



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF RISK MANAGEMENT

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Chief Risk Office

D.C. OFFICE OF RISK MANAGEMENT
ADMINISTRATIVE ISSUANCE SYSTEM

Administrative Order No. AO-11-05

Date: June 9, 2011

SUBJECT: Transmittal of DC Official Code § 12-309 Claim Notices to District of Columbia
Government Agencies/Preservation of Documents

ORIGINATOR: Phillip A. Lattimore III, Chief Risk Officer/ Director

DISTRIBUTION: Tort Liability Division Employees

EXPIRATION DATE: Until Superseded or Rescinded

1. Purpose

The purpose of this D.C. Office of Risk Management (ORM) Administrative Order (Order) is to set forth this agency's policy concerning the Tort Liability Division's transmittal of DC Official Code § 12-309 claims notices to District of Columbia government agencies, including notices that request the preservation of documents related to the claim.

2. Applicability

Until further modified or rescinded, this Order applies to all Tort Liability Division ORM employees.

3. Authority

D.C. Official Code § 12-309 (2006 Repl.); section 9 of Reorganization Plan No. 1 of 2003 (December 15, 2003); and Mayor's Order 2004-10.

4. Policies

a. Authority and Responsibilities

- (1) D.C. Official Code § 12-309 (2006 Repl.) requires a person with a claim for unliquidated damages to person or property against the District of Columbia to file notice of that claim with the Mayor within six months after the injury or damage was sustained. Section 9 of Reorganization Plan No. 1 of 2003 (December 15, 2003) and Mayor's Order 2004-10 delegate the responsibility of receiving notices of claims to ORM.
- (2) DCORM's Tort Liability Division receives, investigates and processes notices of claims against the District and has authority to settle these claims.
- (3) A notice of claim under D.C. Official Code § 12-309 may be given only if it complies with the following procedures: (A) The notice must be in written correspondence contained in an envelope that is delivered by United States mail, acceptable commercial delivery service, or hand delivery. (B) The notice must be addressed to the Office of Risk Management at 441 Fourth Street, NW, Suite 800 South, Washington, DC 20001. (C) The notice must be received by that Office during normal business hours. No other individual or agency is authorized to receive a notice of claim. The means of giving notice described above are the only acceptable means of giving a notice of claim. A notice of claim may not be given by telecopier, e-mail, facsimile or other electronic means.

b. Transmittal of § 12-309 notices

- (1) Upon receipt of a notice of a claim against the District, the DCORM receptionist shall immediately date-stamp the notice and deliver it to the Tort Liability Division Staff Assistant.
- (2) The Staff Assistant shall input the claim into the ORM tort claims database and assign the claim to a Tort Claims Specialist within 24 hours of receipt of the notice.
- (3) Within three days of receiving a claim, the Staff Assistant shall transmit the claim notice to the agency or agencies allegedly responsible for the injury or damage, and send an acknowledgment letter to the claimant.
- (4) Within 30 days of receiving the claim, the Tort Claims Specialists shall review the claim and send a letter to the claimant and to the affected agency asking for additional information, if necessary.
- (5) The letters to the claimant and to the agency referenced in paragraph (4) shall request that the claimant send the Torts Claims Specialist all relevant documentation that supports the claim, including the name and contact information of witnesses, incident or police reports, medical records, photographs and property damage appraisals.


- (6) The transmittal of the notice to the affected agency or agencies shall be made through electronic mail and shall be sent to the designated agency contact person for torts claims. If the agency's General Counsel is not the designated agency contact person for torts claims, the agency's General Counsel shall be copied on the electronic transmittal.
- (7) The transmittal of the notice to the affected agency or agencies shall attach a Portable Document Format (PDF) version of the claim notice to the electronic message. The electronic message shall include a brief summary of the claim and a request for all relevant reports, documents, photographs, videotapes and other records that will assist the Torts Claims Specialist with his or her investigation of the claim, including documentation of any notice to the agency of circumstances relevant to the claim, the names and statements of any witnesses, and information on any actions taken by the agency since the related incident.

c. Requests to Preserve Documents

- (1) In the event that the claimant, the claimant's agent or the claimant's attorney requests that the District preserve any documents, photographs, videotapes or other records related to the claim, the transmittal of the notice to the affected agency or agencies required by subsection b.(5) and (6) shall quote, within the body of the electronic mail message, the request for the preservation of documents, using the exact wording of the written request from the claimant, the claimant's agent or the claimant's attorney.

7. Effective Date

This Order shall become effective on June 9, 2011.


Phillip A. Lattimore III, Esq.
Chief Risk Officer