

**GENERAL ORDER**

SUBJECT	SERIES	NUMBER	EFFECTIVE DATE
Nuisances, Incidentals, Defects and PD Form 61D (Violation Citation)	308	2	June 20, 1980
	DISTRIBUTION		
			A
			ORIGINATING UNIT
			PDD

The purpose of this order is to establish policy and procedures for handling nuisances, incidentals, defects in public space and the issuance of PD Form 61D. This order consists of the following parts:

PART I Responsibilities and Procedures for Members of the Department

- A. Nuisances to be Abated.
- B. Reporting Incidentals.
- C. Accidents Involving Defects in Public Space.
- D. Damage to District of Columbia Government Property.
- E. Violation Citations.

PART II Responsibilities and Procedures for Special Assignment Personnel

- A. Station Clerks.
- B. Vending Coordinator.

PART III Responsibilities and Procedures for Supervisory and Command Personnel

- A. Commanding Officers.
- B. Identification and Records Division.
- C. Court Liaison Division.

PART I

A. Nuisances to be Abated.

Any member who discovers or whose attention is directed to a nuisance as described in Title 5, Section 504 of the D.C. Code (See Attachment "A") shall:

1. Prepare a PD 251 (Event Report) to include:
 - a. An accurate description of the nuisance.
 - b. The exact location of the lot.
 - c. The lot and square number.

d. The name and address of the owner of the property.

NOTE: Items b, c, and d are available by calling the Maps and Title Section, Department of Finance and Revenue.

2. Notify the owner of record by one of the following methods:

a. If the owner can be served within the issuing district, the issuing officer shall prepare PD 166 (Notice to Abate a Nuisance) in triplicate and serve the property owner with the original.

NOTE: Title 5, Section 505 of the D.C. Code specifies that the notice will be deemed to have been served if left at the usual residence or place of business of the person to be notified, with a person of suitable age and discretion then resident therein or employed therein. Service on a corporation may be made on the president, secretary, treasurer, general manager, or any principal officer of such a corporation.

b. If the owner must be served by another district, the issuing officer shall prepare PD 166 in triplicate. The original and both copies shall be forwarded via department mail to the serving district and that district shall serve the property owner with the original. The two copied copies shall be returned via department mail by the serving district to the issuing district.

Signed

c. If the owner cannot be served within the District of Columbia, the issuing officer shall:

(1) Notify the Department of Economic Development (DED), Office of Licenses and Permits for real property occupied by a dwelling of any kind, or

(2) Notify the Department of Environmental Services (DES) for vacant lots, commercial, or industrial property.

(3) Enter, on PD 251, the time, date, and the name of the person notified. The agency notified shall be responsible for notifying the property owner and assuring abatement of the nuisance.

3. Turn in the copied copies of PD 166 to the station clerk.

4. Follow-up on his original report to assure that the nuisance has been abated.

- a. If PD 166 has been served and the nuisance has not been abated after 5 days from the date of service, the issuing officer shall issue PD 61D (Violation Citation) to the property owner citing "Maintenance of a Nuisance on Property". The collateral for the violation is \$100.00.
- b. If the person to be served lives in another district, both copies of PD 61D shall be forwarded via department mail to the serving district and that district shall be responsible for serving the property owner with the original. The second copy of PD 61D shall be copied and returned via department mail to the issuing district for filing in the Citation Violation File.
- c. If PD 61D has been served and, after 15 days from the date of service, the property owner has neither abated the nuisance nor requested a court date on the previously issued PD 61D, the issuing officer shall present the facts, i.e., the element file copies of PD 166 and PD 61D, and all other information required by General Order 702.1 (Arrest and Bench Warrants), to the Office of the Corporation Counsel (OCC) for issuance of a warrant.

5. Prepare PD 252 (Supplement Report) after the nuisance has been abated by the property owner. In the event the nuisance is not abated, prepare PD 252 listing all attempts to bring about compliance with the law, i.e., PD 61D issued, date, and time; warrant applied for, date, and time. Include an explanation if the warrant was denied.

B. Reporting Incidentals.

Any member who discovers or whose attention is directed to an incidental shall:

1. Notify the proper authority as described in Attachment "B".
2. Make the appropriate entry on the district's Incidental Book to include:
 - a. The type of incidental being reported.
 - b. The exact location of the incidental.
 - c. The date and time observed.
 - d. The name of the person observing the incidental if other than the reporting officer.

- e. The date, time, name and agency of the person notified.
- f. The reporting officer's name and badge number.
- g. The complaint number, if a PD 251 or a PD 10 (Traffic Accident Report) is prepared.

C. Accidents Involving Defects in Public Space.

Any member who discovers, or whose attention is directed to, an accident involving injuries or property damage due to defects in public space shall:

1. Take complete charge of the scene.
 2. Where possible, see that nothing is touched or moved.
 3. Give immediate attention to any injured person making sure that medical care is obtained, if needed.
 4. Obtain the names, addresses and statements from all witnesses and persons involved.
 5. If a private vehicle is involved, record in his notebook a list of all pertinent articles which may be found in or near the car, such as alcoholic beverage or narcotic containers; the location and condition of street lights; the exact condition of the street or sidewalk; and if the accident occurred at night, whether red lanterns had been placed on the obstruction or defect in public space, their number and location, whether or not they were lighted, and if not lighted, the last time they were observed lighted, as well as any other facts that the member believes to be relevant.
 6. Refrain from taking any measurements or photographs of the condition unless it is likely to change before the Investigative Section, OCC, arrives to take its own measurements.
- NOTE: This shall not be construed as relieving members from making measurements for the preparation of PD 10 or CC Form 3 (Vehicle Accident Report).
7. Mark with a yellow grease crayon all pertinent locations such as the position of cars, points of impact, skid marks, broken glass, and defects in the sidewalk.

8. Refrain from making admissions or expressing an opinion indicating ideas concerning liability on the part of anyone.

9. Notify the proper authority and make the appropriate entry on the Incidental Book as specified in Part IB.

10. Notify the Investigative Section, OCC, as described in Attachment "B".

11. Prepare PD 251 or PD 10, as applicable, to include:

a. The exact location of the obstruction or defect.

NOTE: Members shall, when possible, have the injured person accompany them to the location where the accident took place so that the injured person may point out the exact location.

b. The exact position of any vehicle involved, the location and length of any skid marks, and the location and amount of any glass.

c. The exact nature of any damage to property.

d. The condition of the street or sidewalk as to whether or not any defects were existent.

e. Weather conditions.

f. Whether anyone involved was charged with any violation of the traffic or other regulations.

g. The name of the hospital and doctor giving treatment, the nature of the injuries and whether or not the injured person was admitted, released or refused treatment.

h. The notification to the Investigative Section, OCC.

i. The notification to any other authority as specified in Part IB.

NOTE: Unless an officer actually witnesses the accident his report shall be written as having been reported to him and not as he reports from actual knowledge.

D. Damage to D.C. Government Property.

Any member who discovers or whose attention is directed to an accident involving damage to fire hydrants, water drinking fountains, street lamps, traffic lights, magnetic traffic signal detectors, or fire alarm boxes shall:

1. Notify the Investigative Section, OCC.
2. Prepare PD 251 or PD 10, as applicable, to include:
 - a. The extent of the damage.
 - b. A description of how the damage occurred.
 - c. The name of the person responsible for the damage.
 - d. The name of the person's insurance company.
 - e. Whether the person responsible for the damage is willing to pay to repair it.
 - f. The date, time, and name of the person notified at the Investigative Section, OCC.
3. Make the appropriate entry on the Incidental Book.
4. Make the appropriate notifications as required in Part IB.

E. Violation Citations.

1. PD Form 61D (Violation Citation) may be issued for all violations coming under the jurisdiction of the Superior Court for which collateral may be accepted by the department. (See General Order 503.3, Attachment A, Distribution E, for a list of these violations).

2. PD Form 61D shall not be issued to persons having diplomatic immunity nor to juveniles.

3. Verbal warnings may be issued in lieu of PD Form 61D when, in the judgment of the member, a situation is at hand that can best be resolved through the issuance of a verbal warning.

4. Warning Citations.

- a. Warning Citations shall only be issued for first offense violations of the Vending Regulations.

- b. Warning Citations shall not be issued to persons who reside outside the Washington Metropolitan Area (defined as any point outside a 25 mile radius of the U.S. Capitol building) who are vending without a license. Persons who reside outside the Washington Metropolitan Area who are vending without a license shall be summarily arrested and transported to the district station house for processing.
 - c. Persons residing within the Washington Metropolitan Area (defined as any point extending to a 25 mile radius of the U.S. Capitol building) who are vending without a license may be issued a Warning Citation or a Violation Citation if, in the issuing officer's judgment, the vendor will immediately cease vending. If the officer believes that the vendor will continue vending without a license, the vendor shall be summarily arrested and transported to the district station house for processing.
5. Preparation instructions for Violation Citations and Warning Citations are contained in the Field Report Writing Handbook.
6. Distribution Instructions.
- a. Violation Citations.
 - 1) White - to violator.
 - 2) Yellow - retain.
 - b. Warning Citations.
 - 1) White - retain.
 - 2) Yellow - to violator.
 - c. The appropriate copy of the Violation Citation or the Warning Citation shall be turned over to a section sergeant before checking off duty.
7. Obtaining Warrants.
- a. The issuing officer shall be responsible for obtaining warrants for PD 61Ds that he has issued.
 - b. If, after 15 days from the date of service, the violator has neither requested a court date nor forfeited collateral, the issuing officer shall present the facts, i.e., the element file copy of PD 61D and all other information required by General Order 702.1 (Arrest and Bench Warrants), to the Office of the Corporation Counsel (OCC) for issuance of a warrant.

- c. If the Corporation Counsel approves the warrant, the PD Form 61D shall remain at the OCC stapled to the warrant application.
- d. If the Corporation Counsel disapproves the warrant the PD Form 61D shall be refiled in the element's Violation Citation File. The 15 Day Suspense Book shall be annotated to reflect "No Papers" along with the name of the prosecutor who "No Papered" the case.

8. Vending Violations.

- a. If the violation involves non-compliance with the Vending Regulations, the officer shall request that the vendor's name be checked through the WALES Complainant Name File. Inquiries shall be made as follows:
 - 1) COMP/NAME/Last Name, First Name, Middle Name, or
 - 2) NFO4/Last Name, First Name, Middle Name
- b. If the Complainant Name File indicates that the vendor has not received a previous Warning Citation (PD 61D) the officer shall acquaint the vendor with the city's Vending Regulations and issue the vendor a Warning Citation (PD 61D).
- c. If the Complainant Name File indicates that the vendor has received a previous Warning Citation (PD 61D) for a violation of any of the Vending Regulations, the officer shall issue the vendor a Violation Citation (PD 61D).
- d. Whenever a Violation Citation (PD 61D) is scheduled for court, the issuing officer shall respond for papering on the stipulated court date to the Office of the Corporation Counsel, with the white copy and the yellow copy of the Violation Citation (PD 61D) and the white copy of the previously issued Warning Citation (PD 61D). The white copy of the previously issued Warning Citation (PD 61D) shall be obtained by calling the First District Vending Coordinator.

9. Trash Violations.

- a. Enforcement of trash, garbage, and health regulations as contained in the Police Regulations and the D.C. Rules and Regulations shall first be accomplished by the issuance of a verbal warning to correct the existing condition which is in violation.

- b. Failure to comply with the verbal warning within a reasonable amount of time (not to exceed 7 days) without a valid excuse shall lead to the issuance of a Violation Citation (PD 61D).
- c. Commissioner's Order 73-73 established the Environmental Health School as an alternative to prosecution for violations of the anti-litter regulations as specified in Article 3, Sections 1, 2, 4, 8, 11, and 12 of the Police Regulations.
- d. Members issuing PD 61D for any one of the above violations shall also issue an ES Form 175 (Environmental Health School Information Card) to the violator.

PART II

A. Station Clerks.

Station Clerks shall be responsible for:

1. Maintaining the district's PD 166 5 day suspense file containing the first copied copy of PD 166.
2. Forwarding the second copied copy of PD 166 to DED or DES, as applicable.
3. Preparing PD 107 (Outside Agency Report) for each item listed on the Incidental Book.
 - a. PD 107 shall be prepared in duplicate.
 - b. A separate PD 107 shall be prepared for each outside agency that requires notification.
 - c. Incidentals involving injuries or property damage to public space shall be clearly identified on PD 107 so that the DOT Maintenance Engineer knows not to make repairs until notified to do so by the Investigative Section, OCC.
 - d. The original of PD 107 shall be forwarded to the concerned outside agency and the copy shall be retained at the element.
4. Forwarding the white copy of all Warning Citations (PD 61D) to the ID Vending Coordinator's Office.
5. Filing the yellow copy of all Violation Citations (PD 61D) by date of issuance in the Violation Citation File.

6. Logging the Violation Citation (PD 61D) on the element's 15 Day Suspense Book when it reaches an overdue date.

- a. The 15 Day Suspense Book shall contain the date of issuance, the name of the violator, the name of the issuing officer and a space for recording the final disposition.
- b. A notification shall be placed in the officer's mail box notifying him that the Violation Citation has reached an overdue status.

7. Processing the PD 61D, when the violator appears to forfeit collateral, as follows:

- a. Obtain the white copy of the Violation Citation from the violator.
- b. Collect the required collateral and issue PD 67 (Collateral Receipt) to the violator.
- c. Book the case on the Arrest Book.
- d. Prepare PD 255 (Arrest Report).
- e. Pull the yellow copy of PD 61D from the Citation Violation File, record the disposition on the reverse side, staple the white and yellow copies together, and refile same in the Citation Violation File.

8. Processing PD 61D, when the violator appears to post collateral to appear in court, as follows:

- a. Performs items 7a-d, above.
- b. Pull the yellow copy of the Violation Citation from the Violation Citation File and note the court date appearing on the reverse side.
- c. Advise the violator that he must appear in Superior Court at 0900 hours on the stipulated court date.
- d. Deliver the white and yellow copy of the Violation Citation to the issuing officer making sure that the issuing officer is aware that the case is schedule for court.

9. Transferring Violation Citation cases as follows:

- a. If the violator posts collateral to forfeit at a location other than the issuing officer's element the case shall be booked

in red using the issuing officer's element arrest number and transferred to the issuing officer's element so that the disposition may be recorded on the reverse side of the yellow copy in the Violation Citation File. The white copy shall be obtained from the violator and forwarded via department mail to the issuing officer's element so that it may be stapled to the yellow copy and refiled in the Citation Violation File.

- b. If the violator posts collateral to appear at a location other than the issuing officer's element the case shall be booked in red using the issuing officer's element arrest number and transferred to the issuing officer's element. The station clerk at the issuing officer's element shall pull the yellow copy of the PD 61D and advise the calling element as to the issuing officer's next available court date. The white copy shall be obtained from the violator and forwarded via department mail to the issuing officer's element so that it may be delivered to the issuing officer along with the yellow copy. The issuing officer's station clerk shall be responsible for notifying the issuing officer that the case is scheduled for court.

10. Processing Environmental Health School cases as follows:

- a. Upon receiving notification from the Court Liaison Division that the violator plans to attend Environmental Health School, the station clerk shall withdraw the PD 61D from file, enter the projected attendance date, and refile the PD 61D by the date of projected attendance.
- b. Upon receiving notification that the violator attended Environmental Health School, the station clerk shall withdraw PD 61D from file, enter the date of attendance, and refile PD 61D in the Citation Violation File by the date the violator attended the school.

11. Maintaining and disposing of all records in accordance with the department's Records Disposition and Retention Schedule.

B. Vending Coordinator, First District.

The Vending Coordinator shall be responsible for:

1. Filing all Warning Citations (PD 61D) in the Warning Citation File.
2. Assuring that Warning Citations are available for court presentation, when needed.

3. Entering all Warning Citations into the Complainant Name File.
4. Coordinating the department's Vending Program to assure that the Vending Regulations are uniformly enforced throughout the department.

PART III

A. Commanding Officers.

Commanding officers shall direct all members of their command to be vigilant in noting violations of the above described regulations and to take immediate corrective action.

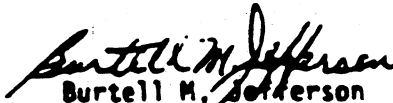
B. Identification and Records Division.

The Director, Identification and Records Division, shall be responsible for:

1. Forwarding a copy of PD 251 and/or PD 252 to the Department of Economic Development or the Department of Environmental Services, as applicable, in the case of all nuisances to be abated.
2. Forwarding a copy of PD 251 or PD 10 to the Investigative Section, OCC, in the case of all injuries or accidents due to defects, obstructions, or depressions in public space.
3. Forwarding a copy of PD 251 or PD 10 to the Investigative Section, OCC, in the case of all damage to D.C. government property as described in Part ID.

C. Court Liaison Division.

The Court Liaison Officer shall be responsible for notifying the appropriate district whenever a notification is received from the Department of Environmental Services that a violator is scheduled to attend Environmental Health School, completed school, failed to attend, or is rescheduled.


Burtell M. Jefferson
Chief of Police

Attachments

BMJ:KCH:jgb

General Order 308.2

Title 5, Section 504 of the D.C. Code

Title 5, Section 504 of the D.C. Code states that "the existence on any lot or parcel of land, in the District of Columbia, of any uncovered well, cistern, dangerous hole, excavation, any dead, dangerous or diseased tree, or part thereof, or of any abandoned vehicles of any description or parts thereof, miscellaneous materials or debris of any kind, including substances that have accumulated as the result of repairs to yards or any building operations, insofar as they affect the public health, comfort, safety, and welfare is hereby declared a nuisance dangerous to life and limb, and any person, corporation, partnership, syndicate, or company, owning a lot or parcel of land in said District on which such a nuisance exists who shall neglect or refuse to abate the same to the satisfaction of the Commissioners (Mayor) of the District of Columbia, after 5 days' notice from them (him) to do so, shall, on conviction in the Superior Court of the District of Columbia, be punished by a fine of not exceeding \$50.00 for each and every day said person, corporation, partnership, or syndicate, fails to comply with such notice."

**General Order 308.2
Attachment "A"**

INCIDENTALS

TYPE	AGENCY	HOURS	REMARKS
1. Malfunctioning traffic signals and magnetic traffic signal devices.	DOT Traffic Signal Shop	0630 - 2100 hours/Monday - Friday	
	PEPCO	2100 - 0630 hours/Monday - Friday 24 hrs./Sat., Sun., & Holidays	
2. Broken, damaged, missing, or burnt out street lights, traffic signals, or pedestrian walk/don't walk signs.	PEPCO	24 hours/7 days a week	
3. Fire alarm box repairs.	Fire Department Chief Operator	24 hours/7 days a week	
4. Fire hydrant, drain, pump, sewer, or water pipe repairs.	D.C. Water Operations	24 hours/7 days a week	
5. Water drinking fountain repairs.	National Park Service	0730 - 1600 hours/Monday - Friday	
6. Hazards in D.C. government owned property, or unsafe structures owned by the D.C. government.	DGS Real Estate Division	0730 - 1600 hours/Monday - Friday	
7. Dangerous trees or tree limbs, or tree limbs obstructing traffic signals and signs.	DOT Tree & Landscape Div.	0730 - 1600 hours/Monday - Friday	

INCIDENTALS (Continued)

TYPE	AGENCY	HOURS	REMARKS
<p>8. Defects, obstructions, or depressions in public space.</p>	<p>DOT Maintenance Engineer</p>	<p>0730 - 1645 hours/Monday - Friday</p>	<p>If injuries or property damage for which the D.C. government may be liable occurred due to defects, obstructions, or depressions in public space, the DOT Maintenance Engineer shall be so advised so that he knows NOT to make repairs until notified to do so by the Investigative Section, OCC.</p>
	<p>Investigative Section, Office of the Corporation Counsel</p>	<p>0730 - 1800 hours/Monday - Friday</p>	<p>This notification is only necessary if injury or property damage for which the D.C. government may be liable occurred due to defects, obstructions, or depressions in public space. If the injury or property damage occurred during other than 0730 - 1800 hours, Monday - Friday, the Station Clerk shall be responsible for making the notification to the Investigative Section on the next business day, and entering the notification information on the Incidental Book.</p>
<p>9. Damage to D.C. government owned property such as fire hydrants, water drinking fountains, street lamps, traffic lights, magnetic traffic signal detectors, fire alarm boxes, school property, parking meters, street light poles, or traffic signal poles.</p>	<p>Investigative Section, Office of the Corporation Counsel</p>	<p>0730 - 1800 hours/Monday - Friday</p>	<p>Advise the Investigative Section, OCC, whether or not the person responsible for the damage is willing to pay for repairs. If the damage occurred during other than 0730 - 1800 hours, Monday - Friday, the Station Clerk shall be responsible for making the notification to the Investigative Section on the next business day, and entering the notification information on the Incidental Book.</p>

- NOTE:**
1. Reporting members are responsible for assuring that all notifications are made and properly recorded on the Incidental Book.
 2. Current telephone numbers for making these notifications are contained in the department's Telephone Directory and the D.C. Government Telephone Directory.
 3. The Station Clerk shall follow-up all incidentals listed on the Incidental Book by preparing PD Form 107 and forwarding same to the appropriate agency.