

## NIEA - Environmental Crime Unit

Operations Branch

### *Case Categorisation*

From: [REDACTED]

Email: [REDACTED]

cc:

Date: September 2025

To: All ECU staff

The following memo relates to the categorisation of criminal investigations conducted by the Environmental Crime Unit, Regulation and Enforcement Division, NIEA.

Categorisation will apply to all new incidents and criminal cases and to those which are currently under investigation.

Categorisation will assist the Unit in assessing and prioritising individual case needs. The categorisation of each case will be recorded in the relevant case handling systems at the time of allocation.

### Subject: Case Categorisation

#### **Purpose**

The purpose of this document is to provide a framework for the categorisation of investigations conducted by the DAERA and Northern Ireland Environment Agency's Environmental Crime Unit (ECU).

DAERA enforcement is necessary for the prevention or reduction of harm, caused by non-compliance with statutory requirements. Contravention of statutory requirements by way of illegal environmental management can result in breaches/incidents which vary both in significance and level of harm. Priority will always be given to incidents where the greatest harm has or is likely to have been caused.



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The DAERA Enforcement Policy, which underpins the work of ECU, outlines that the following key principles should be considered when assessing the priority of incidents:

- Preventative action to protect the environment, public health, animal health and the economy;
- Remedial action to repair damage;
- How ongoing compliance can be secured;
- Deterrence to prevent further breaches of the law;
- The status of any existing licence, authorisation or exemption;
- How financial benefit gained from illegal activity can be removed; and
- Where possible, we will seek to recover appropriate costs and ensure that the offender pays

The implementation of the categorisation policy will support and enforce DAERA Principles of proportionality, accountability, consistency and transparency and NICS and ECU values of Integrity, Honesty, Objectivity and Impartiality. This will be achieved by recording decision making around the consistent application of prioritisation and assigning of resources.

Categorisation will enable NIEA and ECU management to better determine the level of resource and investigative expertise needed to conduct investigations efficiently, effectively and to the required professional investigative standards. It will also assist management to effectively navigate periods of diminished resourcing by prioritising category A cases over those categorised at the lower levels.

Categorisation will also assist in meeting operational recommendation 3 of the Criminal Justice Inspectorates (CJI) review of the NIEA ECU (May 2015) which states:

*“Clear guidance should be provided on the rationale for prioritisation of investigations, their inclusion and or linking to priority operations/investigations and their subsequent management”.*

## Background

The role of the ECU is to investigate serious, persistent and organised criminality both within the legitimate and illegitimate waste sector. However, the unit also manages a large number of less serious incidents which have been reported. On receipt of a report initial triaging will be conducted by an appointed Triaging Officer sitting within the Incident Management and Stakeholder Engagement Team to ascertain if it falls within the remit of the team as outlined within the [ECU Incident Selection and Criteria Policy](#). If it falls within remit additional research and development will be conducted in order to complete a risk and harm assessment.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] officers will attempt to confirm the scale of the offending considering all mitigating and aggravating factors as outlined in [ECU policy and guidance](#). [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] As an investigation progresses it may be necessary to review the categorisation of the case. **All decision around changes to the categorisation must be fully documented within the relevant case management system.**

Whilst the operations branch conducts criminal investigations into waste criminality primarily relating to breaches of the Waste & Contaminated Land (NI) Order 1997 the Unit also investigates offences under other relevant NI environmental legislation. This is often done in liaison with other NIEA departments and could be the result of a referral into ECU. These referrals must be referred to ECU via the ECU Referral Template and will be assessed [REDACTED] within the Criminal Investigations Team in line with the risk and harm assessment [REDACTED]  
[REDACTED]

The Financial Investigations Section, under the Proceeds of Crime Act 2007, conduct financial investigations aimed at securing confiscation against those persons convicted of waste crime. This document will only be applicable to the criminal investigations case work.

### Framework for Case Categorisation

The scale and complexity of criminal cases can vary greatly. At the lower end of the scale are Category C cases. These less serious cases would involve smaller scale offending where the facts of the matter can be readily determined and securing evidence can be achieved easily. Such cases would generally be resolved by remediation and/or lower scale penalties such as a warnings or fixed penalty notices and less serious prosecutions heard in Magistrates Court such as the non-payment of Fixed Penalty Notices.

Category A and B cases are the higher end of the scale and would involve cases with larger scale offending and may involve complex investigation work pursuing numerous lines of enquiry and/or defendants. Input may be required from a number

of investigative officers and may require terms of reference and/or the implementation of investigative strategies. Such cases are likely to be heard before the Crown courts and may be coupled with financial investigations under the Proceeds of Crime Act.

[REDACTED]

It is therefore important to make judgements regarding the complexity of each case and make an assessment of the resource allocation required in order that the investigation is conducted efficiently, effectively and to the required professional and legal standards.

[REDACTED]

Case Categorisation [REDACTED] will ensure that cases are given the appropriate level of priority to further ensure they are:

- Resourced adequately to ensure an effective and efficient response
- Afforded the appropriate level of investigative and scientific expertise
- Subject to appropriate management review

## Case Categorisation

The categorisation given to each type of case should not be construed as fixed. It is a guide for the responsible senior officer and should be considered as such and used to assist in the allocation of adequate resources, skills and experience.

The target durations given for each case type should be used to assist in the prioritisation, planning and review of investigations. However, it is recognised that each investigation may face unavoidable obstacles which hinder the progress of the investigation and on occasions the target durations may be exceeded. This is acceptable provided there is adequate justification, and that this justification is recorded and retained on the case management system, allowing for objective scrutiny.

Case categorisation will be determined by the relevant [REDACTED].

All decision making around the categorisation of a case should be clearly outlined within the decision log on the incident or case management system. This should include a outline of why the incident or investigation is categorised as such and should mirror the information provided on the table below and that contained within the ECU Waste Scales (Annex A), the [REDACTED] and attached [ECU policy and guidance](#) on mitigating and aggravating factors.

### Case categorisation for ECU enforcement cases

Case Category	Type of Case	Suggested Allocation	[REDACTED]	Factors to be considered
Category A	<p>The most serious and complex waste crime cases, including those where public concern and the associated response are such that normal staffing levels are not adequate to keep pace with the investigation.</p> <p>A major investigation which is of grave public concern [REDACTED] a significant discovery of large scale hazardous waste) or has been deemed a critical incident.</p>	[REDACTED]	[REDACTED]	<ul style="list-style-type: none"> <li>Critical incidents which require the implementation of special arrangements for any large scale incident (see Annex A) i.e. emergency services, contractor requirements, media liaison etc.</li> <li>There is suspected large scale organised criminality</li> <li>Where is evidence of or potential for large scale</li> </ul>

				<p>environmental damage</p> <ul style="list-style-type: none"> <li>• Significant impact on communities</li> <li>• The facts of the offending cannot be readily established and investigative work will involve multiple lines of enquiry</li> <li>• Requires strategic management involving multiple staff/teams</li> <li>• May involve cross border working</li> <li>• May involve multi-agency working</li> <li>• Typically Crown Court level</li> <li>• Likely to involve Proceeds of Crime investigation where there has been high levels of financial benefit or avoidance of regulatory costs</li> </ul>
<b>Category B</b>	An investigation where the risk is medium - low and the investigation or securing of evidence can be achieved within normal resourcing arrangements.	██████ ██████ ██████	██████████	<ul style="list-style-type: none"> <li>• Declared as a a mid-scale incident as per Annex A below</li> <li>• The facts of the offending may not be readily established and would require additional investigative work around harm and culpability.</li> <li>• Can be directed by single officer but may attract a team approach (assistance with interviews, document tracing, intrusive surveys, external consultancy/expert witness</li> <li>• Can be either Crown or Magistrates</li> <li>• Likely to involve offenders with a history of similar offending – a repetitive and intentional series of acts.</li> <li>• Likely to have resulted in environmental harm or financial gain</li> <li>• May have some impact on the surrounding community</li> </ul>



The factors upon which cases have been initially been categorised may of course change during the course of an investigation. Some cases may turn out to be more or less complex therefore it is important that the case categorisation is regularly reviewed and amended if necessary. [REDACTED]

[REDACTED] a review can be conducted at any time during the investigation with any proposed re-categorisation confirmed [REDACTED]

[REDACTED]



## Annex A

### Updated ECU Waste Scales April 2024

Description of Waste	<i>Small-Scale</i>	<i>Moderate-Scale</i>	<i>Large-Scale</i>
<b>End of Life Vehicles</b>	<50 Units	50-250 Units	>250 Units
<b>Scrap Metal</b>	<250 tonnes	250-1000 Tonnes	>1000 tonnes
<b>Inert (Soil/Clay)</b>	<1000 tonnes	1000-5000 Tonnes	>5000 Tonnes
<b>Inert (Mixed C&amp;D)</b>	<1000 Tonnes	1000-5000 Tonnes	>5000 Tonnes
<b>Non-Inert (Mixed C&amp;D/Timber)</b>	<500 Tonnes	500-2500 Tonnes	>2500 Tonnes
<b>Compost/Animal Bedding</b>	<250 Tonnes	250-1000 Tonnes	>1000 Tonnes
<b>Mixed Non-Inert/Trommel/Household</b>	<100 Tonnes	100-500 Tonnes	>500 Tonnes
<b>Fuel laundering</b>	< 5 IBCs – 1 tonne/unit	5 - 10 IBCs - 1 tonnes/unit	> 15 IBCs – 1 tonnes/unit
<b>Asbestos</b>	< 1 tonnes	1 – 5 tonnes	> 5 Tonnes
<b>Tyres</b>	< 500 Units (approx. 20m <sup>3</sup> )	500-2000 Units	> 2000 Units
<b>Other Hazardous Waste (chemicals, solvents and other oils)</b>	<500 litres	500-1000 litres	>1000 litres

