

Environmental Crime Working Protocol

West Midlands Police And Coventry City Council

Background

In April 2006, the Clean Neighbourhoods and Environment Act 2005 amended the Crime and Disorder Act 1998 so as to require "responsible authorities" to include environmental antisocial behaviour into their Crime and Disorder Reduction Strategies. Research has shown that there is a relationship between the state of the Environment and the fear of crime. Environmental Crime is now recognised by the Home Office as a "signal Crime" to wider local crime and antisocial behaviour issues.

In Coventry, the Environmental Crime Unit is responsible for investigating Environmental Crimes that include fly-tipping, fly-posting, littering, abandoning vehicles, duty of care offences, graffiti and non-compliance with notices to prevent detriment to the amenity. Under the Environmental Protection Act 1990, Refuse Disposal (Amenities) Act 1978, Highways Act 1980 and Town and Country Planning Act 1990 these offences are considered criminal offences and punishable by fine in a court of law. In the case of fly-tipping and abandoning vehicles perpetrators can also receive a prison sentence for the offence.

In January 2006, there was a significant legislative change in respect of police powers of arrest without warrant as enshrined in section 24 of the Police and Criminal Evidence Act 1984 (PACE), namely when the Serious Organised Crime and Police Act 2005 effectively substituted the concept of the "arrestable offence" with a broader power based on whether the arrest was reasonably believed to be "necessary".

The power of summary arrest conferred by section 24 PACE is exercisable only if the constable has reasonable grounds for believing that for any of the 10 reasons mentioned in subsection (5) it is necessary to arrest the person in question. Those reasons include "to allow the prompt and effective investigation of the offence or of the conduct of the person in question".

Where a suspect is unwilling to co-operate voluntarily with an invitation to be interviewed, if the police consider it necessary to do so, they can therefore now arrest and interview him.

Persons "other than a constable" also have a power of arrest pursuant to section 24A PACE, but the circumstances in which such an arrest would be appropriate are relatively limited. It would be "best practice" to involve a constable at the earliest opportunity so that, if the officer considered that the section 24 PACE criteria were met, they could carry out the arrest and assume responsibility for proceedings thereafter.

Proposal

Through its AIMS process the Community Safety Partnership has now proposed that a protocol be established between the local authority and the police. The purpose of the protocol is to provide a joint approach towards the problem of environmental crime. Historically problems have been encountered when council officials have tried to interview those suspected of committing such offences. It is now felt that the recently amended power to arrest could be of considerable assistance in this regard. To this end, a draft protocol has been drawn up which involves police intervention at a stage when sufficient evidence has been gathered and when other attempts at communication with the suspect have proved fruitless.

Protocol

- Public Protection to gather evidence connecting an individual to an offence of environmental crime.
- Letter sent by Local Authority Public Protection officers inviting the individual to attend voluntarily for PACE interview with Public Protection.
- If this is ignored, the case is reviewed by a Public Protection Officer along with the police, PC Knight or a Neighbourhood Team Officer. This review will include a risk assessment of the joint operation and may include the police considering whether they feel it is now necessary to arrest the individual in order to progress the investigation.

- If it is not considered necessary to arrest at this stage, a decision is then made to either forward a PACE questionnaire OR for police to accompany Public Protection on visit to relevant address.
- If visit agreed or if questionnaire ignored, individual is visited by Public Protection officers and police.
- Individual offered final option to comply with voluntary interview.
- If the individual declines, and if the police now consider it necessary to do so, they may arrest the individual and follow normal custody procedures.
- The individual will then be interviewed by the Public Protection department with a police presence.
- If during the course of the investigation any other criminal offence comes to light then the police will take the lead for the investigation and any subsequent prosecution in consultation with the local authority and Crown Prosecution Service (CPS).
- Having consulted with the police, Public Protection will consider whether further action is taken.

Health and Safety

Public protection staff engaged in any joint operations will have received the following training:

- Health and safety
- Conflict resolution
- Familiarisation with custody procedures

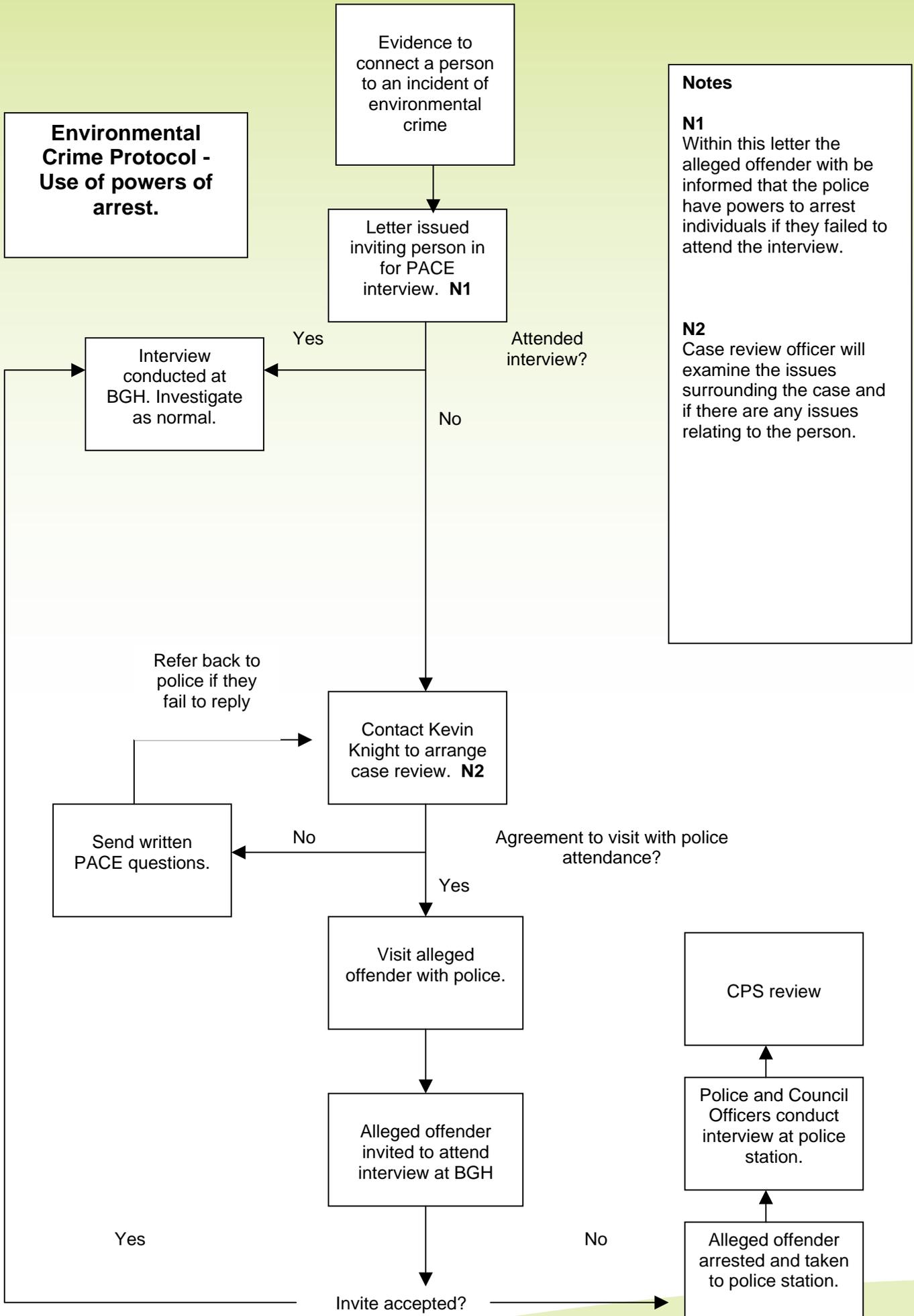
Summary

The Coventry Police Operational Command Units (OCUs) and the Public Protection department are key partners in the delivery of the Safer Stronger Communities (SSC) elements of the Coventry Local Area Agreement (LAA). There is already a good working relationship and information exchange between the two agencies, particularly in relation to Environmental Crime and the deployment of Dome Hawk cameras.

Partnership intervention is a valuable asset in the detection and apprehension of offenders for the offences of environmental crime. Public Protection will continue to be primarily responsible for gathering evidence of such offences but it is best practice for all arrests to be undertaken by the police themselves. If in unusual cases they are not involved in an initial arrest, police will become so at the review stage, which may result in an arrest of the individual if the police consider such a step to be necessary.

Review:

This protocol will be subject to joint review on a yearly basis.





West Midlands Police:

M1 OCU Commander

M2 OCU Commander

M3 OCU Commander

Coventry City Council - Public Protection Department

Head of Department

Crown Prosecution Service

Branch Manager