

Basic Training Module Specifications

<u>Functional Area:</u>	VI. Special Operations
<u>Subject Area:</u>	D. Environmental Crimes
<u>Module Title:</u>	1. ENVIRONMENTAL CRIMES
<u>Hours:</u>	Not less than 2 hours
<u>Notes to Instructor:</u>	

Module Objectives:

- VI.D.1.1. Describe the Benefits of Understanding Michigan’s Environmental Laws.
- a. Describes the personal benefits as:
 - (1) enhancing officer safety by:
 - (a) alerting the officer to environmental hazards that could cause serious injury or death, and
 - (b) providing proper procedures and resources for a safe response;
 - (2) contributing to a cleaner and safer environment (e.g., drinking water, cleaner air, safe recreation areas, etc.) for the
 - (a) officer,
 - (b) officer’s family,
 - (c) officer’s friends, and
 - (d) community;
 - (3) reducing the economic burden, caused by illegally disposed pollution, placed on the:
 - (a) individual taxpayer (including the officer),
 - (b) law enforcement agency, and
 - (c) community;
 - (4) giving the officer another tool that:
 - (a) may assist in identifying additional illegal activity (e.g., an officer investigating the dumping of a hazardous material at a residence may discover a “chop shop” operation taking place); and
 - (b) enhances the officer’s image in the community by promoting a safer environment for all.

VI.D.1.1 Describe the Benefits of Understanding Michigan’s Environmental Laws.
(continued)

- b. Describes the organizational benefits as:
 - (1) strengthening the department through greater community support;
 - (2) creating more partnerships within the community;
 - (3) identifying additional resources;
 - (4) reducing the potential of costly response and cleanup activities;
 - (5) giving officer the tools to enforce the existing environmental laws;
 - (6) creating awareness of laws that may assist the agency with other investigations; and
 - (7) improving teamwork between local, county, state, and federal agencies.

- c. Identifies that illegally disposed pollution harms the environment, community, and human health through:
 - (1) surface water contamination,
 - (2) ground water contamination,
 - (3) air pollution via burning or evaporation,
 - (4) fires and explosions,
 - (5) poisoning via food chain, or
 - (6) poisoning via direct human contact.

VI.D.1.2 Identify an Environmental Crime.

- a. Describes an environmental crime as the intentional, knowing, reckless, or criminally negligent violation of the environmental laws and regulations.

- b. Describes the generators of pollution as:
 - (1) major generators which include large manufacturing companies that make
 - (a) cars,
 - (b) furniture,
 - (c) clothes, or
 - (d) chemical industries that produce acids, cyanide, heavy metals, ignitable, reactive and solvents;
 - (2) smaller generators in the community such as:
 - (a) automotive repair (including body shops),
 - (b) gas stations,
 - (c) dry cleaners,
 - (d) photo shops,
 - (e) funeral homes,
 - (f) agricultural pesticide applicators, or
 - (g) hospitals;

VI.D.1.2 Identify an Environmental Crime (continued).

- (3) illegally:
 - (a) polluting surface or ground water,
 - (b) disposing of hazardous waste,
 - (c) burning or dumping household garbage;
 - (d) disposing of medical waste, or
 - (e) dumping of solid waste (e.g., scrap tires).

- c. Describes the motives for violating the environmental statutes as:
 - (1) the desire (i.e., greed) to save money by disposing of the waste illegally to avoid the high cost of legitimate disposal;
 - (2) the desire (i.e., greed) to make money by collecting fees for proper disposal and then illegally disposing of the waste to increase profits, or
 - (3) byproduct of a traditional crime (e.g., stolen tractor trailer loaded with drums of hazardous waste, “chop shop” dumping solid waste on property, etc.);
 - (4) civil enforcement is not a deterrent (i.e., companies often consider such fines as “the cost of doing business” and passes it on to the consumer – criminal prosecution can result in incarceration a more effective deterrent).

- d. Recognizes potential violations by:
 - (1) making personal observations of activity in and around known generators of hazardous waste;
 - (2) following up on citizen reported information on suspicious activity;
 - (3) using the following guidelines to assist in identifying environmental criminal activity:
 - (a) **sight** – does the pollution look particularly nasty or foul? (e.g., strongly colored discharge from a pipe going into stream or lake, foam and/or visible solids in the discharge or that leaves a visible oil sheen on the water, dead fish or animals in the area, dead grass or vegetation, or dark black smoke rising from the burning of debris);
 - (b) **odor** – does the pollution present a strong odor that is unpleasant? (if the odor burns your eyes, mouth, nose, or skin, immediately leave the area, secure, contact appropriate response personnel);
 - (c) **unusual** – does the type or source of pollution seem unusual? (e.g., something that is different from how similar things appear to work or from how they worked previously); and
 - (d) **secretive** – is there something secretive or suspicious about the potential pollution-causing activity? (e.g., a bulldozer working at night in a marsh or wetland, a truck pouring wastewater into a sewer on the side of the road, or someone dumping garbage at a site where it probably should not go (e.g., abandon or vacant city lot, alley, ditches woods, someone-else’s dumpster, etc.)).

VI.D.1.3. Use the Michigan Penal Code (MCLA/MSA) to Identify Environmental Statutes.

- a. Uses the table of contents and index to locate specific offenses.
- b. Identifies the elements of an offense.
- c. Compares the elements of an offense against the facts of the situation to determine if any of the following crimes have been committed:
 - (1) water resources pollution (MCL 324.3109, 324.3112, 324.3115);
 - (2) wetland pollution/destruction ((MCL 324.30316);
 - (3) hazardous waste violations (MCL 324.11147, 324.11151);
 - (4) improper storage/disposal of industrial waste (MCL 324.12116);
 - (5) improper disposal of scrap tires (MCL 324.16909); or
 - (6) illegal disposal of batteries (MCL 324.17107);
 - (7) air pollution (MCL 324.5531).
- d. Identifies that a violator who knowingly (or should have known), releases a hazardous substance which causes personal injury or property damage (or knew or should have known of the potential harm) may be charged with a felony (MCL 324.20139).
- e. Identifies that the violator is responsible for response costs and natural resources damages (MCL 324.20107(c)(2)).

VI.D.1.4. Make an Appropriate and Safe Response When Observing a Violation of the Environmental Statutes.

- a. Maximizes officer and/or public safety by:
 - (1) approaching the scene with **caution** utilizing standard safety procedures covered in objectives VI.A.2.1., VI.A.2.2., and VI.A.2.3 (First Responder Awareness Training for Hazardous Materials);
 - (a) attempts to identify the type (**from a position of advantage, i.e., from a distance, up-wind, up-hill, up-stream**) and source of pollution (utilizes the North American Emergency Response Guidebook) by:
 - i. noting information marked on containers, manifests, etc.,
 - ii. does not assume what is marked on the container is what is inside (persons involved in illegal handling transport often “cocktail” or mix waste materials);
 - iii. noting danger signs (e.g., leaking, bulging, emitting vapor, etc.), and
 - iv. not disturbing containers;
 - (b) secures area and remains a safe distance from the scene when unsure of proper action to take;

VI.D.1.4. Make an Appropriate and Safe Response When Observing a Violation of the Environmental Statutes (continued).

- (2) properly securing the area by:
 - (a) keeping bystanders, news media, or other unauthorized personnel away from the scene;
 - (b) identifying persons exposed to the pollution;
 - (c) preserving the scene for evidence collection, and
 - (d) not leaving the scene without being checked for possible contamination;
- (3) evacuating the area if necessary; and
- (4) **contacting the appropriate response team(s)** (generally through dispatch):
 - (a) Department of Environmental Quality (DEQ)
 - (b) Department of State Police,
 - (c) Fire Department,
 - (d) Hazardous Materials Response Team,
 - (e) Private Contractors.

VI.D.1.5. Describe the Best Tools in Investigating an Environmental Crime are Standard Investigative Techniques.

- a. Uses a multi-agency response to investigate an environmental crime by contacting the appropriate agency(s).
- b. Applies standard law enforcement investigative techniques such as:
 - (1) securing the crime scene;
 - (2) looking for physical evidence (e.g., mail w/addresses, lot numbers on drums, names on boxes on debris pile, and all types of traditional evidence found at any crime scene);
 - (3) interviewing witnesses/suspects;
 - (4) interviewing area residents/business owners;
 - (5) taking photographs;
 - (6) seizing paperwork; and
 - (7) satisfying as many elements of the offense as possible.

VI.D.1.5. Describe the Best Tools in Investigating an Environmental Crime are Standard Investigative Techniques (continued).

- c. Takes appropriate enforcement action by:
- (1) recognizing that there are three types of enforcement of environmental laws:
 - (a) administrative action,
 - (b) civil complaint, and
 - (c) criminal complaint;
 - (2) recognizing that civil administrative enforcement is not always sufficient to ensure compliance because:
 - (a) the violation may be extremely serious (e.g., extremely toxic chemicals illegally disposed of can cause terminal illness and genetically transmitted disease);
 - (b) it is more profitable to dispose of hazardous waste illegally and the violation may seriously undermine the regulatory program (these programs rely on companies to submit self-monitoring data and comply with reporting requirements); and
 - (3) recognizing the potential for “under charging” the violator for a serious violation (e.g., littering vs. solid waste charges).