

**Rhode Island Department of Environmental Management FY2002 and FY2003 Work Plan
Office of Criminal Investigation**

- I. **Program Name and Description:** The Office of Criminal Investigation coordinates criminal enforcement proceedings for the Department primarily pertaining to hazardous waste, solid waste, medical waste, water pollution, air pollution, submission of false documents to DEM regulatory programs, and internal affairs.
- II. **Mission of Program, Office or Division:** Office of Criminal Investigation. Through timely and appropriate complaint investigation the OCI will protect public health, safety, and welfare by preventing environmental degradation and restoring regulated natural resources subjected to unauthorized alterations, releases of pollutants, dumping, or other activities that harm a natural resource by investigating and prosecuting violations that appear to be intentional, willful, or knowing.
- III. **Program Highlights: (status, major successes, major problems, major initiatives):** The OCI has initiated over 1,134 investigations of which approximately 300 cases have been prepared for prosecution since 1983 resulting in about 2500 felony charges being brought against individuals and corporations. These cases have resulted in approximately \$9,500,000 in fines and penalties. Portions of the funds generated by this program are held in an account that enables the Department to respond to environmental emergencies.

The OCI will continue to support the regulatory divisions within the Bureau of Environmental Protection against criminal violations of environmental laws that are the most severe deviations from the requirements and typically result in serious risk to human health and the environment. The OCI will continue to aggressively investigate deliberate acts of non-compliance, repeated instances of gross non-compliance, deliberate concealment or falsification of information, and gross non-compliance with permit or license requirements. The primary regulatory divisions that the OCI will continue to support are the Office of Compliance and Inspection, the Office of Waste Management, Office of Air Resources, and the Office of Water Resources. The OCI will consistently and aggressively pursue prosecution through timely response to complaints referred by these regulatory offices and continue enhancement of internal communications through Enforcement Coordination Committee meetings, and the Global Enforcement Response Policy.

The office consists of five investigators and one clerical. One investigator position is currently vacant. This position is expected to be filled in FY2002. With the small number of investigator positions and limited budget, the OCI realizes the necessity for instituting a research and development program to utilize new methods of investigating complaints and obtaining evidence. The current condition of the surveillance and evidence recording equipment is outdated. The office will attempt to utilize money received from fines to purchase new technology and surveillance equipment to enhance its investigative abilities.

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The OCI will continue in keeping hazardous waste violation investigations the top priority, however; the OCI will additionally explore ways to expand criminal investigations into water pollution violations in watershed areas. In order to accomplish this, the OCI will improve communications with the various wastewater treatment facilities including the Narragansett Bay Commission in order to identify and coordinate joint investigations in an attempt to reduce pollution at the source. The OCI will further explore ways to expand criminal investigations of air pollution violations. The OCI will research new methods of obtaining evidence (air samples) and attempt to apply them in the prosecution of those who knowingly release toxic air pollutants that pose an unreasonable risk to public health.

Over the last year there has been an increase in complaints in reference to the illegal disposal of shredded construction and demolition debris and the obnoxious odors emanating from the illegal disposal sites. The OCI with the support of the Attorney General's office will continue to vigorously investigate and prosecute the illegal operation of solid waste/construction and demolition debris facilities and the illegal disposal of shredded construction and demolition debris in an effort to minimize and eliminate the impacts and risk to human health and the environment.

The OCI is expected to have computer access with the regulatory CITRACK system (which will become part of the Permit Streamlining) as part of the Information Management Unit's initiative that will allow the OCI to access regulatory reports and inspections. This will improve computer information retrieving, data tracking, and preparing reports for criminal investigation purposes. The OCI's computer link with the Office of the Attorney General's Bureau of Criminal Identification (BCI) was recently interrupted with the advent of the BCI's new computer system. This is the system that allows law enforcement agencies to conduct criminal background checks on individuals. The OCI with the assistance of the Office of the Attorney General, the DEM's Information Management Unit, and the State Police RILETS will seek to regain access to the BCI system.

The OCI will continue its partnerships in environmental law enforcement endeavors with the Federal Bureau of Investigation, the Environmental Protection Agency, Criminal Investigations Division; and the state and local police.

The OCI provides an Environmental Crimes Training Project to new recruits attending the RI Municipal Police Training Academy and the RI State Police Training Academy. The OCI will revise and update the training program to include new initiatives utilizing the Power Point program. The OCI will continue to coordinate in-service training programs for regulatory inspectors in conjunction with the Northeast Environmental Enforcement Program. The OCI will seek to expand the training of environmental crimes and pollution prevention education with local and state agencies, as well as, with public and private organizations.

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OBJECTIVE 1: Protect public health and safety and the environment by conducting effective, timely, and well-coordinated investigations of alleged criminal violations of environmental laws.		Environmental Indicators: Reduction in environmental crime
STRATEGIES	ACTIVITIES	Performance Measures
<p>1. Maintain a quick response to complaints received relating to criminal environmental violations.</p> <p>2. Ensure all complaints received are recorded, assigned, and inputted into tracking system for proper response and/or referral.</p> <p>3. Coordinate criminal case investigation with the Attorney General's assigned prosecutor.</p> <p>4. OCI will coordinate with the Attorney General's office to investigate illegal C&D violations.</p> <p>5. OCI will explore expansion of criminal investigation into water pollution violations particularly in water shed areas.</p> <p>6. OCI will explore expansion of criminal investigations into air pollution violations.</p>	<ul style="list-style-type: none"> • Immediately assign a complaint number and review to prioritize and determine appropriate response. • If criminal investigation is warranted assign a case number and investigator to initiate investigation. If complaint is not criminal it is referred to appropriate DEM office or outside agency. • Inform AG prosecutor with facts of alleged criminal violation and determine course of action. • Supervisors will periodically review all criminal investigations. • Upon establishing probable cause that an environmental crime has been committed the case will be forwarded to the Attorney General's Office for prosecution. • OCI investigators will vigorously investigate illegal disposal of C&D debris and illegally operating solid waste/C&D facilities. • Schedule meeting with various wastewater treatment facilities managers. • Identify the worst and most repetitive wastewater and air pollution violators. • Research and utilize new methods of obtaining evidence of wastewater and air pollution violations 	<ul style="list-style-type: none"> • Clear criteria to rank and prioritize potential criminal cases based on public health, safety, and environmental threats. • Identify and prioritize violations of environmental laws, rules, and regulations. • Immediate response by OCI in investigating alleged high priority criminal violations and a target of 14 days from date of notification for lesser priority complaints. • OCI will track, and review that all complaints received are responded to and/or referred. • Organize Enforcement Coordination meetings with DEM, legal and regulatory divisions and the Attorney Generals Office (target: 4 meetings per year) • All investigations will be reviewed to determine if reasonable suspicion exists that a willful or knowing violation has been committed (target: every case reviewed with supervisor at least every 90 days) • Following conferral with the prosecutor completed investigation packages forwarded to the Attorney General's Office (target: within 30 days of determination of probable cause). • Reduced number of obnoxious odor complaints emanating from illegal disposal of C&D. • Increase in number of wastewater pollution violation charges. • Increase the in number of air pollution violation charges.

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OBJECTIVE 2: Provide training to other state and local agencies and the public on environmental crimes. Provide job-related training to regulatory inspectors and criminal investigators.		Environmental Indicator: Public health, Environmental regulation and enforcement
STRATEGIES	ACTIVITIES	Performance Measures*
<ol style="list-style-type: none"> 1. Increase level of knowledge in local officials regarding environmental crimes. 2. Revise and update training lesson plan and presentation. 3. Address internal training needs. 	<ul style="list-style-type: none"> • Conduct training and educational workshops for state and municipal law enforcement personnel on environmental crime as necessary. • Create a Power Point presentation. • Coordinate in-service training program for regulatory inspectors. • Identify training seminars and refresher courses for OCI Investigators to attend. 	<ul style="list-style-type: none"> • Number of workshops conducted (target 5 per year). • Number of state and/or municipal personnel attending workshops (approximately 100). • Increased level of knowledge in local officials regarding environmental crime as demonstrated through critiques of workshops/exit surveys. • Number of in-service training workshops for regulatory inspectors (target 1 per year). • Number of staff to receive training (target 20). • OCI investigators to attend appropriate training and/or refresher courses (target: 1 per year per investigator)

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OBJECTIVE 3: Utilization of technology to help protect public health and safety and the environment through Improved evidence-gathering techniques.		Environmental Indicator:
STRATEGIES	ACTIVITIES	Performance Measures*
<ol style="list-style-type: none"> 1. Upgrade and improve surveillance and evidence gathering equipment. 2. Identify and utilize new technology to assist in criminal investigations. 3. Have computer access to all DEM regulatory inspection reports and tracking of complaints through Permit Streamlining. 4. Have ability to conduct criminal records checks through the Attorney general's Bureau of Criminal Investigations 	<ul style="list-style-type: none"> • Organize a research and development program to identify new technology and equipment. • Coordinate with the Attorney General's Office and DEM's budget office to direct money obtained from criminal fines for purchase of new equipment. • Seek assistance from the AG and state police to obtain a computer link with BCI 	<ul style="list-style-type: none"> • Identification and purchase of new equipment and technology to be utilized for criminal environmental investigations. • Quicker response and more accurate and complete investigation of environmental crimes. • The ability to obtain crucial evidence of environmental crimes. • Have the ability to conduct criminal record checks through the BCI computer system from a station located in the OCI office.

Partners: Office of Air Resources, Office of Waste Management, Office of Water Resources, Office of Compliance and Inspection, Office of Legal Services, Office of Administrative Adjudication, EPA Office of Criminal Investigation, Rhode Island State Police, Rhode Island Attorney General's Office, U. S. Attorney's Office in Providence, Federal Bureau of Investigation, and local police.

STRATEGIES	ACTIVITIES	Performance Measures*
<ol style="list-style-type: none"> 1. OCI will explore expansion of criminal investigation into water pollution violations particularly in water shed areas. 2. OCI will explore expansion of criminal investigations into air pollution violations. 	<ul style="list-style-type: none"> • Schedule meeting with various wastewater treatment facilities managers. • Identify the worst and most repetitive wastewater and air pollution violators. • Research and utilize new methods of obtaining evidence of wastewater and air pollution violations. 	<ul style="list-style-type: none"> • Increase in number of wastewater pollution violation charges. • Increase the in number of air pollution violation charges.

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