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|  | GENERAL ORDER | SERIES 501 | NUMBER 7 | EFFECTIVE DATE December 1, 1971 |
| SUBJECT Arrest Procedures by Members of Departments Other Than the Metropolitan Police Department | | DISTRIBUTION A <hr/> ORIGINATING UNIT PDD | | |

The purpose of this order is to establish the procedures for handling and booking arrests made by the United States Park Police, National Zoological Park Police, United States Capitol Police, special police officers, building guards, and other persons having lawful authority to make arrests in the District of Columbia. This order consists of the following parts:

- PART I Responsibilities and Procedures for Members of the Department

- PART II Responsibilities and Procedures for Supervisory and Command Personnel

PART I

A. Booking Arrests.

When persons arrested by building guards, special police officers, or other persons having lawful authority to make arrest in the District of Columbia (except as provided by this order for other police departments) are booked at a district station house, they shall be booked on the inside arrest book. The name of the person making the arrest shall be entered on the arrest book as the complainant in the case and a Metropolitan Police Department officer shall be entered on the arrest book as the arresting officer.

B. Presenting Cases.

1. The person listed on the arrest book as the complainant shall be responsible for presenting cases to the court of persons arrested for disorderly conduct, violations of Police Regulations, or comparable offenses. The Metropolitan Police Department officer assigned to the above case shall not be required to appear in court, unless, because of extenuating circumstances, the official in charge of the district deems it necessary.

2. In arrests for offenses other than the above, the Metropolitan Police Department officer assigned to the case shall be responsible for preparing the case and for presenting the case to the court. He shall process the prisoner in the same manner as if he had made

the initial arrest. The Metropolitan Police Department officer shall appear in court and shall be responsible for notifying all witnesses in the case to be present, including persons who made the initial arrest.

C. Releases.

1. When members of the force are called to a business establishment to assist in a case where a subject is being held for a crime, they shall inform the person in charge of the business establishment that, prior to any participation in the case by members of this department, they must decide on the following:

- a. If the management wishes to prosecute the case in court.
- b. If the management wishes to have the subject sign a release prepared by the management.
- c. If the subject is taken into custody by members of this department, the suspect shall be charged and officials of the business establishment shall be subpoenaed to court.

2. If the suspect is taken into custody by members of this department, they shall take charge of all evidence in the case and shall be responsible for the proper handling of the evidence according to existing orders.

D. Special Police Officers Assigned to Stores Participating in the Shoplifting Project.

1. Special police officers assigned to stores which are participating in the pilot project on shoplifting shall adhere to the following procedure, when the evidence seized from the suspect does not exceed \$250.00.

2. Special officers shall, as soon as practical, inform the accused of his rights in the manner prescribed below:

"You are under arrest. Before we ask you any question, you must understand what your rights are.

"You have the right to remain silent. You are not required to say anything to us at any time or to answer any questions. Anything you say can be used against you in court.

"You have a right to talk to a lawyer for advice before we question you and to have him with you during questioning.

"If you cannot afford a lawyer and want one, a lawyer will be provided for you.

"If you want to answer questions now without a lawyer present you will still have the right to stop answering at any time. You

also have the right to stop answering at any time until you talk to a lawyer."

3. The special officer effecting the arrest shall prepare PD Form 163 (Statement of Facts). This shall be concise, intelligent, and comprehensive. It shall include background information concerning the accused offender, the names of the witnesses, a description of all evidence (including all items taken from the accused), and a narrative summary of the facts surrounding the arrest. The manner of identification of all articles seized from the accused shall be stated PD Form 163 (e.g., 1 dress - value \$38.50, initials A.B., and date marked on price tag). The statement shall also contain, in detail, any admission, denial, or alibi of the defendant. The exact words of the defendant shall be noted. For example, if a defendant says, "I took the items because I was hungry and needed something to pawn," these exact words shall be written into the report rather than merely including a statement that the defendant admitted the crime. Similarly, the exact words of any denial or alibi shall be included in the Statement of Facts.

4. Prior to the completion of PD form 163 by the special officer, he shall contact the Metropolitan Police Department dispatcher by telephone and request a transport. This procedure will prevent any unnecessary delay at the store by the transporting officers.

5. The Metropolitan Police Department officer arriving at the security office of the store shall call the Communications Division and obtain a complaint number which will be typed on PD Form 163, along with the names of the transporting Metropolitan Police Department officers. One Metropolitan Police Department officer, prior to leaving the security office, shall examine the PD Form 163 for completeness; and, if it is defective in any material way, he shall request the special officer to immediately execute a proper one. Minor defects shall be brought to the attention of the special police officer's superior for correcting in future reports. The officer checking the PD Form 163 shall briefly question the accused offender in accordance with the usual police department procedures and this shall be in the presence of the arresting special police officer.

6. The Metropolitan Police Department officer shall examine and mark the evidence in the possession of the special police officer and shall verify that all items of tangible evidence then available are listed on the PD Form 163. The special police officer shall maintain custody of and preserve in proper fashion all evidence seized from the accused offender. This evidence shall be kept under lock and key in a secure place separate from all other property until final disposition by court or a release is obtained from the United States Attorney's Office.

7. The special police officer shall retain the fourth copy of PD Form 163 (officer's copy) and give the original and other three copies to the Metropolitan Police Department officer, who shall then transport the accused to the district station house. The special police officer shall not make any changes on the PD Form 163 after it has been given to the Metropolitan Police Department officer unless all copies conform. A designated Metropolitan Police Department officer shall execute

PD Form 251 (Offense Report) and request that the criminal record of the defendant be transmitted to the Superior Court. If the accused tells the transporting Metropolitan Police Department officer a different story than the one given to the special police officer, he shall note same on PD Form 163 and telephone the special police officer, who shall note same on his copy of PD Form 163, listing the Metropolitan Police Department officer as a witness.

8. Upon termination of the case by trial, dismissal, or otherwise, the special police officer shall telephone the station clerk in the district in which the offense occurred and inform him of the specific disposition, referring to the case by case number.

9. All arrests by special police officers for grand larceny, false pretenses or forgery of either money or merchandise, or both, where the aggregate is in excess of \$250.00, shall be processed by the Metropolitan Police Department in accordance with prescribed procedures.

10. Larcenies involving further investigation shall be handled in their entirety by the Metropolitan Police Department officer responding. An example of this type of case is where the arrested suspect is accused of stealing a suit of clothes and insists he purchased the suit legitimately in another store; also, cases where an alibi cannot be immediately checked. Doubtful cases shall be discussed with a district official before the suspect arrested by the special officer is taken into custody. In these exceptional cases, where the special officer executes the PD Form 163 and the Metropolitan Police Department officer decides to handle the case, he shall take all copies of the executed PD Form 163 for his use in presenting the case. All evidence taken from suspects in these situations shall be turned over to the Metropolitan Police Department officer handling the case and processed in accordance with department orders.

11. All juveniles (those under 18 years of age) taken into custody shall be processed in normal fashion by the Youth Division.

12. All unusual cases such as assaults on special police officers, civilian clerks, etc., shall be handled by a Metropolitan Police Department officer in their entirety. This will include cases where an accused is searched and is found to be carrying concealed weapons, drugs, narcotic paraphernalia, or under any other extraordinary circumstances.

13. In instances where members of the Metropolitan Police Department assume responsibility for handling the case or pursue further investigation of the arrested person, the Metropolitan Police Department officer shall, after taking custody of the prisoner, remove him to the district station and then, independently of the warning of rights already given by the special police officer, again advise the prisoner of his rights.

E. United States Capitol Police.

1. The United States Capitol Police cases booked by this department shall be booked on the inside arrest book, and the United States Capitol policeman shall be listed as the arresting officer. These cases shall be transmitted to the office of the United States Capitol Police. On the arrest book under the heading "Case Transferred," a notation shall be made of the exact time the case is transferred, the name of the officer receiving the information, and the initial of the officer transmitting same.

2. In all cases other than traffic, the United States Capitol Police officer making the arrest shall be responsible for submitting the appropriate reports and processing the case in court; and, in addition, he shall notify the booking element of all continuances and dispositions.

3. In traffic cases, the following procedures shall be followed:

- a. In those cases where the individual elects to forfeit collateral, one PD Form 255 shall be submitted by the booking officer and forwarded to the Central Records Division.
- b. In cases where the individual sets a court a date, two PD Forms 255 shall be submitted by the booking officer. One form shall be forwarded to the Central Records Division and the other form shall be forwarded to the Traffic Division.
- c. In the event of a traffic case being set for court, the booking officer shall obtain the court date of the officer by calling the office of the United States Capitol Police.

F. United States Park Police.

1. United States Park Police cases shall be entered on the outside arrest book and the information transmitted to the United States Park Collateral Office for entry on their inside arrest book. On the arrest book, under the heading "Case Transferred," a notation shall be made of the exact time and date the case is transferred and the name of the officer receiving the information along with the initials of the officer transmitting the case.

2. In lock-up cases other than traffic, the United States Park Police officer effecting the arrest shall be responsible for submitting the appropriate forms of his department that must accompany the prisoner when being processed through the Identification Branch and Central Cell Block.

3. Traffic cases booked on the outside arrest book for United States Park Police shall be transmitted as required in part I, paragraph F1.

G. National Zoological Park Police.

The National Zoological Park Police maintain their own collateral office and assume responsibility for processing their own cases. Any cases booked by this department for the National Zoological Park Police shall be handled by the same procedures as outlined for handling cases booked by this department for the United States Park Police, except that these cases shall be transmitted to the National Zoological Park Police Collateral Office, and that office shall submit the necessary forms to the Central Records Division.

H. Executive Protective Service.

1. Executive Protective Service arrests shall be booked on the outside arrest book at the district stations and later transferred via landline to the Executive Protective Service desk sergeant, who shall enter the case into that agency's arrest book.

2. Personnel booking cases for the Executive Protective Service shall comply with the provisions of General Order 310.3 (Executive Protective Service).

I. Police Under Military Jurisdiction.

Persons arrested by military police for violations which are committed on District of Columbia military installations and for which bail is required (See General Order 503.1, Attachment B), shall be processed through the Central Cell Block, Central Records Division. The desk lieutenant, Criminal Investigations Division, is authorized to release these offenders after the appropriate bail has been deposited. All bail money received in connection with the foregoing shall be forwarded to the Financial Clerk's office, D.C. Superior Court, in accordance with existing procedures.

PART II

Supervisory Officials.

Metropolitan Police officials of districts involved in the shoplifting project shall be responsible for checking PD Form 163 for completeness and accuracy.

// SIGNED//
Jerry V. Wilson
Chief of Police

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(Revised)