

Illegal Dumping Enforcement Workshop



Illegal Dump Site Investigation...



...some how-to's to
identify the bad guys
and get them out there
to clean up their mess.

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“Dumping is Bad.”

-Lisa Wirtz, U.S. Ranger



Our problem is stopping it, and reclaiming our desert.



Most agencies in the Coachella Valley agree that illegal dumping has become an epidemic.



In general, the problem is broken down into Residential or Household dumping...



...and Commercial/Industrial dumping.



If education and common sense
are insufficient to enlighten the
public...



Criminal Law and Prosecution become the tools of choice.



This is easy if we catch the dumpers in the act...



...but that rarely happens.



So, dump site by dump site, we
glove up, apply clothes pins to
noses, and dig in!



The basic elements of a dump investigation are like any other investigation.



THE BASICS: Who, What, When, Where, How, and hopefully, Why.

Who did the actual act, or who is responsible for the act taking place?

What did they dump (Pretty self evident when you're wading in trash, but is it the only site? What's it consist of? How much is there?)

When did it happen? Witnesses? Is there correspondence with dates, old receipts or recent newspapers or mailers?

Where? Right here, under my feet. Yeah, but who's land? Private? County? Fed? Is there habitat involved or a body of water?

How? How'd they get it there? What vehicle? Private or Commercial? Can you implicate any "helpers?"

Why? This may be the toughest question to answer. We all know that "Cheap and Lazy" plays a major role. Remember that your suspect's answer to this one goes to motive, and may be what the ADA needs for a solid prosecution.

(scenic breather.....)



Intermission continued...



Two Cases In Point.....

First, the story of a Roofer who shortcut his business expenses by avoiding dump fees.

Instead, public lands became his landfill, and no one ever caught him.

Then one day....



...he made a mistake.

Previously, his sites had consisted of nothing but roofing debris and the tire marks from his truck and trailer.



This time however, he got lazy. He forgot he threw personal trash, and trash from his client's residence into his trailer.





Not only did the correspondence found in the roofer's trash clearly identify him, it also documented his horrible financial plight, giving at least one motive for the crime.



Back at the dump site, the nature of the debris and size of the pile (in excess of a cubic yard) clearly indicated a case of Commercial Dumping under PC 374.,3(h)(1).

We left the site and made a trip to the client's house. We were fortunate. The roofer was just finishing up. He was still at the residence with his work truck and trailer.



The interview was fun. The roofer got caught up creating an amazing cover story... until even he realized how silly it sounded. He finally confessed to the deed. A citation was issued for dumping in Commercial Quantities, and he committed to clean up the site.



Documentation

- Date and time site found.
- Location of site.
- Contents. Household or commercial in nature.
Match items found to source.
- Open everything!
- Approximate size and dimensions of pile.
- Most current date on correspondence and other written information.
- Can you estimate the clean-up cost?

Documentation

- Where correspondence, etc. located (one spot, or throughout site. How many pieces?)
- Photograph the site (digital!). Nothing makes your case for you like disgusting photos will.
- You may photo the source if good match.
- Some sites are big. Be prepared to diagram the site and evidence locations.
- Found subject info? Run it for histories - *always think officer safety.*
- Got an address? Run it for prior contacts.

Personal Safety

- Glove up. Work gloves, and even medical gloves under them in some sites.
- Stick or rod to dig with, sometimes a shovel.
- Baby wipes and/or antiseptic cleaner.
- Lots of water to clean with and drink.
- Keep a medical mask handy.
- The right clothing (Oh yeah, Summer.)
- Don't put your hands or feet where you can't see (rattlesnakes and other critters).

Onward to case number two...

This is the much more complicated story of a family who lived at one house, then another, then another.

That meant many possible suspects.

Then a Home Management Co. got involved ...

...and it became a real mess.



This is what it looked like when my partner first located the site. Then she was sent off on detail to another state, and I inherited the case about ten days later.





By the time I got there, the water district had been pushing things around, and it looked a bit different.





The contents came back to the family of Ms. H. It took me weeks to locate and interview her. When I did, she admitted fully that items she saw in my photos were hers.

I discovered Ms H's two previous residences had been managed by the same company. This company also moved Ms. H. into her new place to expedite the turn-around on her old rental. They also took out her trash....



I contacted the property management company. They pointed fingers at Mrs. H's "criminal" family. I asked for faxes of their landfill receipts to verify disposal. They sent me copies... but later claimed they lost one and so never send it.



The upshot of the case . . .



Mrs. H. described one load of refuse that left her house. The management company described something altogether different. Why? Because there were two loads. One was documented, the other wasn't.

One went legally to the landfill, the other made its way to the Metro Water District lands north of DHS



Codes that may serve your well

- PC 374.3(a), the basic dumping law (infraction).
- PC 374.3(b), dump rock or dirt (infraction).
- PC 374.3(c), says you can issue citation for each day the above refuse remains at the site.
- PC 374.3(h)(1), Commercial, Commercial Quantity (misdemeanor). Tires (e) doubles fine.
- H&S 117555, Noxious to the senses (misd.)
- PC 402(b), Appliances (misdemeanor)

More Codes...

- VC 23114(a), Uncovered load spill on road (inf.)
- Food & Ag 16151, Throw garbage from vehicle (misdemeanor - waste related to fruit, veg, or animal products).
- VC 38319, Damage environment (land, wildlife, habitat, vegetation – misdemeanor).
- VC 38320(a), Throw trash or dangerous substance, or driver aid – misdemeanor).
- VC 38320(b), Rocks or dirt (unlike PC 374.3(b), this one is a misdemeanor).
- F&G 5652, Refuse into/near water (big misd!)









