

ANC6a Public Safety Committee Meeting
AGENDA
Sherwood Recreation Center
Wednesday, May 16, 2007 at 7 pm

Please review notes from past meetings for details about ongoing committee research (e.g., loitering, papering).

1. Call to order
2. Introductions (2 minutes)
3. Focus Topic: Office of Unified Communications, 311, 911, 727-1000 (20 mins)
4. New business:
 - a. Office of the Attorney General Court Reports, Corporation Counsel, (Bellino, 5 mins)
 - b. *Hot Spot Loitering Zone Amendment Act of 2007*(Nixon, 10 mins) – See attached
 - c. Bike officers in Patrol Service Areas 102 and 103 (5 mins)
 - d. Checkers, letter requesting copy of business license (2 mins)
5. Old business
 - a. Respond to Chief Lanier’s response regarding Patrol Service Area staffing and substation (5 mins) – See Chief Lanier’s response attached
 - i. Express concern that not accounting for growth in both visitors and residents in Patrol Service Areas 102 and 103
 - ii. Understand that we have a substation, but new location of station will not be conducive to resident interaction with MPD
 - b. Concerns with sentencing and maintenance of these for repeat offenders (5 mins)
6. Updates:
 - a. Nuisance property letters for A St NE properties, 14th St NE property
 - b. Crime Summit (Brown & Nixon) (2 minutes)
 - c. Teen summit: LIVE and activities to reduce crime (Nixon; 2 mins)
 - d. Guide to DC with Community Outreach (Nixon & Nelson, if time permits)
 - e. Comment only if update available: “Teenage Bridge Program” (Nixon); Crime location reporting upon request (*Nixon & Bellino*), Anti-loitering; 8th & H St NE; Fire hydrants (Laisch); Multi-agency Plan for the Pentacles – **a plan for resident meeting to combat this** (Nixon)
7. Community Concerns (If time permits)
8. Tasks to be performed by next meeting
9. Adjourn

**ANC6A Public Safety Committee
2007 Mission Statement and Goals**

Mission:

Engage residents, community groups, the District of Columbia Government and all other public and private institutions in an effort to prevent criminal activity affecting our quality of life and promote the public safety and health of our community.

Goals:

1. Act as a convenient and useful forum for residents and local businesses to discuss public safety issues and solutions.
 - a. Hold monthly meetings with a quorum present.
 - b. Increase attendance of residents, businesses, community groups at meetings.
 - c. Improve outreach to and participation of residents from all parts of ANC 6A.
2. Provide the Advisory Neighborhood Commissioner with well-informed recommendations for changes in Federal and District legislation, and regulations and operating procedures of relevant government agencies, based on input from community members.
 - a. Identify at least four changes in DC or Federal legislation that will help improve the public safety of our community.
 - b. Recognize at least four changes in regulations that will help improve the public safety of our community.
3. Improve collaboration among law enforcement agencies in our community including, Park Police, FEMS, WMATA Police, Capitol Police, MPD, and all others to address community issues at the levels of procedure, policy, and legislation.
 - a. Participate in PSA meetings on a monthly basis.
 - b. Provide reports on these collaborations.
 - c. Work with these agencies and council to devise appropriate methods to enhance these relationships.
 - d. Select at least one public safety issue for which we can work with the law enforcement agencies and community to develop an activity to begin progress. (e.g., youth and safe summers)
4. Collaborate with the other ANC committees on the following issues:
 - a. Economic Development and Zoning – Abandoned/Vacant properties that are a safety hazard; illegal construction; H St NE – need for security at new properties
 - b. Transportation Committee – Need for speed control in areas affected by crime
 - c. Alcohol Beverage Licensing – Control of alcohol distribution in areas affected by narcotics and violent crime; Need for security hired at the owner’s expense in all new bars and entertainment venues

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Jim Graham introduced the following bill, which was referred to the Committee on _____.

To amend the Anti-Loitering/Drug Free Zone Act of 1996 to require the Chief of the Metropolitan Police Department to declare a Hot Spot No Loitering Zone, and to prohibit the congregation of 2 or more persons on any public space on public property, within an area currently designated as a Hot Spot, for the purpose of participating in the use, purchase, or sale of illegal drugs, within the perimeter of the Hot Spot No Loitering Zone.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Hot Spot No Loitering Zone Amendment Act of 2007".

Sec. 2. The Anti-Loitering/Drug Free Zone Act of 1996, effective June 3, 1997 (D.C. Law 11-270; D.C. Official Code § 48-1001 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 48-1001) is amended by adding a new paragraph (6) to read as follows: "(6) "Hot Spot No Loitering Zone" means public space on public property in an area that is established pursuant to section 3."

(b) Section 3 (D.C. Official Code § 48-1002) is amended as follows:

(1) The section heading is amending by striking the word "zone" and inserting the phrase "zone or a Hot Spot No Loitering Zone" in its place.

(2) A new subsection (c) is added to read as follows:

"The Chief of Police shall declare a Hot Spot No Loitering Zone in any area currently designated as a Hot Spot. The Chief of Police shall inform each of the 7 Police District Commanders and the Council of the District of Columbia of the declaration of the Hot Spot No Loitering Zone. The Hot Spot No Loitering Zone shall be in effect for so long as the Hot Spot designation is in effect."

(c) Section 4 (D.C. Official Code § 48-1003) is amended as follows:

(1) Strike the word "zone" wherever it appears and insert the phrase "zone or Hot Spot No Loitering Zone" in its place.

(2) Paragraph (3) is further amended by adding the words “as applicable” after “zone or Hot Spot No Loitering Zone”. 1
2

(d) Section 5 (D.C. Official Code § 48-1004) is amended by striking the word “zone” wherever it appears and inserting the phrase “zone or Hot Spot No Loitering Zone” in its place. 3
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Sec. 3. Fiscal impact statement. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)). 5
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Sec. 4. Effective date. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2), and publication in the District of Columbia Register. 9
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CURRENT CODE Available (found before meeting):
DC ST § 22-1307

Formerly cited as DC ST 1981 § 22-1107

District of Columbia Official Code 2001 Edition [Currentness](#)
Division IV. Criminal Law and Procedure and Prisoners.

Title 22. Criminal Offenses and Penalties. ([Refs & Annos](#))

Subtitle I. Criminal Offenses.

Chapter 13. Disturbances of the Public Peace.

➡§ 22-1307. Unlawful assembly; profane and indecent language.

It shall not be lawful for any person or persons within the District of Columbia to congregate and assemble in any street, avenue, alley, road, or highway, or in or around any public building or inclosure, or any park or reservation, or at the entrance of any private building or inclosure, and engage in loud and boisterous talking or other disorderly conduct, or to insult or make rude or obscene gestures or comments or observations on persons passing by, or in their hearing, or to crowd, obstruct, or incommode, the free use of any such street, avenue, alley, road, highway, or any of the foot pavements thereof, or the free entrance into any public or private building or inclosure; it shall not be lawful for any person or persons to curse, swear, or make use of any profane language or indecent or obscene words, or engage in any disorderly conduct in any street, avenue, alley, road, highway, public park or inclosure, public building, church, or assembly room, or in any other public place, or in any place wherefrom the same may be heard in any street, avenue, alley, road, highway, public park or inclosure, or other building, or in any premises other than those where the offense was committed, under a penalty of not more than \$250 or imprisonment for not more than 90 days, or both for each and every such offense.

CREDIT(S)

(July 29, 1892, 27 Stat. 323, ch. 320, § 6; July 8, 1898, 30 Stat. 723, ch. 638; June 29, 1953, 67 Stat. 97, ch. 159, § 210.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-1107.

1973 Ed., § 22-1107.

DC CODE § 22-1307

Current through March 1, 2007.

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DC ST § 22-1321

Formerly cited as DC ST 1981 § 22-1121

District of Columbia Official Code 2001 Edition [Currentness](#)
Division IV. Criminal Law and Procedure and Prisoners.

Title 22. Criminal Offenses and Penalties. ([Refs & Annos](#))

Subtitle I. Criminal Offenses.

Chapter 13. Disturbances of the Public Peace.

➔ **§ 22-1321. Disorderly conduct.**

Whoever, with intent to provoke a breach of the peace, or under circumstances such that a breach of the peace may be occasioned thereby: (1) acts in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to others; (2) congregates with others on a public street and refuses to move on when ordered by the police; (3) shouts or makes a noise either outside or inside a building during the nighttime to the annoyance or disturbance of any considerable number of persons; (4) interferes with any person in any place by jostling against such person or unnecessarily crowding such person or by placing a hand in the proximity of such person's pocketbook, or handbag; or (5) causes a disturbance in any streetcar, railroad car, omnibus, or other public conveyance, by running through it, climbing through windows or upon the seats, or otherwise annoying passengers or employees, shall be fined not more than \$250 or imprisoned not more than 90 days, or both.

CREDIT(S)

(June 29, 1953, 67 Stat. 98, ch. 159, § 211a; May 21, 1994, D.C. Law 10- 119, § 9(a), 41 DCR 1639.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-1121.

1973 Ed., § 22-1121.

Legislative History of Laws

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-1302.

DC CODE § 22-1321

Current through March 1, 2007.

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DC ST § 48-1001

Formerly cited as DC ST 1981 § 33-581

District of Columbia Official Code 2001 Edition [Currentness](#)
Division VIII. General Laws.

Title 48. Foods and Drugs. ([Refs & Annos](#))

Subtitle III. Illegal Drugs.

Chapter 10. Drug Free Zones. (Refs & Annos)

➔§ 48-1001. Definitions.

For the purposes of this chapter, the term:

- (1) "Chief of Police" means the Chief of the Metropolitan Police Department as the designated agent of the Mayor.
- (2) "Disperse" means to depart from the designated drug free zone and not to reassemble within the drug free zone with anyone from the group ordered to depart for the duration of the zone.
- (3) "Drug free zone" means public space on public property in an area not to exceed a square of 1000 feet on each side that is established pursuant to § 48-1002.

(4) "Illegal drug" means the same as the term "controlled substance" § 48- 901.02.

(5) "Police Department" means the Metropolitan Police Department.

CREDIT(S)

(June 3, 1997, D.C. Law 11-270, § 2, 43 DCR 4493.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-581.

Emergency Act Amendments

←BEST

For temporary addition of subchapter, see §§ 2-6 of the Anti-**Loitering** Drug Free Zone Emergency Act of 1996 (D.C. Act 11-278, May 29, 1996, 43 DCR 2974), §§ 2-6 of the Anti-**Loitering** Drug Free Zone Legislative Review Emergency Act of 1996 (D.C. Act 11-319, July 31, 1996, 43 DCR 4487), §§ 2-6 of the Anti-**Loitering** Drug Free Zone Congressional Review Emergency Act of 1996 (D.C. Act 11-426, October 28, 1996, 43 DCR 6331), §§ 2-6 of the Anti-**Loitering** Drug Free Zone Second Congressional Review Emergency Act of 1996 (D.C. Act 11-468, December 30, 1996, 44 DCR 175), and §§ 2-6 of the Anti-**Loitering** Drug Free Zone Congressional Review Emergency Act of 1997 (D.C. Act 12-55, March 31, 1997, 44 DCR 2219).

BEST →

←BEST Legislative History of Laws

Law 11-270, the "Anti-**Loitering** Drug Free Zone," was introduced in Council and assigned Bill No. 11-441, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 6, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 19, 1996, it was assigned Act No. 11-321 and transmitted to both Houses of Congress for its review. D.C. Law 11-270 became effective on June 3, 1997.

BEST →

DC CODE § 48-1001

Current through March 1, 2007.

DC ST § 48-1002
Formerly cited as DC ST 1981 § 33-582

[Update](#) DC ST § 48-1002

This document has been updated. Use KEYCITE.

Formerly cited as DC ST 1981 § 33-582

District of Columbia Official Code 2001 Edition [Currentness](#)

Division VIII. General Laws.

Title 48. Foods and Drugs. ([Refs & Annos](#))

Subtitle III. Illegal Drugs.

Chapter 10. Drug Free Zones. (Refs & Annos)

➡§ 48-1002. Procedure for establishing a drug free zone.

(a) The Chief of Police may declare any public area a drug free zone for a period not to exceed 120 consecutive hours. The Chief of Police shall inform each of the 7 Police District Commanders and the Council of the District of Columbia of the declaration of a drug free zone.

(b) In determining whether to designate a drug free zone, the Chief of Police shall consider the following:

- (1) The occurrence of a disproportionately high number of arrests for the possession or distribution of illegal drugs in the proposed drug free zone within the preceding 6-month period;
- (2) Any number of homicides related to the possession or distribution of illegal drugs that were committed in the proposed drug free zone within the preceding 6-month period;
- (3) Objective evidence or verifiable information that shows that illegal drugs are being sold and distributed on public space on public property within the proposed drug free zone; and
- (4) Any other verifiable information from which the Chief of Police may ascertain whether the health or safety of residents who live in the proposed drug free zone are endangered by the purchase, sale, or use of illegal drugs or other illegal activity.

CREDIT(S)

(June 3, 1997, D.C. Law 11-270, § 3, 43 DCR 4493.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-582.

Emergency Act Amendments

For temporary addition of subchapter, see note to § 48-1001.

For temporary (90 day) amendment of section, see § 226 of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 226 of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 226 of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

Legislative History of Laws

For legislative history of D.C. Law 11-270, see Historical and Statutory Notes following § 48-1001.

DC CODE § 48-1002

Current through March 1, 2007.

UPDATE: << Note: DC CODE § **48-1002** >>➔

Sec. 226. Section 3(a) of the Anti-Loitering/Drug Free Zone Act of 1996, effective June 3, 1997 (D.C. Law 11-270; D.C. Official Code § 48-1002(a)), is amended by striking the phrase "120 consecutive hours" and inserting the phrase "240 consecutive hours" in its place.

Sec. 227. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et seq.*), is amended as follows:

DC ST § 48-1003

Formerly cited as DC ST 1981 § 33-583

District of Columbia Official Code 2001 Edition [Currentness](#)

Division VIII. General Laws.

Title 48. Foods and Drugs. ([Refs & Annos](#))

Subtitle III. Illegal Drugs.

Chapter 10. Drug Free Zones. (Refs & Annos)

➔**§ 48-1003. Notice of a drug free zone.**

Upon the designation of a drug free zone, the Police Department shall mark each block within the drug free zone by using barriers, tape, or police officers that post the following information in the immediate area of, and borders around, the drug free zone:

(1) A statement that it is unlawful for a person to congregate in a group of 2 or more persons for

the purposes of participating in the use, purchase, or sale of illegal drugs within the boundaries of a drug free zone, and to fail to disperse after being instructed to disperse by a uniformed officer of the Police Department who reasonably believes the person is congregating for the purpose of participating in the use, purchase, or sale of illegal drugs;

(2) The boundaries of the drug free zone;

(3) A statement of the effective dates of the drug free zone designation; and

(4) Any other additional notice to inform the public of the drug free zone.

CREDIT(S)

(June 3, 1997, D.C. Law 11-270, § 4, 43 DCR 4493.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-583.

Emergency Act Amendments

For temporary addition of subchapter, see note to § 48-1001.

Legislative History of Laws

For legislative history of D.C. Law 11-270, see Historical and Statutory Notes following § 48-1001.

DC CODE § 48-1003

Current through March 1, 2007.

DC ST § 48-1004

Formerly cited as DC ST 1981 § 33-584

District of Columbia Official Code 2001 Edition [Currentness](#)
Division VIII. General Laws.

Title 48. Foods and Drugs. ([Refs & Annos](#))

Subtitle III. Illegal Drugs.

Chapter 10. Drug Free Zones. ([Refs & Annos](#))

→§ 48-1004. Prohibition.

(a) It shall be unlawful for a person to congregate in a group of 2 or more persons in public space on public property within the perimeter of a drug free zone established pursuant to § 48-1002 and to fail to disperse after being instructed to disperse by a uniformed officer of the Police Department who reasonably believes the person is congregating for the purpose of participating in the use, purchase, or sale of illegal drugs.

(b) In making a determination that a person is congregating in a drug free zone for the purpose of participating in the use, purchase, or sale of illegal drugs, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining whether such purpose is manifested are:

(1) The conduct of a person being observed, including, but not limited to, that such person is behaving in a manner raising a reasonable belief that the person is engaging or is about to engage in illegal drug activity, such as the observable distribution of small packages to other persons, the receipt of currency for the exchange of a small package, operating as a lookout, warning others of the arrival of police, concealing himself or herself or any object which reasonably may be connected to unlawful drug-related activity, or engaging in any other conduct normally associated by law enforcement agencies with the illegal distribution or possession of drugs;

(2) Information from a reliable source indicating that a person being observed routinely distributes illegal drugs within the drug free zone;

(3) Information from a reliable source indicating that the person being observed is currently engaging in illegal drug-related activity within the drug free zone;

(4) Such person is physically identified by the officer as a member of a gang or association which engages in illegal drug activity;

(5) Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, the phrase a "known unlawful drug user, possessor, or seller" means a person who has, within the knowledge of the arresting officer, been convicted in any court of any violation involving the use, possession, or distribution of any of the substances referred to in § 48-902.04, § 48- 902.06, § 48-902.08, § 48-902.10 or § 48-902.12; or is a person who displays physical characteristics of drug use, including, but not limited to, "needle tracks";

(6) Such person has no other apparent lawful reason for congregating in the drug free zone, such as waiting for a bus or being near one's own residence; and

(7) Any vehicle involved in the observed circumstances is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding arrest warrant for a crime involving drug-related activity.

CREDIT(S)

(June 3, 1997, D.C. Law 11-270, § 5, 43 DCR 4493.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-584.

Emergency Act Amendments

For temporary addition of subchapter, see note to § 48-1001.

Legislative History of Laws

For legislative history of D.C. Law 11-270, see Historical and Statutory Notes following § 48-1001.

DC CODE § 48-1004

DC ST § 48-1005

Formerly cited as DC ST 1981 § 33-585

District of Columbia Official Code 2001 Edition [Currentness](#)
Division VIII. General Laws.

Title 48. Foods and Drugs. ([Refs & Annos](#))

Subtitle III. Illegal Drugs.

Chapter 10. Drug Free Zones. (Refs & Annos)

➔ **§ 48-1005. Penalties.**

Any person who violates § 48-1004 shall, upon conviction, be subject to a fine of not more than \$300, imprisonment for not more than 180 days, or both.

CREDIT(S)

(June 3, 1997, D.C. Law 11-270, § 6, 43 DCR 4493.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 33-585.

Emergency Act Amendments

For temporary addition of subchapter, see note to § 48-1001.

Legislative History of Laws

For legislative history of D.C. Law 11-270, see Historical and Statutory Notes following § 48-1001.

DC CODE § 48-1005

Current through March 1, 2007.

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**SUBTITLE 25
LOITERING - GENERAL**

§ 25-1. Public places.

(a) *Definitions.*

(1) *Loiter.*

“Loiter” means:

- (i) to stand around or remain or to park or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this law; or
- (ii) to collect, gather, congregate, or to be a member of a group or a crowd of people who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this law.

(2) *Place open to the public.*

- (i) “Place open to the public” means any place open to the public or any place to which the public is invited and in, on, or around any privately owned place of business, private parking lot, or private institution, including places of worship, cemetery, or any place of amusement and entertainment, whether or not a charge of admission or entry thereto is made.
- (ii) It includes the elevator, lobby, halls, corridors, and areas open to the public of any store, office, or apartment building.

(3) *Public place.*

“Public place” means any public street, road, or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, public parking lot, or any vacant lot.

(b) *Prohibited loitering.*

(1) It shall be unlawful for any person to loiter at, on, or in a public place or place open to the public in such manner:

- (i) to interfere with, impede, or hinder the free passage of pedestrian or vehicular traffic;
- (ii) to interfere with, obstruct, harass, curse, or threaten or to do physical harm to another member or members of the public; or
- (iii) that by words, acts, or other conduct, it is clear that there is a reasonable likelihood a breach of the peace or disorderly conduct shall result.

(2) It shall be unlawful for any person to loiter at a public place or place open to the public and

to fail to obey the direction of a uniformed police officer or the direction of a properly identified police officer not in uniform to move on, when not to obey such direction shall endanger the public peace.

(c) *Scope.*

- (1) No person shall be charged with a violation of this section unless and until the arresting officer has first warned the person of the violation and the person has failed or refused to stop the violation.
- (2) Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

(d) *Penalties.*

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500 or imprisonment for not more than 10 days, or both fine and imprisonment in the discretion of the court.

(City Code, 1976/83, art. 19, §53B.) (Ord. 79-1195.)

§ 25-2. Liquor establishments, drug abuse centers, or amusement arcades.

(a) *Prohibited conduct.*

It is unlawful for any person who is standing or loitering

- (1) within 100 feet of a Class A, B, B-D7, C, or D retail establishment which sells alcoholic beverages, or
- (2) within 50 yards of a
 - (i) drug abuse rehabilitation and treatment center, or
 - (ii) amusement arcade (as that term is defined in § 1-109 of the Zoning Code of Baltimore City),

in such a manner as to obstruct free passage on or along the street or sidewalk, to disobey a request by a police officer to move on.

(b) *Measurements.*

The distances specified in this section are to be measured along the street or other public way in both directions from the center of the main entrance, or any other entrance used by the public, of the establishment, center, or arcade.

(c) *Exception.*

Nothing in this section prevents property owners or their guests from sitting on their front steps or standing on their sidewalk in front of their property, regardless of whether or not the property is within the distances specified in this section.

(d) *Penalties.*

Any person who violates the provisions of this section is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each offense.

(City Code, 1976/83, art. 19, §56.) (Ord. 70-822; Ord. 71-1070; Ord. 82-701; Ord. 99-439.)

§ 25-3. Bus and railroad stations.

(a) *"Loitering" defined.*

"Loitering":

- (1) shall mean remaining idle in essentially 1 location;
- (2) shall include the concept of spending time idly, to be dilatory, to linger, to stay, to saunter, to delay, to stand around; and
- (3) shall also include the colloquial expression "hanging around".

(b) *Prohibited conduct.*

It shall be unlawful for any person who is without a business purpose for being there to loiter in any bus station or railroad station in such manner as to interfere with the free and uninterrupted use of the station by passengers and to refuse to leave the premises when requested to do so by a special officer employed by the owner of the terminal.

(c) *Penalties.*

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500 or imprisonment for not more than 30 days, or both fine and imprisonment, in the discretion of the court.

(City Code, 1976/83, art. 19, §57.) (Ord. 74-589.)

§ 25-4. Schools, day care centers, and family-support centers.

(a) *Prohibited conduct.*

It is unlawful for any person who is without a business purpose for being there to loiter in any public or private school building, group day care center, or community family-support centers, around an entrance thereof, upon the school or center grounds, or upon a public way within 100 yards of the school or center grounds, and to refuse to leave such premises when requested to do so by a school security officer, a center representative, or a police officer.

(b) *Penalties.*

Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, is subject to a fine of not more than \$500 or imprisonment for not more than 90 days, or both fine and imprisonment, in the discretion of the court.

(City Code, 1976/83, art. 19, §58.) (Ord. 75-976; Ord. 91-839.)

§ 25-5. *{Reserved}*

§ 25-6. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 ("Civil Citations").

(b) *Method not exclusive.*

The issuance of a civil citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 03-595.)

**SUBTITLE 26
LOITERING -DRUG-FREE ZONES**

Editor's Note: The following provisions formerly appeared as §58C, as enacted by Ord. 89-375 and extended by Ord. 90-561A. Ord. 92-131 later amended §58C to add provisions for a curfew; that Ordinance, however, had a "sunset" date of September 30, 1993. This recodification, therefore, is based on §58C as it existed before Ord. 92-131 temporarily modified it.

§ 26-1. "Certified drug-free zone" defined.

A "certified drug-free zone" is a geographical area of Baltimore City certified as such by the Police Commissioner, including but not limited to identifiable segments of streets, alleys, walkways, parks, recreation centers, schools, bus stations, train depots, taxi stands, commercial parking lots, places of public accommodation and convenience, public housing complexes, and public access areas in residential apartment structures.

(City Code, 1976/83, art. 19, §58C(e)(1)(1st sen.)) (Ord. 89-375; Ord. 90-561A.)

§ 26-2. Findings and declarations.

The Mayor and City Council finds and declares that:

- (1) the illegal manufacture, distribution, possession, and administration of drugs and other unlawful drug-related activities is a City-wide evil of substantial and urgent proportions, constituting a clear and present danger to the citizens of the City;
- (2) innocent persons, including children, who come into contact with illegal drug-related activity are seriously and adversely affected and their health and safety are jeopardized by the violence and materials (such as discarded syringes) associated with these practices; and
- (3) criminalizing the act of loitering about or using places within a certified drug-free zone for the purpose of engaging in drug-related activity is a necessary exercise of the police power to maintain the peace, good government, health, and welfare of Baltimore City.

(City Code, 1976/83, art. 19, §58C(a.)) (Ord. 89-375; Ord. 90-561A; Ord. 04-672.)

§ 26-3. Commissioner to certify zones; term.

(a) In general.

The Commissioner may establish, alter, recertify, or terminate such certification *{of drug-free zones}* from time to time.

(b) 3-month limit.

But any such certification will expire 3 months from the date of its certification unless recertified for an additional 3 months prior to expiring.

(City Code, 1976/83, art. 19, §58C(e)(1)(2nd sen.)) (Ord. 89-375; Ord. 90-561A.)

§ 26-4. Considerations for certification.

To determine whether to certify an area as a “drug-free zone”, the Commissioner shall consider the following:

- (1) arrests or other statistical criteria for reporting crime accepted and relied upon by law enforcement agencies which indicate a disproportionately high occurrence of illegal drug possession or distribution activity in the proposed drug-free zone;
- (2) 1 homicide or more than 1 instance of violent crime verified to have been related to the possession or distribution of illegal drugs committed within the previous 6-month period within the proposed drug-free zone;
- (3) reliable, objective, and verifiable information that indicates illegal drug activity is occurring in an area listed in § 26-1 herein or any other identifiable area legally accessible to the public;
- (4) any other verifiable information accepted by law enforcement agencies that indicates to the Commissioner that the health or safety of residents that live in or near the proposed drug-free zone are endangered by the possession or distribution of illegal drugs.

(City Code, 1976/83, art. 19, §58C(e)(2).) (Ord. 89-375; Ord. 90-561A.)

§ 26-5. Public notices of zones.**(a) Pre-certification notices.**

Prior to certifying or recertifying a drug-free zone, the Police Commissioner shall:

- (1) cause to be published at least 1 week prior to certifying a listing of the specific area to be certified in 1 or more newspapers of general circulation in Baltimore City;
- (2) provide written notice not less than 1 week prior to such certification to the Mayor and the President and members of the City Council of the specific area to be certified, including the boundaries of the area and the date when the certification will begin;
- (3) post at least 3 days prior to certification a notice in the area to be certified the boundaries of the certified drug-free zone, the date certification will begin and end, and a phone number to call for additional information; and
- (4) take any other steps necessary and reasonable to inform the community in and surrounding the area to be certified of such certification, including by way of example: use of mass media, publication in community newsletters or newspapers, meetings with Community groups and citizens, notification at community relations councils, or any other means deemed appropriate.

(b) *Dissemination of list of zones.*

The Commissioner shall cause to be disseminated to all police enforcement personnel a current list of certified drug-free zones.

(City Code, 1976/83, art. 19, §38C(e)(1)(3rd sen.), (3).) (Ord. 89-373; Ord. 90-561A.)

§ 26-6. Prohibited conduct.

(a) *In general.*

It is unlawful for any person to loiter about or remain at any public way, public place, or place open or legally accessible to the public within a certified drug-free zone, as herein provided, for the purpose of engaging in drug-related activity that is prohibited by any of the provisions of Article 27, Subtitle Health-Controlled Dangerous Substances of the Maryland Code relating to the manufacture, distribution, sale, possession, or administration of substances covered therein.

(b) *Refusal to leave.*

(1) A police officer shall first request a person suspected of loitering under this subtitle within a drug-free zone to leave the premises.

(2) Failure to obey the police officer shall subject the person to arrest.

(City Code, 1976/83, art. 19, §38C(b), (d).) (Ord. 89-373; Ord. 90-561A.)

§ 26-7. Considerations.

(a) *"Known ... seller" defined.*

A "known unlawful drug user, possessor, or seller" is:

(1) a person who has, within the knowledge of the arresting officer, been:

- (i) convicted in any court of any violation of a referenced provision of the referenced state code involving the regulation, use, possession, purchase, or sale of any of the substances referred to therein; or
- (ii) convicted of violating a substantially similar provision of federal law or such law of any other jurisdiction;

(2) a person who displays physical characteristics of drug intoxication or usage, such as dilated pupils, glassy eyes, or "needle tracks"; or

(3) a person who possesses drug paraphernalia as defined in Article 27, § 287A of the Maryland Code.

(b) *Totality of circumstances.*

In making a determination that a person is loitering about or remaining in any public way, public place, or place open or legally accessible to the public within a certified drug-free zone, as herein provided, for the purpose of engaging in prohibited drug-related activity, the totality of the circumstances involved shall be considered.

(c) *Circumstances to consider.*

Among the circumstances which may be considered in determining whether such purpose is manifested are:

- (1) the conduct of the person being observed, including by way of example only, that such person is behaving in a manner raising a reasonable belief that the person is engaging or is about to engage in illegal drug activity such as:
 - (i) the observable distribution of small packages to other persons;
 - (ii) the receipt of currency for the exchange of a small package;
 - (iii) operating as a "lookout";
 - (iv) warning others of the arrival of police;
 - (v) fleeing without other apparent reason upon the appearance of a police officer;
 - (vi) concealing himself or herself or any object which reasonably may be connected to unlawful drug-related activity; or
 - (vii) engaging in any other conduct normally associated by law enforcement agencies with the illegal distribution or possession of drugs;
- (2) information from a reliable source indicating that the person being observed routinely distributes illegal drugs within the drug-free zone;
- (3) information from a reliable source indicating that the person being observed is currently engaging in illegal drug-related activity within the drug-free zone;
- (4) such person is physically identified by the officer as a member of a "gang" or association which engages in illegal drug activity;
- (5) such person is a known unlawful drug user, possessor, or seller;
- (6) such person has no other apparent lawful reason for loitering or remaining in the drug-free zone (e.g., such as waiting for a bus or being near one's own residence);
- (7) any vehicle involved in the observed circumstances is registered to:

(i) a known unlawful drug user, possessor, or seller; or

(ii) a person for whom there is an outstanding arrest warrant for a crime involving drug-related activity.

(City Code, 1976/83, art. 19, §58C(c.) (Ord. 89-375; Ord. 90-561A.)

§ 26-7.1. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this subtitle may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 ("Civil Citations").

(b) *Method not exclusive.*

The issuance of a civil citation to enforce this subtitle does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(Ord. 03-596.)

§ 26-8. Penalties.

Any person who violates the provisions of this subtitle is guilty of a misdemeanor and, upon conviction, shall be subject to imprisonment for not more than 30 days or a fine of not more than \$400, or both.

(City Code, 1976/83, art. 19, §58C(f.) (Ord. 89-375; Ord. 90-561A.)



GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

Stephanie Nixon, Commissioner
Advisory Neighborhood Commission
Box 75115
Washington, DC 20013

Dear Ms. Nixon:

Thank you for your testimony at the April 4, 2007, hearing on the "Proposed FY 2008 Budget for the Metropolitan Police Department." This letter is in response to your request that a new substation and additional officers be placed in Police Service Areas (PSAs) 102 and 103.

As you know, the First District already has a substation. Each government facility means higher fixed costs—such as utilities, janitorial services, and security. With the Administration focused on increasing services to citizens without increasing overhead costs, I am not contemplating expanding the number of substations in the First District at this time. I am, however, very focused on directing resources to support patrol. As you heard in my testimony at the budget hearing, I am putting more officers on the street on foot or bike patrol to increase visibility and increase contact with the community. In support of that goal, Watch Commanders have just been issued Treos, which will enable community members to reach the commanding officer at anytime. (For the First District, you may call 202.437.7632 or email 1dwatchcommander@dc.gov; however the Watch Commanders are still being trained on using the Treos this week.) I am also reallocating marked patrol cars to ensure that officers who live in the city and work in patrol have the first opportunities to drive take home cars, increasing visibility in our neighborhoods even when they are not on duty. Additionally, I have recently realigned several functions within headquarters to send five sergeants and eight officers back to the districts. I am continuing to assess specialized units and patrol to optimize efficiency and service to the neighborhoods. All of this will be enhanced by long term initiatives to improve technology and to hire and train the additional officers authorized by the City Council.

In the meantime, I am examining the allocation of current patrol officers. In 2004, MPD developed PSA staffing targets based on a weighted formula for crime and calls for service. My staff is working on a new analysis of the staffing allocations based on updated data. However, based on the original workload formula, 2006 data, and current staffing levels, it appears that the staffing targets for PSAs 102 and 103 are closely aligned with crime and calls for service in those areas. The attached chart shows that PSA 102 has 3.1 percent of the weighted workload in the city, and 3.1 percent of all officers assigned to patrol. PSA 103 has 2.6 percent of the weighted workload, and 2.7 percent of the patrol officers.

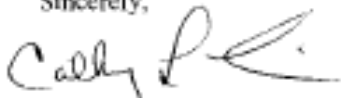
Of course, the assigned number of officers is not very meaningful if too many are unavailable for full duty. Although the percentage of officers unavailable for full duty has been cut in half over the past few years, as you have noted, there are several officers unavailable for full duty

in PSA 102. The staffing target for PSA 102 is 57 officers; as of last month, only 45 officers were available for full duty in the PSA. Commander Groomes has taken steps to address this shortage by assigning a new recruit to the PSA and reducing the midnight station by one officer and shifting that officer to patrol in PSA 102. In addition, PSA 102 is regularly supported by officers from the Canine Patrol Unit, the power shift, Focus Mission Team, and Auto Theft.

Based on the original model and current data, PSA 103 appears to be fully staffed. The staffing target for PSA 103 is 45 officers and there are, in fact, 50 officers assigned to 103, of which 46 are available for full duty.

Although I cannot commit to a new substation or an immediate influx of additional officers, I am very committed to delivering excellent service to the neighborhoods. I hope you find this responsive to your concerns. Should you have any additional questions, please do not hesitate to contact me at (202) 727-4218.

Sincerely,



Cathy L. Lanier
Acting Chief of Police

Attachment

cc: Joseph Fengler, Chair, Advisory Neighborhood Commission 6A
Councilmember Phil Mendelson, Chair, Committee on Public Safety & the Judiciary

Mayor Adrian Fenty
Dan Tangherlini, City Administrator
Commander Diane Groomes, First District, Metropolitan Police Department

First District: % of Citywide Crime, Calls for Service, & PSA Officers per PSA

