

APPENDIX D:

LITTERING ENFORCEMENT IN DC

In December 2008, the Council of the District of Columbia passed the Anti-Littering Amendment Act of 2008. The legislation provided new tools to support the 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 adjudicates littering tickets, needed juvenile confidentiality requirements waived for these civil tickets. With this legislation in place, the Metropolitan Police Department (MPD) proceeded 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.

2012 Littering From a Vehicle Tickets

Unit	Issued	Dismissed
1st District	3	1
2nd District	1	0
3rd District	1	1
4th District	7	1
5th District	6	1
6th District	7	2
7th District	6	1
Other MPD	2	1
Total	33	8

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 or 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, in partnership with OAH, developed the form, process, and tracking to be used for civil violations written by MPD and adjudicated by OAH. Because the ticket and adjudication process with OAH was new, enforcement began 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. In order to evaluate the effectiveness of the process and training, a sufficient number of tickets must 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.

The pilot was first launched in the Fourth District in May 2011, and was expanded to the Sixth District in on August 1, 2012. In each pilot, warning Notices of Violation (NOVs), or tickets, were issued for the first month during an educational phase. The Department distributed informational flyers to the community and posted them on its website in English, Amharic, Chinese, French, Korean, Spanish, and Vietnamese. In order to issue a ticket, an officer must witness the litterer intentionally or carelessly dropping rubbish, waste matter, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description, on public space, in waterways, or on private property not under his or her control. In addition, officers are encouraged to first ask the violator to pick up and dispose of the litter. If the individual complies, no ticket will be issued.

In 2012, 70 NOVs were issued. Of these, 23 were

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Disposition	4D	6D	Citywide
NOVs Issued	5	65	70
Defaulted	2	39	41
Dismissed	0	23	23
Hearings Set	0	5	5
Cases Pending	0	0	0
NOVs Paid	3	3	6

dismissed, mostly due to a particular field on the ticket being left blank. Although it is allowable for this field to be blank on traffic tickets, it is not allowed on the littering tickets. This issue has been addressed and corrected. However, if the number of dismissed NOVs is subtracted from the total number written, that would leave 47 NOVs that were valid. Of these, 41 have gone into default, for an 87 percent default rate.

Although 47 tickets is a low sample rate, a 13 percent compliance rate is not encouraging. When the proposed legislation was discussed in Council, MPD warned that there was likely to be a low compliance rate with civil violations for which an individual has no property interest or privilege to protect—such as real property, a professional license, or a driver’s license. In order for littering enforcement to be effec-

tive, the government must be able to hold violators accountable for their actions. Without repercussions for an offense, the government’s ability to hold violators accountable for this civil offense is limited, and the tickets may not be enough of an incentive to motivate people to change their behavior.

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. Since this violation is enforced and adjudicated similar to other civil traffic violations, it could be and was immediately implemented. And, contrary to the non-traffic littering violations, there are known repercussions for ignoring traffic tickets. The number of tickets issued and dismissed in calendar year 2012 is included with this report.