

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FY2000 WORK PLAN - OFFICE OF CRIMINAL INVESTIGATION**

**Rhode Island Department of Environmental Management FY2000 WorkPlan
Office of Criminal Investigation**

- I. **Program Name and Description: The Office of Criminal Investigation coordinates** criminal enforcement proceedings for the Department 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:** To 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 unit has prepared approximately 300 cases for prosecution since 1983 in which about 2500 felony charges were brought against individuals and corporations. These cases have resulted in approximately \$9,500,000 in fines and penalties. The funds generated by this program are held in an account that enables the Department to respond to environmental emergencies.

The unit consists of five investigators and one clerical. Three of the investigators are nearing retirement age and there is a need to develop a plan for recruiting and training new investigators. Senior management will also explore consolidation of this office with the Division of Enforcement. Consolidation could help to minimize loss of investigative capacity due to turnover and attrition; to broaden training and expertise of all enforcement personnel; and to enhance recruitment. A study of job classification, duties, responsibilities, and paygrades is under review and discussion with Council 94.

The OCI will strive to enhance internal coordination and interaction with the Office of Compliance and Inspection and the Office of Legal Services. The OCI will participate in the development of a Global Enforcement Response Policy (ERP). The ERP will provide guidelines on identifying and prioritizing complaints received by the various divisions within this department that should be referred to this office in order to conduct timely criminal investigations. The ERP will also provide guidelines where by through continuous review of regulatory investigations it will be determined if and when a regulatory investigation should be referred to OCI for criminal investigation. The ERP will allow for better defining the legal issues concerning parallel proceedings for both civil and criminal investigations.

The OCI will continue to keep hazardous waste violation investigation the top priority however the OCI will explore ways to expand criminal investigations into air and water pollution violations. In order to accomplish this the OCI would have to work

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
FY2000 WORK PLAN - OFFICE OF CRIMINAL INVESTIGATION**

closely with regulatory technical staff for the purposes of collecting and analyzing samples. The OCI will continue its partnerships in law enforcement endeavors in this area with the Federal Bureau of Investigation and Environmental Protection Agency, Criminal Investigations Division. The OCI will develop new partnerships with both private and municipal wastewater treatment facilities in an attempt to identify and prosecute continuous water pollution offenders.

The OCI will strive to increase the number training courses offered regarding environmental crimes and pollution prevention education with the Rhode Island Municipal Police Academy. The OCI will seek to establish similar training courses at the Providence Police and the Rhode Island State Police Academy's. The OCI will coordinate and in-service training program for municipal police officer supervisors in conjunction with the Municipal Police Academy. The OCI will expand the partnerships in training of environmental crimes and pollution prevention education with local community

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 FY2000 WORK PLAN - OFFICE OF CRIMINAL INVESTIGATION**

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
<ol style="list-style-type: none"> 1. Improve internal and external coordination 2. Improve environmental regulation and enforcement. 3. Improve communications. 	<ul style="list-style-type: none"> • Participate in drafting a Department Global Enforcement Response Policy with the Offices of Legal Services and Compliance and Inspection to enhance communication and coordination and to establish criteria to prioritize criminal and administrative cases. • Participate in development of a Code of Conduct Manual • Complete project to transfer OCI case tracking data from Paradox to Access to facilitate coordination of criminal cases. • Develop, with other programs and partners, a strategy to address criminal violations in areas other than hazardous waste 	<ul style="list-style-type: none"> • Quicker response by OCI in investigating alleged high priority criminal violations • Enhanced communications and coordination • Clear criteria to rank and prioritize potential criminal cases and administrative cases • Completion of shift of case tracking data to Access by September 30 • Training of key personnel in use of Access is conducted by December 31, subject to availability of funds

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 FY2000 WORK PLAN - OFFICE OF CRIMINAL INVESTIGATION**

		<ul style="list-style-type: none"> • Environmental Indicator: Public health, Environmental regulation and enforcement
STRATEGIES	ACTIVITIES	Performance Measures*
1. Increase level of knowledge in local officials regarding environmental crime	<ul style="list-style-type: none"> • Conduct training and educational workshops for state and municipal law enforcement personnel on environmental crime as necessary. 	<ul style="list-style-type: none"> • Number of workshops conducted (target 5 per year) • Number of state and municipal personnel attending workshops (approximately 100) • increased level of knowledge in local officials regarding environmental crime as demonstrated through critiques of workshops/exit surveys
STRATEGIES	ACTIVITIES	Performance Measures*
Address internal training and hiring needs	<ul style="list-style-type: none"> • Explore full or partial consolidation with the Division of Enforcement 	<ul style="list-style-type: none"> • Work with Human Resources, Legal Services, and Bureau heads to complete draft report by October 31. • Work with Human Resources, Legal Services, and Bureau heads to complete final report by December 31 following review and comment.

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 FY2000 WORK PLAN - OFFICE OF CRIMINAL INVESTIGATION**

STRATEGIES	ACTIVITIES	Performance Measures*
<p>Continue to investigate high priority alleged violations of the state's environmental laws in a timely manner.</p>	<ul style="list-style-type: none"> • Record and review all complaints received for investigation, tracking, or referral to appropriate regulatory law enforcement agencies • Review all complaints forwarded by other offices or divisions for potential criminal violations 	<ul style="list-style-type: none"> • Make timely decision on whether a complaint will be criminally investigated or referred to another appropriate agency (target: 14 days from date of discovery) • Review all complaints received by OCI (target review within 3 days of receipt by OCI) • Identify and prioritize public health, safety, and environmental threats • Identify and prioritize violations of environmental laws, rules, and regulations
	<ul style="list-style-type: none"> • Supervisors will periodically review all criminal investigations • Once probable cause has been established that an environmental crime has been committed information will be forwarded to the Attorney General's Office for prosecution 	<ul style="list-style-type: none"> • 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)

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FY2000 WORK PLAN - OFFICE OF CRIMINAL INVESTIGATION**

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.

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