

Enforcement of the *Anti-Littering Amendment Act of 2008*

In December 2008, the Council of the District of Columbia passed the *Anti-Littering Amendment Act of 2008*, which became effective on March 20, 2009. Pursuant to the requirements of this Act, the Metropolitan Police Department (MPD) is providing this update on enforcement of the new littering provisions.

The legislation provides new tools to support the effective enforcement of littering. Police officers, with round-the-clock presence on the streets of the District, can be an important part of the routine enforcement necessary to keep our city clean. If people know that the police can issue a ticket for littering, they may start to change their behavior. By establishing stronger accountability mechanisms for those who litter, we send a clear message that everyone shares responsibility for maintaining a clean and green city. Achieving this goal is essential to the health and safety of our residents and the economic vitality of our neighborhoods. The role of leading or initiating anti-littering efforts will remain with the Mayor's Office of the Clean City and the Department of Public Works, as keeping the city clean is central to their mission.

Littering from a Vehicle

The Act establishes a specific violation for littering from a vehicle. It provides that "No person shall dispose or cause or allow 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." (DC Municipal Regulations § 18-2221.6). The penalty for the offense is a \$100 fine, with any appeals adjudicated by the Department of Motor Vehicles. Police issued only warning Notices of Infraction (NOIs) from April 10 until May 10, 2009. Beginning May 10, 2009, MPD began issuing actual NOIs. The number of tickets issued and dismissed in calendar year 2009 is provided below.

Unit	Issued	Dismissed
1st District	20	5
2nd District	10	0
3rd District	10	0
4th District	35	5
5th District	15	0
6th District	55	20
7th District	50	5
Other MPD	30	5
Total	225	40

General Littering

The Act also amended the existing littering statute to establish an affirmative requirement that a person stopped for a non-traffic littering violation provide the officer with his or her accurate name and address for the citation. This was important because in order for littering enforcement to be effective, the government must be able to hold violators accountable for their actions. Without accurate identifying information, the government's ability to hold violators accountable for this civil offense is limited. Violators who do not provide a valid name and address to an officer citing them for a civil non-traffic littering violation can be arrested. The criminal offense of refusing to provide an accurate name and address will be adjudicated by the Superior Court of the District of Columbia, and the penalty, upon conviction, is not less than \$100 nor more than \$250. The underlying littering violation, which already existed, will be adjudicated by the Office of Administrative Hearings (OAH). The fine for the littering violation is \$75.

The Department has worked with OAH on developing the form, process, and tracking that can be used for civil violations written by MPD and adjudicated by OAH. The new tickets books are currently in print production. It is anticipated that they will be delivered in March.

Because the ticket and adjudication process with OAH is new, enforcement will begin with a pilot in the Fourth District. The pilot is important so that OAH and MPD can ensure that a member of the MPD is notified and attends every hearing, and that police officers throughout the Department are trained to write tickets that will be supported in adjudication. The pilot will run for several months so that there is time for a sufficient number of tickets to go through the entire process, with violators either: (1) admitting the violation and mailing in the fine; (2) denying the violation and requesting a hearing in person; or (3) admitting the violation with an explanation and requesting a hearing by mail. Depending on the extent of any adjustments needed in either the process or the ticket books, Department-wide training and citywide enforcement will likely be launched in the fall of 2010.