

# Litter in SC

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5.149 million people – 24% increase in 20 years

38 Keep America Beautiful affiliate

Number of litter control officers/members of SCLCA jumped to 128

# Biggest Hurdles

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- Lack of consistency in solid waste management (convenience sites)
- Judicial discretion on adjudicating tickets
- Burden of proof is on the officer, even with evidence
- Lack of Prima facie
- Not enough officers
- Population density – 20% more people, no increase in officers
- Lack of consistency in enforcement efforts within counties, especially with challenges filling vacant officer positions.



The South Carolina portion of the study reviewed South Carolina statutes from the State of South Carolina Judicial Branch Court Administration (SCJB). The research focuses on enforcement across the state but excludes enforcement of local jurisdiction ordinances. Based on the research key findings, recommendations are proposed to help South Carolina enhance the effectiveness of its enforcement system to reduce littering and illegal dumping.

# Why a law enforcement study?

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- Does litter control enforcement work?
- Do threats of high fines deter litter?
- Because there wasn't one

# Litter Law Study Key Findings

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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.

- In SC 25% of counties significantly issued tickets
- Higher fines make it less likely that officers will write tickets
- Officers prefer compliance over fines
- Insufficient officers to cover geographic area
- In SC, officer classification impacts ability to enforce effectively
- State v local laws

# Litter Law Study key findings

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## **Higher fines for littering are not favored.**

- Easier to catch illegal dumping than littering
- Higher fine does not deter as tickets rarely given
- Ticket similar to parking citation effective

### **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

# Litter Law Study key findings

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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.

- 25% of counties significantly issued tickets
- 36% reported Zero Tolerance numbers to PP
- Higher fines make it less likely that officers will write tickets
- Majority approve of updated litter laws
- It's easier to investigate illegal dumping than witness window litter

# Litter Law Study Key Findings

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## High rates of guilty penalties are imposed.

- Magistrates recommended training for officers presenting cases to alleviate some of those concerns.
- Officers recommend educating magistrates on the environmental, social, and economic impacts caused by littering and dumping.





# Litter Law Study Key Findings

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Community service can be an effective enforcement option.

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.



# Litter Law Study Key Findings

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## **Officers perceive a need for more public understanding of the impacts of littering 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.
- Confusion may exist with the public in understanding that both offenses have similar but different impacts.
- A need for more education, public awareness, and community engagement.

# Litter Law Study Key Findings

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## **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 lack of consistent waste management practices and services among jurisdictions adds a layer of confusion and a challenge to ene.g., two communities with abutting jurisdictions may have different policies and procedures regarding collection.
- Concerns about uncovered loads - also insufficient or open-top containers, and the design or type of collection vehicles - entering landfill and waste transfer facilities.

# Recommendations

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## **1. 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.

## **2. 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

# Recommendations

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## **3. 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.

## **4. 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.
- Training – for officers, for elected officials, for judges
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# Recommendations

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- 5. Improve waste management policies and practices to reduce illegal dumping and littering.**
- Explore policies to provide accessible and affordable waste disposal and recycling and determine ways to increase opportunities for proper disposal.

## From the study...

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### **The lack of consistency in funding officers was mentioned by 85% of interviewees.**

The number of officers appears to be impacted by the public policy decisions relating to the classification of officers and the financial commitment for additional personnel.

### **Tackling Operational Issues with Waste Management Services**

Participants mentioned that inconsistency in waste management services and availability of recycling or waste centers leads to intentional and unintentional littering and illegal dumping.

- Operation of centers

Inconsistent waste services

Specific challenges identified both through the data and participant interviews include:

- Inconsistent litter enforcement statewide and within some jurisdictions.
- Improvements in ticketing procedures after the 2018 amendment.
- The need for additional waste management services or expanded operations.
- Insufficient funding and lack of staffing to support litter and illegal dumping enforcement.
- Low level of understanding by the general public of the impacts and costs of littering and illegal dumping.
- Challenges with the officer classification system cause some inefficiencies in procedures.

The value of partnership to enforce litter and illegal dumping violations.