

TITLE 48. FOOD AND DRUGS
SUBTITLE III. ILLEGAL DRUGS
CHAPTER 10. DRUG FREE ZONES

§ 48-1001. Definitions

§ 48-1002. Procedure for establishing a drug free zone

§ 48-1003. Notice of a drug free zone

§ 48-1004. Prohibition

§ 48-1005. Penalties

§ 48-1001. Definitions

For the purposes of this chapter, the term:

- (1) "Chief of Police" means the Chief of the Metropolitan Police Department as the designated agent of the Mayor.
- (2) "Disperse" means to depart from the designated drug free zone and not to reassemble within the drug free zone with anyone from the group ordered to depart for the duration of the zone.
- (3) "Drug free zone" means public space on public property in an area not to exceed a square of 1000 feet on each side that is established pursuant to § 48-1002.
- (4) "Illegal drug" means the same as the term "controlled substance" § 48-901.02.
- (5) "Police Department" means the Metropolitan Police Department.

§ 48-1002. Procedure for establishing a drug free zone

- (a) The Chief of Police may declare any public area a drug free zone for a period not to exceed 120 consecutive hours. The Chief of Police shall inform each of the 7 Police District Commanders and the Council of the District of Columbia of the declaration of a drug free zone.
- (b) In determining whether to designate a drug free zone, the Chief of Police shall consider the following:
 - (1) The occurrence of a disproportionately high number of arrests for the possession or distribution of illegal drugs in the proposed drug free zone within the preceding 6-month period;
 - (2) Any number of homicides related to the possession or distribution of illegal drugs that were committed in the proposed drug free zone within the preceding 6-month period;

(3) Objective evidence or verifiable information that shows that illegal drugs are being sold and distributed on public space on public property within the proposed drug free zone; and

(4) Any other verifiable information from which the Chief of Police may ascertain whether the health or safety of residents who live in the proposed drug free zone are endangered by the purchase, sale, or use of illegal drugs or other illegal activity.

§ 48-1003. Notice of a drug free zone

Upon the designation of a drug free zone, the Police Department shall mark each block within the drug free zone by using barriers, tape, or police officers that post the following information in the immediate area of, and borders around, the drug free zone:

(1) A statement that it is unlawful for a person to congregate in a group of 2 or more persons for the purposes of participating in the use, purchase, or sale of illegal drugs within the boundaries of a drug free zone, and to fail to disperse after being instructed to disperse by a uniformed officer of the Police Department who reasonably believes the person is congregating for the purpose of participating in the use, purchase, or sale of illegal drugs;

(2) The boundaries of the drug free zone;

(3) A statement of the effective dates of the drug free zone designation; and

(4) Any other additional notice to inform the public of the drug free zone.

§ 48-1004. Prohibition

(a) It shall be unlawful for a person to congregate in a group of 2 or more persons in public space on public property within the perimeter of a drug free zone established pursuant to §48-1002 and to fail to disperse after being instructed to disperse by a uniformed officer of the Police Department who reasonably believes the person is congregating for the purpose of participating in the use, purchase, or sale of illegal drugs.

(b) In making a determination that a person is congregating in a drug free zone for the purpose of participating in the use, purchase, or sale of illegal drugs, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining whether such purpose is manifested are:

- (1) The conduct of a person being observed, including, but not limited to, that such person is behaving in a manner raising a reasonable belief that the person is engaging or is about to engage in illegal drug activity, such as the observable distribution of small packages to other persons, the receipt of currency for the exchange of a small package, operating as a lookout, warning others of the arrival of police, concealing himself or herself or any object which reasonably may be connected to unlawful drug-related activity, or engaging in any other conduct normally associated by law enforcement agencies with the illegal distribution or possession of drugs;

- (2) Information from a reliable source indicating that a person being observed routinely distributes illegal drugs within the drug free zone;

- (3) Information from a reliable source indicating that the person being observed is currently engaging in illegal drug-related activity within the drug free zone;

- (4) Such person is physically identified by the officer as a member of a gang or association which engages in illegal drug activity;

- (5) Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, the phrase a "known unlawful drug user, possessor, or seller" means a person who has, within the knowledge of the arresting officer, been convicted in any court of any violation involving the use, possession, or distribution of any of the substances referred to in § 48-902.04, § 48-902.06, § 48-902.08, § 48-902.10 or § 48-902.12; or is a person who displays physical characteristics of drug use, including, but not limited to, "needle tracks";

- (6) Such person has no other apparent lawful reason for congregating in the drug free zone, such as waiting for a bus or being near one's own residence; and

- (7) Any vehicle involved in the observed circumstances is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding arrest warrant for a crime involving drug-related activity.

§ 48-1005. Penalties

Any person who violates § 48-1004 shall, upon conviction, be subject to a fine of not more than \$ 300, imprisonment for not more than 180 days, or both.