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Class Lead: Marie Sessler
(916) 341-6396



Bureau of Street Services

STREET SERVICES INVESTIGATION & ENFORCEMENT DIVISION

City of Los Angeles



lacity.org

Illegal Dumping Enforcement
Program



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*“Committed to Improving the Quality
of Life in Los Angeles”*

IMPACT OF ILLEGAL DUMPING

Illegal dumping is the most frequently committed environmental crime in California. Illegal dumpers rob communities of funding for public safety and infrastructure needs. In the Los Angeles Police Department's Southeast Area alone, the Bureau of Street Services (BSS) removed the equivalent of 1,278 dump trucks of trash in 2006-2007 at a cost of over \$1,000,000. Citywide, the cost of cleaning illegal dumping is a staggering \$11,000,000 per year. According to the October 8, 2006 USA TODAY article "Illegal Dumps Alter Western Landscapes" by Benjamin Spillman: "In California alone, illegal dumping on private and public land costs at least \$87 million annually, according to an ongoing survey of local governments. The estimate is based on the 61 of 415 city and county governments that have responded to the survey."



IMPACT OF ILLEGAL DUMPING

The epidemic of illegal dumping impacts public health, safety, property values and the quality of life in California. Materials dumped range from:

Construction and Demolition

Abandoned Vehicles, Auto Parts and Waste Tires

Appliances and Furniture

Yard Waste and Household Trash

To more serious medical and hazardous waste



IMPACT OF ILLEGAL DUMPING

The problem overwhelms the resources of law enforcement, code enforcement and public health agencies in many California communities. The lack of adequate funding for education and enforcement and the need for stiffer penalties are important factors in the continued growth of illegal dumping.

Illegal dumping is not a victimless crime. However, too often violators face minimal consequences for illegal dumping offences.



The Public Safety Dangers of Illegal Dumping

- **Health Risks** – Children playing near dump sites are exposed to sharp items and dangerous chemicals
- **Vermin** – Rotting trash attracts rodents and insects. Discarded waste tires are an ideal breeding ground for mosquitoes (particularly problematic with the spread of the West Nile virus).
- **Water Quality** – Runoff from illegal waste sites may contain chemicals that contaminate wells and other sources of drinking water.
- **“Broken Window Crime”** – Illegal dumping is the type of crime described by researchers James O. Wilson and George L. Kelling in the March 1982 Atlantic Monthly article “Broken Windows.” Wilson and Kelling reported that when concentrated efforts to improve the enforcement of minor laws such as illegal dumping laws are instituted, there is a corresponding reduction in all crime

The Public Safety Dangers of Illegal Dumping

- **Fire** – Waste tires pose a special danger. According to the **California State Fire Marshall “Rings of Fire”** publication: “Tire fires are hot, long and frustrating to emergency responders who define success as being able to mitigate every emergency situation quickly. Tire fires can last months and in some cases years polluting the air, soil, and water. Unregulated tire piles provide habitat for wild animals and disease carrying pests like mosquitoes.”



RINGS OF FIRE

Strategies for Prevention

Four components to reduce illegal dumping:

- Sufficient legal alternatives, convenient dump sites
- Education on the hazards and costs of illegal dumping
- Enforcing local laws and ordinances
- Rewarding and recognizing those that report illegal dumping crimes

Strategies for Prevention

Enforcement includes recognition of other “quality of life” or code enforcement issues that contribute to illegal dumping:

- Illegal street vending
- Salvage and auto dismantling violations
- Waste tire operations
- Homeless encampments
- Illegal waste haulers

Strategies for Prevention

During the mid 1990's, the City of Los Angeles initiated an enforcement program utilizing the resources of the Los Angeles Police Department (LAPD) to provide surveillance and the pro-active apprehension of illegal dumpers in target areas.



The program involved the coordination of cleanup services with law enforcement actions. Target area information was based on the frequency of illegal dumping clean up by the City's Bureau of Street Services.



The LAPD successfully utilized reserve police officers to make numerous arrests and impounded vehicles used in the commission of illegal dumping violations.



While successful, the program eventually became a low priority for the LAPD as these resources had to be used to address more serious life threatening criminal activities. The Bureau of Street Services had to explore other enforcement alternatives.

The Bureau used existing code enforcement employees to provide traditional reactive code enforcement support through the issuance of administrative notices and in limited cases to perform surveillance. Traditional code enforcement did not make the same impact as LAPD's aggressive apprehension program.

Enforcement Alternatives

The decision was made to establish a pilot program using Bureau code enforcement personnel to perform the same surveillance and apprehension functions formally provided by the LAPD.

Enforcement Alternatives

Utilizing non-police personnel raised several concerns including:

- Safety
- Adequacy of training to make arrests
- Legal authority to make arrests
- Civil liability

Safety

Specially trained and certified investigators are provided communication equipment, ballistic vests, pepper spray and other personal safety devices. On the advice of the City Risk Manager, a strict training and use of force policy was instituted for investigators.

Safety

Special training provided for Street Services Investigators including California Commission on Peace Officer Standards and Training (POST) certified courses related to arrest, search and seizure.



TRAINING

Special training provided for Street Services Investigators including California Commission on Peace Officer Standards and Training (POST) certified courses related to arrest, search and seizure.



TRAINING

The training program includes a California Commission on Peace Officer Standards and Training (POST) certified Basic Investigators School and several advanced officer training classes.

Regular update training is provided by the Los Angeles City Attorney and the LAPD on booking and criminal case filing procedures. Refresher officer safety training is provided monthly.



Training

- In 2008, the City of Los Angeles in cooperation with the Rio Hondo College Police Academy obtained California Penal Code Section 14300 grant funding from the California Environmental Protection Agency. The first Environmental Law Enforcement Academy for illegal dumping was established meeting POST Level III Reserve Peace Officer requirements. The program incorporates the required 162 hours of police training with 80 hours of specialized environmental enforcement training designed especially for illegal dumping enforcement.

TRAINING

- Investigators complete POST required police academy training and possess peace officer power of arrest.

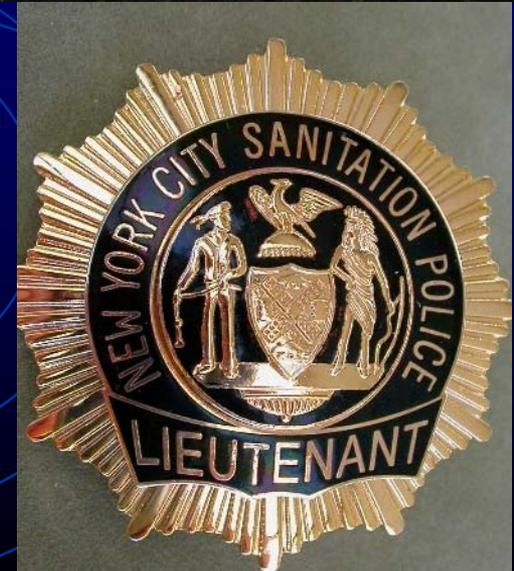


Legal Authority

- **The Environmental Protection Agency Illegal Dumping Prevention Guidebooks** states:
"Dedicating officers to illegal dumping prevention and enforcement is an example of how high level authorities can support prevention efforts. Law enforcement officers assigned to illegal dumping must have knowledge of applicable laws and ordinances. In addition, they must have the authority to issue citations, make arrests, impound vehicles, and conduct surveillance."

Legal Authority

- The City of New York faced one of the most pervasive illegal dumping epidemics in the nation and took decisive steps to stem the tide of illegal dumping. Along with increased fines, tough local ordinances, and the impounding of vehicles.
- New York City created a specialized enforcement unit within the Department of Sanitation. The enforcement unit employs Sanitation Police Officers granted peace officer powers specifically for illegal dumping enforcement.



Legal Authority



The EPA guidelines and the New York City model identified one major issue as the legal authority of non-police employees to make misdemeanor arrests and detentions.

Local ordinance authorizes Street Services Investigators to act as “public officers” pursuant to California Penal Code Section 836.5.

Legal Authority

While this had traditionally been viewed as “citation” authority, nothing in the Section prevented public officers from affecting misdemeanor arrests when the violator did not qualify for cite and release as specified in CPC Section 853.6.

Legal Authority

Based on the arrest authority granted by CPC Section 836.5, the Bureau of Street Services and the LAPD entered into a memorandum of agreement allowing Street Services Investigators to affect misdemeanor arrests for illegal dumping violations and book arrestees into LAPD facilities.

Legal Authority

The City Attorney reviewed and approved the agreement. The City Attorney opined that the civil liability protection afforded public officers for cite and release type arrests would also apply to physical detention, transport and booking by public officers.

Legal Authority

The City Attorney revised Los Angeles Municipal Code (LAMC) Section 61.07(a) to grant Street Services Investigators authority to enforce any “law of the State or any ordinance of the City” related to illegal dumping and littering. The revised ordinance also granted investigators the power to seize vehicles used in the commission of illegal dumping violations.

Legal Authority

In addition, the City sought a change in California law to grant peace officer arrest authority to specialized public officers charged with the responsibility to enforce illegal dumping laws.

This resulted in the passage of Assembly Bill 1688 (Niello) in 2006 that created “illegal dumping enforcement officers” pursuant to California Penal Code Section 830.7(j) that authorizes arrest authority and access to criminal history records for illegal dumping investigations for locally appointed public officers dedicated to illegal dumping enforcement.

Legal Authority

- The passage of Assembly Bills 1688 and 1992 in 2006 and Assembly Bill 1048 in 2007 created a new class of environmental law enforcement officers empowered by California Penal Code Section 830.7(j) to exercise peace officer authority for arrests, impounding vehicles and access to California criminal history records specifically for enforcing laws related to litter or the illegal dumping of hazardous materials, toxic substances, rubbish or solid waste and other related laws

Legal Authority

Based on the arrest authority granted by CPC Sections 830.7(j) and 836.5, the Bureau of Street Services and the LAPD entered into a memorandum of agreement allowing Street Services Investigators to affect arrests and book arrestees into LAPD facilities.

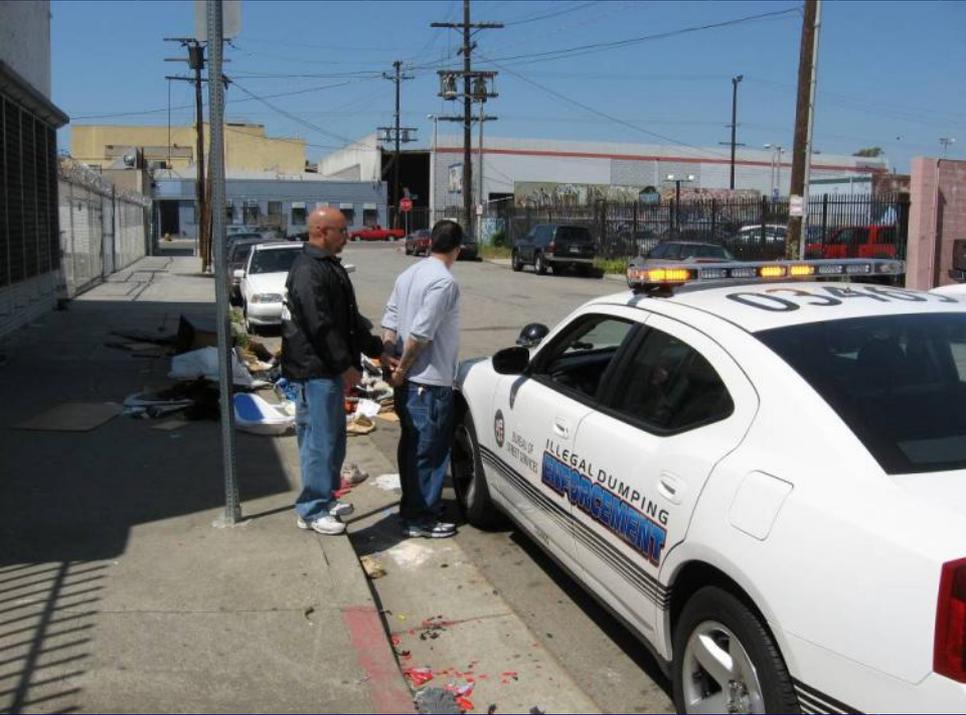


Targeted Surveillance

Maximum effectiveness requires concentrated enforcement in the areas experiencing consistent illegal dumping and most frequently cleaned by city forces.

Working with the Bureau's cleaning divisions, the local police divisions, Neighborhood Prosecutors and City Council offices, key locations were selected for surveillance.

Targeted Surveillance



Targeted Surveillance

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Targeted Surveillance

This approach resulted in 92 arrests in one location (Doran Street). Nearly 1,500 cubic yards of debris had been removed from the area in the past year. Illegal dumping suspects were caught by Street Services Investigators unloading bulky items at the end of the cul-de-sac adjacent to the Los Angeles River that has long been vulnerable to illegal dumping.

Doran Street, which is along Los Angeles' border with the City of Glendale, is long known for being a dumping ground, as it is exclusively an industrial area that is secluded and uninhabited at night.

4560 Doran St.
Border of Los Angeles / Glendale



Targeted Surveillance

In the first year of this two-year sting operation, the City of Los Angeles Lot Cleaning Division reported 24 clean-ups, 2,105 cubic yards of debris removed and costs totaling \$43,650 on Doran Street. In the last year, the division reported 20 clean-ups, 1,144 cubic yards of debris removed and \$10,500 in costs related to clean up.

This accomplishment was given significant local exposure to further deter illegal dumping at this location.

Targeted Surveillance

As part of the targeted surveillance approach, Street Services Investigators address other related code violations in a target area during the surveillance period.

Investigators will inspect the general area prior to starting the surveillance operations and address homeless encampments, residential or commercial placement of trash on public property, illegal vending operations (particularly food vending operations) and any other quality of life concern that may be a factor in the area's attractiveness to illegal dumping.



Community Outreach/Education

Another component of the targeted area approach is to make a special effort to involve the community.

Investigators meet with local Council offices and attend neighborhood council meetings to educate the community about the problems associated with illegal dumping.

Investigators also inform the community about special bulky item pick ups provided free of charge by the City. Qualified community members are invited to participate in reserve investigator or other volunteer programs.

Community Outreach/Education



Community Outreach/Education



Community Outreach/Education



- The Bureau of Street Services has initiated a Junior Inspector's Program in cooperation with participating elementary and middle schools in the Los Angeles Unified School District. This program includes education on the prevention of illegal dumping.

Community Outreach/Education

The Bureau also has a Reserve Street Services Investigator program. The program is open to anyone over 18 years of age meeting the requirements of California Government Code Section 1029 for public officers. Reserve Investigators are required to attend and successfully complete 184 hours of Bureau training, complete a 40 hour Commission on Peace Officer and Standards Training course as well as commit to 16 hours of service per month.



Community Outreach/Education

Working closely with Neighborhood Prosecutors, Community Block Clubs and LAPD Senior Lead Officers, Investigators provide information on the City's \$1000.00 reward program for information leading to an arrest and conviction for illegal dumping.

Community Outreach/Education

- The City of Los Angeles offers a \$1000.00 reward for information resulting in the identification, apprehension and conviction of persons committing the act of illegal dumping.



Commercial Enforcement

To prevent dumping, special attention is paid to those businesses that are more likely to contribute to the dumping of wastes on public property.

Investigators are pro-active in inspecting new construction projects and especially those with permits for the import/export of earth materials due to major excavation projects.

Commercial Enforcement

Participation in the California Integrated Waste Management Board Waste Tire Enforcement Program is also a component of the pro-active commercial dumping prevention program.

Particular attention is paid to Waste Tire haulers.



Choice of Codes

Another key factor is a good local illegal dumping ordinance. California Penal Code

Section 374.3 is an infraction or misdemeanor depending on circumstances specified in the Section with variable fines.

Los Angeles Municipal Code Section 66.25 is a misdemeanor and not a “wobbler.”

Choice of Codes

Use of the LAMC has proved more effective than related Penal Code Sections due to the simplicity of the local ordinance.

LAMC 41.70.3 authorizes civil vehicle seizures.

Dedicated Prosecution Team

Essential to the effectiveness of the program is the specialized Neighborhood Prosecutor Program of the Los Angeles City Attorney's Office.

Each police division is assigned a prosecutor that handles quality of life issues such as illegal dumping. By working with this special group of prosecutors, Street Services Investigators have maintained a 98% conviction rate on criminal cases filed.



Dedicated Prosecution Team

Investigators and Prosecutors meet regularly to review cases and discuss enforcement strategies.

Field and prosecution activities are closely coordinated to ensure illegal dumping cases are given serious treatment by the courts.

Restitution

One result of the cooperation between Investigators and Prosecutors is the sentencing of illegal dumpers to court ordered illegal sign removal work.

They are used to remove signs which result in increased fine recovery for illegal sign violations.

Surveillance Team

The Los Angeles illegal dumping surveillance program utilizes a team of Bureau of Street Services Investigators and volunteer Reserve Investigators that are deployed at locations throughout the city which have been identified as areas with high incidents of illegal dumping.

Setting Up A Surveillance

- Inspect reported illegal dumping site
- Obtain information from the requestor, local police division, Neighborhood Prosecutor and council district representatives.
- Rate location as:
Low , Med or High
- Determine most frequent times illegal dumping occurs
- Set up an initial surveillance



Location Assessment Criteria

- Criminal Activity in Area
- Commercial or Residential
- Street, Alley or Vacant Lot
- Determine Window of Opportunity or Most Frequent Time Illegal Dumping occurs
- Frequency of Cleanup by City Forces

SURVEILLANCE

Waste tires are often among garbage discarded from homes, garages and storage facilities.



SURVEILLANCE

Prior to starting any surveillance, a team meeting is scheduled to review surveillance plan details.

In most cases, only two investigators are assigned to an area. However, depending on the size and distance of the area, up to three or four investigators may be deployed.

Safety Is Always First !

- On the day surveillance is scheduled, investigators report to the local police station to advise the Watch Commander and Senior Lead Officer of the location of the stake out.
- Investigators will obtain a police radio and a telephone number (usually an inside line) for use in case of an emergency.
- Additionally, they obtain the address and telephone number of the local police garage for vehicle impounds and ensure that the safest location is selected at the site to avoid detection and provides the best means of tactical redeployment in an emergency.

SURVEILLANCE

- Undercover investigators wear clothing that will allow them to blend in with location.
- The choice of vehicle is also important. When possible, it is best to use vehicles that are not very flashy, preferably dark colors and common to the area.
- When collecting video evidence of the violation, it is important to remember the basic rules of evidence. The primary legal concern is whether there is a “reasonable expectation of privacy” in the area. Generally, in open public areas such alleys and other public right-of-way locations, there is no expectation of privacy.
- In the event the surveillance does not result in any arrests, investigators look through the trash and retrieve any evidence that can be used to hold an administrative hearing with the persons responsible for the dumping based on the evidence removed from the trash.

SURVEILLANCE

- The majority of surveillance episodes occur in the late evening and early morning hours.
- Information obtained from evidence left at the dump site is used to file administrative cases.
- Maintaining evidence, photos, and other pertinent information from administrative actions is sometimes beneficial in filing future criminal cases.



Accomplishments

Since 2001

- **1118 arrests have been made**
- **12,260 notices of violation issued**
- **2766 Administrative Hearings have been held**
- **6 Vehicle seizures have been performed**
- **\$6,127 has been paid in restitution**
- **39 individuals have participated in a Work Restitution Program**
- **2006 Los Angeles Quality and Productivity Award Winner in the “Protect and Serve” Category**



Bureau of Street Services

STREET SERVICES INVESTIGATION & ENFORCEMENT DIVISION



**ILLEGAL DUMPING
IS A CRIME!**

COMMUNITY SERVICE

RESERVE INVESTIGATORS



The Bureau has initiated a Reserve Street Services Investigator program. The program is open to anyone over the age of 18 that meets the requirements of a Public Officer.

Reserve Investigators are required to attend Bureau training and attend a required 40 hour Commission on Peace Officer and Standards Training course as well as commit to 8 hours of service per month.

JUNIOR INVESTIGATORS



The Bureau of Street Services has recently launched a Junior Investigators Program in cooperation with participating elementary and middle schools in the Los Angeles Unified School District.

Community clean-up events sponsored by the school and the Department of Public Works are scheduled throughout the year. Periodically these students are asked to assist with events and community projects.

City Of Los Angeles Department of Public Works

Bureau of Street Services

Investigation and Enforcement Division



The Investigation and Enforcement Division is preparing for the future of public right-of-way and environmental protection. We are pro-actively improving training, adjusting resource deployment and continually analyzing ways to improve service delivery. Our commitment is firm on becoming a true world leader in municipal safety enforcement and environmental protection!

**Phone-(213) 847-6000
Fax- (213) 847-6266
1149 S. Broadway
Los Angeles, Ca. 90015**



**BUREAU OF STREET SERVICE
William A. Robertson, Director**

**Assistant Directors
Nazario Saucedo Ron Olive**

**Gary Harrie, Chief Investigator II
Clayton White, Chief Investigator I
Tom Carebello, Chief Investigator I**



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