

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF GENERAL SERVICES



*Brian Hanlon*  
*Director*

**D.C. DEPARTMENT OF GENERAL SERVICES**  
**ADMINISTRATIVE ISSUANCE SYSTEM**

Administrative Order No.: AO-14-01

Date: January 24, 2014

Subject: DGS Policy and Procedures for the Issuance of Barring Notices

Originator: Brian Hanlon, Director

Distribution: DGS Facilities Management Division, DGS Portfolio Division, and DGS Protective Services Division

Expiration Date: Until Superseded or Rescinded

I. Purpose and Scope

The District of Columbia Department of General Services (“DGS” or “Department”), pursuant to D.C. Code §10-551.01(b), has the authority to manage space and provide building services, inclusive of security services, for buildings and adjacent areas owned, operated and/or leased by the District government. As the District agency lawfully in charge of such property, and pursuant to D.C. Code §22-3302(b), DGS has the authority to restrict access to District owned, operated and/or leased property. DGS’ provision of security services encompasses the preservation of peace as well as the protection of the District’s property and individuals who work at or visit such property. Due to increased reports of personal harassment, threats of violence, and disorderly conduct directed toward District government employees and visitors, DGS has determined that it is necessary to establish provisions for a secure work and service environment. Accordingly, Barring and/or Temporary Barring Notices may be issued to individuals who engage in or threaten certain conduct outlined herein. The purpose of a Barring or Temporarily Barring Notice is to prevent these identified individuals from entering designated District property for the protection and security of the property and the people who work at or visit the property.

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DGS Barring Policy and Procedures Administrative Order (AO-13-02)

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Thus, this order establishes policy and procedures for the issuance of Barring and Temporary Barring Notices; categories of prohibited conduct; and administrative review of issued Barring and Temporary Barring Notices.

## II. Applicability

This order applies to all DGS employees and individuals who visit and/or work in buildings or facilities owned, operated and/or leased by the District government and under the charge and/or management authority of DGS.

## III. Definitions

For the purposes of this order, the following terms are defined:

- (a) “Bar” means to prevent entry or access to.
- (b) “Barred” means excluded from or prohibited from or shut-out or prevented from entering or accessing.
- (c) “Barring Notice” means a written document or notice advising an individual that he or she is excluded from, prohibited from, or prevented from entering or accessing a DGS owned, operated and/or leased property.
- (d) “CCC” means PSD’s centralized communications center.
- (e) “DGS” means the Department of General Services.
- (f) “District” or “DC” means the District of Columbia government.
- (g) “Designated DGS Official” means any official designed by the DGS Director for purposes of issuing a Temporary Barring Notice or Barring Notice under this order.
- (h) “Invitee” or “visitor” means an individual who enters another’s premises as a result of an express or implied invitation of the owner or occupant for their mutual gain or benefit. The term “Visitor” will be used interchangeably with “invitee.”
- (i) “MPD” means the District’s Metropolitan Police Department.
- (j) “PSD” means DGS’ Protective Services Division.
- (k) “Personnel,” used interchangeably with “Employees,” means part-time, full time, contractual, or voluntary workers who have entered an agreement with the District of Columbia as service agents to the public in the administration and execution of the District’s operations and

functions.

- (l) “Premises” means a building along with its grounds.<sup>i</sup>
- (m) “Property” means any external thing over which the rights of possession, whether by ownership or lease, can be exercised by the District of Columbia.<sup>ii</sup>
- (n) “Public space” means all the publicly-owned property within the property lines of a street, park, or other public property as such property lines that are shown on the land records of the District, and includes any roadway, tree space, sidewalk, or parking within such property lines.
- (o) “Threat” means a declared intent, by explicit language or suggestion, to cause harm or loss to another person or to property, or to limit one’s freedom to act in a lawful voluntary manner. A threat conveyed in writing may be in a tangible or electronic form. An oral threat may be expressed face-to-face but may also be in some recorded and identifiable format, which is delivered to the intended recipient.
- (p) “Threat Assessment” is a report written by MPD officers, after a report has been filed, that formally evaluates and identifies the degree and nature of threats made to DGS facilities or persons located therein.

#### IV. Policy

##### PROHIBITED CONDUCT REQUIRED FOR A BARRING NOTICE TO BE ISSUED:

DGS may bar an individual from entering an identified office, property, building, or grounds, under the management and supervision of DGS. The following rules on prohibited conduct shall apply to all District of Columbia property and premises, interior and exterior. A Barring Notice shall not be issued solely on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, and place of residence or business. Additionally, DGS reserves the right to bar the individual from multiple properties and premises and report any unlawful conduct to the appropriate law enforcement agency. A DGS representative or agent who serves a Barring Notice shall be escorted by a PSD officer or other appropriate agency officials.

A DGS building manager, DGS official or PSD officer (with the concurrence of a PSD officer of the rank Lieutenant or higher) can issue a Temporary thirty (30 day) Barring Notice preventing an individual from entering the identified office, property, building, or grounds. The purpose of a Temporary Barring Notice is to provide an immediate response to a threat of serious bodily harm until such time that a Barring Notice may be issued, if necessary. In order to issue a Temporary Barring Notice, the appropriate DGS building manager, agency official or PSD officer shall complete the Temporary Barring Notice form. If possible, the Temporary Barring Notice should be personally served upon the banned individual. Service

shall be assisted by PSD and Building Managers (as required) or other appropriate agency officials. DGS may bar an individual when he or she commits any of the following categories of prohibited conduct:

(a) CATEGORY ONE:

Any individual who commits the following Category One violation in or on property and/or premises under the authority or management of DGS shall be immediately removed and permanently barred from the identified District of Columbia property and/or premises:

1. Committing a physical attack on District personnel or invitees.

(b) CATEGORY TWO:

Any individual who commits a Category Two violation, while in or on DGS property or premises, will be immediately removed and barred from the identified District of Columbia property and premises and shall lose the privilege of entry from the identified District of Columbia property for one (1) to five (5) years from the date of the following Category Two violation(s):

1. Committing or attempting to commit any activity that would constitute a felony under federal and/or District of Columbia law;
2. Directing or expressing a threat of physical harm against an individual, group of individuals, or property;
3. Use, sale, or possession of illegal drugs; and/or
4. Possession, sale, or consumption of opened alcoholic beverages, except at administratively-approved events.

(c) CATEGORY THREE:

Any individual who commits a Category Three violation, while in or on DGS property or premises, may first be given a warning at the discretion of the Building Manager or Designated DGS Official. Subsequent offenses by the same individual may result in the individual's immediate removal and barring from the identified property for the following Category Three violations and may lose the privilege of entry from six (6) months to one (1) year:

1. Failure to comply with the reasonable direction of a District employee when receiving services;
2. Using the building's equipment, furniture, fixtures, or buildings in a manner inconsistent with the customary use thereof; or in a destructive, abusive, or potentially dangerous manner; or in a manner likely to cause personal injury to themselves or others;

3. Soliciting, petitioning, or distributing written materials or canvassing for political, charitable, or religious purposes inside a District building, including the entrances or grounds, or in a manner on the property that unreasonably interferes with or impedes access to the entrance of any District property, facility, office, or agency;
4. Entering or attempting to enter (otherwise known as trespassing on) an identified building, property, or facility under the management and supervision of DGS while barred. Any individual who chooses to return to the place from which he or she is barred may be arrested and prosecuted for unlawful entry pursuant to D.C. Code §22-3302;
5. Indecent exposure; nakedness; or sexual activity or conduct, including, but not limited to, the physical manipulation or touching of a person's sexual organs through a person's clothing in an act of apparent sexual stimulation or gratification; and/or
6. Engaging in conduct that disrupts or interferes with the normal provision of services by personnel to visitors, including but not limited to:
  - Excessive or boisterous noise, including loud conversation or music, and where after an oral warning by the Building Manager or an agent of the premises or property, the individual refuses to stop the activity; or
  - Obscene or abusive language.

V. Procedures

TEMPORARY BARRING NOTICE PROCEDURES:

A DGS building manager, DGS official and/or PSD officer (with the concurrence of a PSD officer of the rank Lieutenant or higher) may issue a Temporary (30 day) Barring Notice to prevent an individual from entering the identified District office, property, building, or grounds, under the authority and/or management of DGS, for any violation of the prohibited conduct defined herein. The purpose of a Temporary (30 day) Barring Notice is to provide an immediate response to a threat of serious bodily harm until such time that a final Barring Notice may be issued, if necessary. In order to issue a Temporary Barring Notice, the appropriate DGS building manager, DGS official or PSD official should complete the Barring Notice form with an effective barring period of 30 days. If possible, the Temporary Barring Notice should be personally served upon the banned individual. The DGS official who serves this temporary notice shall be escorted by a PSD officer. During the 30 day temporary barring period, the affected District government agency may request the issuance of a Barring Notice pursuant to the procedures established in this order.

BARRING NOTICE PROCEDURES:

The following procedures must be complied with in order for a Barring Notice to be issued:

- (a) After any prohibited conduct has occurred, (please see “Prohibited Conduct” section above) the Director, Chief of Staff, Chief Operating Officer, General Counsel, Deputy General Counsel or Deputy/Associate Directors of a requesting District agency must first report the incident to MPD, PSD and the General Counsel’s office at DGS.
- (b) The requesting District government agency, if applicable, shall request that MPD complete a Threat Assessment that identifies and evaluates the degree and nature of any danger the threat presents to DGS’ property, DC government employees, and/or the occupants of the property. A copy of this report should be obtained by PSD and shared with DGS’ General Counsel’s office on a need to know basis only.
- (c) Based on the information in the Threat Assessment, the General Counsel’s office at DGS shall assess the legal sufficiency of the Barring Notice request and make a recommendation to the Director of DGS and/or the Designated DGS Official. However, the final decision to issue a Barring Notice rests with the DGS Director and/or Designated DGS Official.
- (d) If it is determined that a Barring Notice should be issued, the Barring Notice shall include:
  - (1) a selection of the category(ies) and/or type of prohibited conduct (rationale for the barring) as defined in this order,
  - (2) an expiration date,
  - (3) the premises, building, or property from which the individual has been barred, and
  - (4) the individual’s descriptive data, including: picture(s), name, address, date of birth, and driver’s license number or Social Security Number or other government-issued ID number (if known).
- (e) The Barring Notice may be served by courier, hand-delivery, U.S. mail, express delivery mail, electronic mail, and/or or facsimile. Personal service of a Barring Notice by a Designated DGS Official shall be assisted and/or witnessed by a PSD officer.

PSD RESPONSIBILITIES:

Patrol Officers

PSD Patrol Officers assisting on scenes where a DGS Barring Notice/Temporary Barring Notice is being served shall:

- (a) Take appropriate action as necessary to keep the peace.
- (b) Obtain a copy of the issued Barring Notice or obtain a blank copy of the Temporary Ban Notice form and fill out all the blank components in this document. Only a PSD officer of the rank of Lieutenant or higher can make the determination to issue a temporary ban. However, any PSD officer can prepare the Temporary Ban Notice form.
- (c) Forward a copy of the issued Barring Notice or Temporary Ban Notice to the PSD’s CCC to be entered into the PSD Barring Notice Log Book and Temporary Ban Notice Log Book by the end of the member’s shift.

- (d) PSD officers shall assist DGS officials or Building Managers in removing or escorting a barred or warned individual from the District property or premises that is subject to the Temporary Ban Notice or Barring Notice.

CCC Operators

PSD CCC Operators shall:

- (a) Ensure that the Barring Notice or Temporary Ban Notice information is entered into the PSD Barring Notice Log Book.
- (b) Update the PSD Barring Notice Log Book and Temporary Ban Notice Log Book on a daily basis.
- (c) Ensure that expired Barring Notices and Temporary Ban Notices are removed from the log and retained in a separate file for a period of three years past the expiration date.

Watch Commanders/Shift Supervisors

PSD Shift Supervisors shall:

- (a) Ensure that the Barring Notice and Temporary Ban Notice information is entered into the PSD Barring Notice and Temporary Notice Log Book.

Operations Commander

PSD Operations Commander shall conduct random checks of members' participation in the Barring Notice and Temporary Ban Notice process to ensure compliance with this circular.

PSD Members Shall NOT:

- (a) Create, draft, or self-issue Barring Notices. Notwithstanding the foregoing, a PSD officer of the rank of Lieutenant or higher may issue or authorize the issuance of a Temporary Ban Notice by filling out all of the components of the appropriate form. Under NO circumstances shall a PSD officer issue a non-temporary Barring Notice.
- (b) Knowingly allow any non-DGS entity to use a "DGS Barring Notice" or "DGS Temporary Ban Notice" (i.e., a Barring Notice or Ban Notice that uses DGS and/or PSD insignia and/or letterhead).

PSD Response to Violation of Barring Notice

A PSD officer responding to a call for a violation of a served Barring Notice or Temporary Ban Notice shall:

- (a) Secure a copy of the previously served Barring Notice/Temporary Ban Notice, and
- (b) Verify the violation.

Upon Verification of the alleged violator's identity, and ensuring the Barring Notice or Temporary Ban Notice has not expired (is still in effect), the PSD officer shall, in his or her discretion:

- (a) Warn and order the barred person to immediately leave the premises and/or physically escort the barred individual from the premises.
- (b) If the barred individual is non-compliant with PSD's warning and commands, then the PSD officer may place the violator under arrest and charge the individual. PSD officers shall follow established PSD arrest procedures and protocols when making arrests for this violation.

VI. Appeal Rights and Requests for Administrative Review

- (a) It is the sole responsibility of the barred individual to appeal a barring notice and to apply for reinstatement of access privileges via a Request for Administrative Review.
- (b) If an individual has been barred, then a Request for Administrative Review must be made in writing within ten (10) business days of the effective date on the Barring Notice.
- (c) The Request for Administrative Review of a Barring Notice shall be based on: (a) reasons that caused the Barring Notice to be issued; (b) the scope and duration of the Barring Notice; and/or (c) evidence that might affect the decision to issue the Barring Notice, inclusive of written statements of witnesses, affidavits, documents or any other form or depiction of information. The request may raise every defense, fact, or matter in extenuation, exculpation, or mitigation of which the barred individual may have knowledge or reasonably should have knowledge or which is relevant to the reasons for the Barring Notice.
- (d) Mandatory Requirements for the Request for Administrative Review of a Barring Notice: In addition to the requirements of the previous subsection (c), a request for review must be signed by the barred individual and should include the specific location(s) and time period(s) for which the barred individual seeks access.
- (e) DGS will review Requests for Administrative Review and respond in writing within ten (10) business days from its receipt of the request.


(f) Requests for Administrative Review shall be submitted in writing to:

DGS Barring Notice/Administrative Review Request  
ATTN: Associate Director for Security, PSD  
Department of General Services  
District of Columbia Government  
1900 Mass Ave, SE  
Washington, D.C. 20019

(g) In addition to request for administrative review, Barring Notices are subject to DGS' periodic review and reconsideration.

VII. Effective Date

This order is effective immediately.



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Brian Hanlon  
Director  
Department of General Services

**ATTACHMENT**

1. Barring and Temporary Barring Notice Form

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<sup>i</sup> *Blacks Law Dictionary*, 9<sup>th</sup> ed.  
<sup>ii</sup> *Blacks Law Dictionary*, 9<sup>th</sup> ed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF GENERAL SERVICES



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Director

**DGS BARRING NOTICE**

Name of Barred Individual (Last, First, Middle): \_\_\_\_\_

Date of Birth: \_\_\_/\_\_\_/\_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Sex: M F TG

Address: \_\_\_\_\_

Method of Identification of Barred Individual (check all that apply):  
 Photo ID  Personally Known  
 Live Scan  Unverified  
 Other (specify):- \_\_\_\_\_

Nickname, ID marks and/or location of marks: \_\_\_\_\_

Name of DGS Properties/Premises/Buildings: \_\_\_\_\_

DGS Property Address(es): \_\_\_\_\_

The above named person was found on the premises of property owned, operated, and/or leased by the District of Columbia government and managed by or under the authority of the District's Department of General Services (DGS). The person identified is hereby warned to stay off the premises and/or property identified above due to prohibited conduct as defined in DGS' Policy and Procedures for the Issuance of Barring Notices (Administrative Order 13-02). **The only exception to this barring notice is entry to the above noted premises and/or property that is necessary for the barred individual's access to legitimate essential and/or emergency District government services. Under these limited circumstances, the barred individual must be escorted on the District's premises and/or property by building security and/or a DGS Protective Services Division (PSD) officer.** Otherwise, failure to heed this warning shall result in prosecution for Unlawful Entry on Property pursuant to D.C. Code § 22-3302.

Prohibited Conduct/Rationale for Barring Notice: \_\_\_\_\_

This Barring Notice is Effective for:  6 months  1 year  2yrs  3yrs  4yrs  5yrs  Other \_\_\_\_\_

This Barring Notice Expires on: \_\_\_\_\_

Barred Individual's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*Please see attached or reverse side for your right to request administrative review of this Barring Notice within ten (10) business days.

- Individual was give oral notice
- Individual was arrested

Designated/authorized DGS Official's Signature: \_\_\_\_\_

Designated/authorized DGS Official's Name: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\*If barred individual refuses to sign, check the box below and have a witness verify that the individual refused to sign the barring notice.

- Individual Refused to Sign [*Barring Notice is still valid*]

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness' Name [print]: \_\_\_\_\_

(If Officer, please provide Badge Number)

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  - ATTN: Associate Director for Security, PSD
  - Department of General Services
  - District of Columbia Government
  - 1900 Mass Ave, SE
  - Washington, D.C. 20019
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