



# PENNSYLVANIA AND SOUTH CAROLINA LITTER LAW ENFORCEMENT STUDY

JOINT PROJECT



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# PENNSYLVANIA AND SOUTH CAROLINA LITTER LAW ENFORCEMENT STUDY

## JOINT STUDY EXECUTIVE SUMMARY

Keep Pennsylvania Beautiful and PalmettoPride actively promote the enforcement of state litter laws to



protect their respective state's environments. Litter and littering behavior, however, continue to be an issue. The organizations initiated a comprehensive joint study on the efficacy of state litter and illegal dumping statutes and enforcement practices and procedures. This multi-state study can serve as a benchmark to measure litter control enforcement efforts across the country. The mixed-methods study examined five years of data, from 2016 – 2020, for both states and conducted interviews with law enforcement and judicial officers to gain on-the-ground insights. A primary focus of the research includes examining Pennsylvania and South Carolina littering and illegal dumping statutes regarding penalties and reviewing the attitudes, behaviors, and influences that emerge from case disposition data and interviews.



The research shows that law enforcement officers believe that enforcement is integral to preventing littering and illegal dumping. Still, it also reveals that more than law enforcement alone is needed to solve the problem. It must be a piece of the process. A key finding from both interviews and the analysis of ticketing data is that higher fines, especially for litter violations, are not considered a deterrent. Officers in both states expressed a desire to seek compliance for illegal dumping, e.g., cleanup, over court action or fines. The officers and magistrates interviewed stated they were hesitant to give high fines in light of other crimes that those magistrates and officers were dealing with regularly. South Carolina's decision in 2018 to streamline the penalty process with a more defined fine and community service process appears to be a practical approach to dealing with littering and illegal dumping violators. The community service process has also been streamlined in some South Carolina counties to allow an unsupervised cleanup. This approach could reduce some obstacles that the Pennsylvania interviewees expressed. Challenges in both states include the small number of counties reporting ticketing for littering or illegal dumping, staffing issues, shifting priorities at state and local levels around the topic, and the need for continuing public education and engagement about the multiple impacts of littering and illegal dumping.

# KEY FINDINGS

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## Littering and illegal dumping enforcement remain important issues.

Littering and illegal dumping enforcement is an important issue and essential to ending littering and illegal dumping; however, ticketing data shows enforcement activity in relatively few locations. Interview participants in Pennsylvania and South Carolina showed dedication to enforcing litter and illegal dumping laws and expressed the importance of enforcement. The interviewees also expressed concerns about the amount of visible litter in their respective states. The county-level participation shows opportunities to increase participation.

- In South Carolina, the number of littering and illegal dumping offenses in the state data search showed that only 25% of counties significantly issued tickets between 2016-2020. South Carolina’s Zero Tolerance Program reports showing participation in 36% of counties.
- In Pennsylvania, data showed a 43% growth in the number of state-issued tickets over 2016-2020, but the numbers per county ranged significantly from as few as 14 to 1441 in the same 5-year period.
- Interviewees in both states preferred compliance or cleanup of illegal dumping sites over fines. The compliance emphasis in a county may be a reason for fewer tickets in some jurisdictions.
- Participants in both states expressed concerns about insufficient officers to cover the geographic areas efficiently and safely.
- Several South Carolina interviewees and survey participants mentioned a challenge with officer classification. The code enforcement officers' status may cause duplicative procedures when officers are not permitted to stop litterers while the vehicle is in motion or conduct license plate research.



**Both states expressed concerns about an insufficient number of officers for proper enforcement**



## Higher fines for littering are not favored.

Participants, whether officers or magistrates, do not favor higher litter fines. The overwhelming response of interview participants, especially enforcement officer participants, was that a higher penalty makes it less likely that officers will issue a littering ticket.

- In South Carolina, participants similarly stated that a higher penalty made it less likely that officers would issue a littering ticket. In 2018, the South Carolina Code of Laws, §16.11.700, was streamlined into a tiered format based on littering under 15 pounds and illegally dumping under 15 pounds, 15-500 pounds, and over 500 pounds with set fines and community service. The statute also provides an option for a cash bond instead of requiring an immediate court appearance.
- In Pennsylvania, interviewees noted that a fee, similar to a parking ticket, would be more likely to be used for littering offenses and offer more transparency for the violator. The fee structure described has similarities to the South Carolina statute or City of Allentown PA's SWEEP ticketing.
- Participants in Pennsylvania and South Carolina expressed that catching an individual litterer was rare as most violators do not litter or drop items in the presence of an officer or within an area monitored by cameras, which are more commonly used to catch dumpers. Based on the lack of witnessing the offense, a higher fine does not deter the litterer as tickets are rarely issued.
- The consensus of both groups was that illegal dumping fines should be structured to match the volume or weight of the materials dumped. Additionally, the penalty should consider the removal costs with offenders required, when possible, to be involved in community service either at that dump site or for litter pick or gathering to emphasize the nature and impact of their offense.

### Fines should be structured to:

- Match volume/weight of dumped material
- Consider removal costs
- Require offenders to participate in clean-up or community service
- Add on education component



## High rates of guilty penalties are imposed.

In Pennsylvania and South Carolina, the outcome when a ticket reaches the magistrate or court is likely a guilty sentence. In Pennsylvania, the guilty verdict, guilty plea, and guilty negotiated plea were the decision in 83% of the cases.

In South Carolina, the most frequent case disposition is guilty, forfeiture, and pled guilty, with an average guilty rate was 87% guilty. Officers occasionally mentioned the magistrate dismissing cases or the judge not accepting camera or video evidence; however, the data shows that guilty sentencing is high.

Magistrates recommended training for officers presenting cases to alleviate some of those concerns. Officers suggested that magistrates understand the environmental, social, and economic impacts caused by littering and dumping. Understanding those impacts may assist the judge since most hear other types of criminal cases regularly and likely receive more information about the effects of those offenses.







## Community service can be an effective enforcement option.

The community service requirement cited in statutes is an effective part of the sentencing procedures, and participants believe it changes offenders' attitudes regarding littering and dumping. Based on the interviews from both states, the South Carolina system appears to have a better process of assigning or implementing community service hours.

- The model used in Aiken County, South Carolina, was referenced where offenders are assigned a road or highway with a set number of hours estimated to clean that section, e.g., 4 hours to clean all litter and bag the litter along both sides of the road. The system provides flexibility for the county and the offender. The verification process is simple, with the county office counting the bags, visually assessing the cleanliness of the road, collecting the bags for proper disposal, and reporting the hours for the offender to the court.
- In Pennsylvania, officers and magistrates raised several concerns about the assignment of community service hours. The community service requirement cited in statutes may be complex for magistrates to include in sentencing and is only sometimes imposed. Some officers noted that although they had cases where disposition should include community service, they have received no referrals. Disposition data shows a relatively low level of assignments statewide. Magistrates expressed concern that they assigned hours in their jurisdictions, but local jurisdictions did not want to manage the community service hours.





## Officers perceive a need for more public understanding of the impacts of littering and illegal dumping.

Participants in both Pennsylvania and South Carolina expressed a lack of knowledge about litter and illegal dumping's environmental and financial impacts and illegal dumping.

- The interviewees, especially in Pennsylvania, commented that littering and illegal dumping are often used interchangeably, but all officers interviewed expressed that the enforcement process is very different. Therefore, some confusion may exist with the public in understanding that both offenses have similar but different impacts.
- The most common solution to the problem listed by the participants and those surveyed was a need for more education, public awareness, and community engagement. Most interviewees were unaware of any statewide messaging or public awareness campaign. The Pennsylvania campaign PA Fights Dirty: Every Litter Bit Matters launched in August 2022, shortly after the completion of the Pennsylvania interviews. Two South Carolina interviewees mentioned an anti-litter message, but neither could expressly state the message's slogan, "Litter Trashes Everyone," unaided.





## **Waste management infrastructure or service may contribute to intentional and unintentional littering and illegal dumping.**

Interview participants in both states expressed frustration with the operating hours and the availability of appropriate waste disposal options. Officers in both states described the need for consistent waste management practices or services as a challenge primarily related to frequent illegal dumping during closed operations in and around waste or recycling drop-off centers. The distance between centers may also lead to dumping and unintentional littering due to litter escaping from uncovered vehicles.



- In Pennsylvania, interview participants expressed frustration with jurisdictional differences in waste management practices and procedures. The lack of consistent waste management practices and services among jurisdictions adds a layer of confusion and a challenge to enforcement, e.g., two communities with abutting jurisdictions may have different policies and procedures regarding collection.
- In South Carolina, officers expressed concerns about uncovered loads entering landfill and waste transfer facilities.
- Other issues raised by representatives of both states include the frequency of waste services, insufficient or open-top containers, and the design or type of collection vehicles.

# RECOMMENDATIONS

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## **Continue to promote littering and illegal dumping law enforcement.**

- Encourage all counties within both states to participate in proactive enforcement activities. Consistent enforcement across all jurisdictions, similar to DUI and speeding enforcement, is needed to emphasize the negative impacts caused by littering and illegal dumping.



## **Support simplified littering and illegal dumping laws.**

- Eliminate the complexity by creating a common law for littering and illegal dumping regarding penalty language. The current South Carolina statutes are easily explained by officers and magistrates with a fine structure and community service based on offense, littering or dumping, and weight.
- Align littering and illegal dumping laws and policies among all levels of government by combining statutes and expanding authorized users to those statutes.
- Involve law enforcement officers in the review of statute amendments whenever possible.



## **Develop enforcement data collection process to support prevention and compliance.**

- Use technology to gather data for littering and illegal dumping offenses to ease reporting and improve accessibility to data.
- Create best practices for using cameras as evidence in court cases.





## **Increase education, public awareness, and community engagement.**

- Implement consistent awareness campaigns on littering and illegal dumping, including the laws and penalties, along with the impact of litter on the community and environment—neighborhoods, land, and waterways.
- Conduct training and education using a systems approach for enforcement officers and judicial representatives to understand all aspects of dealing with cases, from investigation to sentencing, and expand the training opportunities to involve members of the judicial system.
- Support training for officers annually, including but not limited to presenting court cases.
- Explore requiring offenders to attend a class similar to a DUI violation or a defensive driving course as an innovative practice to address long-term prevention and reduce recidivism.



## **Improve waste management policies and practices to reduce illegal dumping and littering.**

- Identify policies and practices causing unintentional or intentional littering and illegal dumping.
- Explore policies to provide accessible and affordable waste disposal and recycling and determine ways to increase opportunities for proper disposal.