Metropolitan Police Academy

6.1 Disorderly Offenses

June 16, 2026

Introduction

There are multiple disorderly conduct offenses where you may have to place an individual under arrest. This lesson will teach you those offenses and the elements of those crimes so that you understand which offense has been committed. This lesson will also teach you about the arrest report.

Knowing the disorderly misdemeanor offenses that may require a custodial arrest are a necessary component of effectively doing your job as a police officer. This list can be found through **Directives Online** within the **SOP for Violation Citations (61D)**. There are three potential options for arrest, whether it be custodial or non-custodial: lock-up, citations release, and post and forfeit. In order for an individual to be eligible for citation release or post and forfeit, specific criteria must be met by the arrestee and nature of the charge.

6.1.1 Identify portions of the arrest report

The MPD arrest report is the internal departmental document that states the particulars of an offense that occurred. It is completed in Mark43. An arrest report is similar to an incident report in that the following factual details required for its completion:

- Names/address/date of birth (DOB) of involved persons (witness and offender)
- Suspect description
- Relationships of involved persons to each another, if applicable
- Type of call/problem/issue/classification
- Details of the incident, including **who, what, when, where, how,** and **why** (if known)
- Observations/perceptions
- Officer action taken including investigation and response/action of other personnel
- Injuries/medical treatment information
- Nature of property damage, if any
- Descriptions of evidence/property seized/stolen/found

The arrest report takes it a step further and requires greater detail than that of an offense report. In addition to the above listed information, **the narrative for an arrest report must establish probable cause** and show why you, as an officer, effected an arrest. While an individual who is believed to have committed a crime is known as a *suspect*, in the arrest report he or she should be referred to as a *defendant*.

The MPD arrest report arrest narrative section must contain:

- The date.
- The approximate time the offense occurred.
- The address where the offense occurred.
- The PSA in which the offense occurred.
- The fact that the offense occurred in Washington, DC.
- Your call sign for the shift.
- Whether you were on foot or were operating a scout car, mountain bike, Segway, etc.
- The fact that you were BWC equipped.
- The manner in which you came to know of the offense. For example: radio run, citizen notification, noticed during the course of patrol duties, etc.
- The sequential facts leading to the arrest.

    - Provide details about the offense, including all the elements of the offense.
    - Show, through facts, how there was probable cause for the arrest.
- The offense(s) for which the defendant was placed under arrest
- How the defendant was identified. For example: verbally, state driver's license, passport, etc.
- The defendant's social security number and date of birth
- The name, badge number or other identifying number, and employing agency of each law enforcement officer present at the scene
- Whether any law enforcement officer present at the scene used force during the arrest and, if so, a description of the force used
- The number of unidentified law enforcement officers at the scene and whether any law enforcement officer declined to disclose their identity.

NOTE: The arrest narrative should be written in the third person.

Review the sample arrest report on page 4.

[Image redacted]

6.1.2 Classify the elements of the most common Disorderly Conduct misdemeanors that require a custodial arrest encountered by patrol officers

There will be behaviors in which individuals engage that, while potentially irritating to others, are not actually illegal. Therefore, you must be able to differentiate illegal behaviors that can seem to be borderline nuisances from those in which no criminal behavior has actually occurred. Knowing the critical differences and where the line between illegal and legal behavior is drawn will make you an effective police officer and prevent you from inadvertently violating another person's civil rights.

Disorderly Conduct: In any place open to the general public, and in the communal areas of a multi-unit residence, it is unlawful for a person to engage in the conduct described below.

Causing Reasonable Fear - § 22-1321(a)(1)
Causing reasonable fear means "intentionally or recklessly act[ing] in such a manner as to cause another person to be in reasonable fear that a person or property in a person's immediate possession is likely to be harmed or taken." When investigating this crime, it is important to discern the behaviors, gestures, and spoken words of the suspect as well as the victim's perception of the events that transpired. This charge is based upon how a reasonable person in the same situation would feel in response to the suspect's behavior.

You should attempt to get the witness to write down his or her statement on the Witness Statement form as further proof that the suspect's behavior caused fear. Often, the words of the person directly affected can help to ensure the suspect faces consequences for his or her actions once the situation is out of your hands, moved into the legal system, and placed before an attorney.

You must describe the suspect's behavior in detail so that it is easy for someone who was not on the scene and is not the victim to understand how the actions of the suspect would cause fear in a reasonable person. When an arrest is made, demonstrate how the defendant's behavior was intentional or reckless in the narrative.

People within the District of Columbia, and the entirety of the United States, have rights that are protected by the Bill of Rights. One of these rights is the freedom of speech. Freedom of speech is defined as "the right to express one's thoughts and opinions without governmental restrictions..." Freedom of speech, like many other rights, has its limitations. One such limitation is when an individual's exercising of his or her right infringes upon the inalienable rights of another. This essentially means that one individual's rights do not override another's rights. You need to have an understanding of this delineation in order to effectively do your job and enforce the law in a fair and equitable manner.

Incite or Provoke Violence - § 22-1321(a)(2)
This type of Disorderly Conduct occurs when a person "incite[s] or provoke[s] violence where there is a likelihood that such violence will ensue…" In the District of Columbia, it is against the law "in any place

open to the general public, and in the communal areas of multi-unit housing … to engage in loud, threatening, or abusive language or conduct…"

This statute is designed to address the person who is trying to get others to engage in violent behavior. In order to be in violation of the law, an individual need only act in a manner that pushes others towards violence. They may do this through words, gestures, or actions and do not have to engage in the violence themselves. In other words, they are the instigators of violence, the people who push *others* to commit violent actions, while not actively involving themselves.

During these investigations, document the exact words the suspect used and describe how the words or actions could provoke violence, even though violence does not have to be the end result of the suspect's actions. You must also note whom the suspect attempted to incite to violence and document the end result of the instigation. Be sure to gather witness information and record what you are told in your notebook, as well. Whenever possible, ask the witnesses if they will fill out a Witness Statement form (PD 119).

Abusive Language or Gestures - § 22-1321(a)(3)
This type of Disorderly Conduct is committed when a suspect directs abusive or offensive language or gestures at another person in a manner likely to provoke immediate physical retaliation or violence by that person or another person. Officers must clearly indicate in the arrest report how the defendant's conduct was likely to provoke violence. Moreover, officers must be specific. In other words, they should not merely write that the defendant's action was likely to incite violence. Describe the action.

The directing of abusive or offensive language crime does not apply when the language or gestures are directed to any police officer acting in his or her official capacity as a law enforcement officer. You are expected, as a police officer, to adhere to a higher standard of behavior than other individuals and your profession, in fact, demands this of you. It is your job to maintain courageous calm in the face of danger, scorn, or ridicule and constantly exercise restraint. This means that you cannot arrest an individual for disparaging remarks or gestures made towards you or another police officer when you are acting in your official capacity as a law enforcement officer.

NOTE: If you are off duty and an individual who *does not know* that you are a police officer engages in language or gestures that are "likely to provoke immediate physical retaliation or violence," then that individual can be charged under the inciting violence statute. Remember that even when not on duty, the department holds you to a higher standard than those who are not employed as Metropolitan Police officers. You must exercise restraint and caution as you are always a representative of the department.

Disruptive Conduct in a Public Building - § 22-1321(c-1)
This type of Disorderly Conduct occurs when a person is "…in a public building with the *intent* and *effect* of impeding or disrupting the orderly conduct of business in that building."

> ***Check for Understanding***
> *You are on a foot beat utilizing the call sign Foot Beat 21 in the 2600 block of Connecticut Ave NW. As you are walking down the sidewalk, an individual comes up and identifies herself as the manager of Chipotle and informs you that there is a man inside the restaurant causing a disturbance. You go over the air and inform the dispatcher of your location and request an additional unit as you do not know what you will encounter. (Safety is always a priority.)*

Upon entering the restaurant, you see a white male in the middle of the establishment. He is waving his arms wildly about, cursing, who yells out, "They won't serve one more person until they correct my order!" He continues screaming expletives at the employees of Chipotle. Several customers stand staring, and service within the restaurant has ground to a halt.

"We fixed his order," the manager says to you, "but he's still angry. I just happened to see you pass by and ran out to get you." As she finishes speaking, your backup arrives and enters the establishment.

What do you say to the man yelling inside the store? Has he broken the law? If so, how? If not, why not?

In order for the individual to have violated the law, he or she must have not only the *intent* to disrupt the public building, but must *effectively* do so, as well. If the male mentioned in the scenario above had the intent of disrupting the conducting of business within the establishment but the employees and customers ignored his behavior and were able to carry on with their activities within, then the man's behavior does *not* meet the elements of the crime.

When conducting your investigation, you must articulate how you came to know the individual who has committed the offense *intended* to disrupt the normal operation of business within the public building. What were the words said, the person's demeanor, and/or the person's actions? Your investigation must also document to what *effect* the intended actions accomplished the sought-after goal. In addition, include the type of building in which the disruption occurred. Describe what type of public building it is and how it was *known* to be a public building as opposed to a private building.

NOTE: This statute does not apply to police buildings.

Jostling, Crowding, or Placing One's Hand Near Another's Handbag, Pocketbook, or Wallet - § 22-1321(g)
With this type of Disorderly Conduct, "It is unlawful, under circumstances whereby a breach of peace may be occasioned, to interfere with any person in any public space by jostling against the person, unnecessarily crowding the person, or placing a hand in the proximity of the person's handbag, pocketbook, or wallet." Thus, this law addresses three types of unlawful conduct which also includes a breach of the peace.

When the statute speaks of a "breach of peace," what it means is that the actions committed by one person towards another may lead to a verbal altercation that could escalate to the point of physical violence or the breaking of the law in some other way such that the peace of society is broken.

Jostling means there must be some physical contact between the suspect and the intended victim. Mere proximity is not sufficient to support a charge of Jostling. The District of Columbia is a busy and well-populated metropolitan area so it is at times and in certain environments next to impossible to always maintain a physical space boundary between one person and another so jostling will occasionally occur. Likewise, there will be times when individuals crowd one another.

The third type of conduct addressed in this law is when a person places his or her hand near another person's handbag, pocketbook, or wallet. Such action by a suspect may be an attempt to pickpocket someone and the victim may not even be aware of the attempt although someone else saw it occur.

In certain situations, you have discretion as to how you carry out your job as a police officer and must take into consideration the totality of circumstances in the performance of your duties. The law dictates that a person must not jostle or crowd another person *unnecessarily*. The word "unnecessarily" is where the intent to commit an offense is shown.

For example**:** Metro Transit Police will not always be able to respond to incidents or offenses on metro buses, or perhaps even metro rail. Regardless of the time it may take them to respond, or whether they can respond at all, you must still take police action. If an individual tells you that another person was crowding or bumping him or her on a bus or that he or she saw a person reaching toward someone's purse and when you look at the bus you can see it is packed with people, this is where you need to decide whether the action was intentional and caused a breach of the peace.

Peeping Tom - § 22-1321(f)
People have an expectation and right to privacy when they are within their home or dwelling. A dwelling is defined as:

- "The house or other structure in which a person lives; a residence or abode."
- "The house and all buildings attached to or connected with the house."
- "A building, a part of a building, a tent, a mobile home, or another enclosed space that is used or intended for use as human habitation…including a boat if a person resides in it."

As they are afforded by law the right to privacy, this expectation of privacy is protected and cannot be violated. As such, "It is unlawful for a person to stealthily look into a window or other opening of a dwelling…under circumstances in which an occupant would have a reasonable expectation of privacy. It is not necessary that the dwelling be occupied at the time the person looks into the window or other opening."

It is important that you pay close attention to the wording of the statute. It is not against the law to simply look into a window as this could occur in many innocent ways and often does throughout the course of the day. It is illegal to look *stealthily* into a window, regardless of whether someone is within the home or not. The fact that a person is attempting to hide themselves or be discrete as they peer into the window is where the intent behind the law is shown.

When you conduct your investigation for a Peeping Tom complaint, you must determine and document how the suspect was stealthily looking into a window or other opening and why an individual within would have a reasonable expectation of privacy.

6.1.3 Classify the elements of similar common misdemeanors

The crimes of which you have just learned are some of the most common disorderly offenses that you will encounter during your career as a police officer. However, there are others of which you must still be aware. You must understand the elements of these offenses, too, so you do not arrive on the scene unable to determine what offense, if any, has occurred. As you learned, Freedom of Speech is a constitutionally protected right, but there are limitations placed upon it, because one individual's rights do not trump or

supersede another's. This is why it is illegal to falsely yell "fire" it creates a safety hazard and danger for others and infringes upon their right to be safe within their person.

False Alarm of Fire - § 22-1319(a)
For this type of crime, "It shall be unlawful for any person or persons to willfully or knowingly give a false alarm of fire within the District of Columbia…"

During your investigation, you must determine whether the individual who raised the alarm of fire did so knowing that there was no fire. If the person truly believed there was a fire, then this statute would not apply and the person would not have violated the law in any fashion. In order to commit the offense of False Alarm of Fire, the crying of "fire" would have to be done with willful intent knowing there was no fire.

Illegal Gambling – DCMR Title 19 1309.1
As you patrol and interact with the community, you may come across individuals engaging in games of chance, playing card games like Poker or Solitaire, or perhaps playing Dominoes or shooting dice. If they are playing these games for money or property, it is illegal to do so within the District of Columbia. Title 19 of the D.C. Municipal Regulations states: "It shall be unlawful in the District to participate in any game of chance for money or property with dice, cards, or any gambling table or other gambling device adopted, devised, and designed for the purpose of playing any game of chance for money or property upon any public property or highway, or upon any vacant or unoccupied property that is so near to a public highway that it is seen or heard from the highway."

When you come across those involved in illegal gambling, remember that in some cases you have discretion. **GO-PER-201.26 (Code of Conduct)** gives you the room to make a decision in cases of minor misdemeanor offenses that best serve the interest of the community. Exercising this discretion helps members police in a way that allows room for compassion, humanity, and understanding that people occasionally make mistakes or violate the law out of ignorance. Though it is understood that ignorance of the law does not absolve a person from responsibility for violating it, the situation presents an opportunity to advise and counsel so the individual in question knows the law for future reference.

As noted in another lesson, one of your goals as a police officer is to develop relationships and foster open communication with community members. When you exercise discretion wisely, you build trust with those whom you serve. You also develop a reputation as an officer who is reasonable and gives people room for mistakes. Remember that the actions you take on the scene have far-reaching consequences that go beyond how you conduct yourself at that particular time, and they could affect the life of the individual with whom you come into contact for years. Long after you have forgotten the interaction, that person may still find him or herself dealing with the ramifications of the encounter. Never fail to take police action when necessary but remember that at times exercising discretion for the betterment of the community is an available option.

If an arrest must be made because of illegal gambling, make sure to properly detail all the elements of the crime. How did you know they were gambling for money or property and were not just playing the games for simple entertainment? How were you able to ascertain whether the game was being played in public property or property that was vacant and unoccupied? Remember that every offense report and arrest narrative must include the elements of the crime in its entirety.

Throwing Objects at Residential Property - § 22–2753

Protests in DC are a common occurrence. While individuals have right to demonstrate, they must follow certain rules. In DC, "it is unlawful for any person to knowingly launch or throw an object onto the residential property of another with the intent to cause fear, intimidate, or harass any person living or working at that residence."

Possession of an Open Container of Alcohol (in a Vehicle) - § 25-1001(a)(2)

Another activity in which people often engage that is also illegal within Washington, DC is possessing an open container of alcoholic beverage within a vehicle, also known as POCA. It is unlawful to: "(a) Except as provided in subsections (b) and (c) of this section, no person in the District shall drink an alcoholic beverage or possess in an open container an alcoholic beverage in or upon … (2) A vehicle in or upon any street, alley, park, or parking area…"

Lewd, Indecent, or Obscene Acts; Sexual Proposal to a Minor - § 22-1312

As a necessary part of your job, you are to be unbiased in the performance of your duties as a police officer. One such situation is during the investigation of a crime involving lewd, indecent, or obscene acts or a crime involving a sexual proposal to a minor. In Washington, DC,

- "It is unlawful for a person, in public, to make an obscene or indecent exposure of his or her genitalia or anus, to engage in masturbation, or to engage in a sexual act…"
- "…it is unlawful for a person to make an obscene or indecent sexual proposal to a minor."

In order to enforce this law, you must understand how to lawfully define a sex act. A sexual act can be any of the following, or any combination thereof:

- "The penetration, however slight, of the anus or vulva of another by a penis"
- "Contact between the mouth and the penis, the mouth, and the vulva, or the mouth and the anus"
- "The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person"

Be mindful that there need not be ejaculation of semen for the act to be considered a sexual act, as such a requirement is not included in the statute.

A sexual proposal can be defined as the verbiage as it relates to proposing sexual behavior with a minor. For instance, if an adult propositions a minor to engage in any type of sexual behavior, that would be the proposal.

This statute also does not prohibit any individual from walking about the District shirtless, regardless of whether they are male or female gendered. The statute, instead, speaks specifically of *exposure of the genitalia* which must be intentional. The statute also addresses engaging in a sexual act in a public place. If an individual walks past a window, wearing no clothing, unaware that they can be seen by others, he or she has not broken any law or committed an offense as the act of exposure was not intentional.

If that same individual were to stand naked in front of a window *knowing* he or she was visible, then the individual has committed an offense as he or she exposed himself or herself intentionally.

NOTE: When it comes to minors, anyone who has not reached the age of eighteen, there is no space, public or private, where obscene or indecent sexual proposals are legal.

If you arrive on the scene and your preliminary investigation determines that an offense that could be classified under **DC Code §22-1312** has occurred, then you must request the Sexual Assault Unit (SAU) and stay on scene until the SAU detective has interviewed the victim. SAU handles all sexual assault offenses committed within the jurisdiction of the Metropolitan Police Department. Once you make notification, SAU will conduct the investigation and handle any arrest. If a minor is involved, the Youth and Family Services Division should be notified to handle the investigation.

You should be mindful of the fact that the vast majority of people who have been on the receiving end of any form of an unwanted sexual act or proposal will rightfully be upset. When conducting your preliminary investigation, you must be aware of the emotions the victim is experiencing and be compassionate and empathetic when attempting to gather the information necessary to guide you to your next steps. While the information will be needed to pass along to the Sexual Assault Unit detective, pay attention to your tone of voice and the phrasing of your questions to the victim. Communication is key in these instances, and victims can easily pick up on whether you have any biases or prejudices against them for the crime which they are reporting as this can lead to inadvertent re-victimization.

While you will not conduct the investigation into the crime, you will be the first contact the victim will likely have with law enforcement on a sensitive issue, so realize that your actions could make the victim more or less likely to cooperate with other officers, officials, or detectives further down the road. The scenes are not about you, but the victim, and empathy in situations of any potential sexual misconduct is paramount.

6.1.4 Complete an arrest report for the offenses encountered in this instructional unit

- Abusive Language or Gestures
- Incite Violence
- Causing Reasonable Fear
- Disruptive Conduct in a Public Building
- False Alarm of Fire
- Illegal Gambling
- Jostling, Crowding, or Placing One's Hand Near Another's Handbag, Pocketbook, or Wallet
- Lewd, Indecent, or Obscene Acts
- Peeping Tom
- Possession of an Open Container of Alcohol (in a Vehicle)

Summary

The disorderly offenses you have just learned are some of the most common that you will encounter during your career as a law enforcement officer. It is imperative that you commit the elements of the crimes to memory so that you are able to discern what is actually an offense versus what comes close to but does not cross the threshold into criminal behavior. Knowing this will enable you to counsel individuals

as to how they can avoid breaking the law. Remember that for some misdemeanor offenses you will have the discretion to give a warning or you may try to speak with a person before placing him or her under custodial arrest if the situation requires you to do so. Exercising discretion for misdemeanor crimes will help you build trust within the community.

References

GO-PER-201.26	Code of Conduct	06/12/2024
GO-OPS-304.06	Adult Sexual Assault Investigations	02/16/2016
SOP-05-02	PD Form 61D (Violation Citation)	11/2025
EO-26-003	BWC Transparency and Arrest Report Emergency Amendment Acts	04/01/2026
CIR-26-03	Residential Tranquility Amendment Act of 2025	06/10/2026