink notations should be made pending formal changes in these orders.

This special order shall remain in effect until revised, rescinded or incorporated into an appropriate general order.

LDS:WRP:AFA


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