

NEIGHBORHOOD SAFETY ZONES
FREQUENTLY ASKED QUESTIONS



1. What is a Neighborhood Safety Zone (NSZ)?

A delineated geographic area designated by the Chief of Police in response to documented crimes of violence -- the purpose of which is to provide high police visibility, prevent and deter crime, and create safer District of Columbia neighborhoods -- by prohibiting vehicles with no legitimate purpose to enter the area.

2. Are such zones constitutional?

Yes. The U.S. Courts have found that such zones are constitutional when limited in scope, and when conducted for a legitimate law enforcement purpose.

Maxwell v. City of New York (2nd Circuit)

In 1992, in response to four drive-by shootings, the New York City Police Department implemented a temporary vehicular checkpoint in an eight square-block where most of the drive-by shootings had taken place. Officers stopped every vehicle (not pedestrians) seeking to enter the area in order to ascertain the driver's connection to the neighborhood. Area residents, commercial vehicles, those dropping off small children or visiting the local church were permitted to enter the area. The court balanced (1) the gravity of the public concerns served by the checkpoint; (2) the degree to which the checkpoint effectively addressed those concerns; and (3) the severity of the intrusion upon individual liberty and held that the establishment of a vehicle checkpoint did not violate the 4th Amendment. The instructions given for the checkpoint were sufficiently detailed to be Constitutional.

3. What is the purpose of a Neighborhood Safety Zone?

To decrease crime in areas that are experiencing an increase in violent crime; vehicles are often used in committing serious crimes, particularly armed violent crime. In April and May of 2008, the city experienced thirty-three (33) incidents of shootings/homicides in which a vehicle was involved. Fourteen (14) of those incidents occurred in the Fifth District.

4. What factors will be considered in selecting an area as an NSZ?

- Pertinent recent crime data.
- Information contained in citizen and community reports and complaints related to documented violent crimes in the area.
- Information gathered from criminal intelligence sources relevant to documented violent crimes in the area.

- The NSZ will not interfere with routine community activities and will cause minimum delays to normal traffic patterns.

5. Who will approve the establishment of an NSZ?

The Chief of Police, or a designated Assistant Chief of Police, based upon a recommendation from a Police Department official of at least the rank of Commander and a legal sufficiency review by the Police Department's General Counsel.

6. How will the NSZ operate?

- Posters will be placed in the area in advance to announce the establishment of the NSZ.
- The NSZ will be established for no more than 5 days, unless the Chief of Police approves an extension of no more than 5 days.
- During this authorization period, the NSZ will be in place 24 hours a day.
- The established NSZ will be managed by an official of at least the rank of Lieutenant or above. Teams of officers will staff Safety Checkpoints set up along the perimeter of the area in order to stop every vehicle seeking entry to the area.
- Only those motor vehicle operators who provide a legitimate reason will be permitted entry.
- Operators who cannot provide a legitimate reason, or who do not wish to provide a reason, will be denied access.
- Operators who do not comply with the directions of a law enforcement officer may be arrested for "Failure to Obey" per Title 18 DCMR Section 2000.2.

7. What are examples of a legitimate reason for entering an NSZ?

- The person resides in the NSZ.
- The person is employed in the NSZ or is on a commercial delivery.
- The person attends school or a day-care facility, or is taking a child to, or picking up a child from, a school or day-care facility in the NSZ.
- The person is a relative of a person who resides in the NSZ.
- The person is seeking medical attention, is elderly, or is disabled.
- The person is attempting to attend a verified organized civic, community or religious event within the NSZ.
- An official the rank of Sergeant or above assigned to the NSZ may approve the entry.

8. Does this mean that friends wishing to visit someone residing in an NSZ will be denied entry?

No. Friends may enter the neighborhood on foot.

9. What information will motor vehicle operators need to provide?

Personal identification (i.e., driver's license) and information sufficient for determining the accuracy of the reason for entering the area. For example, the telephone number of the address to which the person seeks entry or an invitation to a verified organized community or religious event being held within the NSZ.

10. Will operators be compelled to present a reason for entry?

No. However, if the operator does not present a legitimate reason, the vehicle will be denied entry. The operator may park the vehicle elsewhere and enter the NSZ on foot.

11. Will each vehicle that attempts to enter the NSZ be subject to search?

No. A vehicle entering the NSZ *may* be subject to search, but only in instances in which there is probable cause to conduct a search.

12. What information will be maintained on the stopped vehicles?

- For vehicles that are denied entry, the operator information, vehicle description, vehicle tag number, and reason for denial.
- For vehicles permitted entry, and in cases where the operator elects to leave the checkpoint without offering a reason for entry, the vehicle tag number and, where appropriate, the reason for entry.

13. How will the NSZ affect pedestrians?

For the purposes of the NSZ, pedestrians will be permitted to enter and exit an NSZ without being stopped; vehicles exiting the NSZ also will not be stopped.

14. Will Department members be trained in advance on how to implement an NSZ?

Yes. The Department's Training Academy will train all officers in advance concerning all procedures and standards as well as related U.S. constitutional law and case law.

15. Will this operation take vital patrol officers from other areas of the community?

No. The NSZ will be staffed by members of special mission units, who will be supported by PSA members who are familiar with the neighborhood and community.