



Stoops to Conquer

D.C. police drive happy hour into the kitchen.

Sep. 19 - 25, 1997 (Vol. 17, #38)

Twilight on Dupont Circle. Five college friends are hanging out on their front porch, swigging Pete's Wicked Ale and talking about, oh, the places they've been. They take little notice of the squad car circling their block until its third approach. That's when the car, lights whirling, pulls up to the stoop and two coppers emerge. They handcuff the three lucky ones holding bottles and cart them away.

Over two hours later, the trio of grad students—two from George Washington University—have paid their \$25 fines and left their holding cells in the 3rd District's V Street headquarters. But the kvetching has only just begun.

Suddenly, the city's more affluent citizens are experiencing the kind of petty harassment long familiar in the District's less-swank corridors. The District's "Enhanced Enforcement Effort"—better known as zero-tolerance policing—is of relatively recent vintage, but it's already producing a fine whine among city residents.

In a city that just barely functions, the last sacred preserve is your own home. If you're a weary resident unwinding with a cold one on your front porch, the last thing you want to see is a cop stomping up the steps to haul you away on a technicality.

In addition to making more arrests for minor traffic infractions, Metropolitan Police Department (MPD) officers are increasingly enforcing D.C. statute 25-128, which prohibits drinking in a public place: "No person shall in the District of Columbia drink any alcoholic beverage or possess in an open container any alcoholic beverage in any street, alley, park, or parking [lot]..."

The civil unrest began this spring, when the "chardonnay woman," as the InTowner newspaper nicknamed her, was arrested for sipping white wine on her front steps on the 1500 block of Q Street NW. Also in May, 29-year-old Isabel Lass got hauled away for having a beer with her dad on her porch in Blagden Alley. Finally, on Aug. 19, the three graduate students got nabbed.

Contrary to popular belief, public domain begins at the point where all the buildings line up, and porches and stoops are across that line. (Licensed outdoor cafes are OK.) For the record, lawyers agree there's a question about how porches can be regarded as public places.

"Public property by definition is a place where any member of the public has a right to go," says Covington & Burling's Gene Gulland, who supports zero tolerance. Porches "that are accessories to homes aren't public places." But, he says, the police may be trying to apply a broad definition of "public."

"The statute doesn't say anything specific about drinking in public," says Erin Hatch, 25, one of the students, whose

homework these days is legal research. The prostitution statute is explicit about entryways and doorways being out of bounds, she says, so "why isn't this one specific?"

"This issue has taken so much of my time, but someone has to set a precedent," says Hatch, who—after a month of searching—has found two pro bono lawyers to make her case.

One of her cellmates, Micah Rapoport, 27, is a second-year grad student at GW studying, of all things, "security policy." He was unfazed by MPD's policy: After getting out of jail, he says, "the first thing I did...was go grab a beer and sit on my front porch." The third "victim," a guy visiting from the University of Texas, fired off a blistering diatribe to MPD.

"We were never warned," Hatch complains. "When I lived on Capitol Hill, we used to drink outside all the time."

So this is what D.C.'s push to make over its crime-city image has come to: Mass moaning from rebels convinced they have plenty of cause. A slew of front-page stories, letters, and editorials in the InTowner. A page one story and an editorial in the GW newspaper. Communiqués to D.C. police. A possible ACLU crusade. ("Their request is being considered," says Fritz Mulhauser, the ACLU's coordinator of litigation screening.)

"Rights? What rights?" groused the GW Hatchet headline. The editorial went on to bitch: "It is interesting to note that given the large amount of colleges in the District and the mushrooming number of bars and clubs that specifically target and cater to underage drinkers, the MPD officers had no other pressing issues than going after three legal drinkers on their own property."

This from a newspaper whose Bar Belle columnist rates the strictness of area bars' bouncers—and whose columnists have often whined that police busting underage drinkers ought to have better things to do. The InTowner weighed in: "The city council had better amend [the law] pronto. It's inconceivable to us that part of the effort to enhance the quality of life for residents includes the specter of police raiding our front yards, charging up our steps and dragging us off our porches for the crime of sipping a pleasant merlot."

Residents apparently have zero tolerance for zero tolerance, especially when it applies to moi. As for the newspapers' charge of police "raids," in August, the 14 officers in Patrol Service Area (PSA) 308—the sliver of the 3rd District that includes Dupont Circle—made three arrests for drinking in public: the three students. This after a consultant's study earlier this year showed that only 1,171 of the department's 3,592 sworn officers were hitting the streets.

So are all these cops who were yanked from their desks now on the alcohol alfresco beat?

"We're not Neanderthals," says Capt. Christopher Cooch, laughing. He hasn't personally picked up any of the drinkers, but he's in charge of the approximately 200 officers in the 3rd District, including those in PSA 308, who have. "But if we see it, you're gonna get busted," he adds.

Cooch sounds as if he's heard every rant in the 3rd District, which includes Shaw, Logan Circle, Dupont Circle, Adams Morgan, Howard University, and the U Street corridor.

After scurrying around for a copy of the statute—most of the arrested can quote it from memory—he cheerfully spends a half-hour explaining it, along with the reasons for the frisking and handcuffing. (In case of weapons, for the former, and "it stops you from punching us," for the latter.)

Do you have to can the keg at the backyard barbecue?

Technically, yes: If your "yard" actually makes up part of an alley or parking area, you too can be frisked, handcuffed, and escorted to your district headquarters, where you'll stay until you pay the \$25 fine. "But really, we don't go that far," Cooch says.

What if you're drinking with the windows open? What if your balcony is the kind that hangs over the sidewalk? Cooch laughs again. "We can't enter your home without a search warrant, and having a glass of wine on the balcony is hardly an emergency," he says.

But just to be safe, you may as well move that cocktail party into the bomb shelter in your basement—no rain, no cops, and plenty of canned pears.CP