

DEM9 Office of Criminal Investigation

DEM9.1 Investigation Case Files

Office of Criminal Investigation's (OCI) primary goal is to enforce the laws of the State of Rhode Island relating to hazardous waste, solid waste violations, and water pollution. OCI undertakes cases involving potential violations of environmental sections and chapters of state criminal statutes. OCI conducts investigations in conjunction with the federal Environmental Protection Agency's Office of Criminal Investigation, RI State Police, State Attorney General's Office, and the U.S. Attorney's Office in Providence. Investigations involve gathering information, evidence, and witnesses for the purpose of charging alleged violators/polluters. OCI prepares cases for grand jury and court prosecution by the state's Attorney General. Closed case files contain information that may be used in the future to reconstruct environmental conditions or to gather additional information pertinent to a new case. Documentation of the investigation process includes, but is not limited to, grand jury indictments, subpoenas, summons, witness statements, case reports, analytical results, Miranda Rights, chain of custody documents, search warrants, arrest warrants, police narratives, complaint reports, final disposition photographs, video (see DEM9.2), suspended documents, finger prints, Consent Orders, Motion for Discovery, Motion to Expunge. When criminal charges are filed, OCI makes a copy of the case file for the Attorney General and retains original documents. Where no charges are brought forward, OCI keeps the original case file and forwards a copy to Attorney General.

Retention: Permanent.

Note: Series includes expunged records. Expunged records are restricted and therefore not open to public review under the state's Expungement of Criminal Records statute (R.I. General Laws §12-1.3-4).

DEM9.2 Video Case Files

Videocassettes containing film of evidence and crime scenes relating to DEM investigations. Videocassettes are associated to particular investigation file.

Retention: Retain for life of tape.

DEM9.3 Firearms Qualification Documentaqtion

State law (R.I. General Laws §11-47-15.1 and §11-47-17) requires that law officers in the state of Rhode Island qualify annually for the firearms with which the state provides them. Documentation pertains to annual firearms qualification, scores, weapons qualifications card, off-duty weapons, and Oleoresin Capsicum (pepper spray) training.

Retention: Retain five (5) years after date of issuance.

DEM9.4 Complaint Forms

Department of Environmental Management's (DEM's) Office of Compliance and Inspection regularly transmits copies of complaint forms it receives to OCI. OCI evaluates information on each form to determine whether or not there is sufficient cause to pursue the case as a potential criminal matter. Complaint forms meriting further OCI action are placed in an Investigation Case File (DEM9.1). This series consists of those forms that OCI determines contain insufficient or inappropriate information for pursuing the case as a potential criminal matter.

Retention: Retain until of no further administrative value.

DEM9.5 Complaints Database

Database containing a log of complaints received by OCI. Data is used to generate periodic statistical report on number of complaints OCI pursued.

Retention: Retain three (3) years.

DEM9.6 Notice of Intention to Enforce/Letter of Noncompliance/Notice of Violation

Copies of records forwarded from Office of Compliance and Inspection. May include complaint forms, correspondence, complaint investigation reports, photos, site investigation plans, warning letters, Notices of Intent to enforce, letters of non-compliance, notices of violations and any other documents that may be pertinent to the development of a criminal case.

Retention: Retain three (3) years.

DEM9.7 Certification of Records Destruction

Certificates of Records Destruction (PRA 003) signed by the authorized agency official and submitted to, and signed by the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable records retention schedules. (RIGL §38-1-10, §38-3-6(j), and §42-8.1-10.)

Retention: Permanent.