

303.1 (303.2)

1. REQUEST FOR <input type="checkbox"/> LOCAL LOOKOUT <input type="checkbox"/> INTERSTATE TT <input type="checkbox"/> ADMINISTRATIVE TT DETAIL (See Reverse)	2. TYPE <input type="checkbox"/> ORIGINAL <input type="checkbox"/> EXPEDITE <input type="checkbox"/> ADDITIONAL <input type="checkbox"/> CANCEL <input type="checkbox"/> CORRECTION <input type="checkbox"/> REPEAT <input type="checkbox"/> REPLY	3. COMPLAINT NUMBER	6. DATE OF REQUEST
		4. UNIT NUMBER	7. REQUESTING ELEMENT
		5. <input type="checkbox"/> NOT FOR THE PRESS	8. <input type="checkbox"/> FLASH TT REQUESTED

9. TO
The Force

10. NAME OF WANTED PERSON	11. WANTED BY	12. CHARGE
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13. COMPLAINANTS NAME	14. COMPLAINANTS ADDRESS
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PROCEDURES FOR "OPERATING WITHOUT A PERMIT" OFFENSES

The purpose of this teletype is to remind members of specific requirements as they pertain to issuing a NOI (Notice of Infraction) when making arrests for Operating without a Permit ("No Permit" or "No D.C. Permit").

- When the operator of the motor vehicle exhibits a recently expired operator's permit (the permit has been expired for 90 days or less), the member may issue the operator an NOI for "No Permit" or "No D.C. Permit." This violation does not require a summary arrest because it is a civil violation that is adjudicated in the DMV Adjudication Services (formerly BTA).
- When the operator has never been issued a permit, or the permit has been expired for more than 90 days, **members shall issue an NOI and summarily arrest the operator** for "No Permit" or "No D.C. Permit" (D.C. Official Code § 50-1401.01d).
- When the operator fails to exhibit an operator's permit, but states he or she has one, the member shall check WALES or verify through the radio dispatcher that a permit has been issued and is still valid. If the member verifies that the operator has a valid permit, the member may issue a citation for failure to display permit. When the member cannot verify the operator's permit status, the member shall summarily arrest the operator for "No Permit" or "No D.C. Permit." This is a criminal traffic offense that falls under the jurisdiction of the D.C. Superior Court.
- **If the member later verifies that the operator has a valid permit, but did not have it with him/her at the time of the arrest, members shall change the charge to "Failure to Exhibit Permit" and continue processing the operator as a summary arrest.** "Failure to Exhibit Permit" is a criminal traffic offense that falls under the jurisdiction of the D.C. Superior Court (D.C. Official Code § 50-1401.01c).

Note: "No Permit" or "No D.C. Permit" is not a "probable cause misdemeanor" and a member cannot summarily arrest a person for "No Permit" or "No D.C. Permit" unless the member **witnessed** the person operating the vehicle. For example when responding to a traffic crash, a member may not personally witness the operators of the vehicles involved in the crash operating the vehicles if he or she arrives at the scene after the crash occurred. If the member did not witness the person operating the vehicle, but witness statements and other corroborating evidence establish probable cause to indicate that the person with an expired or no valid permit was the operator of the vehicle, the member shall respond to the Office of the Corporation Counsel to apply for an arrest warrant.

Reference: GO-OPS-303.1 (Traffic Enforcement), GO-OPS-303.02 (Notices of Infractions Procedures)

SENDER-BADGE-ORG. ELM. Mary Ann Rodgers, Director	AUTHORIZED BY-BADGE-ORG ELM. Nola M. Joyce, SED, OOD	BUREAU HEAD APPROVAL Charles H. Ramsey, COP
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COMMUNICATIONS DIVISION USE ONLY

REMARKS	DATE AND TIME
	FILE <i>11-05-024-04</i>
	TELETYPE NUMBER