



PATROL SERVICES & SCHOOL SECURITY BUREAU

801 Shepherd Street, NW // Washington, DC 20010 // 202.576.6600

Metropolitan Police Department ABC Establishment Reimbursable Program Agreement

Background

Pursuant to the *Police Officers Outside Employment Amendment Act of 2000*, Metropolitan Police Department (MPD) officers are prohibited from working “outside employment” directly for alcoholic beverage control (ABC) establishments. In 2005, however, the Council of the District of Columbia passed the *Emergency Suspension of Liquor Licenses Act of 2005* clarifying that ABC establishments may still enter into agreement with MPD to provide for reimbursable details to patrol the areas surrounding ABC establishments. The law specifies that “MPD shall only use officers for this purpose who are overtime and would not otherwise be on duty at the time of the reimbursable detail.” (DC Official Code §25-798(c)) Thus, if an ABC establishment requests a reimbursable detail, the officers work for MPD on public space, and not for or in an ABC establishment.

Later, in the *FY2008 Budget Support Act of 2007*, the Council established a program to subsidize up to 50 percent of the reimbursable details for ABC establishments, subject to appropriation. The subsidy program and all funding available under it are managed by the Alcohol Beverage Regulation Administration (ABRA).

As with all police service, a specific presence is not guaranteed if there are other more critical public safety needs, but in general the police presence is provided for the terms agreed upon.

However, officers working the reimbursable detail program (as well as outside employment) are required to respond to felonies in progress or crimes against a person that they witness. Once the scene is contained and public safety restored, the officer would respond back to the detail. If the incident is not related to the establishment, and the specific officer is needed to stay at the scene (if, for instance, the officer witnessed the crime), the establishment can receive a credit or refund for this time.

Requesting a Detail

- To request a detail, establishments may contact the MPD Patrol Services and School Security Bureau (PSSSB) Detail Coordinator at 202-576-6600 or psssb.adminbox@dc.gov. Requests for details should be made a minimum of thirty days in advance. Requests made less than thirty days in advance may not be honored and will be reviewed on a case-by-case basis.

- Upon receiving a detail request, the PSSSB ABC Detail Coordinator will work with the Police District Commander and the ABC establishment to obtain information regarding the size and scope of the detail (e.g., dates and times of the detail request, expected crowd size, maximum occupancy.) The PSSSB ABC Detail Coordinator will use this information to work with the appropriate Commander to generate an “Estimate of Police Services” which will include the number of officers required to perform the detail, the hours of the detail, and the estimated cost of the detail.
- After conferring with the District Commander, the PSSSB ABC Detail Coordinator will send the “Estimate of Police Services” to the establishment. After the establishment confirms in writing (e.g., email, fax) that the estimate is acceptable, an invoice will be generated and sent by the OCFO to the establishment for payment. The invoice will account for any available ABRA Subsidy. (For more information on the current subsidy rate and eligible timeframes, please contact ABRA directly.)
- Establishments must notify the PSSSB ABC Detail Coordinator of any cancellation of a detail 72 hours in advance of the start of the detail. If notice is received with less than 72-hours notice, the establishment may be liable for two hours of overtime compensation per officer in the event that the district station is unable to notify the member of the cancellation.
- All details for ABC establishments require a minimum of two officers.

Finances

- The establishment will receive an invoice directly from the District OCFO. Payment should be remitted to the OCFO according to the instructions on the invoice. Payment must be received 5 days in advance before the event.
- If you would like to arrange for wire transfers, please note that on the request and the OCFO will contact you to make arrangements.
- If a check is returned for insufficient funds, the ABC establishment will be responsible for any fees associated with the returned check. Future dates will have to be paid with a certified check to the Metropolitan Police Department.

Detail Operations

- Officers who work ABC reimbursable details are required to check in with the owner or on-site ABC manager at the beginning and end of the detail to discuss any concerns or operating protocol and/or discrepancy. At this time, the ABC manager will sign the ABC Detail Time Sheet (PD Form 157-C) to certify the hours worked.
- Establishments are responsible for notifying MPD of any no-shows the night of the detail. The establishment should call or preferably email the District watch commander in the appropriate police district:

<i>District</i>	<i>Email</i>	<i>Mobile Phone Number</i>
1D	1DWatch.Commander@dc.gov	(202) 437-7632
2D	2DWatch.Commander@dc.gov	(202) 438-4421
3D	3DWatch.Commander@dc.gov	(202) 276-7462

4D	4DWatch.Commander@dc.gov	(202) 391-7177
5D	5DWatch.Commander@dc.gov	(202) 327-4392
6D	6DWatch.Commander@dc.gov	(202) 409-2711
7D	7DWatch.Commander@dc.gov	(202) 437-8878

- Establishments will be credited with time during the next billing cycle if an officer or officers fails to report for a detail. In the event the officer(s) arrive late, the ABC establishment owner will be reimbursed for the time lost between the invoiced reporting time and the actual time the officer(s) arrived on the scene.
- If an officer working an ABC reimbursable detail is involved in an arrest that was a result of an incident at the ABC establishment, the establishment will be responsible for reimbursing the Department for a portion of the time that a single arresting officer spent processing the arrest, up to four hours beyond the scheduled detail end-time for that officer.¹ (The Department will assume responsibility for the costs of time in excess of four hours beyond the detail end-time, as well as any subsequent court appearances.) Arrests shall be considered related to the ABC establishment when the arrest is made by a member working an ABC reimbursable detail **and**:
 - The incident leading to the arrest occurs inside the ABC establishment; **or**
 - The incident **begins** in the ABC establishment and involves a patron/customer who has departed the ABC establishment; **or**
 - There is an articulable nexus between the incident leading to the arrest and the ABC establishment.
- In the event that the member makes an arrest **unrelated** to the ABC establishment, the establishment will receive a credit for any payment made from the time of the member's departure until the completion of the detail.

NOTE: Debits owed and credits due to ABC establishments will be processed and tracked by the District of Columbia's OCFO.

- Consistent with the legislative intent authorizing ABC reimbursable details, officers who are working ABC reimbursable details are expected to patrol the area surrounding an establishment for the purpose of maintaining public safety and controlling traffic. Officers shall not:
 - Work inside an establishment, unless police action is required inside the establishment.
 - Remain stationary at the door of an establishment.
 - Check the identification of people trying to enter an establishment. (However, if an establishment suspects an individual is utilizing a fraudulent identification to gain entry, the officer should be notified.)

¹ For comparison purposes, MPD is not responsible for the costs associated with court appearances and other activities required for arrests made by officers working outside employment.

- In the event that an establishment needs to contact the officer and the officer is not readily available (patrolling), the ABC establishment owner should call the watch commander in the relevant district. The watch commander may refer the establishment to the relevant police district's on-duty ABC Detail Official.
- If any issues between the officer and the ABC manager cannot be reconciled, the ABC manager may contact the watch commander, who may refer the establishment to the relevant police district's on-duty ABC Detail Official. All concerns about hours worked should be raised as soon as possible, but no later than 24 hours after the conclusion of the detail.
- Establishments are reminded that there is no guarantee that a police cruiser will be provided. Officers may only use a district vehicle for ABC details with the prior approval of the watch commander of the district where the establishment is located.

I understand and agree to the terms of this program.

Establishment Name and License Number (please print)

Name and Title (please print)

Signature and Date