

Department of Environmental Quality Office of Criminal Investigations

Milton L. Scales, Chief
517-335-3434

**Environmental Advisory
Council - April 21, 2005**
Earth Day 2005



Department of Environmental Quality Office of Criminal Investigations

- 17 MCOLES Licensed
Police Officers
- Statewide Jurisdiction
- Criminal Enforcement of the
*Natural Resources and
Environmental Protection Act*



Department of Environmental Quality Office of Criminal Investigations Goals:

- Criminal prosecution serve as a deterrent.
- Punishment fit the crime.
- Enforcement of law is uniformly applied.



Our Mission Is to...

- Protect the public health and natural resources in a professional manner
- Utilizing proactive enforcement methods, teamwork and partnerships
- Delivering prompt, high quality and thorough investigations of suspected criminal violations of environmental laws

The OCI Vision

- As a key component of Michigan's law enforcement mainstream, OCI seeks to consistently solve complex violations of environmental laws, and provide a resource for local communities faced with environmental conflicts of a criminal nature
- OCI strives toward a culture where each member is challenged to their full potential. A culture where individually each member is recognized for the value they add to the Office, which collectively makes us greater than the sum of our parts

Problem Statement

Environmental crime is viewed as a victimless crime.

- **Vacant lot dumped on - no one appears hurt.**
- **Illegally disposed hazardous waste can cause serious harm to the environment and human health through:**
 - **contamination of surface water or groundwater,**
 - **pollution of the air via evaporation, fires, and explosions,**
 - **poisoning via food chain contamination, and**
 - **direct human contact.***

D.E. Mielke, to US Senate Committee Nov. 15, 1989

What Is An Environmental Crime?

- Intentional
- Knowing,
- Reckless or
- Gross Negligent act
in violation of a state or
federal environmental law or
rule



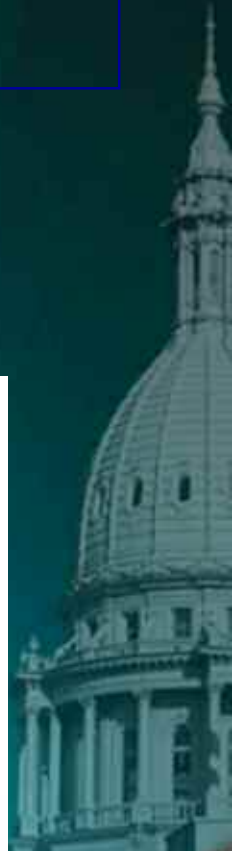
How Are Criminal Violations Detected?

- **DEQ compliance inspections**
- **Citizen complaints**
- **Proactive law enforcement**
 - ↳ **Investigative leads from informants**
 - ↳ **Officer generated**
- **Other government agencies**

Environmental Crime Investigation

Violation Response

- **Proactive investigations**
- **General investigations**
- **Federal-State-Task Force**
 - **Western Michigan**
 - **Eastern Michigan**
 - **Northern Michigan**
- **Special Investigative Unit**



Environmental Crime Investigation

Criminal Enforcement Factors

OCI considers:

- **Priority scale (Program/OCI)**
 - ↳ **Human health threat**
 - ↳ **Environmental harm**
 - ↳ **Program integrity**
- **Compliance history and intent**
- **Elements of the crime**

Environmental Crime Investigation

Multi-Media Enforcement

- **OCI investigators apply knowledge of all programs when investigating violations.**
- **OCI investigators engage appropriate program staff and bring together multi-media resources when cross-divisional issues are identified.**

Environmental Crime Investigation

Investigation Outline

- **Detection of offense**
- **Collection of background information**
- **Surveillance of suspects**
- **Collection of evidence**
- **Laboratory analysis**

Environmental Crime Prosecution

- **Charging**
- **Adjudication**
- **Prosecution
Issues**



Environmental Crime Prosecution Follow-Up

Cleanup and Compliance

- **Monitoring cleanup and compliance**
- **Collection of fines/restitutions**

Roles: Program Staff/OCI

- **Compliance inspections/ investigation**
- **Collect and maintain evidence**
- **Obtain samples for analytical data**
- **Ensure elements of crime exist**
- **Educate Prosecutors and Courts**
- **Ensure clean up is proper/ terms of probation followed.**

Roles: Prosecutors

- **Review case report for warrant authorization**
- **Make final determination on charges**
- **Prosecute case in court**
- **Advise court of desired outcome**
- **Assist investigators with legal issues**

Penalties

- OCI recommends desired penalty to the prosecuting official
- OCI provides compliance history information to the court through pre-sentencing reports
- Judges make final penalty decisions

Pollution Emergency Alert System

800-292-4706

