

# South Carolina Court Ordered Litter Pickup

## Magistrate Courts and Solicitor's Offices Assign-A-Road

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."

Magistrate Courts and Solicitor's Offices already have strong pre-trial and diversion programs in place that provide community service workers. Assign-A-Road is an option for persons convicted of litter ordinances, other misdemeanors, or traffic violations. Some Magistrates are assigning 30-hours of litter pickup for local misdemeanors in lieu of jail time. For violations of the state law, community service is mandatory with a few exceptions.

### ***Who is involved in this program?***

- Magistrate Courts or Solicitor's Office
- County Administration
- Litter Control Office or similar local agency (LCO)
- Other (your area may have other options who can work with community service, such as Keep America Beautiful)

Offenders are assigned a set number of hours to pick up litter. Under this program, the Offender is unsupervised and the LCO monitors the road section to verify it has been cleaned. The Offender will receive bags, a safety vest, safety training/guidelines and all other paperwork needed to fulfill the program. Hours of pick up is estimated based on the number of bags filled and the number of miles cleared.

### STEP 1

The LC keeps track of bags picked up and accounts for how well the Offender complied with his or her assignment.

### STEP 2

If Offender fails to complete the required hours of litter pickup, the LC will alert the proper Court Administrator.

### STEP 3

Once the Offender has completed the required number of hours, the LC will alert the proper Court Administration.

The assigned road will be a road close to the Offender's residence or a pre-determined road in need of cleaning, depending on your group's preference and needs. The LCO will have minimal supervision requirements over the Offender. Offenders will be responsible for cleaning up assigned road in a set timeframe and then will contact the LCO to acknowledge completion of hours. This process will continue for as many days or weeks it takes the Offender to complete total assigned hours. The LCO will verify that the bags are there.

Program administrators can determine how bags will be removed.

**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? If a Magistrate or Municipal Court imposes litter pick up as a community service, that person, by statute, would ne be covered under Workers Compensaion. For sentencing under local laws, a waiver would be required. (Sample attached)



**SAMPLE GUIDELINES FOR ASSIGN -A-ROAD\*\***

*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. Location: 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 location 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 SUPERVISING AGENCY 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-Road \_\_\_\_\_ 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 the **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-ROAD PROGRAM AND MY ASSIGNMENT. I HAVE RECEIVED THE 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*

## SAMPLE ASSIGN-A-ROAD 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 can 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** at (xxx) xxx-xxx or your local 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 caused by the participant.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\* Provided by DORCHESTER COUNTY

## **SAMPLE CRITERIA FOR THE ASSIGN-A-ROAD**

*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 every Monday 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.*