

## **1100 APPOINTMENT: GENERAL PROVISIONS**

- 1100.1 Special police officers may be appointed by the Mayor for duty in connection with the property of or under the charge of a corporation or individual requesting the appointment or appointments.
- 1100.2 Special police officers appointed pursuant to § 1100.1 shall be strictly confined in their authority to the particular place or property which they are commissioned to protect.
- 1100.3 Commissions issued to special police officers shall specify the following information:
- (a) The particular place or property they are commissioned to protect;
  - (b) Any waiver of the uniform requirement; and
  - (c) In the case of §1101.2, any requirement for storage or special provisions for transportation of firearms or other dangerous weapons.
- 1100.4 The Mayor is empowered by law to appoint any number of special privates for duty in connection with any emergency, such as riot or pestilence, or during any day or days of public election, ceremony, or celebration, the authority of privates so appointed being general.
- 1100.5 Each appointment of a special police officer shall be made for a specified time, and no person appointed shall legally exercise any authority conferred by that appointment after the date of expiration of that appointment.
- 1100.6 Special police officers appointed under the provisions of either §1100.4 or §1100.5 shall be amenable to the rules laid down for the government of the Metropolitan Police Force in so far as those rules are applicable.
- 1100.7 No person shall be appointed as a special police officer under the Act of March 3, 1899 (D.C. Official Code §4-114) (1981) or R.S.D.C. No. 378 and 379, June 11, 1878 (D.C. Official Code § 4-130) (1981) unless he or she meets the following requirements:
- (a) Have reached the age of twenty-one (21) years;
  - (b) Be a citizen of the United States;
  - (c) Be of good moral character;
  - (d) shall be approved for appointment by the Chief of Police, shall possess a high school diploma or a general equivalency diploma, or one year of experience as a special police officer in the District of Columbia, shall be able to read, write, and speak the English language, and shall be certified by a licensed physician as physically and psychologically fit to perform the duties of a special police officer.
  - (e) An applicant who has been dishonorably discharged from the military shall be ineligible to be commissioned as a special police officer.
  - (f) Special police officers shall be required to satisfactorily complete pre-assignment, on-the-job, and in-service training programs which have been prescribed and approved by the Mayor.
  - (g) Pre-assignment training shall include at least sixteen (16) hours of training on arrest powers, search and seizure laws, the District of Columbia Official Code, and the use of force. Pre-assignment training shall include an additional twenty-four (24) hours of

training generally relating to the special police officer's duties and specifically including:

- (1) Terrorism awareness, including building evacuation, unattended packages, and unknown substances;
  - (2) Emergency procedures, including evacuation and first-aid; and
  - (3) Customer service and interaction with tourists.
- (h) Special police officers shall satisfactorily complete a 16-hour, on-the-job training course within ninety (90) working days following employment, and an 8-hour annual in-service training course.
- (i) Special police officers shall also satisfy all additional initial and re-qualification training standards for firearms and other equipment, as applicable.
- (j) Nothing herein shall be construed to prohibit a security agency from voluntarily providing training programs and courses which exceed the minimum requirements of this chapter. Upon satisfactory completion of a required training course, a special police officer shall receive from his or her employer a certificate evidencing satisfactory completion thereof.

**AUTHORITY:** Unless otherwise provided, the authority for this chapter is an Act approved March 3, 1899, 30 Stat. 1057, Ch. 422 (D.C. Official Code § 4-114)(1981, sections 1 through 5 of chapter 32 of the Manual of Rules and Regulations of the Police Department as approved by the Board of Commissioners on August 19, 1948.

**SOURCE:** Regulation No. 72-2 approved January 14, 1972 18 DCR 417 (February 7, 1972); as amended by Act of 2006, D.C. Act 16-465, 53 DCR 6722, 6745 (August 18, 2006).

## **1101 APPOINTMENT: SECTION 4-114 APPOINTMENTS**

- 1101.1 For the purposes of this section, "§4-114 of the D.C. Official Code" refers to D.C. Official Code §4- 114 (1981).
- 1101.2 Special police officers may be appointed under the provisions of D.C. Official Code §4-114 (1981), to protect the property of one person or corporation at one location, which shall be specified on the face of the commission issued to those special police officers.
- 1101.3 Special police officers may be appointed under the provisions of D.C. Official Code §4-114 (1981), to protect the property of one person or corporation located in various sections of the District of Columbia and in more than one police district, and to protect money, securities, or other property being transported between the locations of the property of that person or corporation, or between those locations and certain banks or other depositories.
- 1101.4 All locations of property, banks, or other places pursuant to § 1101.2 shall be specified upon the face of the commission issued to those special police officers.
- 1101.5 Special police officers may be appointed under the provisions of D.C. Official Code §4-114 (1981), to protect the property of a number of persons or corporations in one general area.
- 1101.6 The duties of the special police officers appointed pursuant to §1101.4 shall consist largely of periodically checking doors, windows, etc., in the nature of a "watchman". The names and addresses of the persons and the location of the property under the charge of each to be protected shall be specified upon the face of the commission issued to that special police officer.
- 1101.7 The property which any special police officer shall be appointed to protect pursuant to § 1101.4 shall be located within the geographical limits of one police district.
- 1101.8 Special police officers may be appointed under the provisions of D.C. Official Code §4-114 (1981), if employed by one person or corporation whose business is that of collecting or transporting money, securities, or other property by contract for other persons or corporations.
- 1101.9 The locations of the places of business, warehouses or other buildings, banking or other institutions, from which collections are to be made or between which any money, securities, or other property is to be transported under the guard of special police officers pursuant to §1101.8 shall be specified upon the face of the commission issued to the special police officers.
- 1101.10 Special police officers may be appointed under the provisions of D.C. Official Code §4-114 (1981), if employed by one person or corporation whose business is the protection of the property of others principally by electrical alarm systems.
- 1101.11 The locations of the properties or buildings protected pursuant to § 1101.10 and between which the special police officer may be required to operate pursuant to § 1101.10 shall be specified on the face of the commission issued to the special police officer.
- 1101.12 Special police officers may be appointed under the provisions of D.C. Official Code §4-114 (1981), if employed by the Government of the District of Columbia and if their duties require protection of the property or interests of the District of Columbia.
- 1101.13 The locations of the property or buildings of the District of Columbia to be protected pursuant to §1101.12, or the description of the interests of the District of Columbia, shall be specified on the face of the commission issued to those special police officers.

- 1101.14 No special police officer may, at the same time, hold a commission under more than one subsection of §§1101.1 through 1101.12.
- 1101.15 Commissions may be issued to special police officers under § 1101.5 to protect the property of persons or corporations within the geographical limits of more than one district, if the applicant for that commission has been previously commissioned as a special police officer for five (5) years next preceding January 1, 1949, and there were registered with the Chief of Police on December 31, 1948, the names of persons or corporations located in more than one police district whose property the special police officer was employed to protect.
- 1101.16 Each special police officer commissioned pursuant to § 1101.15 shall designate one police district as his or her "home district," and the other districts as "outside districts". Each special police officer may continue to be commissioned to guard the property of persons and corporations in more than one district only so long as he or she shall be employed by the same persons or corporations outside the "home district" and within the "outside districts" which he or she shall designate. (Amended March 8, 1949, C.O. 820312)

SOURCE: Section 6 of chapter 32 of the Manual of Rules and Regulations of the Police Department as approved by the Board of Commissioners on August 19, 1948 as amended March 8, 1949.

## **1102 CRIMINAL HISTORY**

- 1102.1 No person shall be commissioned or employed as a special police officer, nor shall an existing special police officer have a commission renewed, until the Mayor has conducted a criminal history check of the applicant through the record systems of the Federal Bureau of Investigation and the Metropolitan Police Department
- 1102.2 An applicant shall be ineligible to be commissioned as a special police officer if that applicant has ever been convicted of, pled guilty or nolo contendere to, or been given probation before judgment for any offense in any jurisdiction that would be a crime of violence, as defined in D.C. Official Code § 23-1331(4), if committed in the District of Columbia.
- 1102.3 If an applicant has ever been convicted of, pled guilty or nolo contendere to, or been given probation before judgment for any offense, other than a crime of violence, as defined in D.C. Official Code § 23-1331(4), in any jurisdiction that would be a felony if committed in the District of Columbia, the applicant shall be ineligible to be commissioned as a special police officer for 10 years following the applicant's release from incarceration and the conclusion of any court-ordered parole, probation, or supervision relating to that offense.
- 1102.4 If an applicant has ever been convicted of, pled guilty or nolo contendere to, or been given probation before judgment for any offense, other than a crime of violence, as defined in D.C. Official Code §23-1331(4), or traffic offense, in any jurisdiction that would be a misdemeanor if committed in the District of Columbia, the applicant shall be ineligible to be commissioned as a special police officer for 5 years following the applicant's release from incarceration and the conclusion of any court-ordered parole, probation, or supervision relating to that offense.
- 1102.5 In evaluating an application for a special police officer commission, the Mayor shall also consider:
- (a) An applicant's arrest history;
  - (b) An applicant's conviction history;
  - (c) Any court finding of an applicant's mental incompetence that has not been removed or expunged;
  - (d) An applicant's history of criminal traffic offenses;
  - (e) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more duties or responsibilities of a special police officer;
  - (f) The time that has elapsed since the occurrence of the criminal offense or court finding of mental incompetence;
  - (g) The age of the applicant at the time of the occurrence of the criminal offense or court finding of mental incompetence;
  - (h) The frequency and seriousness of the criminal offense; and
  - (i) Any information produced by the applicant, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct since the occurrence of the criminal offense or court finding of mental incompetence.

- 1102.6 If a special police officer is arrested, the special police officer shall report the arrest to the Mayor within two (2) business days. The commission of such special police officer shall be suspended immediately, and the security agency shall be notified of such suspension immediately, pending further disposition. If a special police officer fails to report an arrest as required, the special police officer's commission shall be summarily revoked.
- 1102.7 The Mayor shall conduct random criminal history checks of special police officers through the record systems of the Metropolitan Police Department. The commission of any special police officer whose record indicates an unreported arrest or conviction shall be summarily revoked, and the security agency shall be notified of such revocation immediately. The commission of any special police officer whose record indicates an outstanding warrant shall be suspended immediately, and the security agency shall be notified of such suspension immediately, pending further disposition.
- 1102.8 Notwithstanding any other law or regulation, the information obtained from criminal history checks conducted pursuant to this chapter and considered by the Mayor shall not be limited by the date of the offense nor shall the information obtained and considered be limited to arrests resulting in conviction.

SOURCE: As amended by Act of 2006, D.C. Act 16-465, 53 DCR 6746-6747 (August 18, 2006).

## **1103 RESTRICTIONS**

- 1103.1 No person appointed as a special police officer under the provisions of D.C. Official Code §4-114 (1981), shall display a badge, a weapon, or other evidence of authority in any other place than the property of, or under the charge of, the corporation or individual upon whose account he or she was appointed and by whom he or she is paid, or, in the case of a special police officer whose commission extends to more than one person's or corporation's property, in any other place than the area or locations defined in his or her commission.
- 1103.2 Each person appointed as a special police officer under the provisions of D.C. Code § 4-114 (1981), shall carry a copy of his or her commission on his or her person when on duty, in uniform or armed.
- 1103.3 Firearms or other dangerous weapons carried by a special police officer on the premises designated on his or her commission shall be left on the premises, when that special police officer is not actually on duty, unless no adequate provisions for storage can be made as certified by the Chief of Police and noted on the commission.
- 1103.4 Firearms or other dangerous weapons carried by special police officers whose commissions extend to more than one person's or corporation's property, or more than one premises owned by one person or corporation, may be carried only when that special police officer is on actual duty in the area thereof or while traveling, without deviation, immediately before and immediately after the period of actual duty, between that area and the residence of that special police officer.
- 1103.5 Nothing in this chapter contained shall prevent a special police officer appointed under the provisions of D.C. Official Code § 4-114 (1981), from exercising his or her authority as a special police officer outside of the property or area he or she is appointed to protect when in fresh pursuit of a felon or misdemeanant from or immediately adjacent to the property or area to protect which he or she is commissioned.

SOURCE: Sections 7, 8 and 9 of chapter 32 of the Manual of Rules and Regulations of the Police Department as approved by the Board of Commissioners on August 8, 1948.

## **1104 REVOCATION AND TERMINATION OF COMMISSION**

- 1104.1 Except as otherwise provided in this chapter, the exercise of authority as a special police officer or the carrying or use of firearms, other dangerous weapons, or emblems of authority, shall be cause for immediate revocation of the commission of that special police officer, in addition to the penalties of any laws of the United States or the District of Columbia as maybe violated by his or her actions.
- 1104.2 Each special police officer appointed under the provisions of D.C. Official Code §4-114 (1981), shall, within twenty-four (24) hours after the expiration or revocation of his or her commission or upon the termination of his or her employment by the persons or corporations upon whose account he or she was appointed and by whom he or she is paid, deliver to the Chief of Police his or her badge, commission, or other emblem of authority, and upon his or her failure so to do, he or she shall, upon conviction thereof in the Superior Court for the District of Columbia, be punished by a fine or not more than three hundred dollars (\$300).

SOURCE: Sections 9 and 11 of chapter 32 of the Manual of Rules and Regulations of the Police Department as approved by the Board of Commissioners on August 8, 1948.

## **1105 APPLICATIONS**

- 1105.1 Applications for the appointment of special police officer under the provisions of D.C. Official Code §4-114 (1981), except those seeking appointment under §1101.12 of this title, shall be made jointly in the names of the prospective special police officers and the names of the persons or corporations in connection with whose property of business the appointment is sought, upon forms supplied by the Chief of Police.
- 1105.2 The forms pursuant to §1105.1 shall contain an agreement by the employer applicants to notify the Chief of Police of any termination or change of the employment status of the prospective special police officer.
- 1105.3 Each application shall be accompanied by two dollars (\$2) as a deposit for the badge to be issued in the event the Mayor issues a commission. This fee shall be returned to the applicant upon denial of the application or the return of the badge to the Chief of Police.
- 1105.4 Supplemental applications made jointly in the names of appointed special police officers and the names of persons or corporations the guarding of whose property or extension of whose business is sought to be added to the jurisdiction of a special police officer, and, in the case of special police officers appointed under §§1101.8 and 1101.10 of this chapter, the locations of additional places of business, warehouses, buildings, banks, and other addresses, between which such money, securities or other property is to be transported or protected, shall be made upon forms supplied by the Chief of Police, which shall contain similar agreements as those pursuant to §1105.2.
- 1105.5 Applications seeking appointment of a special police officer under §1101.12 or supplemental applications to enlarge the jurisdiction of a special police officer appointed under § 1101.12 shall be filed jointly in the names of the applicant or the appointee, as the case may be, and the head of the department or agency of the Government of the District of Columbia by which he or she is employed upon special forms supplied by the Chief of Police.
- 1105.6 Special police officers shall report to the Chief of Police within five (5) days after termination, the names of persons and corporations of locations or property specified on their commissions by whom they are no longer employed or which they no longer guard.

SOURCE: Section 12 of chapter 32 of the Manual of Rules and Regulations of the Police Department as approved by the Board of Commissioners on August 8, 1948.

## **1106 SECURITY AGENCY RESPONSIBILITIES**

- 1106.1 No investigation or commission under this chapter shall relieve any security agency or other employer of the duty to investigate and make its own determination of an applicant's suitability for employment as a special police officer.
- 1106.2 All security agencies and employers have an affirmative duty to supervise special police officers in their employ, and any attempt at a contractual limitation of liability shall be null and void.
- 1106.3 In all cases, the liability of the security agency or other employer for the acts of its employees shall be limited to those times when the employee is on duty and to those acts within the scope of the employee's assignment or employment.
- 1106.4 Failure of a private detective agency or security agency to properly supervise the activities of its employees is grounds for denial or suspension of the agency's license.
- 1106.5 Each special police officer applicant shall be required to pass a drug screening administered by the security agency or employer upon initial application and upon application for commission renewal.
- 1106.6 Special police officers shall be subject to reasonable suspicion drug and alcohol testing by the security agency or employer.
- 1106.7 Security officer agencies or employers shall immediately notify the Mayor of any unexplained positive tests.
- 1106.8 The commission of a special police officer who fails a reasonable suspicion drug or alcohol test shall be summarily revoked.

SOURCE: As amended by Act of 2006, D.C. Act 16-465, 53 DCR 6746-6747 (August 18, 2006).

**1107 RESERVED**

## **1108 DURATION**

- 1108.1 A commission as a special police officer under the provisions of D.C. Official Code §4-114 (1981), shall be for one (1) year or less in the discretion of the Mayor.
- 1108.2 The order of the Mayor directing the issuance of a commission shall not be transmitted to the applicant, but shall be directed to the Chief of Police, ordering him or her to issue the commission in the name of the Mayor upon a form to be approved by the Mayor.
- 1108.3 The form to be approved pursuant to §1108.2 shall contain the following information:
- (a) Space for the entry of the information required by this chapter; and
  - (b) Shall have printed on the reverse side of the form the provisions of this chapter of the Manual of Rules and Regulations of the Metropolitan Police Department and the substance of the provisions of D.C. Official Code §4-117 (1981), with reference to special police officer.
- 1108.4 The commission shall be made out in duplicate, the original delivered to the special police officer appointed, and the copy retained in the files of the Chief of Police with the endorsement on that copy that the applicant has received the original and agrees to its terms.

SOURCE: Section 13 of chapter 32 of the Manual of Rules and Regulations of the Police Department as approved by the Board of Commissioners on August 8, 1948.

## 1109 UNIFORMS

- 1109.1 Unless, for good cause shown, the wearing of a uniform is specifically waived upon the face of the commission by the Chief of Police, special police officers shall, while on duty, wear distinctive uniforms.
- 1109.2 On or after September 1, 1949, on each uniform for special police officers, there shall be sewn on each sleeve of the uniform blouse, coat, or shirt (if worn without blouse) distinctive shoulder patches, the top to be two inches (2") below the shoulder.
- 1109.3 The distinctive shoulder patches required pursuant to § 1109.2 shall conform to the following requirements:
- (a) Be of a different shade from the color of the uniform to which it is attached;
  - (b) Be circular in shape and at least five inches (5") in diameter; and
  - (c) Carry thereon in two (2) lines in suitable contrasting colors the words "SPECIAL POLICE" in letters not less than one-half inch (1/2") high in the center of the circle, together with the name or abbreviation of the employer of that special police officer.

- 1109.4 Special police officers employed by the Government of the District of Columbia may wear a four inch (4") half-circle patch, carrying thereon in one semicircular line the words "SPECIAL POLICE," in letters not less than three-eighths inch (3/8") high at the top of the half-circle, Provided, Further, that special police officers under the control of the Department of General Services may wear distinctive 4 ¾ x 3 ¾ blue and gold patch carrying the words "DISTRICT OF COLUMBIA PROTECTIVE SERVICES".

AUTHORITY: Unless otherwise indicated, the authority for provision 1109.4 is pursuant to An Act, effective June 4, 1982, District of Columbia Protective Services Police Identification Act of 1982, D.C. Law 4-115.

SOURCE: (The Act) District of Columbia Protective Services Police Identification Act of 1982 is published at 29 DCR 2522, (June 18, 1982).

- 1109.5 REPEALED

- 1109.6 On or after September 1, 1949, uniforms of special police officers shall be furnished with nickel plated or comparable buttons and the use of brass or yellow buttons is prohibited, except that the sergeants, lieutenants, captains, and the Chief of the District of Columbia Protective Services may wear gold buttons.

- 1109.7 Nickel plated or comparable buttons on the front of the uniform blouse or coat shall be at least seven-eighths inch (7/8") in diameter and those buttons used elsewhere on the uniform shall be at least five-eighths inch (5/8") inch in diameter. Those buttons may bear on the face thereof the letters "SP" or the letter "P."

SOURCE: Section 14 of chapter 32 of the Manual of Rules and Regulations of the Police Department as approved by the Board of Commissioners on August 19, 1948, as amended by Order of the Board of Commissioners approved September 9, 1952 and § 2 of the District of Columbia Protective Services Police Identification Act of 1982, D.C. Law 4-115, 29 DCR 1701 (April 23, 1982).

## **1110 DISCIPLINARY ACTION**

- 1110.1 The Chief of Police shall report to the Mayor information supplied to him or her by the commanders of the several police districts concerning conduct of any special police officers which in his or her judgment requires disciplinary action.

SOURCE: Section 15 of chapter 32 of the Manual of Rules and Regulations of the Police Department as approved by the Board of Commissioners on August 8, 1948.