

SPECIAL ORDER



Title
Illegal Posters on Public Space

Topic/Number
SO-01-26

Effective Date
October 10, 2001

Distribution
A

Rescinds:

DISTRICT OF COLUMBIA

I.	Background.....	Page 1	IV.	Regulations.....	Page 2
II.	Policy.....	Page 1	V.	Procedural Guidelines.....	Page 3
III.	Definition.....	Page 1	VI.	Cross References.....	Page 4

I. Background

As a part of the Mayor's Clean City Initiative, the Metropolitan Police Department (MPD) and the Department of Public Works (DPW) will begin strict enforcement of regulations regarding posters on public space. Many residents have expressed their displeasure about posters, signs, and placards being affixed to public property. These signs deface public property and contribute to a sense of disorder, which promotes criminal activity, and creates fear in the community.

II. Policy

The policy of the Metropolitan Police Department is to enforce any violations covered in D.C. Code § 22-3312.01 (Defacing Public or Private Property), D.C. Code § 22-3112.4e (Penalty for Possession of Graffiti Materials), D.C. Code § 22-303 (Malicious Burning, Destruction or Injury to Another's Property), and District of Columbia Municipal Regulations (DCMR), Title 24 (Public Safety and Safety), Chapter 108 (Signs, Posters, and Placards) related to the defacing or destruction of property, posting signs and the abatement of public nuisances.

III. Definition

1. Illegal posters are signs, advertisements, or posters dealing with the sale of goods or services. Examples of signs that are not allowed to be posted in public space include record company signs, signs advertising cell phones, events at night clubs, employment opportunities, construction services, carpet cleaning services, weight loss signs, and similar postings.

2. Legal posters are signs that do not deal with the sale of goods or services. Examples of legal posters include public service announcements, civic meetings, neighborhood assemblies, citizen march events, political draft committee posters, and similar postings. All versions of legal posters must be on file with the Public Space Permit Office and date stamped.

IV. **Regulation**

- A. 24 DCMR 108 (Signs, Posters, and Placards) essentially states:

1. "Signs, advertisements, or posters dealing with the sale of goods or services are not allowed in public space. (See the definition for illegal posters for examples of posters not allowed in public space). There is no waiver or exception to this provision of the regulation."
2. "Signs not related to the sale of goods or services may be affixed to public lampposts or lamppost accessories with the following stipulations:
 - a. Two copies of all versions of allowed signs must be filed with the Public Space Permit Office located at 941 North Capitol Street, N.E., 2nd floor, within twenty-four (24) hours of posting. Allowed signs can be posted for up to sixty (60) days and must be stamped with the date posted.
 - b. Signs cannot be affixed with adhesives that prevent either their complete removal from fixtures or cause damage to the fixtures.
 - c. No more than three (3) versions or copies of each sign may be affixed on one (1) side of the street within one (1) block.
 - d. Signs shall not be publicly displayed or exhibited if the contents are lewd, indecent, or vulgar, or if it pictorially represents the commission of or attempt to commit any crime.
 - e. Under no circumstances may a sign or poster be attached to a tree."
3. "Political campaign posters of registered candidates need not be filed with the Public Space Permit Office. However,

such posters must be removed no later than thirty (30) days following the general election.”

- B. PD 61D (Violation Citation) shall be issued for all violations coming under the jurisdiction of D.C. Superior Court for which the Department may accept collateral; including the aforementioned 24 DCMR 108, which regulates the placing of posters, signs, and placards on public space. The collateral for each violation is thirty-five dollars (\$35.00).
- C. Although 24 DCMR 108, relates only to placing signs and posters on public space, affixing signs to private property without the permission of the owner, in a manner that defaces or mars the property, may be a violation of D.C. Code § 22-303 (Malicious Burning, Destruction or Injury to Another’s Property).
- D. Members are also reminded that graffiti and similar forms of public nuisances are covered under D.C. Code § 22-3312.01 (Defacing Public or Private Property). Violations of these sections are probable cause misdemeanor offenses. Additionally, the possession of graffiti material with the intent to place graffiti on property without the consent of the owner is a misdemeanor offense (D.C. Code § 22-3112.4a). Adhesive labels and engraving devices capable of leaving a visible mark on a natural or man-made surface should be considered graffiti material.

V. Procedural Guidelines

- A. Members shall:
 - 1. When observing any violations of the provisions of 24 DCMR 108, D.C. Code § 22-3312.01, D.C. Code § 22-3112.4e, or D.C. Code § 22-303, issue a PD Form 61D. Although the PD 61D is now a new revised form, the issuance of these citations is still guided by GO-OPS-308.02 (Nuisance, Incidentals, Defects and PD Form 61D).
 - a. Issue a PD Form 61D if a member observes a person placing an illegal poster on public space and seize any remaining posters/advertisements in accordance with GO-SPT-601.01 (Recording, Handling and Disposition of Property Coming into the Custody of the Department).
 - 2. Utilize the narrative portion on the reverse side of the new PD 61D, to thoroughly document the circumstances

surrounding the citation. This narrative will be crucial if the violator requests a hearing or if the violator fails to respond within 15 days to the 61D, and the member needs to apply for an arrest warrant.

3. Obtain an arrest warrant for those violators who fail to respond to the PD 61D within 15 days.

B. Station Clerks shall:

1. Process any violator who responds to their station to post the required amount of collateral.
2. Schedule a court arraignment date for any violator who requests a Trial in lieu of collateral.

C. District Commanders shall ensure that members of their command:

1. Maintain a file for all PD 61Ds issued.
2. Are promptly notified if violators fail to respond to the citation within fifteen (15) days.

VI. Cross references

For more information, see "Regulations" on the District's Clean City Initiative website, <http://cleancity.dc.gov/>.

GO-OPS-308.02 (Nuisance, Incidental, Defects and PD 61D Forms)

District of Columbia Municipal Regulation, Title 24 (Public Space and Safety), Chapter 108 (Signs, Posters, and Placards).

D.C. Code § 22-303 (Malicious Burning, Destruction or Injury to Another's Property).

D.C. Code § 22-3312.01 (Defacing Public or Private Property).

D.C. Code § 22-3112.4e (Penalty for Possession of Graffiti Materials).

This Special Order shall remain in effect until rescinded or incorporated into the appropriate General Order.

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

CHR:NMJ:eps