

SPECIAL ORDER



DISTRICT OF COLUMBIA

Title
**Cross Agency Enforcement Initiative
(CAEI)**

Circular Number
SO-03-16

Effective Date
October 6, 2003

Distribution
A

Related to
General Order GO-OPS-308.02 (Nuisances, Incidentals,
Defects and PD Form 61D [Violation Citation])
Teletype Tt 12-736-01 [Revised PD Form 61D (Violation
Citation)]

I. Introduction.....	Page 1
II. Procedural Guidelines.....	Page 2

III. Hearing Notifications.....	Page 7
---------------------------------	--------

I. INTRODUCTION

Over the past year, the Operational Improvements Division, Office of the City Administrator, has been leading a large-scale, cross-agency effort to improve the enforcement of regulatory requirements related to maintaining clean, safe, and healthy neighborhoods. This effort has been joined with the enthusiastic participation of the Department of Health, Department of Public Works, Department of Consumer and Regulatory Affairs, Fire and Emergency Medical Services, Alcohol Beverage Regulation Administration, Metropolitan Police Department, and Department of Transportation. Inspectors from within these agencies are empowered to enforce a prescribed set of easily recognizable infractions normally enforced by the other participating agencies.

The Memorandum of Agreement (MOA) that the participating agencies have entered into does not require the participating agencies to change or increase their primary duties. It only allows inspectors who are members of the agencies participating in the cross-enforcement effort to issue citations under the MOA when performing their official duties. The participating agencies will continue to be the primary point of contact for their areas of responsibility.

The cross agency initiative provides MPD an opportunity to directly cite violations that exacerbate crime and disorder issues that are raised in community meetings, PSA meetings and/or Patrol Service Area Partnership for Problem Solving sessions. The MOA delegates joint authority to issue citations for violations under the following Acts:

1. Litter Control Administration Act of 1985, effective March 25, 1986 (D.C. Law 6-100, D.C. Official Code § 8-801 et seq.);
2. Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42, D.C. Official Code § 2-1801.01 et seq.);

3. District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-165, D.C. Official Code § 8-101.01 et seq.);
4. Rodent Control Act of 2000, effective October 19, 2000 (D.C. Law 13-172, D.C. Official Code § 8-2101.01 et seq.);
5. Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-126; D.C. Official Code § 6-1401 et seq.).

II. PROCEDURAL GUIDELINES

A. The CAEI MOU sets forth the regulatory offenses that have been selected for cross enforcement by each agency. Agencies are not authorized to enforce or issue citations for offenses that MPD has primary responsibility for enforcing. Accordingly, once a member has attended and satisfactorily completed all components of the cross training provided by the City Administrator's office, he/she will be permitted to issue citations for the following violations.

1. Non-arrestable violations:
 - a. Failure to properly containerize solid wastes (21 DCMR § 700.3);
 - b. Permitting spillage of waste at collection point (21 DCMR § 705.3);
 - c. Failure to keep trash in tightly covered containers (23 DCMR §2606.3);
 - d. Failure to properly store grease or keep grease storage area free of spilled grease (21 DCMR §707.9);
 - e. Failure to keep commercial trash compactor free of spilled waste or failure to keep commercial trash compactor closed when not in use (21 DCMR §707.10);
 - f. Failure to store pet food or bird seed in a rodent proof container or to remove uneaten food or feed remaining on the ground after birds and pets have been fed (21 DCMR §707.12);
 - g. Idling engine for more than 3 minutes (20 DCMR § 900.1);
 - h. Failure to use water tight container with handles and tight fitting lid for residential waste container (21 DCMR §708.5);
 - i. Using plastic bags to store and dispose of solid waste other than yard waste (21 DCMR §708.10);
 - j. Operation of a restaurant or private club without a license [D.C. Official Code § 47-2827 (e)];
 - k. Operation of a delicatessen without a license [D.C. Official Code § 47-2827 (c)];
 - l. Operation of a grocery store or bakery without a license [D.C. Official Code § 47-2827 (b)];
 - m. Occupying a public space without a permit (24 DCMR § 2001.2);
 - n. Improper disposal of containers capable of confining children (24 DCMR § 2010.1);
 - o. Insufficient number of solid waste containers (21 DCMR § 707.3);

- p. Open food waste stored for collection (21 DCMR § 704.2);
- q. Nuisance or unsightly space (21 DCMR § 806.10);
- r. Failure to maintain abutting public space Commercial (21 DCMR § 702.1);
- s. Advertising device on a sidewalk (24 DCMR § 104.9);
- t. Use of any structure, land or part thereof for any purpose other than a one-family dwelling unit until a certificate of occupancy has been issued (11 DCMR §3203.1); and
- u. Erection, construction, reconstruction, contrivance, or alteration of any building or structure or part thereof, without obtaining a building permit (D.C. Official Code § 6-641.09).

2. Arrestable violations:

- a. Failure to maintain abutting public space and causing a nuisance Commercial (21 DCMR § 702.1);
- b. Failure to maintain abutting public space and causing a nuisance Residential (21 DCMR § 702.2);
- c. Failure to keep metal or fiberglass container or receptacle securely fastened at all times when stored in the open (21 DCMR § 708.9);
- d. Obstructed exit (12D DCMR § F-605.1);
- e. Locked fire exit doors (12D DCMR § F-608.1);
- f. Non-Illuminated exit sign (12D DCMR § F-610.2);
- g. Overcrowding (12D DCMR § F-601.8);
- h. Failure to maintain a portable fire extinguisher (12D DCMR § F-519.6);
- i. Failure to post building address (12D DCMR § F-321.1);
- j. Failure to secure or remove combustible waste or refuse from a vacant building (12D DCMR § F-323.1);
- k. Failure to maintain a required fire alarm system (12D DCMR § F-504.1); and
- l. Failure to post a sign stating the number of occupants permitted (12D DCMR § F-601.7).

B. Effective Investigations of Regulatory Violations

1. Each citation package shall consist of a:

- a. Notice of Violation/Notice of Infraction (NOV/NOI);
- b. Notice of Violation/Notice of Infraction Supplemental Infraction Form; and
- c. Notice of Violation/Infraction Investigator's/Inspector's Notes.

Note: Citation booklets shall be distributed at the District Administrative Offices.

2. Civil Infractions are alternative sanctions to criminal prosecution
 - a. A civil infraction (NOI) can be issued and an arrest can be made at the same time for offenses that are punishable by arrest, but if the offender pays the fine before his criminal case, the criminal case must be dismissed.
 - b. If an arrest needs to be made, wait to issue the NOI until after the criminal case is presented for papering. If the criminal charges are declined, then the NOI can be issued.
 - c. When a case is referred for arrest, issue an abatement order or correction order without an NOI.
 - d. Re-inspections shall be made by the same member who issued the original NOI when possible. If possible make re-inspection notes on original inspection report. Otherwise keep all inspection and re-inspection material together.

3. Documentation of Evidence
 - a. Make reports with enough detail to ensure recollection of key issues;
 - b. Document information of witnesses that observed the violation. Identify additional inspectors at the scene;
 - c. Document the name of the offender and how that person or entity is connected with the property owner;
 - d. Document how the offender was identified;
 - e. Contact the agency with jurisdiction of the violation to ascertain if the offender committed this violation before;
 - f. Investigate and record all uncorrected violations for which the offender was previously cited;
 - g. Take photographs of the violation(s). Make sure photos contain the date and name of person taking photos. Store photographs with violation materials;

Note: If the investigating member does not have a camera available, contact a Crime Scene Search Officer to take the photographs.
 - h. Make diagrams, when necessary, to locate the spot of a violation. This is needed when the offender raises the defense that the violation did not occur on his property;

- i. When in doubt, wait to issue a NOI until an agency inspector whose agency has primary jurisdiction over the violation has been consulted.
 4. Presenting evidence of regulatory violations at agency hearings
 - a. If delayed on the date of a hearing, notify the agency responsible for the citation;
 - b. Determine which counsel, if any, will be presenting the District's case at the hearing and provide them with all written information as soon as possible. Keep in regular contact with counsel and check in two weeks before the hearing to make sure counsel has what he or she needs to present the case;
 - c. Three copies of all exhibits are needed at a hearing. (One for the judge, the offender, and for the District);
 - d. Have all notes and reports for reference;
 - e. Hearsay is admissible; it shall be based on reliable information obtained from first hand sources.
- C. Members shall:
 1. Issue a NOV (warning) or NOI;
 2. Utilize the Notice Number (located in the upper right hand corner of the original NOV/NOI) for the corresponding Notice of Violation/Infraction Supplemental Form and the Notice of Violation/Infraction Investigator's/Inspector's Notes;
 3. Submit completed NOV/NOI and member information, to include name, badge number and contact telephone number, to the check-off official at the end of each tour of duty.
- D. Officials shall:
 1. Receive NOV/NOI from members at the end of each tour of duty;
 2. Ensure that the NOV/NOI is accurate and complete;
 3. Place all NOV/NOIs in a secure storage area designated by the Commanding Officer; and
 4. Make entry into a logbook, designated by the Commanding Officer, to include:
 - a. NOV/NOI number;

- b. Date of issuance;
- c. Issuing member's badge number;
- d. Issuing member's CAD number; and
- e. Name of the official making the entry.

E. Station Clerks shall:

- 1. Receive the NOV/NOIs from the storage box;
- 2. Upon receipt of the NOV/NOI, fax the citation to the agency with appropriate jurisdiction, along with the issuing member's name, badge and contact telephone number;
- 3. Confirm receipt of the fax;
- 4. File a copy of the fax receipt, along with a copy of the original NOV/NOI in the storage area designated by the Commanding Officer;
- 5. Follow the fax with the original NOV/NOI within 48 hours (via courier or US mail); and
- 6. Await response from the appropriate agency.

NOTE: It may be necessary for a member to be called upon to provide additional information or attend a hearing.

F. Commanding Officers shall ensure:

- 1. A secure area is designated for NOV/NOIs to be stored;
- 2. Original NOV/NOIs are stored in that designated secure area;
- 3. A logbook is maintained to document transmittals of the NOV/NOIs;
- 4. An official on the Second Watch obtains the NOV/NOIs from the secure area and forwards them to the Station Clerk; and
- 5. A monthly file that contains daily entries are established for NOV/NOI copies and fax receipts.

III. HEARING NOTIFICATIONS

The member issuing the NOV/NOI shall be responsible for forwarding his/her contact information with the NOV/NOI, through the check-off official, to the Station Clerk. The information is then forwarded to the appropriate agency. The agency will notify Court Liaison Division, via subpoena, of the date and time of the hearing. Once a member is notified of the hearing date, he/she will be responsible for attending in accordance with General Order GO-PCA-701.01 (Courts and Hearings) and GO-PCA-701.06 (Court Appearance Notifications).

// SIGNED //
Charles H. Ramsey
Chief of Police

CHR:NMJ:MAR:mcw