
THE TASK OF THE POLICE

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SUMMARY

In the Netherlands it has become obvious that the police can play an important role in enforcing laws pertaining to the protection of the environment. Besides having a criminal investigative function, the police also hold a key position with regard to the execution of policies; furthermore, the police may be expected to set an example and to regard environmental awareness as one of their responsibilities.

In order for the police to be able to perform this relatively new task with regard to the environment, the relevant infrastructure must first be created. Particular attention must be paid to the specific tasks associated with this, to education and training, to computerization, and to participation in the general enforcement of environmental laws.

1 INTRODUCTION

The enforcement of environmental laws is a relatively new task for the police. Until the end of the 1980s the Dutch police paid hardly any attention to detecting environmental crimes, giving priority to combating other forms of crime. During the past few years, however, society has become more aware of environmental issues, and violations of environmental standards are seen more as violations of essential and basic behavioural norms. This has been accompanied by an increase in the importance of criminal law enforcement.

These developments have caused the police to reconsider their task, role, and position in relation to environmental law enforcement. At present, the police are very much involved in determining the form and content of their role in relation to environmental legislation. In May 1990 the Co-ordinating Police Council (in which all police forces in the Netherlands are represented) drew up an environmental policy plan entitled "Handhaven of verliezen" ("Maintain or lose"). The funds that became available through the National Environmental Policy Plan (NMP), the so-called NMP police funds, have enabled the police to initiate a great number of activities.

2 THE TASK OF THE POLICE

The answer to the question whether the police might be of importance in enforcing environmental laws must be "yes" in view of the fact that:

- The police are available 24 hours a day, 7 days a week, which means they are well placed to observe.
- The organization is equipped to trace crimes.
- As regards criminal investigation, the police are already accustomed to operating under the auspices of the Department of Public Prosecution.
- The police are regarded as objective and independent.
- The police are well advanced in, and acquainted with, the areas in which they operate in, and they have access to many sources of information.

A description of the various aspects of the role of the police in enforcing environmental legislation is given below, followed by a discussion of the choices that have to be made with regard to the implementation of the relevant policies.

2.1 Various aspects of the task of the police

What exactly is the task of the police where the enforcement of environmental laws is concerned? The environmental policy plan of the Co-ordinating Police Council states that their task is threefold: criminal investigation, supporting the execution of relevant policies, and increasing environmental awareness within the various police forces in the Netherlands.

Criminal investigation should be both repressive and preventive; it can vary from simply observing and monitoring to a full-scale criminal inquiry. The crimes with which the police are confronted may be classified as follows:

- Less-serious environmental crimes committed in residential areas (for example, street litter, noise pollution, car wrecks on housing estates).
- Serious environmental crimes committed by certain companies through negligence or intentionally (for example, the occasional illegal dumping of waste in surface water or the illegal dumping of refuse).
- Very serious environmental crimes involving important social and economic interests and complex fraudulent activities (for example, the systematic dumping of chemical waste).

The supportive tasks of the police include assisting in the exercise of authority, visiting and accompanying security personnel who work as surveillants at industrial sites, supervision with regard to the execution of administrative sanctions (in particular checks at "unusual" times), recording and passing on complaints about environmental issues, and providing general information on the environment.

Accompanying surveillance personnel at industrial sites is often a tricky issue, both for the police and the surveillants. The Economic Offences Act (*Wet Economische Delicten*) permits the police to make checks even in cases where there is (as yet) no suspect.

Besides enforcing environmental laws, the police should also set an example with regard to what goes on within their own organization and develop a certain degree of environmental awareness. In order to realize this, various processes that go on within the police organization (supply of energy, waste disposal, means of surveillance, shooting range) have to be analysed, then standards need to be set and maintained.

2.2 The tasks: policy choices

Whether the police make use of the authority they have been given (for example, deciding at what point to assist in industrial checks) depends on the policy to be followed; the policy in its turn is largely determined by what has been agreed upon in the various consultative bodies. In general the police should not, in principle, take the initiative and supervise and perform checks. These tasks are to be carried out by surveillants and specialized criminal services and detectives. The most important task of the police is to trace crimes, a task which has both preventive and repressive aspects.

It is frequently thought that the role of the police is merely a repressive one. This is not true, however; a police organization with its roots firmly in society has different roles, depending on the circumstances. This is the case too with the environment. The effectiveness of various police activities, namely solving or preventing problems, is what should be most important. When the police are asked to participate only at a very late stage (for example, in a fourth industrial check), the only sanction they can apply is to institute a criminal investigation, and the environmental damage will already have been done. The effectiveness, subsidiarity, and proportionality of the means are no longer subject to

discussion. However, just as with other police tasks, the police should have the opportunity to choose from a wide range of alternative sanctions to enforce environmental legislation. It is important that their partners in the field of law enforcement be aware of this.

3 INTERNAL STRUCTURE OF THE ORGANIZATION

In this section, the internal structure of the police is discussed. First, the infrastructure of the police organization is considered, and then the cultural aspects that play a role in the implementation by the police of their task as environmental law enforcers are discussed.

3.1 Infrastructure

In order for the police to be able to perform their relatively new task of environmental law enforcement, a new infrastructure has to be developed.

3.1.1 Budget

Since 1990 the NMP has made funds available to the police. In 1991, during a Co-ordinating Police Council conference on the role of the police with regard to the environment, the heads of the regional police forces in the Netherlands recommended that 4% of the total budget be allocated to environmental law enforcement by 1995.

3.1.2 Training

An important aspect of the measures relating to the infrastructure of the police is the introduction of training courses. At the national level, courses for specific groups have been set up by the National Police Training Institute.

During the 1991 conference mentioned above, the heads of the regional police forces recommended that by 1996 all police officers should have undergone either a general or specialist training in environment issues.

3.1.3 Computerization

A second aspect is the need for computerization. A national study into the availability of information on environmental issues has led to the development of an environmental "dictionary". Every police force has been given the opportunity to implement and consult this data collection.

3.1.4 Position in the organization as a whole

Practically all police forces see the enforcement of environmental legislation as a fundamental task of the police. In all police regions the funds allocated to the police under the NMP have been used to create regional environmental bureaux to see to it that measures are taken and to co-ordinate activities in the field of the environment.

The activities of these bureaux include, for example, setting up training courses, participating in law enforcement activities, and executing measures to improve the environment (such as removing car wrecks, taking away manure, closing down garages or illegal rubbish dumps, preventing illegal refuse dumping and the dumping of chemical waste).

The recent reorganization of the Dutch police force has led to the fact that in almost all police regions de-specialization seems to take the place of specialization, which is logical since in the past new tasks were often implemented in the same way. The new tasks facing the police can only be

successfully integrated into the basic functions of the police if the specialism currently available is supportive in nature and not independent.

3.1.5 Criminal Intelligence Service

In 1991 a pilot project was started in which four criminal intelligence services and the National Criminal Intelligence Service participated. The objective of the project was to improve the supply of information on the environment. The project's interim report concluded that new methods and techniques for gathering information should be developed. The methods and techniques that currently exist and which are particularly suited to combating traditional forms of crime (such as narcotics-related crimes) are only partly suitable for gathering information on environmental issues. One of the reasons for this is that these particular (traditional) forms of crime are closely interwoven with the so-called upper world of private enterprise and governmental institutions.

3.1.6 International

Studies conducted by the National Criminal Intelligence Service show that environmental crimes are increasingly international in nature. Since cross-border waste transports and dumpings occur quite frequently, it is important that international networks are created and maintained. In Europe, members of TREVI (an association of countries in the field of law enforcement) have agreed to draw up a checklist (the so-called Eco form) and institute training courses on this very subject.

An Interpol environmental crime working group has been established, as have more specialized working groups on specific issues (such as cross-border waste transport and the illegal transport of endangered species).

When these international police networks function properly, they will have to be linked to international networks in which the Public Prosecutor's Department and the government participate.

3.1.7 Participation in the law enforcement network

When the infrastructure needed to enable the police to effect their duties in enforcing environmental legislation is devised, attention will also have to be paid to adapting the internal structure of the police so that the latter can participate in the law enforcement network.

3.2 Cultural aspects

In the above discussion, various aspects have been mentioned which need to be taken into account when an infrastructure is devised for the implementation of the police's environmental task. The cultural aspects related to this are no less important. The idea that implementation of environmental legislation by the police is just mere hobbyism needs to be changed. Like officers involved in narcotics cases, the police should feel the need to "score", and do their utmost to prosecute cases in which chemical waste is illegally dumped. It is questionable which of these illegal activities is the more harmful to public health.

However, less-serious forms of environmental crime, such as the occasional dumping of waste in surface water, can easily compete with other, more frequent, forms of crime (such as burglaries) in terms of their effect on society as a whole.

Besides creating a feeling that activities aimed at preserving the environment are part of the tasks of the police, and that performing these is pleasurable, attention has to be paid to the results of these activities. Traditionally, the emphasis of police work has been on criminal investigation; drawing up statements is still the most widely used means of criminal investigation used by the police. This might be different in the case of environmental law enforcement because what is most important is using the most effective means. In many cases—for example those which involve illegally dumped waste or the frequent dumping of dangerous substances in surface water—administrative law may

offer better opportunities to successfully combat these kinds of crime. Here, the most important aspect is removing the waste and preventing future illegal dumpings. The police will have to learn not to resort automatically to the use of statements, but to consult competent authorities and try to work out what the most effective solution to the environmental problem in question is.

4 EXPERIENCES OF THE POLICE IN THE LAW ENFORCEMENT NETWORK

In the meantime, the police have gained some experience in enforcing environmental laws. The following conclusions can be drawn from these experiences.

Even when co-operating with other bodies, the police should perform their task of criminal investigation "independently". Because the police participate in all kinds of consultative bodies, the other participants in these bodies might mistakenly begin to believe that the responsibilities and authority of the police in the field of criminal intelligence work are also subjects for discussion. This makes it necessary for the police to make clear its right to reserve the questioning of its criminal intelligence work (though this obviously must continue to be the responsibility of the Department of Public Prosecutions).

The above consideration also influences the way information is supplied. With regard to information on administrative measures, for instance, there might be a two-way exchange, but with regard to criminal intelligence this is virtually impossible (with the exception of certain matters dealt with by the stringent conditions imposed by the Police Registers Act [Wet Politierregisters]). This restriction largely determines the nature of the co-operation between those involved in environmental law enforcement.

The role of the police is interpreted in a different way in each of the governmental regions. The idea that there is hardly any role for the police in the field of environmental law enforcement is one still held by their law enforcement partners, who associate the task of the police with repressive actions in response to very serious environmental crimes. That this does not do justice to the effectiveness of the work of the police has been clarified in Section 2.2.

Furthermore, when the police participate in consultative bodies like the ones described above, they will have to make clear that they—in contrast to other specialist bodies—have tasks other than the enforcement of environmental laws which also demand personnel and equipment. This, however, should not deter the police from entering into agreements with their law enforcement partners and accepting certain commitments.