

# GENERAL ORDER



## DISTRICT OF COLUMBIA

Title		
<b>Drug Free Zones</b>		
Topic	Series	Number
<b>OPS</b>	<b>307</b>	<b>04</b>
Effective Date		
<b>March 12, 2024</b>		
Related to:		
GO-OPS-307.01 (Handling Drug Complaints and Investigations)		

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### I. PURPOSE

Drug free zones declared pursuant to the *Secure DC Omnibus Amendment Act of 2024* allow the department to safeguard certain areas of the community from risks associated with the sale, purchase, and use of illegal drugs. The purpose of this general order is to provide Metropolitan Police Department (MPD) members with procedures for designation, public notification, and enforcement of drug free zones.

### II. PROCEDURES

#### A. General

1. Drug free zones (DFZs) are designated public spaces on public property not exceeding a square of 1,000 feet on each side where it is unlawful for a person to congregate in a group of two or more for the purpose of committing an offense under [Title IV of the Controlled Substances Act](#) and failing to disperse after being instructed to do so by a uniformed MPD officer.
2. DFZs shall be designated by the chief of police, declared by written statement and notification, and implemented for a period no longer than 120 consecutive hours. DFZs may be re-implemented, however, this shall not be used to circumvent the 120-hour time limit. The same area, or an overlapping area, shall not be declared as a DFZ for more than 360 consecutive hours within a 30-day period.

#### B. Designation Requests

1. District commanders seeking to establish a DFZ shall gather and review the following information:

DFZ Recommendation Criteria
a. Within the preceding six-month period, the occurrence of a disproportionately high number of arrests for the possession or distribution of illegal drugs in the proposed DFZ;

b.	Within the preceding six-month period, the occurrence of a disproportionately high number of police reports for dangerous crimes, as that term is defined in <a href="#">DC Official Code § 23-1331(3)</a> , that were committed in the proposed DFZ;
c.	Within the preceding six-month period, the occurrence of a disproportionately high number of police reports for crimes of violence, as that term is defined in <a href="#">DC Official Code § 23-1331(4)</a> , that were committed in the proposed DFZ;
d.	Number of homicides that were committed in the DFZ;
e.	Objective evidence or verifiable information demonstrating that illegal drugs were being sold and distributed on public property within the DFZ; and
f.	Any other verifiable information from which the chief of police may ascertain whether the health or safety of residents who live in the DFZ may be being endangered by the purchase, sale, or use of illegal drugs or other illegal activity.

2. The written request shall include a description of the criteria that formed the basis for the objective justification of the proposed DFZ as well as the following specifications and shall be submitted through the chain command to the Executive Office of the Chief of Police (EOCOP):

<b>DFZ Specifications</b>	
a.	Proposed dates and times that an area should be declared a drug free zone;
b.	Detailed street and aerial maps outlining the boundaries of the proposed drug free zone including the locations and email contact information of any licensed medical or social services clinics operating in or adjacent to the proposed DFZ;
c.	Plan specifying resources used to mark the area as a drug free zone;
d.	Complete, objective justification for the determination based on the DFZ recommendation criteria.

3. When recommending that multiple areas are designated DFZs, district commanders shall ensure that their district has the necessary personnel, material resources, and logistical capabilities to effectively concentrate law enforcement efforts in these areas.
4. The EOCOP, in consultation with the Office of General Counsel (OGC), shall review and approve or disapprove all DFZ designation requests.
  - a. OGC shall ensure that the proposed DFZ meets legal sufficiency with consideration given to the recommendation criteria.
  - b. The chief of police or designee shall ensure that all aspects of the proposed DFZ meet the requirements of this order.
5. EOCOP shall establish and maintain a DFZ file to maintain records related to the activities within a particular DFZ.

**C. Public Notification and Implementation**

1. Upon approval, EOCOP shall forward all authorized DFZ memorandums to the Real Time Crime Center (RTCC) commanding official for situational awareness. Any disapproved requests shall be returned to the requesting district commander.
2. EOCOP shall notify the following individuals in writing at least 24 hours prior to the implementation of the DFZ:

<b>EOCOP Notification</b>
a. Chairman and each member of the Council of the District of Columbia;
b. All licensed medical or social services clinics operating in or adjacent to the DFZ;
c. Deputy mayor for Health and Human Services;
d. Deputy mayor for Public Safety and Justice;
e. Department of Behavioral Health director;
f. Department of Human Services director;
g. Department of Health director;
h. Office of Neighborhood Safety and Engagement director; and
i. Office of the Attorney General's Cure the Streets program.

3. EOCOP shall ensure MPD personnel are notified via department-wide teletype of the DFZ, geographic boundaries, affected Patrol Service Area (PSA), and implementation dates.
4. District commanders shall ensure that each block within the DFZ is marked by multiple signs secured to available objects (e.g., lamp post) or on wooden stakes around the DFZ borders, within the 24 hours prior to the effective date, when practical. Each block shall be marked by using the most practical and available resources. No side of the designated zone shall exceed 1,000 feet. Signs shall include:
  - a. A statement that it is unlawful for a person to congregate in a group of two or more persons for the purpose of committing an offense under [Title IV of the Controlled Substances Act](#) within the boundaries of a drug free zone, and to fail to disperse after being instructed to disperse by a uniformed MPD officer who reasonably believes the person is congregating for the purpose of committing an offense under [Title IV of the Controlled Substances Act](#);
  - b. The boundaries of the DFZ;
  - c. A statement of the effective dates of the DFZ designation; and
  - d. Any other information needed to inform the public of the DFZ.
5. District commanders shall ensure that each licensed medical or social services clinic operating within or adjacent to the DFZ is provided written notice within the 24 hours prior to the effective date, when practical.
6. At the beginning of each shift, watch commanders shall ensure that block markings and warning signs are still posted.
7. Upon expiration of the declared DFZ, district commanders shall ensure that block markings and warning signs are removed.

**D. Enforcement**

1. Provisions of the law are only enforceable in specifically identified DFZs during the period of time declared.

2. There must be two or more persons congregating on public space within the boundaries of the DFZ:
  - a. With the intent to or for the purpose of participating in the use, purchase, or sale of illegal drugs (supported by personal observance of suspect conduct or by current reliable information to the same effect); **and**
  - b. When instructed to disperse by a uniformed member, the person(s) so instructed must fail to follow the instruction of the member, or if the person so instructed disperses, he or she may not reassemble on public property with any other person who was ordered to disperse at the same time in the DFZ for the duration of the DFZ.
  
3. In making a determination that a person is congregating in a DFZ for the purpose of participating in the use, purchase, or sale of illegal drugs, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining whether such purpose is manifested are:
  - a. The conduct of a person being observed, including that such person is behaving in a manner raising reasonable articulable suspicion that the person is engaging or is about to engage in illegal drug activity, such as the observable distribution of small packages to other persons, the receipt of currency for the exchange of a small package, operating as a lookout, warning others of the arrival of police, concealing himself or herself or any object which reasonably may be connected to unlawful drug-related activity, or engaging in any other conduct normally associated by law enforcement agencies with the illegal distribution or possession of drugs.
  - b. Such person is physically identified by the officer as a member of a gang or association, which engages in illegal drug activity.
  - c. Such person is a known unlawful drug user, possessor, or seller [i.e., person who has, within the knowledge of the arresting member, been convicted in any court of any violation involving the use, possession, or distribution of any controlled substance].
  - d. Such person has no other apparent lawful reason for congregating in the DFZ, such as waiting for a bus, being near one's own residence, or waiting to receive medical or social services;
  - e. Any vehicle involved in the observed circumstances is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding arrest warrant for a crime involving drug-related activity.
  - f. Information from a reliable source stating that the source has observed the person engaging in conduct that indicates he or she is committing illegal drug-related activity within the drug free zone. Prior to ordering any person to disperse, the member must have observed or been

informed of sufficient conduct to show that the person is using, possessing, or selling drugs. Other factors may be used to strengthen the member’s conclusion that the person has an illegal purpose or intent.

- 4. Persons seeking or receiving medical or social services near or in a DFZ shall not be prevented, discouraged, or otherwise deterred from seeking such services and shall not be stopped or otherwise detained absent reasonable articulable suspicion of criminal activity. Members shall consult with a supervisor prior to arresting persons who claim they are seeking or receiving medical or social services.
- 5. Members stopping persons to enforce the DFZ, shall advise them that:
  - a. They are in a DFZ and explain the boundaries and its duration;
  - b. The member has reasonable articulable suspicion that the individuals within the group are congregating with the intent to or for the purpose of participating in unlawful drug-related activity, and that the member is instructing them to disperse and depart from the drug free zone;
  - c. It is illegal to continue to congregate on public space in this area after being instructed to disperse and failure to obey this instruction will result in their arrest; and
  - d. The individuals will be arrested without a second verbal warning if, after being instructed to disperse, they regroup and continue to congregate at any location on public space within the boundaries of the drug free zone.
- 6. When a member instructs a group to disperse, he or she shall allow the group a reasonable amount of time to comply, clearly specifying a definite time in minutes, before making an arrest. Persons refusing or failing to disperse shall be arrested for “Drug Free Zone - Failure to Disperse.”
- 7. Members shall document stops in DFZs according to the requirements set forth in [GO-SPT-304.10 \(Field Contacts, Stops, and Protective Pat Downs\)](#). Members shall select “Drug Free Zone violation investigation” for the reason for the stop only if that was the initial reason. When the DFZ investigation was not the initial reason for the stop, members shall select the original reason that the stop occurred in the stop section of the report.

**E. Reporting**

- 1. Once the designation of a DFZ has expired, district commanders shall prepare a report the chain of command to the chief of police within 10 business days of the DFZ expiration. The report shall include:

<b>Post-DFZ After Action Report</b>
a. Location including the exact boundaries;
b. Date and time the location was declared a DFZ;
c. Allocated personnel and resources;

d. Dates and approximate times of distribution of notices within the boundaries of the DFZ;
e. Dates, approximate times, and locations of hanging and removing posters (including approximate number of posters used);
f. Manner in which each block in the DFZ was marked;
g. Number and type of crime index offenses which occurred in the DFZ during the declared period of time;
h. Total number of arrests for DFZ violations, to include if the arrestee was in possession of any illegal drugs, drug paraphernalia, or firearms, as well as other arrests occurring in the DFZ;
i. Number and type of complaints received as a result of DFZ enforcement activities;
j. Any significant events or unusual incidents which occurred in the DFZ during the declared period of time; and
k. Evaluation of the DFZ enforcement action.

2. District commanders seeking to re-apply for the same designated DFZ may do so pursuant to the procedures in this order. There is no legal time frame to re-designate a DFZ, however, re-designation shall not be used to circumvent the 120-hour time limit. The same area, or an overlapping area, shall not be declared as a DFZ for more than 360 consecutive hours within a 30-day period. Specific justification must be made in the request.

**III. ATTACHMENTS**

Attachment A: DFZ Signage



Pamela A. Smith  
Chief of Police



# WARNING

THIS AREA HAS BEEN DECLARED A

# DRUG FREE ZONE

**BY ORDER OF THE CHIEF OF POLICE**

Any person congregating in a group of two (2) or more within the perimeter of a drug free zone on public space for the purpose of knowingly or intentionally possessing, manufacturing, distributing, or possessing with intent to manufacture or distribute illegal drugs (Title IV of the Controlled Substances Act), and who fails to disperse after being instructed to disperse by a uniformed member of the Metropolitan Police Department who reasonably believes the person is congregating for the purpose of committing an offense under Title IV of the Controlled Substances Act, is subject to arrest. An arrest can result in a fine of not more than \$300, imprisonment for not more than 180 days, or both.

[Secure DC Omnibus Emergency Amendment Act of 2024]

## BOUNDARIES

### Boundaries of Drug Free Zone:

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## EFFECTIVE DATES

Start Date:	Time:	End Date:	Time:

Pamela A. Smith  
Chief of Police

QUESTIONS? Visit [mpdc.dc.gov/aboutdfz](https://mpdc.dc.gov/aboutdfz)

**NOTICE:** This sign is property of the Government of the District of Columbia and may not be removed and taken away, tampered with, defaced, or destroyed. Any persons who do so will be prosecuted.