

METROPOLITAN POLICE DEPARTMENT

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chief, Metropolitan Police Department, pursuant to section 1002(d) of the Metropolitan Police Department Reserve Corps Establishment Act of 2004 (Act), effective September 30, 2004 (D.C. Law 15-194, D.C. Official Code §5-129.51(d) (2005 Supp.)), section 3 of the Volunteer Services Act of 1977, effective June 28, 1977, D.C. Law 2-12, D.C. Official Code §1-319.02 (2001), and Mayor's Order 06-57, dated May 19, 2006, hereby gives notice of the adoption of the following rules governing members of the reserve corps. Without these emergency rules, the Metropolitan Police Department would be hindered in its efforts to ensure that reserve corps members who are deployed to fulfill law enforcement duties and responsibilities have well-defined limitations on their authority and discretion and operate under appropriate supervision. Therefore, to ensure the preservation of the public safety and welfare, the Chief of Police took action on May 19, 2006 to adopt the following rules on an emergency basis effective that date. The emergency rules will remain in effect until June 18, 2006, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. The Chief of Police also gives notice of intent to take final rulemaking action to adopt these rules in not less than thirty (30) days.

These emergency amendments, delineating the duties, responsibilities, authority, and discretion of, and supervision received by, Metropolitan Police Department Reserve Corps members will add a new chapter 12 to Title 6A, Police Personnel, District of Columbia Municipal Regulations (DCMR).

Title 6A DCMR, Police Personnel, is amended by adding a new Chapter 12 to read as follows:

CHAPTER 12 METROPOLITAN POLICE DEPARTMENT RESERVE CORPS**1200 GENERAL PROVISIONS**

- 1200.1 The mission of MPD's Reserve Corps is to deliver high quality volunteer public safety support services to all members of MPD in order to build safe and healthy neighborhoods throughout the District of Columbia.
- 1200.2 The Reserve Corps shall have as its membership unpaid volunteer individuals who shall fulfill MPD duties and responsibilities as determined by the Chief.
- 1200.3 As volunteers, Reserve Corps members shall be subject to the provisions of the Volunteers Services Act of 1977 (D.C. Official Code §1-319.01 *et seq.*) and its implementing rules at 6 DCMR, Chapter 35 (Voluntary Services) §4000 (Utilization of Voluntary Services) as specified by the Chief. To the extent that there is any conflict, these rules shall prevail.

1201 Organization

- 1201.1 MPD's Reserve Corps shall be under the administrative control of the Chief or designee.
- 1201.2 The Chief or designee shall appoint a MPD supervisor or reserve official to serve as the Reserve Corps Manager to oversee the daily operation of the Reserve Corps.
- 1201.3 The Reserve Corps shall consist of two levels of Reserve Officer, Reserve Officer Level II and Reserve Officer Level I, and such supervisory ranks as approved by the Chief of Police.
- 1201.4 The Chief or designee shall approve the initial assignment, and any subsequent transfer, of Reserve Corps members.
- 1201.5 Reserve Corps members may perform specific details outside their assigned element as authorized in advance by the Chief or designee.
- 1201.6 Reserve Corps members shall be under the operational command and supervision of the Commanding Official of the assigned element or, when serving on a special event, the Reserve Corps Manager or designated MPD supervisor.

1202 Selection and Appointment Criteria

- 1202.1 Applicants must meet the following selection criteria to be accepted into the Reserve Officer Level II training program:
- (a) United States citizenship;
 - (b) At least twenty-one years of age;
 - (c) High school diploma or General Equivalency Diploma (GED);
 - (d) Valid driver's license from their jurisdiction of residence that is not under suspension or revocation;
 - (e) Successful completion of the required sworn officer entrance tests;
 - (f) Successful completion of a background suitability investigation based on sworn officer standards;
 - (g) Successful completion of medical and psychological examinations based on sworn officer standards;

- (h) Willingness to meet the Reserve Corps training and service requirements;
- (i) Recommendation by the Reserve Corps Manager for acceptance into the Reserve Officer Level II training program;
- (j) Approval by the Chief.

1202.2 Upon successful completion of all Reserve Officer Level II initial training requirements, Reserve Officer Level II candidates must meet the following Reserve Officer Level II appointment criteria:

- (a) Recommendation by the Reserve Corps Manager for acceptance into the Reserve Corps as a Reserve Officer Level II; and
- (b) Approval of the Chief.

1202.3 Reserve Officers Level II must meet the following selection criteria for acceptance into the Reserve Officer Level I training program:

- (a) Reserve Officer Level II in good standing;
- (b) Completion of at least 192 hours of volunteer service following appointment as a Reserve Officer Level II;
- (c) Completion of at least one year of Reserve Officer Level II service following appointment as a Reserve Officer Level II;
- (d) A minimum rating of "Meets Expectations," or the equivalent, on the most recent MPD annual performance evaluation;
- (e) Willingness to carry a firearm;
- (f) Willingness to meet the Reserve Officer Level I initial training requirements;
- (g) Recommendation by the Reserve Corps Manager for acceptance into the Reserve Corps Level I training program;
- (h) Approval by the Chief;
- (i) Authorization by the Reserve Officer Selection Panel, which will, at a minimum, review candidates' updated background suitability investigations, and updated medical and psychological examinations. The Reserve Officer Selection Panel may designate other information to review. The Chief shall establish the composition of and meeting schedule for the Reserve Officer Selection panel; and

- (j) For Reserve Officers Level II accepted into the Reserve Corps on or after December 31, 2003, successful completion of at least sixty (60) semester-hour credits, or the semester-hour equivalent, from an accredited post-secondary educational institution or at least 960 hours of MPD volunteer service, or an equivalent combination of education and MPD volunteer service.

1202.4

Upon successful completion of all Reserve Officer Level I initial training requirements, Reserve Officers Level II must meet the following appointment criteria for a Reserve Officer Level I:

- (a) Continued good standing as a Reserve Officer Level II;
- (b) A minimum rating of "Meets Expectations," or the equivalent, on the most recent MPD annual performance evaluation as a Reserve Officer Level II;
- (c) Recommendation by the Reserve Corps Manager for elevation to Reserve Officer Level I; and
- (d) Approval by the Chief.

1202.5

An applicant with prior experience as a law enforcement officer, or who is currently serving as a law enforcement officer, may enter the Reserve Corps as a Reserve Officer Level I. For direct appointment as a Reserve Officer Level I, an applicant must meet the following criteria:

- (a) Have retired or resigned, or be currently employed, in good standing, with the qualifying law enforcement agency or agencies;
- (b) Have met all of the Reserve Corps selection criteria described in 6A DCMR §§ 1202.1 and 1202.3;
- (c) Have completed at least sixty (60) semester-hour credits, or the semester-hour equivalent, from an accredited post secondary institution, or possess an equivalent combination of education and law enforcement experience;
- (d) Be recommended by the Reserve Corps Manager for acceptance as a Reserve Officer Level I;
- (e) Have completed any academy, field, or other training required by the Chief; and
- (f) Have the approval of the Chief.

1202.6 The Chief may designate a Reserve Corps member to serve as a Reserve Corps official in any rank.

1203 Service and Training

1203.1 Reserve Corps members shall be assigned and transferred based on the operational needs of the MPD, and at the discretion of the Chief.

1203.2 Reserve Corps members shall volunteer a minimum of sixteen hours per month, or a total one hundred ninety-two hours per calendar year.

1203.3 The Chief shall establish the earning rate for volunteer service hours performed on holidays.

1203.4 The volunteer service schedules of the Reserve Corps members shall be established to meet the operational needs of the assigned element and shall, where practicable, consist of four-hour and eight-hour fixed time periods.

1203.5 Reserve Corps members shall submit a monthly activity log to the Reserve Corps Manager, through the chain of command, that also includes reasons, as necessary, for being unable to fulfill the monthly service requirement.

1203.6 Reserve Corps members shall:

- (a) Successfully complete all required initial Reserve Corps training prior to being administered the law enforcement officer oath of allegiance and carrying out Reserve Officer duties and responsibilities;
- (b) After completion of the required initial Reserve Corps training, successfully complete job-related field training;
- (c) Successfully complete the annual in-service training program required of sworn members;
- (d) Successfully complete all required MPD skills re-qualification training, including those for CPR, AED, ASP baton, and, for Reserve Officers Level I, firearms; and
- (e) Successfully complete all other mandatory training required of sworn members in the equivalent rank or assignment.

1203.7 Reserve Corps members who are selected for employment as sworn officers may receive credit for equivalent training completed under the Reserve Corps program with the approval of the Chief.

1204 Duties and Responsibilities

1204.1 A Reserve Officer Level II, upon the completion of all required MPD training, shall be permitted to perform the following duties and responsibilities:

- (a) Administrative:
 - (1) Compile, sort, and file records;
 - (2) Staff telephones;
 - (3) Respond to walk-in inquiries;
 - (4) Conduct routine office operations;
 - (5) Maintain the Patrol Signal System Book;
 - (6) Perform routine law enforcement database (e.g., WALES, NCIC) inquiries;
 - (7) Assist in community policing activities and crime analysis tasks; and
 - (8) Other administrative duties as designated by the Chief.
- (b) Operational Support:
 - (1) Serve as a Desk Clerk;
 - (2) Serve as a Live Scan technician;
 - (3) Serve as a Booking Officer;
 - (4) Serve as a Cell Block Technician; and
 - (5) Other operational support duties as designated by the Chief.
- (c) Policing:
 - (1) Walk a footbeat in a two-officer team, or patrol in a two-officer patrol car, in the company of a sworn member;
 - (2) Assist in traffic and/or crowd control at accident and fire scenes, school crossings, street closures, special events, and other locations;

- (3) Handle special attention requests from citizens;
 - (4) Prepare MPD reports;
 - (5) Be assigned to a Civil Disturbance Unit squad or Rapid Deployment Team upon successful completion of the required training;
 - (6) Assist investigative personnel in investigative activities; and
 - (7) Other policing activities as designated by the Chief.
- (d) When assigned to work with a sworn or civilian member, the responsibility for the operation and conduct of the assignment shall rest with the sworn or civilian member; and
- (e) Other assigned element duties and responsibilities commensurate with their qualifications and training as approved by the element commanding official in accordance with the policies and procedures established by the Chief or designee.

1204.2 A Reserve Officer Level I, upon successful completion of all required MPD training, shall be permitted to perform the same duties and responsibilities of a sworn officer pursuant to section 1002(a) of the Metropolitan Police Department Reserve Corps Establishment Act of 2004 (D.C. Law 15-194, D.C. Official Code § 5-129.51(a) (2005 Supp)).

1204.3 Reserve Corps members assigned to supervisory ranks shall carry out the duties and responsibilities as assigned by the Chief or designee.

1205 Authority and Supervision

1205.1 Reserve Corps members shall:

- (a) Be assigned to a MPD supervisor.
- (b) Be considered on-duty when the Reserve Corps member:
 - (1) Has reported to his or her assigned element and has received a duty assignment from the roll call official, or his or her MPD supervisor;
 - (2) Has checked into the Court Liaison Division to paper a case or in response to a subpoena or CANS notice;

- (3) Is traveling to and from an assignment in an official MPD vehicle;
or
 - (4) Takes police action, while off duty and in the District of Columbia, that is consistent with his or her training and duties and responsibilities, to assist a sworn member or Reserve Corps member, in circumstances in which a reasonable police officer would believe that serious bodily injury or death is imminent.
- (c) When not officially on duty, and when not performing an assigned duty, Reserve Corps members shall possess no authority other than that of a private citizen, except as provided for in 6A DCMR §1205.1(b)(4).

1205.2

A Reserve Officer Level II, upon successful completion of all MPD required training, and pursuant to applicable law, regulations, and MPD directives, while on-duty, and while under close supervision, is authorized to:

- (a) Perform the duties and responsibilities specified in these rules, and other duties and responsibilities approved by the element Commanding Official;
- (b) Make arrests when in the company of a sworn member;
- (c) Prepare MPD reports;
- (d) Issue civil Notices of Infraction (NOI's);
- (e) Issue Violation Citations (PD Form 61D's) for criminal offenses in accordance with the PD Form 61D Standard Operating Procedures;
- (f) Appear before courts or administrative tribunals as a sworn officer;
- (g) Carry and utilize MPD-issued OC (Oleoresin-Capsicum) spray and an ASP baton; and
- (h) Operate MPD vehicles when:
 - (1) On patrol in the company of a sworn member;
 - (2) Responding as an emergency vehicle as authorized by 18 DCMR § 2002 in the company of a sworn member; and
 - (3) Traveling to and from a detail or an administrative assignment in the company of a sworn or civilian MPD member or a Reserve Corps member.

- 1205.3 A Reserve Officer Level I, upon successful completion of the required training, and pursuant to applicable laws, regulations, and MPD directives, while on-duty, and while under general supervision, is authorized to:
- (a) Perform all of the duties and responsibilities of a sworn officer;
 - (b) Exercise the authorities listed in 6A DCMR §1205.2 for a Reserve Officer Level II; and
 - (c) Carry and utilize a MPD-issued firearm.
- 1205.4 Reserve Officers Level I and II shall not serve as Field Training Officers for sworn members.

1206 Papering and Court Appearances

- 1206.1 When a Reserve Corps member is the arresting officer, the Reserve Corps member shall be responsible for papering the case, and for all subsequent court appearances associated with the arrest.
- 1206.2 When a Reserve Corps member is the assisting officer in an arrest, the arresting officer shall be responsible for papering the case, and for all subsequent court appearances associated with the arrest.
- 1206.3 Reserve Corps members shall make themselves available for court appearances, even when such an appearance may interfere with their regular employment, and shall be subject to the official court process for compelling their attendance.

1207 Uniform and Equipment

- 1207.1 Reserve Corps Members:
- (a) While on-duty, shall wear the uniform required of a sworn member of equivalent rank, with the exception that the badge shall contain an "R" preceding the badge numbers;
 - (b) Must be granted advance approval by the Chief or designee to work in other than the MPD uniform;
 - (c) Shall be issued the same equipment as sworn officers, subsequent to successfully completing all required training, except that Reserve Officers Level II shall not be issued a firearm;
 - (d) Shall comply with all MPD directives to include the procedures for reporting the loss of, and damage to, MPD-issued equipment;

- (e) Shall not wear the MPD uniform, or identifiable parts of the MPD uniform, while off duty. The only exception is when traveling to and from volunteer service with the MPD. In that instance, Reserve Corps members shall cover all of the identifiable parts (e.g., shirt, badge) with a civilian garment;
- (f) Shall not produce or display the Reserve Corps badge and identification folder except while on MPD business; and
- (g) Shall return all MPD-issued uniforms and equipment, including the badge and identification card, to a MPD supervisor of the assigned element within twenty-four (24) hours following resignation or removal from the Reserve Corps.

1207.2 The MPD supervisor of a Reserve Corps member who has resigned or been removed from the Reserve Corps shall be responsible for ensuring that all MPD-issued uniforms and equipment are returned as required.

1208 MPD Vehicles

1208.1 Reserve Corps members shall:

- (a) Maintain a valid driver's license from the jurisdiction of their residence that is not under suspension or revocation;
- (b) Operate only the MPD vehicles for which they have successfully completed the required MPD training;
- (c) Operate MPD vehicles in accordance with the District of Columbia traffic laws and regulations and all applicable MPD directives; and
- (d) Be subject to all MPD directives applicable to accidents and crashes, except as provided by the Chief.

1208.2 Reserve Corps members shall not:

- (a) Operate a MPD vehicle without obtaining the prior proper authorization of a MPD supervisor for each separate use of the vehicle. If vehicle use extends over more than one tour of duty, a separate request and authorization is required for each tour of duty; and
- (b) Operate marked vehicles unless in proper uniform and on-duty.

1209 Service Weapons

- 1209.1 Each Reserve Officer Level II, following the successful completion of the required training, shall be issued Oleoresin-Capsicum (OC) spray and an ASP baton.
- 1209.2 Each Reserve Officer Level I, following the successful completion of the required firearms training, shall be issued a MPD firearm.
- 1209.3 Reserve Corps Members shall comply with all MPD policies and procedures regarding the use of force, shall act in accordance with all MPD use of force and service weapon directives, and shall be subject to all MPD directives pertaining to administrative reviews of uses of force, including MPD directives on changes in duty status following a use of a service weapon.
- 1209.4 Firearms assigned to Reserve Corps members shall be secured as directed by the Chief when the Reserve Corps members are not on MPD duty.
- 1209.5 The Chief shall establish the procedure for firearms to be issued to and returned by Reserve Officers Level I for on-duty use, including procedures for use by Reserve Officers Level I at assignments other than within his or her assigned element.

1210 On-Duty Injuries and Illnesses

- 1210.1 The Chief shall establish procedures requiring Reserve Corps members to report injuries and illnesses, and seek medical attention and reimbursement for medical costs as appropriate.
- 1210.2 The Chief shall establish procedures for processing reports of Reserve Corps members' injuries and illnesses, including procedures for reporting on-duty injuries or illnesses to the D.C. Disability Compensation Program.
- 1210.3 The Chief shall establish procedures for Reserve Corps members to return to duty following injuries and illnesses.

1211 Conduct

- 1211.1 The Chief shall establish policies governing the conduct of Reserve Corps members. These policies shall include, but not be limited to:
- (a) A requirement that Reserve Corps members adhere to applicable laws, rules, regulations, and MPD directives;
 - (b) On-duty obligations of Reserve Corps members;
 - (c) Time and attendance requirements;

- (d) Assignment requirements and limitations;
- (e) Uniform and equipment requirements; and
- (f) Personnel processing requirements.

1211.2 Reserve Corps members shall be evaluated on an annual basis.

1211.3. The Chief shall establish policies and procedures governing corrective actions for Reserve Corps members.

1212 Demotion, Removal, or Resignation

1212.1 Notwithstanding any other provision of these rules, all Reserve Corps members shall serve at the pleasure of the Chief, who shall, without limitation, have the authority to determine when to reduce a Reserve Corps member in rank or Level and remove a Reserve Corps member from the Reserve Corps. Such determination shall not be subject to administrative review.

1212.2 The Chief shall establish criteria and procedures for Reserve Corps members to be recommended for a reduction in rank or Level, or removal from the Reserve Corps. These criteria may include:

- (a) Failing to meet the annual service requirement;
- (b) Receipt of a rating of lower than "Meets Expectations" in the annual MPD performance evaluation;
- (c) Failing to successfully complete Reserve Corps initial training requirements;
- (d) Failing to successfully complete field training requirements;
- (e) Failing to successfully complete in-service and other mandatory training requirements for equivalent ranks, including those relating to CPR/AED re-certification, and for re-qualifying with the MPD-issued firearm, ASP, and OC spray; and
- (f) Any other criteria deemed appropriate by the Chief.

1212.3 The criteria and procedures developed pursuant to 6A DCMR § 1212.2 shall in no way constitute a limitation on the Chief's authority under 6A DCMR § 1212.1.

1213 Roles and Responsibilities of Supervisory and Command Personnel

1213.1 The Chief shall establish policies regarding the roles and responsibilities of Reserve Corps Officials, MPD Supervisors, the Reserve Corps Manager, Commanding Officials, and other MPD personnel with regard to the Reserve Corps.

1299 DEFINITIONS

The following terms shall have the meaning ascribed in this chapter:

Chief – Chief of Police, Metropolitan Police Department.

Civilian Member - An individual who is a full-time, paid, non-sworn MPD employee.

Close Supervision – The specific oversight of the work activities performed by a Reserve Corps member that shall be conducted in the presence of the Reserve Corps member. The purpose is to provide specific guidance to ensure compliance with laws, regulations, and directives.

Field Training - The on-the-job training provided a reserve officer following his or her successful completion of the initial training program by a field training officer designated by the commander of the district/unit to which assigned.

General Supervision – The broad oversight of the work activities performed by a Reserve Corps member that shall be conducted in the presence of Reserve Corps member. The purpose is to provide broad guidance in order to ensure compliance with laws, regulations, and directives.

MPD – Metropolitan Police Department.

MPD Supervisor – A sworn member in the civil service rank of Sergeant or above, or a civilian member assigned to a supervisory position.

Reserve Corps Manager – The MPD supervisor or reserve official who has responsibility for the daily operation of the Reserve Corps.

Reserve Corps Member – A Reserve Officer Level I, Reserve Officer Level II, or Reserve official.

Reserve Officer – A volunteer, unpaid sworn individual who serves at the pleasure of the Chief of Police. Consistent with applicable law and training and experience, the volunteer assists and supports sworn and civilian members in the day-to-day delivery of police services, and during emergencies.

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Reserve Officer Level I – A Reserve Officer who is authorized by the Chief to carry a MPD-issued firearm while on-duty and to carry out sworn officer duties and responsibilities under general supervision.

Reserve Officer Level II – A Reserve Officer who is authorized by the Chief to carry out sworn officer duties and responsibilities commensurate with the Level II assignment under close supervision, but who is not authorized to carry a MPD-issued firearm.

Reserve Official – A Reserve Corps member who has been designated by the Chief of Police to serve in the rank of Reserve Sergeant or above.

Sworn Member – An individual who is a full-time, paid MPD employee in the sworn rank of officer or above.

Sworn Officer – An individual who has taken the law enforcement officer oath of allegiance, and has been appointed to a full-time, paid, continuing position in the civil service rank of officer after satisfactorily completing the MPD's required training and probationary period.

Volunteer – A person who donates his or her services to a specific program or department of the District of Columbia Government, by his or her free choice, and without payment for the services rendered.

Comments on the proposed rulemaking should be submitted, in writing, to Mr. Terrence Ryan, General Counsel, Metropolitan Police Department, Room 4129, 300 Indiana Avenue NW, Washington, D.C. 20001, within thirty (30) days of the date of the publication of this notice in the *D.C. Register*. Additional copies of these proposed amendments are available from the above address.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF EMERGENCY RULEMAKING****Z.C. Case No. 06-20****(Text Amendment to Permit Temporary Accessory Bus Parking Lot for Washington
Metropolitan Area Transit Authority)****April 20, 2006**

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938, (52 Stat. 797, 799; D.C. Official Code § 6-641-01 (2001)), and the authority set forth in D.C. Official Code § 2-505(c) (2001), hereby gives notice of the adoption, on an emergency basis, of an amendment to Title 11 of the District of Columbia Municipal Regulations ("DCMR") to permit a temporary accessory bus parking lot for the Washington Metropolitan Area Transit Authority ("WMATA").

The circumstances justifying emergency action are as follows: WMATA currently maintains a bus garage housing approximately 76 buses at M and Half Streets, S.E. Bus parking associated with this garage is located on the future site of the major league baseball stadium to be built in the District of Columbia. Other than the site set forth in the emergency rulemaking, there are few or no other suitable sites available to be used as a temporary bus parking lot. Construction of the stadium is imminent and therefore WMATA immediately needs a new location to park its buses. Delaying the effective date of the rulemaking would seriously hinder WMATA operations and the ability of the District of Columbia Office of Property Management to find another suitable site.

The emergency rulemaking took effect immediately upon its adoption on April 20, 2006¹ and will expire 120 days thereafter, *i.e.*, on August 18, 2006, or upon the publication of a notice of the final adoption of this rule in the *D.C. Register*, whichever occurs first.

Title 11 (DCMR) is amended as follows:

Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, is amended by adding new section 601.7, to read as follows:

601.7 Notwithstanding § 602.1. and not subject to any otherwise applicable proximity requirement, a surface parking lot accessory to the Washington Metropolitan Area Transit Authority garage facility located on Square 700, Lot 857, is permitted as a temporary use for a period of five (5) years maximum on Square 703, Lot 53, from the date of the issuance of the certificate of occupancy for such use.

¹ A Notice of Public Hearing for this amendment is published elsewhere in this edition of the *D.C. Register*.