

**GENERAL ORDER**

SERIES

401

NUMBER

4

EFFECTIVE DATE

December 1, 1971

SUBJECT

Reporting Violations of the A.B.C.
Regulations and the "General License
Law"

DISTRIBUTION

A

ORIGINATING UNIT

PDD

The purpose of this order is to establish the policy and procedures to be followed by members of the department reporting violations of the Alcoholic Beverage Control Regulations and the "General License Law." This order consists of the following parts:

- PART I** Responsibilities and Procedures for Members of the Department
- PART II** Responsibilities and Procedures for Special Assignment Personnel
- PART III** Responsibilities and Procedures for Supervisory and Command Personnel

PART I**A. Reporting Violations of A.B.C. Regulations.**

1. All violations of the A.B.C. Regulations by holders of licenses issued under the authority of the Alcoholic Beverage Control Act shall be reported to the appropriate agency of the Government of the District of Columbia. This includes violations committed by the holder of the license when he is not at the place of business (e.g., selling other than at licensed premises) and violations committed on the licensed premises in the absence of the holder of such license.

2. Members of the force who observe violations of the A.B.C. Regulations in or about any A.B.C. licensed premises shall take such immediate and proper police action as the circumstances demand and shall immediately notify the official then in charge of the district in which the violation occurred.

3. Members of the force shall report violations of the A.B.C. Regulations as follows:

- a. A PD Form 251 shall be used when the police action taken involved an arrest for the A.B.C. violation.
- b. A PD Form 253 shall be used when the police action taken did not involve an arrest.

NOTE: In cases where police action is taken within A.B.C. licensed premises for an A.B.C. violation and

another type violation or crime (e.g., a minor has been drinking alcoholic beverages in the premises and assaults a customer), only one report containing information on both incidents is needed.

4. It shall be the duty of the arresting officer to invite the attention of the station force to the fact that the defendant was arrested in a licensed A.B.C. establishment and that an alcoholic beverage control report will be submitted. In view of the fact that an alcoholic beverage license is a valuable property right to the licensee, it should be anticipated that such persons, when appearing as respondents before the board, will defend themselves actively, because such licensees realize that, if convicted, they may lose their licenses to operate such businesses within the District. A sufficient number of police officers who have knowledge of the arrested person's condition and the circumstances surrounding the arrest shall be listed as witnesses for appearance before the Alcoholic Beverage Control Board. In all cases there must be corroborative police witnesses.

5. In instances where persons under 21 years of age but not under 18 years of age are discovered intoxicated, the discovering/arresting officer shall follow the policy and procedures for handling intoxicated persons. In addition, the discovering/arresting officer shall make every effort to ascertain if the intoxicants were unlawfully obtained by the intoxicated person. In the event a violation of the A.B.C. Regulations is indicated, the discovering/arresting officer shall immediately notify the official in command of his district: and if the violation occurred in a district other than that to which he is assigned, the discovering/arresting officer shall immediately notify the official in command of the district concerned. The discovering/arresting officer shall then prepare a PD Form 253 or PD Form 251, where applicable, which shall include the intoxicated person's age, date and place of birth, address, and full name of the father and mother with their addresses. This information is necessary so that the A.B.C. Board may obtain birth certificates. In cases where the A.B.C. violation occurred in another district, the discovering/arresting officer shall note at the end of the report the following information: "One copy to be sent to No. _____ District."

6. In instances where persons under 18 years (juveniles) are discovered intoxicated, the discovering/arresting officer shall immediately notify a district Youth Services Officer or a Youth Division Officer (See General Order 305.), Handling of Juveniles.).

General Order No. 401.4
(Revised 3/16/73)

H. Reporting Incidents Occurring Within A.B.C. Premises.

1. In cases where police action is taken within A.B.C. licensed premises for an incident that is not a violation of the A.B.C. Regulations and where there is no A.B.C. Regulation violation indicated, the officer making the report shall write the following notation in item 36 on the PD Form 251 or item 31 on the PD Form 253:

"No A.B.C. Regulation
Violation Indicated."

2. This notation will alert the A.B.C. Board that no supplemental report will be forwarded to the board unless specifically requested. However, one copy of the PD Form 251 or 253 shall be forwarded to the A.B.C. Board; one copy shall be placed in the district vice numerical files; and one copy shall be forwarded to the Director, Morals Division.

C. Examining Draft Card.

Occasionally it becomes necessary for an officer to request a patron of a licensed A.B.C. establishment to exhibit proof of age. Among the various types of evidence of age submitted to the officer for his examination is the Selective Service System Registration Certificate or "draft card." It has been known that unauthorized holders of these draft cards have altered them, principally with respect to birth dates. Unlawful alterations can be detected, in many instances, by checking against information contained elsewhere on the card, for example, "49 6 40 123," a series of individually grouped, coded serial numbers which appears on the face of the card. The first coded number on the card denotes the area in which the holder registered. In the case of local registrants, the number will be "49"; the second of the coded numbers represents the local draft board number. These numbers can be cross-checked with the local board and its location found on the reverse side of the card; the third of the coded numbers denotes the year the registrant was born and should be the same as the year indicated for "date of birth" on the front of the card; the fourth of the coded numbers merely denotes the chronological sequence of registration by the registrant on a given date.

D. "General License Law."

1. Under the provisions of the Act of Congress, approved July 1, 1902, and amended by subsequent Acts of Congress, known as the "General License Law," (District of Columbia Code, title 47, chapters 23-45), the District of Columbia Council is vested with

authority to revoke any license issued thereunder when, in the opinion of the council, it is deemed desirable in the interest of public decency or the protection of life, limb, health, comfort, and quiet of the citizens of the District of Columbia, or for any other reason the council may deem sufficient.

2. When it comes to the attention of any member of the force that an establishment licensed under the provisions of the "General License Law" is being operated in violation of existing laws and regulations or when the owner or proprietor is permitting the unlawful use of the premises, and where such unlawful use can be substantiated by the testimony of police officers or civilians, such member of the force shall, in addition to taking such immediate and proper police action as the circumstances may demand, submit to the Central Records Division, a PD Form 253 when the violation does not involve an arrest and a PD Form 251 when an arrest is made.

3. Particular attention shall be given to licensed premises suspected of any of the following conditions with a view of complying with the contents of this order:

- a. Prostitution or solicitation for immoral purposes.
- b. Illegal sales of intoxicating beverages.
- c. Frequent assemblies of persons known to be of immoral habits, with the knowledge of the owner or proprietor.
- d. Gambling.
- e. Repeated and well-founded complaints from citizens of boisterous and other disorderly conduct by persons frequenting such licensed premises.
- f. Drug abuse.

PART II

A. Distribution of Reports.

One copy of the PD Form 253 or PD Form 251, reporting violations of the A.B.C. or "General License Laws," shall be placed in the

district vice numerical file. The original of the PD Form 253 or PD Form 251 together with statements of the witnesses shall be forwarded to the Central Records Division where copies shall be made and distributed to the Alcoholic Beverage Control Board: the superintendent, License and Inspections: the Director, Morals Division: and to another district when applicable. A copy of the report shall be filed with the Central Records Division.

B. Corroboration.

Officers assigned to duty in station houses shall carefully observe the conditions of defendants who are alleged to be intoxicated when, as a result of their arrest, a report is likely to be made to the Alcoholic Beverage Control Board.

C. Youth Officers.

When a district Youth Services Officer or Youth Division Officer is notified that a juvenile under the age of 18 years is in violation of the A.B.C. Regulations, he shall process the respondent for the violation. In addition, the Youth Officer shall report the violation to the official then in charge of the district in which it occurred.

PART III

A. District Officials.

The official then in charge of the district in which an A.B.C. violation occurs shall be responsible for conducting a complete investigation of the reported violation, to include violations involving juveniles. The investigation shall include statements from all members of the force involved and other witnesses who may have knowledge of the violation. The results of the investigation shall be entered on PD Form 257 (Supplement Report); and the copy, together with copies of the statements of the witnesses, shall be placed in the district vice numerical file. The original shall be forwarded, together with the statements of the witnesses, to the Central Records Division.

B. Director, Morals Division.

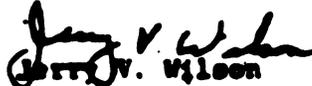
1. The Alcoholic Beverage Control Board frequently receives information concerning alleged or possible violations of law on licensed premises of inns which are primarily the responsibility of this department (e.g., selling whiskey without a license, soliciting prostitution and gambling.)

2. The A.B.C. Board will forward a report, in triplicate, of these alleged violations to this department through the Director.

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(Revised 3/16/73)

Morals Division, who shall note on one of the copies the receipt of the information and return this copy to the A.B.C. Board. The Director, Morals Division, shall then take the necessary action on the information received. One copy of the report shall be sent to the district concerned to be filed for future reference.


Jerry V. Wilson
Chief of Police

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