

## Littering Enforcement in the District of Columbia

In December 2008, the Council of the District of Columbia passed the *Anti-Littering Amendment Act of 2008*. 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 by deterring people from littering. In addition, in January 2011 the final legislative change that was needed to begin littering enforcement became effective. In order to handle any littering tickets issued to juveniles, the Office of Administrative Hearings (OAH), which will adjudicate littering tickets, needed juvenile confidentiality requirements waived for these civil tickets. With this legislation in place, the Metropolitan Police Department (MPD) can proceed with its pilot for littering enforcement.

### General Littering

The *Anti-Littering Amendment Act of 2008* 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. 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, will be not less than \$100 nor more than \$250. The underlying littering violation, which already existed, will be adjudicated by 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. Because the ticket and adjudication process with OAH is new, enforcement will begin with a pilot in the Fourth District in April 2011. 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 to which the process or the ticket books need to be modified, Department-wide training and citywide enforcement will likely be launched in the fall of 2011.

### Littering from a Vehicle

The Act also established a new 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. The number of tickets issued and dismissed in calendar year 2010 is provided below.

Unit	Issued	Dismissed
1st District	7	0
2nd District	5	0
3rd District	2	0
4th District	10	1
5th District	10	3
6th District	16	5
7th District	11	2
Other MPD	2	0
<b>Total</b>	<b>63</b>	<b>11</b>