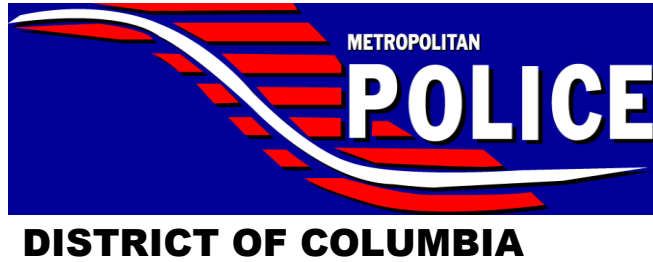


SPECIAL ORDER



Title
Littering Enforcement
Number
SO-14-06
Effective Date
August 01, 2014
Rescinds:
SO-12-19 (Littering Enforcement Pilot Program Phase II), Effective Date July 25, 2012

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I. BACKGROUND

The Anti-Littering Amendment Act of 2008 (D.C. Law 17-314; codified at D.C. Official Code §§ 8-802(a) & 50-2303.07 and Title 18 of the D.C. Municipal Regulations) became effective on March 20, 2009, and established a specific violation for littering from a vehicle. The Act also amended the existing littering statute to establish: (1) an affirmative requirement that a person stopped for a non-traffic littering violation provide his or her accurate name and address for the Notice of Violation (NOV) (Attachment A); and (2) a criminal charge for refusing to comply with this requirement. The Council enacted legislation to exempt non-traffic civil violations from juvenile confidentiality laws, which allowed the Metropolitan Police Department (MPD) to move forward with enforcing the Act. The Department began enforcing the Anti-Littering Amendment Act in April 2011, with a pilot program in the Fourth District that expanded in 2012 to include the Sixth District.

The purpose of this Special Order is to inform MPD members of the expansion of littering enforcement District-wide and to provide members with the procedures for littering enforcement.

II. DEFINITIONS

1. District Notice of Violation (NOV) Coordinator – a member with the rank of sergeant or above who is designated by their District Commander to handle the processing of NOVs for their element.

2. Littering – intentional or careless droppings of rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.
3. Member – sworn employee of the MPD or MPD Reserve Corps member.
4. Motor vehicle – all vehicles propelled by internal-combustion engines, electricity, or steam. The term “motor vehicle” shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by D.C. Official Code § 50-2201.02(12), or battery-operated wheelchair when operated by a person with a disability (D.C. Official Code § 50-2201.02(1)).

NOTE: Segways™ are considered personal mobility devices.

5. MPD NOV Coordinator – a member who serves as the liaison between the MPD and the Office of Administrative Hearings (OAH) and attends all OAH hearings for littering-related NOVs. The MPD NOV Coordinator may be contacted at mpdnov.coordinator@dc.gov.
6. Non-traffic littering – throwing or placing or causing to be deposited, thrown, or placed any solid waste in any alley, street, catch basin, or other public space, or into the Potomac River or other waters in the District, or onto any premises under the control of others (DCMR § 21-700.4).
7. Traffic littering – disposing or causing or allowing the disposal of litter from a vehicle upon any public or private property. Litter shall include all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description (DCMR § 18-2221.6).

III. REGULATIONS

- A. Members assigned to the Fourth and Sixth District shall continue littering enforcement procedures consistent with this order.
- B. **All other members shall issue warning NOVs for littering from August 1-31, 2014. Members shall process NOVs as prescribed in this order, but shall write WARNING across the violation.**
- C. All members shall continue to issue Notices of Infraction (NOIs) to any operator of a motor vehicle who is observed engaging in traffic littering, or allowing traffic littering from the motor vehicle in operation. [Code T 765 Littering from a vehicle upon public or private property. (DCMR §18-2221.6)]
 1. Members shall write “Littering from a Vehicle” on the NOI.

2. The NOI carries a fine of \$100.
 3. Members may issue an NOI to the driver even if a passenger committed the offense. A driver is responsible for all occupants of their vehicle.
 4. If the member observes the passenger littering, the member may issue an NOV to the passenger. Members shall only issue an NOI to the driver or an NOV to the passenger of a vehicle, not both.
 5. Members shall process the NOI in accordance with MPD policy and procedures including, but not limited to, General Order 303.02 (Notices of Infraction Procedures).
- D. Members shall issue a Notice of Violation (NOV) (Form OAH-1) to any person who is observed engaging in non-traffic littering in accordance with the procedures outlined in Part IV of this order.
1. Members shall retain:
 - a. Their copy of the Form OAH-1;
 - b. Any notes related to littering incidents; and
 - c. Any photographs or sketches related to littering incidents, when taken or made.
 2. Members shall comply with the provisions of GO-SPT-304.13 (The Use of Photographs in Criminal Investigations) when photographing violators.
 3. Members shall not collect litter as evidence.

IV. PROCEDURES

- A. Issuing an NOV for Non-Traffic Littering
1. Members who **witness** non-traffic littering shall issue an NOV (Form OAH-1), carrying a fine of \$75.
 2. The issuing member shall:
 - a. Check the "Littering / 21 DCMR § 700.4" violation box on the NOV; and
 - b. Direct the violator to the language on the back of the NOV describing the procedural guidelines on how to pay or contest the NOV, and the timelines given.

3. Members may issue a warning NOV to a person when the member feels it to be in the best interest of justice.

B. Non-Traffic Littering: Violator Refusals to Provide Name and Address

1. Members shall:
 - a. Request that violators provide a valid name and address. Absent any articulable facts and circumstances supporting a member's belief that a violator is intentionally providing false or fictitious information, the violator's verbal disclosure of his or her name and address shall be accepted.
 - b. Not demand or require violators to produce identification for the violation.
 - c. Inform violators who refuse to provide a valid name and address that the law requires them to provide this information, and if they refuse they may be arrested.
 - d. Make a custodial arrest when violators still refuse to provide a valid name and address for "Pedestrian – Failure to Identify – Littering".
2. Issue a completed NOV once the subject's identity has been established.

C. Submission of NOVs

1. Prior to the end of their shift, members shall submit the following to their check-off official:
 - a. The NOV Copy A; and
 - b. Either the original or a copy of the member's notes (e.g., what the violator's actions were, what the member observed, any relative comments the violator may have uttered, any witness information) on Copy C.
2. The check-off official shall place all completed NOV paperwork in the NOV box.
3. District NOV Coordinators or their designees shall ensure all NOV paperwork and transmittal sheets are hand carried by 0900 the next business day to the MPD NOV Coordinator, located at 300 Indiana Avenue, NW Room 5117.

- D. Hearings for Contested NOVs
1. Upon receiving notice from the OAH that an NOV is to be adjudicated, the MPD NOV Coordinator shall email the member who issued the NOV and request a telephone conference to discuss the specifics of the case.
 - a. The MPD NOV Coordinator shall copy the designated District NOV Coordinator on the email.
 - b. The email shall be sent as early as possible, but no later than five business days prior to a scheduled hearing.
 2. The member shall contact the MPD NOV Coordinator to discuss the case within his or her next two shifts of the MPD NOV Coordinator's email being sent.
 - a. The MPD NOV Coordinator can be reached by phone between 0800 and 1600 hours, Monday through Friday. The phone number for the MPD NOV Coordinator is (202) 345-1007.
 - b. The MPD NOV Coordinator can be reached by email at mpdnov.coordinator@dc.gov.
 3. If the issuing member has not contacted the MPD NOV Coordinator within two business days of the email being sent, the MPD NOV Coordinator shall contact an official from the member's administrative office, who shall make the member available.
 4. The MPD NOV Coordinator shall make arrangements with the issuing member on how to deliver any notes, photographs/ sketches, or any other evidence pertaining to the case.
 5. The MPD NOV Coordinator, or his or her designee, shall represent the MPD in all hearings of NOVs contested to the OAH.
 - a. If there is a need for the issuing member to be present, the MPD NOV Coordinator or his or her designee shall notify the member of the date, time, and location of the hearing by email.

NOTE: In most cases, issuing members will not attend hearings.
 - b. Emails from the MPD NOV Coordinator or his or her designee requesting the member's presence at a hearing or specifying a date and time by which the member must

contact the MPD NOV Coordinator shall serve as an official Computer Assisted Notification System (CANS) notice.

6. Members shall immediately contact the MPD NOV Coordinator in the event that they are unable to attend a hearing (i.e., unforeseen, emergency circumstances) and shall explain why they cannot attend.
 - a. Between 0800 and 1600 hours, Monday through Friday, members shall contact the MPD NOV Coordinator by telephone at (202) 345-1007.
 - (1) If members are unable to contact the MPD NOV Coordinator, they shall:
 - (a) Leave a voicemail message for the MPD NOV Coordinator containing their contact information along with the reason they are unable to attend the hearing; and
 - (b) Contact their district administrative office.
 - b. During all other times, members shall:
 - (1) Contact an official in their command, and
 - (2) Send an email containing their contact information to both the MPD NOV Coordinator and their district administrative office with the reason they cannot attend the hearing.

V. ROLES AND RESPONSIBILITIES

- A. Designated District NOV Coordinators and their designees shall be responsible for:
 1. Ensuring that NOVs and copies of notes or any relevant paperwork are properly collected, logged onto a transmittal sheet, and forwarded to the MPD NOV Coordinator and the OAH Hearings in accordance with this order; and
 2. When notified by the MPD NOV Coordinator of an issuing member's failure to appear at an OAH Hearing or failure to comply with the requirements of this order, obtain incident summary (IS) numbers in accordance with MPD policies and procedures.

- B. District Commanders shall be responsible for:
 - 1. Designating a District NOV Coordinator from their administrative office in accordance with this order.
 - 2. Establishing a secure repository for NOV's.

VI. CROSS REFERENCES

- A. General Order
 - 1. GO-SPT-303.02 (Notices of Infraction Procedures)
 - 2. GO-SPT-304.13 (The Use of Photographs in Criminal Investigations)
- B. D.C. Official Code
 - 1. D.C. Official Code § 8-801 (Purpose of litter control administration)
 - 2. D.C. Official Code § 8-811 (Identification of offenders)
 - 3. D.C. Official Code § 50-2201.02(1) (Motor vehicle definition)
 - 4. D.C. Official Code § 50-2201.02(12) (Personal Mobility Device definition)
- C. D.C. Municipal Regulations
 - 1. DCMR § 18-2221.6 (Littering from a vehicle)
 - 2. DCMR § 21-700.4 (Littering)

VII. ATTACHMENT

- 1. Attachment A: Office of Administrative Hearings Form-1



Cathy L. Lanier
Chief of Police



Government of the District of Columbia
METROPOLITAN POLICE DEPARTMENT

Civil Infraction Notice of Violation

OFFICE OF ADMINISTRATIVE HEARINGS FORM 1
CIVIL INFRACTION NOV
JULY 2014

No. Series _____

Officer _____

Dept. and Element _____

ATTENTION

Tickets in this book are for civil infractions adjudicated by the Office of Administrative Hearings (OAH) only. They are not to be used for criminal infractions under the jurisdiction of the D.C. Superior Court, nor are they to be used to enforce Traffic Violations.

DISTRIBUTION

Copy A OAH Control Copy to Station Clerk
Copy B Violator's Copy
Copy C Officer's Copy

OAH NOTICE OF VIOLATION TABLE

The following are the proper references to the District of Columbia Official Code or District of Columbia Municipal Regulations that can be used in conjunction with the Notice of Violation in this ticket book.

DC Code/ DCMR Reference	Violation	Collateral
21 DCMR §700.4	Littering	\$75.00
D.C. Code 48-1201	Possession of Marijuana	\$25.00

Government of the District of Columbia
METROPOLITAN POLICE DEPARTMENT

Notice of Violation

00001

Violator's Name

FIRST MIDDLE LAST

DATE OF BIRTH

Street Address

NUMBER STREET APT./SUITE

CITY STATE ZIP CODE

Violation Details

DATE / / TIME AM PM

LOCATION OF INCIDENT DISTRICT

LITTERING/21 DCMR §700.4 (\$75) POSS. OF MARIJUANA/DC CODE §48-1201 (\$25)

OTHER VIOLATION

DC CODE/DCMR REFERENCE FINE

PHOTOS TAKEN? YES NO NCIC CHECK? YES NO

SWORN OFFICER'S TESTIMONY

I personally observed and/or determined that the Violator committed the violation charged above. I certify that I served this Notice on the Violator by personal service.

I further certify under penalty of perjury that (CHECK ONE):

- the Violator is not in the military service of the United States
- the Violator is in the military service of the United States
- I am unable to determine whether the Violator is in the military service of the United States.

OFFICER'S SIGNATURE FULL NAME (PRINTED)

ELEMENT CAD # BADGE NO. RANK DATE

VIOLATOR'S ACKNOWLEDGMENT

I hereby acknowledge receipt of this Notice of Violation. Acknowledgment of receipt IS NOT an admission of liability.

VIOLATOR'S SIGNATURE DATE

INCIDENT DETAILS

Was there a vehicle involved? YES NO

If Yes, describe fully:

MAKE MODEL

YEAR TAG/STATE

COLOR VIN#

Is there physical evidence? YES NO

ELEMENT PROPERTY BOOK PAGE #

Notes

Notes section with multiple horizontal lines for text entry.

OFFICER'S SIGNATURE PRINT NAME

ELEMENT BADGE NO. CAD NO.

Answering a Notice of Violation

You are charged with violating the District of Columbia regulation stated on the other side of this Notice. You **MUST** answer this Notice within 14 calendar days of the day you receive it. If you do not, you will be subject to an order finding you in default and assessing both the fine stated on the other side, and an additional penalty equal to the amount of that fine.

You must answer with a plea of **ADMIT**, **ADMIT WITH EXPLANATION**, or **DENY**. See the instructions below.

1. To Admit and Pay the Fine. If you wish to Admit liability and pay the fine, sign at the bottom and check the Admit box. Mail or bring this form, with a personal check, cashier's check, or money order for the amount of the fine payable to "DC Treasurer" to the address below. **We cannot accept cash payments.** Write the notice of violation number on your check or money order.

2. To Admit with Explanation and Request a Hearing by Mail. If you wish to Admit liability, but want to submit an explanation that you would like an Administrative Law Judge to consider in deciding whether the fine should be reduced or suspended, sign at the bottom and check the Admit with Explanation box. Mail or bring this form, along with your written explanation and any supporting documents, photographs or other materials, to the address below.

3. To Deny and Request an In-Person Hearing. If you wish to Deny liability for the violation, sign at the bottom and check the Deny box. Mail or bring this form to the address below. You will receive a notice from the Office of Administrative Hearings with information about your hearing date. The hearing will be conducted by an independent Administrative Law Judge.

MAILING ADDRESS/OFFICE LOCATION HOURS OF OPERATION
Office of Administrative Hearings 9 AM-5 PM Monday through Friday
441 4th Street, NW
Washington, DC 20001

OAH INFORMATION LINE: 202-442-9094

ANSWER

Admit Admit with Explanation Deny

SIGNATURE _____

PRINT NAME _____

ADDRESS _____

PHONE NUMBER _____

OAH Form 1 Civil Notice of Violation / JULY 2014