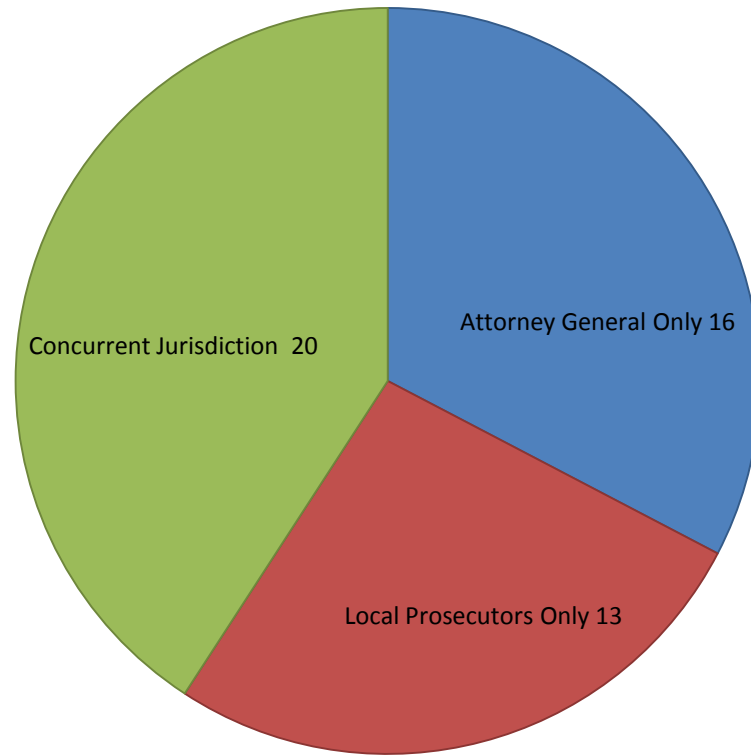


## Prosecution of Environmental Crimes by State



\*Please see the chart below for a more detailed state by state explanation.

State	Who Handles Environmental Cases?
<b>Alabama</b>	<p>Both the Attorney General and local prosecutors have the authority to initiate environmental crimes prosecution.</p> <p>Civil cases are typically handled by lawyers from the Department of Environmental Management. Civil cases can be referred to the Attorney General's Office.</p>
<b>Alaska</b>	<p>The Department of Environmental Conservation has a criminal prosecutor assigned to their Environmental Crimes Unit (ECU) which is housed in the Attorney General's Office of Special Prosecutions and Appeals. The ECU has statewide responsibility and jurisdiction for the investigation and prosecution of environmental crimes. District attorneys may take environmental cases when there are overlapping issues; however complex cases typically go to the environmental prosecutors.</p> <p>Alaska also has an environmental crime task force that involves state and Federal representatives, which include the U.S. Attorney's Office, FBI, and EPA.</p> <p>Civil cases go to the Attorney General.</p>
<b>Arizona</b>	<p>The Attorney General is the statutory representative whether the case is criminal or civil.</p> <p>District attorneys may pursue criminal charges through local or county ordinances. However the Attorney General may sit second chair if the district attorney takes the lead on a case. The district attorney may also sit second chair should the Attorney General take the lead.</p>
<b>Arkansas</b>	<p>Criminal charges are pursued by local prosecutors. In certain cases, such as the petroleum storage tank trust fund, the Attorney General is statutorily required to defend.</p> <p>Civil cases are handled by in-house attorneys. The director of the Department of Environmental Quality can request representation by the Attorney General in actions that are brought against the department.</p>
<b>California</b>	<p>District attorneys and the Attorney General have concurrent jurisdiction over criminal and civil environmental cases. City attorneys may also prosecute environmental crime cases, typically misdemeanors. The EPA the California District Attorneys Association (CDAA), the Department of Fish &amp; Game, and the United States Environmental Protection Agency established the Environmental Circuit Prosecutor Project (ECPP) to fill a gap in the enforcement of water, air, and other environmental laws in rural counties in California. The ECPP provides environmental prosecutors to counties that lack the expertise and resources to prosecute environmental crimes. Circuit prosecutors are employed by CDAA but are deputized by the elected District Attorney in each county where they work.</p>
<b>Colorado</b>	<p>Environmental crimes are prosecuted by district attorneys and the Attorney General. However, each environmental</p>

	<p>crime is specifically tasked to prosecution by either the district attorney or the Attorney General. Because the Attorney General is involved with the EPA, it typically prosecutes most cases. This is done by authorizing the Attorney General's prosecutor to become a special district attorney.</p> <p>All civil cases are handled by the Attorney General.</p>
<b>Connecticut</b>	<p>The State Attorney's Office (broken up by district) has jurisdiction over all criminal cases.</p> <p>The Attorney General only works with civil cases.</p>
<b>Delaware</b>	<p>In minor cases, if the person does not mail in his fine, are first heard before the Justice of the Peace Courts in Delaware before a Magistrate Judge only, and if a person requests a trial, it is generally prosecuted by the police officer who issued the ticket. However, if there is an issue or concern, the Department of Natural Resources and Environmental Control can request assistance from the Attorney General's office in prosecuting it – this usually only happens when a person brings a defense attorney into the matter at J.P. Court. Requests are currently made to a Deputy Attorney General housed currently in the Civil Division that does environmental enforcement. Minor cases can also be transferred to the Court of Common Pleas (if the person desires a jury trial) where a Deputy Attorney General from the Criminal Division would prosecute the case and would only request assistance from the Deputy Attorney General if there is a specific need for that expertise.</p> <p>Higher level cases are generally brought by the Environmental Protection Officer to the Deputy Attorney General in the Civil Division before those matters are indicted and she would handle the prosecution of those cases.</p>
<b>Florida</b>	<p>Environmental crime cases are prosecuted by local prosecutors with assistance from Department of Environmental Protection.</p>
<b>Georgia</b>	<p>Environmental crimes are prosecuted by the district attorneys. The Attorney General will not generally prosecute environmental crimes, but may offer assistance to district attorneys as needed.</p> <p>The Attorney General handles all civil cases.</p>
<b>Hawaii</b>	<p>County prosecutors are offered first refusal of cases. The Attorney General's Office can prosecute a case if the county prosecutor passes.</p> <p>Civil violations are handled through administrative procedures.</p>
<b>Idaho</b>	<p>The state level has only misdemeanor authority to prosecute environmental crimes. (If someone is injured or killed, there can be a felony involved in the prosecution.) Any environmental crimes significant enough to prosecute are referred to the EPA. The Attorney General will set up a task force with Federal authorities to work on complex cases.</p>

	<p>Misdemeanor state laws are identical to civil laws and typically restoration is sought instead of a criminal prosecution.</p>
<b>Illinois</b>	<p>The Attorney General and State Attorneys (local prosecutors) have concurrent jurisdiction over environmental cases. The Attorney General's Office has an environmental crimes bureau.</p> <p>The Attorney General and State Attorneys can appoint an attorney for the county to try an environmental case. Currently the state police investigator at the</p> <p>The Attorney General is typically the lead for civil cases.</p>
<b>Indiana</b>	<p>Local prosecutors can take cases, but most are handled by the through a joint task force with EPA and the U.S. Attorney's Office. The U.S. Attorney's Office has informal guidelines for the taking cases, typically the more serious and complex ones.</p> <p>The EPA and the Department of Environmental Management handle civil enforcement separately with EPA deferring to the state.</p>
<b>Iowa</b>	<p>Most cases are prosecuted at the Federal level through the EPA. An assistant Attorney General can prosecute at the state level, but typically does not due to lack of resources.</p> <p>Serious civil penalties go to the Attorney General's Office, while less serious civil issues are handled through the Department of Natural Resources.</p>
<b>Kansas</b>	<p>Criminal cases would be prosecuted by the Attorney General. In the past 25+ years, no criminal action has been sought. All department attorneys are named Special Assistant Attorney Generals.</p>
<b>Kentucky</b>	<p>The Attorney General and local district attorneys have jurisdiction to prosecute criminal cases.</p> <p>Civil penalties are done within the Department of Environmental Protection.</p>
<b>Louisiana</b>	<p>District attorneys prosecute criminal environmental cases. District attorneys have the power to designate a special prosecutor, which has typically been the attorney working with the Department of Environmental Quality.</p> <p>Civil penalties are handled by the Department of Environmental Quality.</p>
<b>Maine</b>	<p>The different bureaus of the Department of Environmental Management work with the Attorney General's Office.</p> <p>Non criminal cases are dealt with through the administrative consent agreement process (ex. excess admissions cases that result in a civil infraction or licensure revocation.)</p>

<b>Maryland</b>	The Attorney General has the authority to prosecute, however there may be some concurrent jurisdiction with local prosecutors.
<b>Massachusetts</b>	<p>Criminal environmental cases are typically prosecuted by the Attorney General. The Attorney General has recently become more involved with district attorneys in the prosecution of smaller cases.</p> <p>Civil penalties are gained through administrative enforcement and lawyers at the Department of Environmental Protection while more serious cases are referred to the Attorney General.</p>
<b>Michigan</b>	The Attorney General has specific authority to prosecute environmental crimes.
<b>Minnesota</b>	District attorneys prosecute environmental crime cases.
<b>Mississippi</b>	<p>Local district attorneys prosecute environmental crimes.</p> <p>The Attorney General handles all civil cases.</p>
<b>Missouri</b>	<p>The Attorney General prosecutes environmental crimes.</p> <p>Civil cases are handled by department staff and could be given to the Attorney General to prosecute.</p>
<b>Montana</b>	<p>Currently criminal environmental cases are prosecuted by county attorneys. A few years ago, the Attorney General's Office was given authority to also prosecute such cases, but has not done so yet. The Department of Environmental Quality and EPA also work together to prosecute environmental crimes federally.</p> <p>The Department of Environmental Quality handles all civil prosecutions.</p>
<b>Nebraska</b>	<p>The Attorney General prosecutes both criminal and civil environmental crime cases.</p> <p>The Department of Environmental Quality has no administrative penalty authority.</p>
<b>New Hampshire</b>	The Attorney General prosecutes both criminal and civil environmental crime cases.
<b>New Jersey</b>	<p>The Environmental Crimes Bureau at the Attorney General's Office handles most environmental crime cases. District attorneys can also prosecute environmental crimes. The more complex crimes are handled by the Attorney General.</p>
<b>New Mexico</b>	<p>Criminal environmental crime cases are referred to the Attorney General, but the district attorneys have the right of first refusal.</p> <p>Civil cases are handled by the Environment Department with attorneys employed by the agency.</p>
<b>New York</b>	The Attorney General handles most cases but district attorneys can prosecute crimes within their counties. Who prosecutes the case is typically decided on a case by case determination, or if the district attorney isn't willing, the

	Department of Environmental Conservation goes to the Attorney General or vice versa.
<b>North Carolina</b>	<p>District attorneys are responsible for the prosecution of environmental crimes. District attorneys can request assistance from the Attorney General or grant the Attorney General permission to prosecute the case.</p> <p>The Department of Environment and Natural Resources (DENR) works closely with the EPA criminal division through an environmental crime team.</p> <p>Civil cases are done predominately through DENR. The case is handled the Attorney General if it is appealed.</p>
<b>North Dakota</b>	<p>While the Attorney General is given the statutory authority to prosecute environmental crimes, all criminal cases are handled through local state attorneys.</p> <p>Civil cases are handles by the Attorney General.</p>
<b>Ohio</b>	The Attorney General typically prosecutes civil and criminal hazardous waste crimes. There is some overlap in jurisdiction as district attorneys can prosecute other environmental crimes specific to water, air and solid waste and “nuisance” (which based on common law includes and some instances of water pollution.)
<b>Oklahoma</b>	<p>Local district attorneys handle criminal environmental cases.</p> <p>The Department of Environmental Quality can pursue civil actions in district court.</p>
<b>Oregon</b>	<p>All environmental crime cases are offered to district attorneys first and then to the Attorney General.</p> <p>Civil penalties are handled within the Department of Environmental Quality.</p>
<b>Pennsylvania</b>	<p>The Attorney General prosecutes criminal environmental cases.</p> <p>All civil cases are handled by the Department of Environmental Protection.</p>
<b>Rhode Island</b>	<p>All criminal prosecution of environmental crimes is handled by the Attorney General. Littering is a municipal crime prosecuted locally.</p> <p>Civil penalties are handled by the Department of Environmental Management’s Office of Administrative Adjudication, which is established by statute and independent of the environmental enforcement unit.</p>
<b>South Carolina</b>	<p>Environmental crimes can be prosecuted by solicitors (local prosecutors,) the Attorney General, and EPA.</p> <p>Civil fines are gained through the South Carolina Department of Health and Environmental Control’s Administrative Enforcement Process.</p>
<b>South Dakota</b>	Criminal prosecution of environmental crimes is done through the Attorney General.

	Civil remedies are typically administrative, but handled through the Attorney General as needed.
<b>Tennessee</b>	<p>District attorneys prosecute environmental cases. One special prosecutor is funded by the Department of Environmental Conservation (DEC), in addition to two criminal investigators, that assists district attorneys in prosecution.</p> <p>The Attorney General's Civil Environmental Division handles civil cases that advance through DEC's administrative process.</p>
<b>Texas</b>	<p>The Commission on Environmental Quality (CEQ) has a criminal investigation division with attorneys who work on a task force with the EPA. Cases are examined by the task force and then can be prosecuted by the U.S. Attorney or a local environmental prosecutor who has statewide jurisdiction. The statewide prosecutor also has the authority to appoint special prosecutors if needed. The Attorney General's Office has no independent criminal authority.</p> <p>Civil cases are handled by CEQ and then referred to the Attorney General's Office if needed.</p>
<b>Utah</b>	<p>Most environmental crime cases are prosecuted at the Federal level. Cases that are not handled by the U.S. Attorney's Office can be prosecuted by the state Attorney General.</p> <p>Civil cases are prosecuted by the Attorney General.</p>
<b>Vermont</b>	Under Vermont statutes the Attorney General has the authority to prosecute all cases criminal and civil. However, Vermont has a specialty state environmental court in which attorneys from the Agency of Natural Resources are authorized to prosecute cases. Should the case go on to Superior Court or the state Supreme Court, the Attorney General would try the case unless they grant authority to someone else.
<b>Virginia</b>	If the crime is investigated locally, than it is prosecuted by the local commonwealth attorney (LCA). The LCA may agree to have the Attorney General handle (but they have to agree before that happens). If the federal EPA investigates the crime, than the U.S. DOJ prosecutes in federal court.
<b>Washington</b>	<p>Most of the criminal work of all kinds in Washington State is done by the local prosecutors. Under state law and the Washington State Constitution, the Attorney General's Office has little original criminal authority, meaning the office generally cannot initiate or prosecute crimes without a request from a county prosecutor or the Governor. Occasionally the Attorney General assists those state agencies that have limited authority for specific environmental crimes, but usually the state agency and the Attorney General coordinate with a county prosecutor if an environmental crime is of concern to the state agency.</p> <p>The Attorney General has developed a manual to assist local prosecutors on Fish and Wildlife crimes, which tend to be more frequent than others.</p>

<b>West Virginia</b>	<p>Misdemeanor environmental crimes are handled by the Department of Environmental Protection investigators with staff attorney assistance if needed. Felony environmental crimes are prosecuted by staff attorneys in conjunction with local prosecutors. The Attorney General is not involved in either process.</p> <p>All civil matters are handled by staff attorneys.</p>
<b>Wisconsin</b>	<p>The Attorney General prosecutes all environmental crime cases as well as civil cases.</p>
<b>Wyoming</b>	<p>The Attorney General's Office is routinely involved in the prosecution of civil cases. Environmental crimes are not typically prosecuted criminally.</p>