

COURT ORDERED LITTER PICKUP IN SOUTH CAROLINA

Working with Probationers Circuit Courts

In 2018, the Legislature passed Act 214 which amended Section 16-11-700 of the Code, making litter pickup mandatory and rendering the supervising agency immune from any use of action, including Workers Compensation, when the court ordered litter pick up is being performed pursuant to Section 16-11-700. Here are the relevant subsections:

(G)(1) When the penalty for a violation of this section includes litter-gathering labor in addition to a fine or imprisonment, the litter-gathering portion of the penalty is mandatory and must not be suspended; however, the court, upon the request of a person convicted of violating this section, may direct that the person pay an additional monetary penalty instead of the litter-gathering portion of the penalty that must be equal to the amount of fifteen dollars an hour of litter-gathering labor. Probation must not be granted instead of the litter-gathering requirement, except for a person's physical or other incapacities.

(M) Nothing in this section shall be construed as granting any use of action against the State, any political subdivision, or any employee thereof acting in their official capacity to an individual performing community service under this section who is completing litter pickup without direct oversight, including any claim under Workers' Compensation. Routine follow up to ensure completion of litter pickup by a county, municipality, or state employee is not considered oversight."

Circuit Court Judges can use Assign-A-Highway as a special condition of Probation. . Under this condition, the Probationer accepts to clean up litter on a one-mile section of highway for period of time.

Who is involved in this program?

- A Circuit Court Judge
- Department of Probation, Pardon and Parole (PPP)
- Litter Control Office or similar local agency (LCO)
- County Administration (for GIS Department interaction)

Organizing Assign-A-Highway in your county depends on the cooperation of all involved parties. The Judge assigns the probation condition. PPP works with the court to make sure that the Probationer qualifies for the program. Once that is determined, PPP provides paperwork, safety guidelines and supplies to the Probationer. County GIS will select a road in proximity to the residence of the Probationer. This invalidates the “no transportation” excuse. After the Probationer has performed his or her weekly assigned cleanup, he or she will contact the LCO for verification of work.

The County Administrator’s cooperation and support are vital to this program. Future expansion of the Assign-A-Highway Program will require the Administrator’s approval. You will also need the Administrator to approve the work for its employees.

- 1) A Circuit Court Judge assigns litter pickup as a condition of probation. The Judge determines the frequency of pickups - whether it is once every week or once a month.
- 2) The Probation, Pardon and Parole Officer works with the county Litter Control Officers and GIS department to locate a road near the residence of the Probationer.
- 3) The Probationer is responsible for cleaning up the assigned road. This cleanup does not require supervision. safety vests and supplies will be provided to the Probationer by the LCO.
- 4) The LCO checks the road according to the frequency of cleanups. If it has not been cleaned, the LCO will notify PPP and a warning will be issued to the Probationer. If the Probationer does not comply with pickup within a determined amount of time, the Probation officer will notify the court. The judge will determine the consequences of that violation.

The LC keeps track of bags picked up and determines the level of compliance of the probationer.

Preparing Guidelines for Participation – For Offender and Probationer

There are guidelines and spreadsheets available that can be tailored for your programs respective needs. Here are the items for consideration in assembling your own set of guidelines:

- Outline of rules and expectations
- Contact information for PPP and LCO
- Safety guidelines
- Time frame for participation (start date and end date, or number of hours)
- How to check in and what to report

Troubleshooting:

- 1) How much will this cost? Nothing really, other than staff time from your employees who will participate and who are already doing these tasks in their day-to-day assignments. If the County wants to offer transportation to “hot spots” that is up to the county.
- 2) Where will we get supplies? PalmettoPride can help with supplies: safety vests, gloves and trash bags.
- 3) What about liability? Assigned litter pickup will be a special condition of probation if the probationer agrees. The Probationer for all intents and purposes is “volunteering” and does not require supervision to clean up the assigned road. As a volunteer, the Probationer assumes all liability.
- 4) When assigning roads, please be aware of state and local laws that determine where Offenders n be. Pay particular attention to schools and residential areas.

EXAMPLE GUIDELINES FOR ASSIGN-A-HIGHWAY**

This document is to be signed by the Probationer or Community Service Worker

TO: _____ PHONE: _____

ADDRESS: _____

1. Your designated litter pick-up section will be assigned by the litter officer.
2. Lotion: to be determined by litter officer
3. When you have completed cleaning your assigned area, you are **required to call the Litter Control at (xxx) xxx-xxx** during office hours 7:00am – 3:30pm on each **Monday** (closed on legal holidays) to report your name, the road name, the number of bags to be picked up and the lotion of the bags. **Failure to meet this requirement could result in a violation reported to Probation /Parole.**
4. You will be required to keep your assigned area clean by picking up litter at least once a week. **You must report each pick-up to the Litter Control at (xxx) xxx-xxx ONCE A WEEK.**
5. Filled trash bags are to be placed off the highway for pick up by the Dorchester County Litter Officer. **Do not place trash bags in the curves of the road, driveways or in front of mail boxes.**
6. You will be supplied with trash bags and you are required to wear either a white shirt or some type of safety reflective shirt/vest when picking up litter along the road. You will be provided with safety instructions for picking up litter for Assign-A-Highway _____ County program. When you need more trash bags, please contact Probation and Parole.
7. You are responsible for litter pick-up in your designated area until further notice.
8. If you have any questions, you may contact **Litter Control at (xxx) xxx-xxx** or the Probation Office at (xxx) xxx-xxxx.

I HAVE READ AND UNDERSTAND THE REQUIREMENTS OF THE ASSIGN-A-HIGHWAY PROGRAM AND MY ASSIGNMENT. I HAVE RECEIVED THE A SAFETY INSTRUCTIONS OF THE ASSIGN-A-HIGHWAY PROGRAM _____ COUNTY WHICH ARE INCORPORATED HEREIN BY REFERENCE. I HAVE READ THESE INSTRUCTIONS AND AGREE TO BE BOUND BY THEM WHILE PARTICIPATING IN THIS PROGRAM AND HAVE BEEN AFFORDED THE OPPORTUNITY TO ASK QUESTIONS REGARDING THESE INSTRUCTIONS.

SIGNATURE: _____ DATE: _____

** Provided by DORCHESTER COUNTY LITTER CONTROL

EXAMPLE ASSIGN-A-HIGHWAY SAFETY INSTRUCTIONS**

1. WHEN IS THE BEST TIME OF DAY TO PICK UP LITTER?
Do not pick up litter when traffic is heavy
Work only in daylight and fair weather
Never pick up litter while under the influence of drugs and/or alcohol

2. WHAT SHOULD I WEAR TO PICK UP LITTER?
Always wear a white shirt and/or a reflective vest / shirt so drivers n see you easily.
In addition always wear other brightly colored clothes and hard soled shoes and wear work or gardening gloves when picking up litter.

3. HELPFUL TIPS WHILE PICKING UP LITTER.
Always walk on the side of the road facing traffic
Take breaks, drink fluids (water), and don't overexert yourself
Do not pick up litter in the road or on a bridge
Do not go onto private property, construction or maintenance areas
Watch for snakes and poisonous weeds
Do not pick up materials that appear to be hazardous. Contact the **Litter Control Officer at (xxx) xxx-xxx** or your lol law enforcement office to report any hazardous or illegal chemicals or material

4. ASSUMPTION OF RISK BY PARTICIPANT
Participant assumes all risk of injury while participating in this program and will indemnify and hold harmless _____ County and the officers and employees of any and all injuries sustained or used by the participant.

Signature:_____ Date:_____

** Provided by DORCHESTER COUNTY

Sample Criteria for the Assign A Highway (from Dorchester County)

This document is strictly for internal purposes and should not be shared with the Offender.

1. Participant must not be a Sex Offender
2. Participant must not be on probation for a Violent Crime
3. Participants will clean up litter in their residential area if possible or as close to their residence as possible.
4. Participants must call in and report their cleanup, if participant does not call in for 3 weeks, they will be terminated from the program and documentation sent to PPP
5. Participants must wait for a period of time to be reassigned
 - a. 30 days upon 1st termination
 - b. 60 days upon 2nd termination
 - c. Legal process issued upon 3rd termination

*****NOTE***** AAH program serves as a special condition and is not through Probation. Offenders will not be covered under Workman's Compensation. The participants are acting as volunteers.