GENERAL ORDER

SERIES	NUMBER	EFFECTIVE DATE
303	2	December 28, 1979

SUBJECT

Notices of Infraction Procedures

DISTRIBUTION: A

ORIGINATING UNIT: PDD

The purpose of this order is to establish the policy and procedures for issuance of Notices of Infraction (NOI's). This order consists of the following parts:

PART I Responsibilities and Procedures for Members of the Department

A. Notices of Infraction.
B. Instructions for Preparing NOI's.
C. Scheduling Court and Hearing Dates.
D. Court and Hearing Appearances.
E. Traffic Records.
F. Traffic Arrests.
G. Processing NOI's.

PART II Responsibilities and Procedures for Special Assignment Personnel

Station Clerks.

PART III Responsibilities and Procedures for Supervisory and Command Personnel

A. Officials.
B. Watch Commanders.
C. Director, Fleet Management Division.
D. Commanding Officers.

PART I

A. Notices of Infraction.

1. The Department of Public Works' (DPW) Notice of Infraction (NOI), BA 51, is a three-part formset designed for citing a traffic violation in the District of Columbia.

2. Superior Court has jurisdiction over the following violations. All others fall under the purview of the Bureau of Adjudication (asterisk denotes summary arrest):

*a. Reckless driving;

*b. Negligent homicide;

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c. Accident:

*(1) Leaving the scene with property damage.
*(2) Leaving the scene with personal injury.
(3) Failure to make report (DPW Safety Responsibility Form).

*d. Driving under the influence of alcohol and/or drugs or driving while intoxicated (PerSe);

*e. Smoke screens;

f. Use of unregistered motor vehicle;

g. Obtaining registration by misrepresentation;

h. Obtaining permit by misrepresentation;

*i. Operating without a permit;

*j. Operating after suspension or revocation;

*k. Speed in excess of 30 mph over the limit;

*l. Failure to surrender permit after suspension or revocation;

m. Tampering with a locked or secured bicycle;

n. Acting as a driving school instructor without a license;

o. Operating a school bus without a permit;

p. Carrying on or conducting the business of a car dealer without a registration;

q. Unauthorized use of emergency parking permits;

r. Obtaining taxicab identification card by misrepresentation;

s. Obtaining title by misrepresentation;

t. Operating uninsured taxi;

u. Pedestrian violations;

Pedestrian infractions are non-criminal <u>except</u> under the following circumstances:

(1) While actual pedestrian violations remain decriminalized, a separate criminal sanction can be applied in situations where a pedestrian violator refuses or fails to inform an officer of his/her true name and address to facilitate proper issuance of a NOI.

(2) Pedestrian violators shall not, however, be required to produce or display documentary evidence of identity unless the name and address furnished to the officer at the time of the stop is known to be, or is reasonably suspected of being, fictitious. In this instance, members shall caution the pedestrian that continued refusal(s) to provide correct identity could result in the violator's arrest.

(3) Should an arrest become necessary members shall issue an appropriately completed NOI for "Failure to Make Proper Identity Known." Collateral for this offense, which falls under the jurisdiction of Superior Court, is $50.00.

(4) Absent articulable facts and circumstances supporting an officer's belief that a pedestrian violator is intentionally providing false or fictitious information, the citizen's verbal disclosure of identity must be accepted.

v. Moving and parking violations occurring on the Capitol Grounds.

w. Failure to obey an officer's order;

x. Failure to exhibit permit; and

y. Any felony or misdemeanor not codified in:

(1) Title 40 of D.C. Code.
(2) Title 13 of the D.C. Rules and Regulations.
(3) Title 32 of the D.C. Rules and Regulations.
(4) D.C. Municipal Regulations, Title 18 (Vehicles and Traffic).

3. Members may not summarily arrest a motorist or pedestrian who has outstanding NOI's on that basis alone.

4. Warning NOI's shall be issued according to procedures in General Order 303.1 (Traffic Enforcement).

5. The Bureau of Adjudication has issued the following guidelines for use by Hearing Examiners in deciding cases that arise from Notice of Infraction violations that are written on government and public service vehicles:

a. Government Employees - District and Federal employees may be excused from parking infractions committed during the course of urgent government business if no other legal spaces were reasonably available, so long as the parking violation did not block traffic or cause a safety hazard. However, the defense of being a government employee on urgent business will not excuse the following violations:

(1) Rush Hour Lanes
(2) Fire Hydrant
(3) Crosswalk
(4) Bus Stop or Zone
(5) School Zone
(6) Sidewalk
(7) Driveway or Alley

b. Law Enforcement Vehicles - Law enforcement vehicles carry with them the presumption that their business is urgent. Moreover, it is recognized that from time-to-time law enforcement duties will require personnel to violate the exceptions of the rule that are listed above. In these cases, the Hearing Examiner will weigh the individual's violation against the duties he/she performed, and make a decision based on the public interest.

c. Public Service Vehicles - Public service vehicles will be treated the same as government vehicles. However, the actual work vehicles will be treated in much the same manner as law enforcement vehicles (i.e., an electrical repair vehicle may have to park in a bus zone because that is where the manhole to be repaired is located).

B. Instructions for Preparing NOI's.

1. A black ballpoint pen shall be used in handprinting NOI's, pressing firmly to ensure legibility through all copies. The NOI is an official document and shall be complete, accurate, and legible.

2. When multiple traffic violations occur involving the same operator, separate NOI's shall be prepared for each violation cited.

3. Spoiled or defaced NOI sets shall be turned in to a supervisor at the end of the tour of duty.

a. A spoiled NOI is one that has been ruined by illegible printing or incorrect entry.

b. A defaced NOI is one that has been torn or damaged.

c. In such cases, all copies of the NOI set shall be marked "VOID" with the date and the issuing officer's badge number and initials noted on the copies. Additionally, the number of the NOI issued in place of the voided NOI shall be recorded.

4. When issuing parking tickets, members shall ensure that they check the "owner" box.

5. When preparing a NOI for "Full Time & Attention," note in the space provided for "Other" what the violator was doing in order to substantiate the charge.

6. When a NOI is issued for any criminal traffic violation and no arrest is made, the officer shall inform the violator that the collateral may be paid by mailing a check or money order within 15 days to the address noted on the violators copy (Copy B) if the violator does not wish to appear in court.

7. When handling cases involving a citizen's complaint concerning a motorist illegally passing a stopped school bus, members shall adhere to the procedures as outlined in General Order 303.1 (Traffic Enforcement).

a. Investigations, and the issuing of NOIs based upon the investigation, shall only be handled by Traffic Enforcement Branch personnel.

b. Members witnessing a motorist illegally passing a stopped school bus shall take appropriate police action.

8. In those instances where no operator's permit is available (e.g., an additional charge and NOI is being issued for Operating Without a Permit, Failure to Exhibit, Operating While Suspended or Revoked, etc.) enter the words "No Permit" in the block provided for the operator's permit number.

9. Record the correct amount of collateral for the violation being cited, whether moving, parking, or pedestrian, according to the NOI collateral insert list contained in the back of the NOI book. It should be noted that the Superior Court and Bureau of Traffic Adjudication's computers will charge the violator according to this list.

10. For all violations involving personal service of an NOI upon an operator, the issuing officer shall:

a. Enter the date and obtain the signature of the operator in the space provided. Should the operator refuse to sign the notice, the issuing officer shall enter the word "REFUSED" in the space provided for the operator's signature, ensuring that the word appears clearly on all copies of the notice.

b. Not summarily arrest the violator for refusing to sign the NOI.

11. Prior to removing the violator's copy from the formset, members shall ensure that they have entered their correct court or hearing date and (civilian) time, and the appropriate amount of collateral for the violation involved.

12. Any notes that the issuing officer wishes to make concerning a violation shall be made on the back of Copy A (e.g., the name, the address and telephone number of a complaint in a "parked on private property" violation, witnesses, etc.).

13. A court or hearing date and (civilian) time shall always be entered on all NOI's issued except for warning and parking NOI's.

14. When issuing a warning NOI, the word "WARNING" shall be written in capital letters across the sections for "Scheduled Fine or Collateral" and "Date of Appearance."

15. Whenever members encounter an owner/operator of a motor vehicle and it is determined that the owner/operator of the vehicle has no insurance, members shall:

a. Not summarily arrest the person;

b. Issue the owner/operator an NOI for "Operating Uninsured Vehicle" or "Permitting the Operation of Uninsured Vehicle" as appropriate;

c. Prepare a DPW Form 33-40, "Official Notice of Proposed Suspension," and mark the last block, "Operating a Motor Vehicle in Violation of the Compulsory/No-Fault Insurance Act of 1982;" and

d. Not allow the uninsured operator to drive the vehicle; however, another person who is insured may drive the vehicle away. If an insured person is not available to operate the vehicle, members shall:

(1) Legally park the vehicle,

(2) Have the vehicle towed at the owner's expense, or

(3) Have the vehicle impounded for safekeeping.

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C. Scheduling Court and Hearing Dates.

1. To establish the court or hearing date which the member shall include on the NOI, members shall refer to the current circular titled "Duty Schedule Charts for Setting Traffic Hearing or Court Dates" which is published yearly.

2. These schedules shall also be utilized when either the Bureau of Traffic Adjudication or the Superior Court contacts this department and requests a court date for a member.

3. For those cases in which committed annual leave or a holiday precludes a member from scheduling his/her court date in accordance with applicable procedures, the court date shall be set for the member's first day-work tour of duty following the day-work tour in which the conflict occurred. (Example: Officer Jones' court day is Monday during the first week of his day-work tour of duty (Mon-1), but the Monday on which his court cases are to be scheduled is a holiday. In this instance, Officer Jones would then schedule his court cases on the Monday during the first week of his next day-work tour of duty and not on the Monday of the second week of the day-work tour of duty in which the conflict occurred.)

4. For all traffic court appearances, members shall, in every case, record on PD Form 140 (Court Attendance Record) their assigned traffic court date for the following two day-work tours of duty in accordance with the applicable procedure and the example listed above.

D. Court an Hearing Appearances.

1. Superior Court Appearances.

a. In the case of violations which are adjudicated in Superior Court, when collateral is not received within 15 days from the date of issuance of the NOI, the Superior Court will provide computerized printouts containing cases scheduled for Traffic Court.

(1) This printout shall be issued daily, Monday through Friday.

(2) Copies of this printout shall be picked up each morning at the Court Liaison Division by those organizational elements issuing NOI's.

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(3) This printout shall be posted in each roll call room.

(4) Members who have scheduled court appearances shall appear in court at the time specified in Attachment "A" to General Order No. 701.1 (Courts and Hearings).

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(5) Members shall be alert to any cancellations which may occur on the printout in their scheduled cases because defendants who were scheduled for a court appearance have paid their fines prior to the scheduled court date. These cancellations may occur up to 24 hours prior to the scheduled court date.

(6) Should a revised printout indicate that all scheduled court appearances by members have been cancelled, the member shall not appear in court.

2. Bureau of Traffic Adjudication (BTA).

a. In those cases when the violator has contacted BTA within 15 days of the violation, an official hearing date will be scheduled on the date provided by the officer.

b. The BTA will provide computerized printouts containing cases scheduled for appearance before a hearing examiner. (The seven (7) digit number directly under the police officer's name on the printout is the NOI Number).

c. This printout will be issued daily. Monday through Friday

d. Copies of this printout shall be picked up each morning at the Court Liaison Branch by those organizational elements issuing NOI's.

e. This printout shall be posted in each roll call room.

f. Each member shall be held personally responsible for checking this list to ascertain whether he/she is scheduled to appear for a Hearing

g. Members who have scheduled BTA cases shall appear at the time specified in Attachment "A" of General Order 701.1 (Courts and Hearings)

h. Members scheduled for a BTA Hearing with <u>no</u> other court commitments on that day shall:

(1) Report directly to the Bureau of Traffic Adjudication located at 65 K Street, N.E.

(2) Prepare a PD Form 140-A (Traffic Court Attendance Record).

(3) Sign in with the Scheduling Clerk.

(4) Upon completion of all BTA Hearings, sign out with the Scheduling Clerk and return to their respective units if still on duty

1. Members with other court commitments scheduled (i e., Superior Court or U.S. District Court) on the same day shall:

   (1) Respond to the Court Liaison Division, Superior Court and sign in

   (2) Complete a PD Form 140 (Court Attendance Record).

   (3) Be guided by the directions of a Court Liaison Official in regards to the BTA Hearing.

2. Members completing all BTA Hearings shall leave the white copy of the PD Form 140-A with the BTA Scheduling Clerk before signing out and retain the pink copy for their records.

3. When a BTA Hearing is scheduled on a Notice of Infraction (NOI) resulting from a traffic accident, members are reminded that a copy of the accident report shall be brought with them.

4. Members requiring rescheduling of their BTA Hearing dates shall contact an official of his/her unit at least seven (7) days prior to the scheduled date. The official so notified shall evaluate the request and, if acceptable, advise the member to immediately notify the BTA scheduling clerk and obtain a new date. Members shall then contact an official of the Court Liaison Division and advise him/her of the change in commitment giving the new date and the name of the individual who provided this date.

5. BTA Hearings are proper adjudicatory activities and all requirements prescribed by general order for court appearances shall be complied with

Traffic Records.

1. Members shall obtain traffic records from the Bureau of Motor Vehicles Services, Municipal Center, Room 1157, Window 7, when appearing in court on the following cases:

   a. Speed: In Excess of 30 MPH over the posted speed limit.

   b. Reckless Driving.

   c. Driving Under the Influence.

   d. Operating After Revocation

   e. Operating After Suspension.

   f. Leaving After Colliding

g. Colliding With a Pedestrian.

h. Operating Without a Permit (Certified copy of traffic record must be obtained).

2. To obtain a traffic record, members shall respond to the Bureau of Motor Vehicle Services and present one of the following documents:

a. Request for Traffic Record Form.

b. NOI.

c. Court Information.

d. PD Form 140.

e. Citation Release Form.

Note: To avoid delay, members shall call the Bureau of Motor Vehicle Services and provide the clerk with the defendant's name, date of birth, and the traffic charge(s) prior to personally responding.

3. Members requiring traffic records for any purpose other than processing a case as outlined in Paragraph 1 above shall prepare a Request for Traffic Record Form for presentation to the Bureau of Motor Vehicle Services. These forms must be reviewed and approved by a supervisor prior to presentment to the Bureau of Motor Vehicle Services.

F. Traffic Arrests.

1. Traffic arrests may only be made for those offenses falling under the jurisdiction of Superior Court or as enumerated in item IA2.

2. Traffic cases shall be booked, and collateral or bond posted at organizational elements only under the following circumstances:

a. Upon a summary arrest.

NOTE: Persons arrested under this provision shall be considered for release under the citation release program.

b. When a WALES inquiry indicates outstanding warrant(s) against the operator.

3. In lock-up cases, the arresting officer shall enter the actual date the defendant is, or will be, transported to court in the space provided on the NOI for the court date. In bond and citation release cases, the date the defendant is directed to appear in court shall be recorded in the space. In bond, citation release, and lock-up cases, the arresting officer shall specifically state on the reverse side of Copy 3 of the NOI why the first copy is not being forwarded to the Superior Court. In any event, the first copy shall not be retained by the officer beyond the 3 through 30 day period for setting court dates under the Citation Release Program.

4. The arresting officer shall turn the third copy of the NOI over to the station clerk for transmittal to the BA.

5. The arresting officer shall retain the first copy of the NOI and hand-carry it to court for preparation of the court information. The first copy will then be placed in the court jacket.

G. Processing NOI's.

1. Strict accountability and the smooth flow of processing citations demand that all NOI's issued and those spoiled or defaced during a tour of duty be turned in daily at the end of the officer's tour of duty or at the time the officer is relieved, if before the expiration of his/her full tour of duty.

2. When turning in NOI's after a tour of duty or after being relieved, members shall separate them into two groups:

a. Tickets to be heard by the BA.

b. Tickets to be heard by the Superior Court.

3. The three copies of the NOI shall be distributed as follows:

a. Major Moving violations (Superior Court Jurisdiction):

Copy A -- Retain
Copy B -- Give to violator
Copy C -- Retain

b. Pedestrian violations:

Arrest:	Non-Arrest:
Copy A -- Retain	Copy A -- Retain
Copy B -- Give to violator	Copy B -- Retain
Copy C -- Retain	Copy C -- Give to violator

(In arrest situations, whether lock-up or a citation release, the arresting officer shall retain Copy A of the NOI for presentation to Corporation Counsel at the time of papering.)

c. Minor Moving violations (BA Jurisdiction):

Copy A -- Retain
Copy B -- Retain
Copy C -- Give to violator

d. Parking, Standing or Stopping violations:

Copy A -- Retain
Copy B -- Retain
Copy C -- Give to violator or place under windshield wiper as appropriate

4. In the case of defaced or spoiled NOI's, all copies of a NOI, including the violator's copy, shall be turned in to a supervisor at the organizational element.

5. When an officer has completed all NOI's from a book and has obtained a receipt for the NOI's, he/she shall turn in the receipt card to the station clerk for eventual clearance by computer printout from the BTA.

6. When an officer is separated from the department or transferred, his/her NOI book shall be turned in to his/her assigned element.

7. If an officer loses a NOI book or NOI set(s), a PD Form 251 (Event Report) shall be prepared in accordance with departmental orders.

8. Members receiving a NOI while operating a department vehicle shall complete a PD Form 11 (Request for Cancellation of Notice of Infraction), setting forth the circumstances under which the NOI was received. The PD Form 11 shall be prepared prior to the end of the member's tour of duty during which the NOI was received, and submitted to the watch commander for review.

9. Members of the force are prohibited from presenting a NOI to any member of the Office of the Corporation Counsel or to any employee of the BTA, either directly or indirectly, for the purpose of any form of adjustment in any manner other than outlined in this order.

10. Nothing in this order shall prohibit a member of the force from appearing before a BTA Hearing Examiner to contest a NOI received by him/her or issued to a vehicle registered to him/her in the same manner as any other citizen, provided the member follows all normal operating procedures utilized by the BTA.

PART II

Station Clerks.

Station clerks shall be responsible for:

1. Requisitioning NOI books directly from the Bureau of Traffic Adjudication by preparing a PD Form 160 (Requisition for Supplies) in an original and two copies and submitting them at least two days prior to the date of pick up.

a. NOI books shall be picked-up on the first and third Friday of each month between 0900-1100 hours, at the Bureau of Traffic Adjudication, 65 K Street, N.E.

b. When it is necessary to address emergency situations, special requests for additional NOI books can be made by contacting the Assistant Chief of Processing, BTA.

2. Verifying the beginning and ending numbers for the NOI books received.

3. Utilizing the PD Form 392 (NOI Assignment Log) to keep an accurate account of each book of BTA Forms 51 (NOI) that is issued to members.

4. Forwarding all copies of defaced, spoiled, voided, or cancelled NOI's daily, to the BTA with a completed PD Form 237 (Violation Notice Transmittal), after being receipted by the watch commander. NOI's shall not be retained at the issuing element for any reason.

5. Ensuring that, when processing NOI's, two sets of the PD Form 237 (Violation Notice Transmittal) are prepared. One set is to be forwarded to the BTA; the other, to the Superior Court.

a. The BTA set of the PD Form 237 shall include the following:

(1) All NOI's issued the previous day. NOI's issued for Superior Court cases shall be listed separately at the beginning.

(2) NOI's defaced, spoiled, voided and cancelled (all copies).

b. The Superior Court set of the PD Form 237 shall include all NOI's issued the previous day for offenses under the Superior Court's jurisdiction. (All NOI's related to lock-up cases shall be listed separately at the beginning of the transmittal with the term "lock-up" entered alongside the NOI number).

c. The copies of the NOI shall be attached to the appropriate PD Form 237 as follows:

Superior Court

	Citation Release Lock-up	Other
Copy A	Officer for Papering	Court PD Form 237
Copy B	(Given to Violator)	(Given to Violator)
Copy C	BTA PD Form 237	BTA PD Form 237

(2) Bureau of Traffic Adjudication Minor Moving and Parking:

- o Copy A--BTA PD Form 237
- o Copy B--Removed and Dispose
- o Copy C--(Given to Violator);

*In cases where a summary arrest has been made, Copy A shall be carried by the arresting officer to the Corporation Counsel to be presented at the time of papering.

d. The NOI and the transmittal (PD Form 237) shall arrive no later than 0830 hours on the day following the issuance of the NOI's, except that Saturday's NOI's shall be included with Sunday's activity for receipt on Monday; and

e. When a holiday occurs during the week, the PD Form 237 shall be delivered the following work day. NOI's shall not be stapled or paper clipped to the transmittal.

(1) Court PD Forms 237 shall be delivered to D.C. Superior Court, Traffic Branch.

(2) BTA PD Forms 237 shall be delivered to the Bureau of Traffic Adjudication.

6. When a member is separated from the department or transferred, his/her NOI book shall be forwarded to the BTA by transmittal with an entry as follows: "Turn-in of book, NOI series numbers____ through____." (state reason, e.g., officer separated from the department, etc.)

7. When processing traffic cases, book only those involving summary type arrests.

a. When summary arrests for traffic violations are booked, a PD Form 255 (Arrest Report) shall be prepared. The PD Form 255 may reflect:

(1) All traffic charges,

(2) All criminal charges, and

(3) If a defendant is charged with criminal and traffic offenses. Separate PD Form(s) 255 shall be prepared.

b. PD Forms 255 regarding traffic offenses shall include:

(1) The date, NOI number, and the arrest number, and

(2) Be forwarded to the Information Processing Section,Data Processing Division.

c. When receiving bond or collateral, an original and two copies of the PD Form 67 (Collateral Receipt) shall be prepared:

(1) The original shall be given to the violator;

(2) The second copy shall be forwarded to the Superior Court in support of the entries recorded on PD Form 108 (Cash Bond/ Collateral List-To Appear);and

(3) The third copy is retained by the element (cash register receipts are used in lieu of the PD Form 67 by the Special Operations Division and the Central Cell block Annex); and

d. No money shall be collected for traffic violations, impoundments, or boots, except for collateral posted on major moving violations, bonds, and arrests on traffic warrants.

(1) Citizens shall be referred to the BTA Cashier's Office.

(2) Vehicles may be released to the citizen only upon proof of payment from BTA.

PART III

A. <u>Officials.</u>

1. An official shall receipt a member's NOI receipt card, in order of sequence, for NOI's turned in at end of each tour of duty.

a. Each receipt card shall account for 30 NOI sets per book.

b. The lines on the receipt card are numbered; when more than one NOI is turned in at one time, the official shall draw a diagonal line from left to right downward through the NOI represented, and initial and date the diagonal line to receipt for the multiple NOI's.

c. All copies of spoiled, mutilated, or erroneously prepared NOI's shall be reviewed by the watch commander before being forwarded to the station clerk for transmittal to the BTA.

2. Officials authorized to issue PD Forms 11 shall be the rank of captain or above. (This shall not prohibit an official below the rank of captain from interviewing recipients of NOI's and making recommendations to those authorized to act as to the proper dispositions.)

B. Commanding Officers.

Commanding officers shall be responsible for:

1. Reviewing all reports forwarded by the Director, Fleet Management Division, listing vehicles assigned to their command with outstanding-NOI's;

2. Identifying the operator of the vehicle at the time the NOI was issued, using all available reports and records;

3. Upon determining that the operator parked the vehicle in a manner consistent with the exemption guidelines:

a. Preparing the PD 11 with a supporting statement of facts requesting dismissal of the NOI; and

b. Forwarding the PD 11, and supporting statement of facts for each NOI submitted, to the Patrol Operations Officer;

4. Upon determining that the operator parked the vehicle in a manner inconsistent with the exemption guidelines, or in instances where the BTA denies a request for dismissal:

a. Directing the operator to either pay the outstanding parking NOI; or

b. Directing the operator to appear for a hearing at the Bureau of Traffic Adjudication:

5. Ensuring that outstanding NOI's listed against vehicles of their command are resolved within 21 days, so as not to delay the process of renewing departmental vehicle registrations; and

6. Ensuring that confirmation as to the fact that a member (authorized to utilize his/her private vehicle) was on official police business is included in the PD Form(s) 11.

C. Director, Fleet Management Division.

The Director, Fleet Management Division, shall be responsible for:

1. Collecting, on a bi-weekly basis from the Department of Public Works, a computer listing of all outstanding NOI's issued to department vehicles; and

2. Preparing and forwarding a report to the concerned element commander(s), listing the vehicles assigned to their command with outstanding NOI's. The report shall:

a. Request that element commanders identify the operator of the vehicle at the time the NOI was issued; and

b. Adjudicate the matter in accordance with the exemption criteria listed in this order.

D. Patrol Operations Officer.

The Patrol Operations Officer shall be responsible for:

1. Reviewing all PD Forms 11 received from element commanders requesting dismissal of all NOI's believed to meet the criteria for exemption, and ensuring that a brief statement of facts accompanies each NOI submitted;

2. Forwarding to the Assistant Director, Bureau of Traffic Adjudication, all requests for dismissal of outstanding NOI's issued against departmental vehicles;

3. Acting as coordinator between the Assistant Director, Bureau of Traffic Adjudication, and element commanders requesting dismissal of NOI's believed to meet the exemption criteria; and

4. Notifying element commanders in all instances where a request for dismissal of an NOI has been denied by the BTA.

E. Watch Commanders.

Watch Commanders shall be responsible for:

1. Authenticating and dating all NOI's which are spoiled, mutilated, or erroneously prepared;

2. Ensuring that the following classifications are utilized when voiding NOI's.

a. 0-2: Withdrawn by commanding officer.

b. 1-2: Officer separated from department.

c. 2-2: Error. NOI No.____ issued in lieu of.

d. 3-2: Not issued. NOI already on vehicle. See NOI No.____

e. 4-1: Cancelled. (Reserved for exclusive use of the Corporation Counsel--not to be used by this department.)

f. 5-2: Not issued. No violation.

g. 6-2: Mutilated. Not issued.

h. Code 7 Returned by either BTA or Superior Court (If it is possible to include on the returned NOI the information that was originally omitted, this shall be done in lieu of voiding the citation.).

i. In all cases where an NOI is voided under one of the above codes, a brief explanation, and the watch commander's signature, shall be entered on all copies of the NOI and PD Form 237 prior to being forwarded to the BTA;

3. Reviewing incidents when a citizen appears with the violator's copy of an NOI issued by a member of the department for the purpose of contesting its issuance (and the corresponding copies have already been forwarded).

a. If evidence is provided that the NOI was issued in error, the watch commander shall instruct the citizen to prepare the appropriate sections of the PD Form 11; or

b. If there is no evidence to support a claim that the NOI was issued in error, the watch commander shall advise the citizen to schedule a hearing through the BTA.

4. Instructing citizens who appear with a violator's copy of an NOI issued by another agency (e.g., DPW, Park Police, Capitol Police, etc.) that:

a. This department does not handle NOI's issued by other agencies; and

b. They should either schedule a hearing through BTA, or bring the matter to the attention of the issuing agency.

5. Ensuring that the following guidelines are implemented with regard to PD Forms 11.

a. All PD Forms 11 (regardless of the submitting bureau), with the violator's copy of the NOI attached, shall be forwarded to the Patrol Operations Officer.

b. Only original PD Forms 11 will be accepted (no reproduced copies).

c. The only PD Forms 11 that will be accepted by DPW for cancellation are those in the following categories:

(1) NOI's that were issued to citizens when in fact no violation occurred; and

(2) NOI's issued to police vehicles; or when an officer authorized to use his/her private vehicle received an NOI while on police business.

d. Instances where an NOI is issued as the result of a legitimate violation, or when the commanding officer cannot certify that a member who received an NOI was on official police business, the citizen or member shall be advised to contact BTA for a hearing.

e. Under no circumstances shall a moving violation be accepted for cancellation.

f. The element's copy shall be filed with PD Form 237, on which the corresponding A and C copies of the NOI are listed, and retained in accordance with the department's Record Disposition Retention Schedule;

g. Requests for cancellation of NOI's that were issued more than 15 days prior to a citizen appearing at a district shall not be accepted (the citizen(s) shall be advised that they must schedule a hearing with BTA);

h. Citizens shall be advised that the final decision to cancel the NOI rests with the BTA. (If the decision is not to cancel the notice, it will be returned to the citizen with instructions to satisfy same in accordance with the instructions contained on the back of the NOI);

6. When a member of the department receives an NOI while operating a department vehicle, instructing the member to complete a PD Form 11, setting forth the circumstances under which the NOI was received (prior to his/her tour of duty); and

7. Reviewing PD Forms 11, determining whether the member parked the vehicle in a manner consistent with the guidelines established for law enforcement vehicles. If the member did not violate guidelines, the watch commander shall:

a. Enter a recommendation that the NOI be cancelled on the PD Form 11, and forward the PD Form 11 and the NOI to the Patrol Operations Bureau;

b. If the member parked the vehicle in a manner inconsistent with the guidelines established for law enforcement vehicles, the watch commander shall:

(1) Direct the member to either pay the fine, or

(2) Appear before a hearing examiner.

Isaac Fulwood, Jr.

Isaac Fulwood, Jr.
Chief of Police

IF:SSH:ssh