



2008

Annual Agency Reports

Association of Midwest Fish and Game Law Enforcement Officers

2008 Annual Agency Reports

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**IAFWA Law Enforcement Committee
Colorado 2008 Annual Report
By Bob Thompson, Assistant Chief of Law
Enforcement
April 07, 2008**

Training Issues

The Colorado Division of Wildlife (CDOW) currently has nine District Wildlife Managers (DWMs) plus one Wildlife Technician (WT) going through the Colorado P.O.S.T. academy to obtain their basic law enforcement training and certification (560 + hours). There will be four other people that are already P.O.S.T. certified (Three for DWM's position and one WT going through the rest of CDOW Training Academy) before being assigned in December of 2008. One thing the Colorado Division of Wildlife recently implemented was a Land Owner Relations/Understanding program in the training program. New officers are sent out to select agriculture landowners to stay and work for a couple of days. This exposes new officers to life on the farm, issues with wildlife from the landowner perspectives, and gives the landowners a chance to get to know a little about the CDOW as well. This is important since officers are multi-purpose (game management, game damage, etc, and not just law enforcement).

Funding and Staffing Issues

CDOW Deputy Director Mark Konishi served as acting Director since Director Bruce McCloskey retirement in May until the announcement of Tom Remington as the Director on November 19, 2007. Remington has been manager of DOW's terrestrial section since 2004, overseeing the research programs that guide management of mammals and birds. He also administered hunting recreation and species conservation programs.

Remington graduated from the University of Minnesota with a degree in wildlife biology. He later earned a masters degree in the science of wildlife management from Colorado State University and a doctorate in wildlife ecology from the University of Wisconsin at Madison.

He started work for the Colorado Division of Wildlife in 1989 as a wildlife researcher, documenting the impact of habitat quality on the survival of pheasants. He also documented the willingness of pheasant hunters to pay for access that led to the Walk-In Access permit fee program.

Remington became the avian research leader, managing the program including the Cooperative Habitat budget, the conservation effort for declining bird species and the successful transplant of Gunnison sage grouse to Poncha Pass.

As terrestrial section manager for DOW, Remington oversaw the programs for Chronic Wasting Disease Surveillance, Lynx Restoration, Ranching for Wildlife and big game management. In 2007, the Colorado Chapter of the Wildlife Society honored Remington as the Wildlife Administrator of the Year.

Major Conservation Law Enforcement Trends

The thrust of the oil and gas industry in Colorado continues to lead to associated impacts to wildlife and their habitat. Energy company “man camps” provide housing for workers close to large energy development areas. Thousands of energy industry employees work in and live in prime wildlife habitat. This has led to several instances of poaching, illegal habitat destruction, and problems in man camps with bears.

Unique Cross Boundary or Cooperative Enforcement Efforts

After several years of complaints about the illegal use of All Terrain Vehicles (ATV) in Colorado the CDOW put together a workgroup to address the issue and come up with legislation to address this illegal use. Legislation was recently passed to give wildlife officers authority to issue citations for ATV violations on federal public lands.

The measure specifies that CDOW officers along with other state law enforcement officers will now be able to enforce motorized vehicle restrictions on public lands. Officers can now issue tickets in the field to those who violate motorized vehicle laws.

“Our officers will certainly use substantial discretion during the early stages in carrying out this enforcement. It’s going to take some time to get signs in place and for people to have access to updated maps and information,” said Rob Firth, Chief of Law Enforcement for the Colorado DOW. “We recognize that motorized vehicles have a substantial role in enhancing outdoor recreation in many areas of the state. This legislation gives us the ability to act when it comes to the most blatant violators such as when sensitive habitat is harmed or when hunters or outdoor enthusiasts have their activities interfered with by those who knowingly violate the regulations in place.”

Enforcement will be incidental, as the DOW will not be adding any new officers or resources to specifically enforce this regulation. DOW officers will issue citations in conjunction with carrying out their current duties.

Penalties established for those who violate these regulations include a misdemeanor charge and a fine of \$100. If the violation occurs while a person is hunting, fishing or trapping, 10 suspension points would also be assessed against their hunting/fishing privileges.

A person who commits a violation in a federal wilderness area would be charged with a misdemeanor and face a stiffer penalty, including a \$200 fine and 15 license suspension points.

Anyone caught removing, destroying or defacing any sign related to motorized vehicle regulations will be charged with a misdemeanor and face a \$100 fine. A penalty of 5 suspension points would be assessed to their hunting or fishing license.

All fines can be sent through the mail, and no court appearance is necessary unless otherwise requested by the defendant.

Ranchers, law enforcement officers and others with the authorization to operate a motor vehicle on federal public land are exempt from these regulations.

“This bill is the result of many people coming together in an effort to preserve public lands in Colorado. It addresses the growing problem of unauthorized motor vehicle use in prohibited areas and we look forward to assisting federal agencies in enforcement on public lands,” said Tom Remington, Director of the Division of Wildlife.

Supporters of this bill include: State Representative Kathleen Curry (D-Gunnison) who sponsored the bill in the house, State Senator Lois Tochtrop (D-Thornton) who sponsored the bill in the senate, the U.S. Bureau of Land Management, the U.S. Forest Service, the Colorado Wildlife Federation, Trout Unlimited, the Colorado Off-Highway Vehicle Coalition, the Colorado Mountain Club, Colorado Counties Inc., the Colorado Bow Hunters Association, and other local and national organizations.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement

Colorado faced a lawsuit challenging, on a constitutional basis, whether wildlife officers can enter onto private land under the reason to believe standard in statute and demand to see licenses and wildlife in a person's possession under statute.

The Montrose district court issued its ruling on the motions for summary judgment. The court denied the Gunns' motion and granted the Division of Wildlife's, which means it found entry onto private property for law enforcement purposes under the "reason to believe" standard in 33-6-101(2), C.R.S., to be constitutional under both the U.S. and Colorado Constitutions.

That is, a Colorado Wildlife Officer can enter the private property to check hunters under 33-6-101(2), C.R.S., with or without their consent, as long as he has a "reason to believe" hunting is occurring.

Such entry is allowed, however, only to the "open fields" portion of the private property. That is, entry is not allowed into the residence or the curtilage surrounding the residence under the "reason to believe" standard, but basically everywhere else is OK. Entry to the residence or curtilage requires probable cause, but that was not at issue in this case, only the "open fields" portion of their property.

It is anticipated that the Gunns will take the matter up on appeal to the Colorado Court of Appeals.

Other Special Law Enforcement Issues

Colorado, statewide, had probably its mildest fall during the major big game seasons resulting in a lower than normal big game harvest from previous years. But then hang on, portions of Colorado experienced one of the harshest winters, especially on the west-slope, for at least a couple of decades.

The CDOW initiated a major deer feeding operation in the Gunnison Basin in January, 2008 and expect the feeding operation to end by mid April. Pronghorn are also being fed in the basin. Hay was also provided to bait elk away from rancher's hay stacks and from major roads in several locations through-out western Colorado.

The exceptionally tough winter conditions have pushed elk into locations and high concentrations in certain areas. This has led some landowners thinking they have the right to take the situation into their own hands causing a strain between landowners and the CDOW.

The Colorado Division of Wildlife (DOW) has completed a six-week investigation into the shooting of at least 34 elk on two Moffat County ranches. The following charges were filed in Moffat County District Court on Tuesday, April 1, 2008:

Rodney Heath Culverwell

18 counts willful destruction of wildlife (class 5 felony)

18 counts illegal possession of wildlife (misdemeanor)

Kenneth Wolgram

16 counts willful destruction of wildlife (class 5 felony)

16 counts illegal possession of wildlife (misdemeanor)

The charges are related to the following Colorado statutes:

CRS 33-6-117(1)(a) Willful destruction of wildlife/big game

.. it is unlawful for a person to hunt or take, or to solicit another person to hunt or take, wildlife and detach or remove, with the intent to abandon the carcass or body, only the head, hide, claws, teeth, antlers, horns, internal organs, or feathers or any or all of such parts; to abandon the carcass or body of such wildlife; or to take and abandon wildlife.

As a class 5 felony, willful destruction convictions carry a sentence of one to two years in prison and a fine of \$1,000 - \$100,000 per count. Conviction also carries an assessment of 20 license suspension points per count.

CRS 33-6-109 Illegal possession of wildlife

It is unlawful for any person to hunt, take, or have in such person's possession any wildlife that is the property of this state as provided in section 33-1-101, except as permitted by articles 1 to 6 of this title or by rule or regulation of the [wildlife] commission.

If found guilty, penalties for violations of CRS 33-6-109 call for a fine of \$1,000 per count and an assessment of 15 license suspension points per count.

An individual who accumulates more than 20 licenses suspension points or who is convicted of a felony wildlife violation is subject to an administrative hearing process that can result in suspension of hunting and fishing privileges in Colorado and 24 other states for a period of one year to life.

Questions regarding the criminal cases are being referred to the Office of District Attorney in the 14th Judicial District in Craig.



**2008 AMFGLEO
Annual Report
FLORIDA
Submitted by: Juli B. Dodson**

Training

Because of its diverse range of responsibilities and the unique technical knowledge required to be successful at each, the FWC Training Section is currently working on the development of several in-house training programs, including formal courses in Captive Wildlife Inspections, Uniformed Officer to Investigator Integration, Advanced Undercover Operations and a Comprehensive Resource Investigations Course.

FWC Firearms Instructors provided instruction to the Department of Financial Services' (DFS) Fraud Division personnel in Patrol Rifle. DFS proposed to train select sworn personnel with rifles for special assignments and emergency response. Because of limited resources and instructor certifications, DFS asked the Florida Fish and Wildlife Conservation Commission's (FWC) Division of Law Enforcement to provide instructors. This 20-hour class covered all aspects of patrol rifle to include nomenclature, cycle of operation, zeroing, loading, malfunction clearing, safety procedures, qualification (both day and night), movement drills, field stripping and cleaning.

Funding and Staffing Issues

In an effort to address officer retention, the FWC Training Section has redesigned the recruit hiring and training process. Until recently, all recruits attended the FWC 29-week academy in Tallahassee, FL. Recruits were required to reside in dorms located on the academy facility and, upon graduating, they were assigned to positions throughout the state. This model presented challenges to many recruits who were first separated from their family for an extended period and then required to relocate to their new assignment, especially given the current housing market. The new model attempts to address these issues by hiring and training recruits locally. Recruits now attend a basic recruit academy in their local area and if a vacancy exists, they are assigned to work in that area. After graduation, they begin a redesigned 14-week Field Training Program that exposes the new officer to standardized core competencies and specific skills needed in their assigned region. Rather than a boiler-plate Field Training Officer program, the training is tailored to the specific needs of the working environment. Officers can now continue to live in their current residence and be close to their family while receiving all the training required to be effective in the woods and water environment of the region. A secondary benefit of this model is the ability to increase the agency's in-service training. Training Section staff previously devoted to administering a full-time recruit academy is now able to commit time to delivering advanced and specialized courses which increase the skills of current officers. Funds have been reallocated to assist with training throughout the state. We have also added an assessment center exercise to our promotional process for Lieutenant candidates. In addition to the previously required knowledge-based test, candidates will complete an administrative exercise in task- and employee-management and participate in a structured interview. This process will allow the Division to better assess a candidate's overall leadership abilities.

FWC continues to move forward with the development of its Intelligence Program. The Division of Law Enforcement has developed a field intelligence reporting protocol, cross-designated investigative supervisors as

intelligence officers in each of its six geographic areas, purchased case management and intelligence database software, entered into formal MOUs with two Fusion Centers and is actively participating in several data sharing projects.

Major Conservation Law Enforcement Trends

The FWC's Division of Law Enforcement entered an agreement with a language interpretation service (TeleInterpreters) to provide our staff with access to language interpreters for 170 different languages. We anticipate this being a valuable tool when officers and duty officers face language barriers, especially in incidents of an urgent nature.

Data share has been activated between FWC and the northwest Florida Regional Domestic Security Task Force. This enables our assigned MCT users in the Northwest Region to access information shared between multiple city and county law enforcement agencies in their area.

Unique Cross Boundary or Cooperative Enforcement Efforts

Operation Sturgeon will be an 11-week exercise and operation where multi-agency assets are utilized to escort a US Navy high-value asset in and out of a Florida port on a daily basis. It is truly unique in that this is an exercise of resources during a real-world mission. No other exercise has been accomplished over such a long time period anywhere in the country, using federal, state, county and neighboring state resources. Operation Sturgeon will allow participants from Department of Defense, US Coast Guard, Customs and Border Protection, Water Management District Civil Support Teams, Domestic Nuclear Detection Office, and Florida's seven Regional Domestic Security Task Forces (RDSTF) to "plug and play" within the confines of their objectives, resources, capabilities and budget requirements. Throughout the state, Waterborne Response Teams (41 teams throughout the state within RDSTFs) will be activated and mobilized to support the mission in order to truly exercise their interoperability with federal and local agencies in a security event. It is a real-world exercise, requiring real-world preparation for a real-world event.

A monthly "Intelligence Exchange" has been initiated in which law enforcement partners from outside of Florida, or from other levels of government, participate in a conference call coordinated by the Division's Investigations Coordination Unit. The purpose of the phone conference is to exchange and corroborate on criminal intelligence specific to natural resource violators. The sessions are conducted using an informal and round table methodology and have already proven to be of major benefit.

In the past year FWC's Investigative Section has experienced a dramatic increase in its operational tempo and case load. In addition to investigating more than fifty-five boating related fatalities and more than a dozen hunting accidents, the Section played key roles in several local, statewide and national details which emphasized the protection of fish and wildlife. Within Florida, operations such as "Clam-up" which targeted illegal shellfish markets and Operation "Grouper Gate" which targeted the unlawful import, transport and export of saltwater fish proved to be highly successful.

New Innovations in Conservation Law Enforcement

Investigators examine hard-core commercial violators as well as serious and fatal boating and hunting accidents, in addition to regulating Florida's multi-million dollar wildlife trade to ensure compliance with state and federal laws governing their operations. The Investigations Section is involved in internet investigations to detect and investigate criminal activity using the world-wide-web and other internet resources.

Florida law mandates that every person convicted of a criminal boating violation, noncriminal infraction that resulted in a boating accident, and every person convicted of two vessel operation noncriminal infractions within a 12-month period must enroll, attend and successfully complete a boating course at their own expense. In 2007, the Boating and Waterways Section developed a 4-hour, on-line boating safety course for those violators. To the best of our knowledge, this is the first on-line boating safety course for violators in the country.

The FWC Aviation Section acts as a "Force Multiplier." All of the pilots are sworn law enforcement officers certified to process their own arrests for a violation or relay information they observe to officers on the ground to make an arrest. The use of aircraft extends the reach of the law enforcement arm into both densely and sparsely populated areas where an immediate response is often crucial. The Aviation Section provides an average of over 4,000 flight hours per year primarily involved with law enforcement operations. Upon request, the Aviation Section has provided support to other state, county and local law enforcement agencies, the National Marine Fisheries Service, U.S. Forest Service and the U.S. Coast Guard. The Aviation Section's pilots cover over 74,000 square miles of the State of Florida's lands and waters. In addition to the state lands and waters, the FWC has joint responsibility with several federal agencies over the Exclusive Economic Zone (EEZ) out 200 nautical miles or over 100,000 square miles of blue water. Combined with the vast wilderness area to patrol, Florida also hosts the largest number of recreational and commercial boaters in the nation. On Florida's remote Northwest coast, FWC aircraft are often the first summoned for a search since the response time for a U.S. Coast Guard aircraft can be hours away. Although the primary mission of

the FWC is to manage the fish and wildlife resources of the State of Florida, the FWC is routinely being tasked with expanding responsibilities to include response to natural and man-made emergencies, supplying the FWC's unique and capable personnel and equipment. The FWC has been called upon to assist in significant Domestic Security events such as the Free Trade of the America's summit meetings, Super Bowl football games, and presidential and dignitary visits to Florida. Patrol of high-risk targets, such as nuclear power plants, cruise and cargo ship ports, and airports, have been integrated into current routine law enforcement missions.

In an effort to improve field accessibility to the Division's Forensics Program, "Regional Forensics Liaisons" have been designated in each of FWC's geographic regions. The regional liaisons provide direct field support and advanced crime scene training in each of their respective areas. They also support field personnel by coordinating laboratory processing and services with governmental, university and private sector laboratories as needed. Challenges to the program include locating affordable laboratory facilities, particularly when requiring services such as DNA fingerprinting and ensuring that the liaisons have access to advanced forensic training programs.

A Waterway Marker On-Call Response Program was implemented to keep FWC Uniform Regulatory Markers from becoming hazards to navigation and to help keep regulatory zones enforceable. Boaters can call a waterway marker hotline to report damaged waterway markers on Florida waters. Discrepant signs and buoys are verified and the owners are notified. If the marker is a FWC asset, contractors are dispatched to bring the markers back to "on station" status. The FWC On-Call Response Program investigated over 120 incidents which resulted in at least 17 construction projects and involved the repair and/or installation of over 25 waterway markers. About half of the incidents reported were forwarded to other government entities responsible for addressing those problems.

A Uniform Waterway Marker Inventory and Database that consists of locating and documenting all FWC Uniform Waterway Markers within the waters of the state is being updated and refined. The purpose of this effort is to establish a framework for a maintenance program of all FWC uniform waterway markers. Currently, the inspection and inventory of markers from 25 counties has been completed. Once this marker information is collected, FWC can advise permit holders, particularly city and county governments, of any marker damage or discrepancies so that corrections can be made. Using a Trimble Geo XM Unit (*with sub meter GPS accuracy*), a database will facilitate and expedite the repair and replacement of large numbers of signs. The database will enable us to inventory and track the status of markers for maintenance under the responsibility of FWC and insure the markers are located accurately according to legal zone descriptions. The

database will be used to efficiently coordinate marker repairs and work orders as well as ensure accurate sign placement. The intended goal is to improve enforcement efforts, improve boater compliance and to enhance boater safety and manatee protection.

State, Regional, and National Issues, Legislation, Legal Challenges, and Court Decisions Impacting Natural Resources Law Enforcement

In July 2007, Florida legislation was passed which included enhanced penalties for captive wildlife violations. These enhanced penalties provide for increases in minimum mandatory fines and penalties for subsequent convictions within specified time periods including license suspensions or permanent revocation. The penalties range from Level One (a non-criminal infraction) to Level Four (a Felony 3rd Degree). A person commits a Level Four violation if he or she violates any Level Three provision after permanent revocation of a license or permit. Examples of Level Three violations include:

- Violation of rules or orders of the Commission that require housing wildlife in a safe manner when a violation results in an escape of Class I wildlife (Class I includes large, dangerous wildlife such as lions, tigers, bears, elephants, rhinos, and great apes).
- Violation of rules or orders of the FWC related to captive wildlife when the violation results in serious bodily injury to another person by captive wildlife that consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- Violation of rules or orders of the FWC relating to the use of gasoline or other chemical or gaseous substances on wildlife.
- Violation of rules or orders of the FWC relating to the importation, possession, or release of fish and wildlife for which possession is prohibited.

The initial penalty for a Level Three violation is a misdemeanor of the first degree punishable by imprisonment up to one year and fines up to \$1,000.00. Any person who commits any offense classified as a Level Three violation within a 10-year period of any previous conviction of a Level Three or higher violation faces a minimum mandatory fine of \$750.00 and permanent revocation of all licenses or permits to possess captive wildlife. A person commits a Level Four violation if they violate any Level Three provision after the permanent revocation of a license or permit. The penalty for a Level Four violation is a felony of the third degree punishable by imprisonment up to five years and fines up to \$5,000.00. We believe this new legislation enhances our captive wildlife program and the enhanced

penalties provide a crucial enforcement tool for addressing serious or habitual violators.

FWC investigators enforce statutes and regulations governing Florida's wildlife trade. Due to the State's subtropical climate and suitable water, it is particularly vulnerable to the colonization of exotic species of fish and wildlife. In addition, Florida's strategic location makes it an ideal site for the importation and exportation of fish and wildlife into the United States. The Commission's regulations are enforced by specialized personnel who have training in the identification and capture of exotics. Commercial and private facilities must be regulated to ensure humane treatment and sanitary surroundings for captive wildlife. Recently, a case was disposed of regarding criminal activity due to the improper care of animals by the operator of the Horseshoe Creek Wildlife Sanctuary. It is alleged that an alligator escaped from the operator's facility and that he falsified a document to FWC saying that the alligator had died. He also routinely allowed probationers to purchase community service hours and paid two individuals to keep quiet about injuries they incurred from tiger strikes. The case disposition resulted in a plea agreement reducing the felony charges to misdemeanors and requiring the facility to be shut down. The owner must release ownership of 26 tigers, 7 leopards, 6 lions, 4 panthers, 4 bears, 1 bobcat, 2 wolves, 1 coyote and numerous other animals, and the operator is to have no other contact with wildlife or any other wildlife facility.

Cost Savings Initiatives

The FWC Division of Law Enforcement is actively pursuing initial accreditation through the Commission for Florida Law Enforcement Accreditation (CFA). In 1993, the Florida Legislature directed by law (Section 943.125 Florida Statutes) that the Florida Sheriffs Association and the Florida Police Chiefs Association create a voluntary law enforcement accreditation program. Representatives from these associations developed a process for accreditation which requires compliance with more than 250 professional standards designed specifically for Florida law enforcement agencies. Subsequently, the CFA was formed and is comprised of four sheriffs, four chiefs, and one representative each from the Association of Counties, the League of Cities, the State Law Enforcement Chiefs' Association and the Judiciary. Colonel Julie Jones of the FWC Division of Law Enforcement currently serves as the state law enforcement representative on the Commission for Florida Law Enforcement Accreditation.

In order to meet the ever-demanding drain on our resources, we have started to formalize a "Service Life Extension Program (SLEP). The SLEP initiative was implemented to extend the life of our vessels by five years or more when possible. SLEP consists of stripping the vessel down and repairing or replacing worn items, such as canvas, seat cushions, wiring,

paint, re-stripping and repowering when required. This difficult task is meant to improve the system's survivability and sustainability and reduce the cost of operations and support rather than simply replacing a vessel. The FWC Division of Law Enforcement is currently implementing an electronic, written- directive management system to distribute all types of written directives (e.g., general orders, legal bulletins, training updates, interim policy memoranda, etc.) directly to Division members. Members will receive a notification of written directives available for their review and acknowledgement via e-mail. Members then log onto the Division's electronic written-directive management system to read and/or print out the directive and acknowledge receipt of the document electronically. This system allows the Division to significantly reduce printing and shipping costs for updates to the Division's written directives by eliminating the need to print and distribute updates to approximately 900 members located across Florida. It also allows for nearly instantaneous feedback on the members' acknowledgement of receipt of the written directive. Implementing an electronic written-directive management system Division-wide utilizes and maximizes usage of existing IT infrastructure, reduces cost and the time required to fully distribute information throughout the Division, and increases member and Division accountability.

Other Special Law Enforcement Issues

In May 2008, the Division launched a new boating safety outreach campaign designed to encourage boaters to wear life jackets. The campaign is part of a national effort to reduce boating fatalities; specifically, drowning deaths caused by boating accidents. The FWC Division of Law Enforcement is focusing efforts on highlighting new life jacket technology that is less cumbersome and more comfortable. The campaign highlights inflatable belt-pack life jackets as a way to increase use by Florida boaters. The campaign uses an outreach team (*using a jet boat with a custom graphic wrap*), television, radio public service announcements, and print advertisements to reach the boating public with the message. We are partnering with the US Coast Guard, the National Safe Boating Council, West Marine retail stores, and many others in order to reach as many boaters as possible.

Two new pamphlets titled *Guidelines for Posting Uniform Waterway Markers* and *Guidelines for Posting Manatee Protection Zones* will be used as reference tools for all levels of government involved in posting regulatory markers. These pamphlets will lay the foundation for what will evolve into a uniform standards manual that will be modified, in consultation with the USCG and the Uniform Marking System, as new technology and techniques are introduced.



Illinois
IAFWA Annual Report
Rafael Gutierrez
Director of Law Enforcement
April 18, 2008

Training Issues:

Illinois is currently requesting funding for 25 new officers. The approved headcount for the Office of Law Enforcement (OLE) is 175 sworn. The current headcount is 153 and we project 15 will retire over the next year making the hiring of a recruit class critical. From the date funding is approved to the point the officers are fully trained and off probation is 18-24 months.

Illinois Conservation Police Officers (CPO's) have been undergoing their annual in-service training during the months of January, February, and March. Officers were re-certified in all the mandated components. In addition, all officers received an 8 hour course on Forensic Interview and Interrogation Techniques developed specifically for CPO's.

The OLE sponsored an International Association of Marine Investigator's (IAMI) training seminar in Peoria, Illinois. Thirty (30) officers from OLE and 15 officers from other agencies attended the 32 hour class. They were trained in hull identification number (HIN) identification, insurance fraud and stolen watercraft investigations.

The National Association of State Boating Law Administrator's (NASBLA) conducted a Level 1 Boat Accident Investigator's Course in Springfield, Illinois. The OLE was able to send forty (40) officers to the training. Several officers from other states also attended. The comprehensive course better prepares officers to meet the challenges of investigating complex boat accidents.

This year snowmobile training was conducted for our northern Illinois CPO's. The training was a great success. It has resulted in higher enforcement efforts due to the increase in confidence in their operation abilities.

We are currently issuing and training officers in the use of the Hummingbird side-scan sonar. Units in use have proven to be invaluable in the recovery of drowned victims and submerged items. In 2007 the Illinois Conservation Police was awarded a \$567,000 BZPP grant. This grant has made it possible to purchase an additional 16 Hummingbird sonar units, 3 Kongbergs sonar units and 2 Marine Sonic sonar units as well 16 mobile computers and night vision equipment for our southern Illinois officers.

The OLE is in the process of increasing its firearms staff and cross training them as handgun and rifle instructors and armorers. This is being done in conjunction with the decentralization of the firearms program. Our intent is to be able to conduct mandatory firearms training regionally. This will allow for more flexibility in scheduling and cut down on travel and overtime.

The OLE training section has been providing a 32 hour "mini academy" once a year to outside law enforcement agencies. The training consists of lectures, classroom discussion, power-point /video presentations and field practicals. This training has enhanced the working relationship between our agency and those outside agencies that have received the training. Joint details have been conducted and violations have been recognized by those officers resulting in great cases being made by both the CPO's and those outside agencies.

The OLE training section has also formed a Color/Honor Guard comprised of volunteer officers. These officers attended a 3 day specialized training at the Illinois State Police Academy. The honor guard will be used to provide "Full Honors" at funerals, graduations and special events.

Funding and Staffing Issues:

The State of Illinois is currently going through a budget crisis. Illinois is under a hiring freeze with ability to hire only with special permission from the Governor's Office.

Funding for the OLE continues to remain tight. While most operational lines appear to be sufficient and meet the needs of the OLE, the office does project a deficit in its operation of automobile lines. This is a direct result of the increased rate of repairs and cost of repairs for an aging vehicle fleet and the continued high prices for gasoline. Plans have been implemented to address the projected deficit and allow for the OLE to continue its daily operations.

The OLE is currently experiencing a higher than normal retirement rate among its veteran officers. In fiscal year 2008 (July 1, 2007 to June 30, 2008), the OLE has already had 9 officers retire (including a regional captain and 3 district sergeants). The OLE further expects to lose as many as 3 to 4 additional officers at the end of this fiscal year. Fiscal year 2009 is already appearing to follow this same trend. As many as 10 officers have announced plans to retire or are eligible for retirement during that fiscal year.

With the already incurred loss of officers to retirement and the expected loss of additional officers, the OLE will experience no increase in headcount after the hiring of its fiscal year 2007 recruit class of 20 officers. If all retirements occur as anticipated, the OLE will actually have fewer officers in the field at the end of fiscal year 2009 than it did at the end of fiscal year 2007. To counter this loss, the OLE has reorganized its field operations and reduced its districts from 17 to 15 in an

effort to minimize taking officers from the field and placing them in administrative positions. The OLE has also requested funding of \$3.1 million to fully fund a 25-member recruit class in fiscal year 2009. If funded the class would begin their academy training this winter and would be in the field by the summer or fall of 2009.

The Illinois Department of Natural Resources (IDNR) continues to support OLE's Division of Investigations (DOI). We realize the need for a quality investigations division. We feel it is vital to the overall mission for natural resource protection. The challenge facing Illinois, like other states is the ability to provide quality service to the public with a dwindling budget. The demand for investigators has continued to rise but attempts to "backfill" vacancies have progressed at a snail's pace. The loss of positions within the OLE to attrition, have directly impacted the abilities of DOI to replace investigators.

Major Conservation law Enforcement Trends:

Since Hurricane Katrina and IDNR's deployment to Louisiana, the OLE has taken a more active role at the SEOC (State Emergency Operations Center). This past year the IDNR has served as the lead agency in several activations of the SEOC. In recent months due to the widespread flooding the OLE has been activated 3 times. IDNR officers equipped with boats have been deployed to affected areas and have rescued over 400 people from flooded houses, nursing homes, hotels, and vehicles. The overtime and equipment use involved in the emergency response efforts have placed a huge burden on our normal operating budget.

Within the last year, the OLE has created a new position to coordinate the Department's emergency response to disasters. The officer serves as a liaison with the SEOC, Illinois Terrorism Task Force (ITTF) and the Illinois Enforcement Emergency Alarm System (ILEAS). In addition to coordinating the Department's responses, the officer tracks expenditures for Federal Emergency Management Agency (FEMA) reimbursement and completes homeland security grant applications and paperwork.

With the booming deer outfitting industry, a lot of effort is being applied toward illegal deer and turkey hunting by both outfitters and their clients. Fraudulent permit investigations have skyrocketed over the past five years. The DOI estimates that at least 50% of their man hours are applied to some sort of permit fraud or tagging investigation. Field CPO's are also spending an increased amount of time in some areas tracking down fraudulent permits. Improper claim of landownership is another problem. Undercover efforts involving illegal outfitters have been conducted with huge success.

Unlawful importation and exportation of restricted species have also attracted the attention of the OLE. The DOI and the Division of Fisheries are working closely to monitor the importation of illegal diploid grass carp that are being portrayed as

being triploid. Illinois is becoming the model for other states on enforcement as the importation of illegal diploid fish appears to be on the rise. Besides grass carp, other species or hybrids not on the Approved Species list, are still being imported illegally into the State. Undercover operations have been utilized successfully to intercept several illegal shipments of fish.

Another industry that is booming and proves to be a challenge for the OLE is the roe (caviar) industry. Sturgeon and paddlefish fisherman are enjoying a tremendous surge in the price of caviar. This is putting a strain on the populations and has forced the States to enact more stringent rules. The fishermen are very mobile and will travel to various states in conjunction with the seasons and open waters. Since sturgeon fishing has been closed in a lot of southern states, more pressure has been placed on the waters of Illinois.

The DOI has become a primary leader in environmental crimes investigations. Working with the Illinois Environmental Protection Agency and the Illinois Attorney General's Office, several large scale cases have been made resulting in heavy penalties.

Unique Cross Boundary or Cooperative Enforcement Efforts:

The old saying "if it wasn't killed here or the violator lived here; the violator or the illegal product probably passed through Illinois at some point" continues to hold true in a lot of cases. The OLE routinely field requests for assistance from other states in tracking down a suspect that resides here. Likewise, we are always contacting other states and the US Fish and Wildlife Service to assist us with contacting non-residents who have committed violations in Illinois. The roe trade has required all states and the USFWS to unite to track and monitor the activities of illegal fisherman and dealers. Hunters have become more mobile and are traveling to other states and countries to take part in their pastime. This has created a challenge for various Law Enforcement agencies to communicate effectively to apprehend offenders.

New Innovations in Conservation Law Enforcement:

The OLE is branching out to different divisions, universities, and agencies in other states to utilize tools to apprehend violators. DNA testing is still relatively new on the wildlife front and the OLE is working with the Wyoming Game and Fish Dept. for DNA analysis in Illinois Whitetail deer. Use of the internet to uncover crimes, track down offenders and collect evidence is also being utilized.

Legislation:

Several items of interest were passed into law in 2007:

Violations of falsification/misrepresentation on applications, reports, etc. and possessing freshly killed game out of season were made mandatory minimum one year suspension offenses.

A two-day, youth only, firearm deer season was established. (shotgun or muzzleloader only)

Commercial Roe Harvester and Roe Dealer permits were created and regulations put into place. Additionally, many of the commercial fishing violation classes of offense were modified (due to the point “trigger” for suspension).

Remotely hunting by computer was outlawed.

Firearm deer season hunting hours were extended from ending at sunset to ending at ½ hour after sunset.

Persons age 62 and older are allowed to use a crossbow for hunting merely with proof of age, they are no longer required to submit an application along with physician’s certification of disability.

Strict liability for the offense of allowing a dog to hunt on the property of another was removed. Intent or wanton behavior is now required as an element of the offense.

A new hound running area permit was created, which would allow fox, coyote, raccoon and rabbit to be taken from the wild and retained alive for the purposes of pursuing them with hounds. Additional regulations and enclosure standards are to be set by administrative rule, which has yet to be developed.

A new offense was created in the Boat Registration and Safety Act of “failure to yield to or reduce speed for approaching emergency watercraft”, along with suspension of operating privileges for same.

Cost Savings Initiatives:

Due to Illinois budget crisis, we have been forced to evaluate all of our programs. One program in particular that was costing the OLE more than any other was the K-9 program. A review of the program revealed that the cost versus the benefit was not sufficient to continue support of the program. K-9 officers were earning paid overtime on a daily basis in addition to all the other cost associated with the maintenance of the K-9. An audit of the program revealed that the K-9’s were being

used for OLE purposes very infrequently. In fiscal year 2008 we retired 3 of our 5 our K-9's and we plan on retiring the other's in the near future.

Due to our budget constraints, Illinois has also been more aggressive in seeking out grants and other funding to supplement our budget. We have been somewhat successful in obtaining Homeland Security grants and Department of Transportation grants that have allowed us to purchase equipment and pay for overtime.

We have also taken the time in educating our officers on the JJ Wolf Fund and the Foundation Fund, two special IDNR funds where the public can make donations or where our courts can assign restitution through plea agreements for violations committed.

In FY 08 (July 2007-June 2008), the OLE received an "Alcohol Countermeasures" grant, paid with federal NHTSA funds, from the Illinois Department of Transportation. We received a total of \$168,700.00: \$74,500 to pay O.T. to officers working details, and \$94,200 for equipment purchases. In FY 09, IDOT has submitted the IDNR OLE for \$307,000 to be used for personal services (over-time) and enforcement equipment.

The goal of this grant project is to reduce the incidence of driving under the influence of alcohol/drugs in our state parks.

Officers will monitor motor vehicles in select IDNR sites for traffic violations, concentrating on DUI and other alcohol-related violations. Officers will also be alert to passenger safety (seatbelt and child restraint) and speeding violations.

At our boat ramps, officers will monitor boat operators for signs of impairment. Since most watercraft in Illinois are towed to and from our waterways, in many cases a boat operator who is under the influence may become a motor vehicle operator who is under the influence when they tow their boat home. Our officers will take enforcement action to intercept the intoxicated boat operator before he/she drives a motor vehicle.

Equipment monies received have been used to purchase mobile data computers, alcohol testers and detectors, radar detectors and fingerprint kits.

Some initiatives developed and implemented by DOI have been more along the lines of directed revenue generation as opposed to cost savings. The best example is the cooperation with the Illinois Attorney General's Office. As a result of DOI's involvement with environmental crimes investigations, more than \$275,000 has been directed to the IDNR for specific use by the OLE over the past two years. Likewise, through court awarded penalties, DOI has been able to self-fund its latest undercover operations.

Other Special Law Enforcement Issues:

The OLE Recreational Boat Safety Committee has developed a Boat Accident Team (BAT). The BAT will be assigned to investigate all serious personal injury and fatal boat accidents. The Team consists of 15 officers (3 from each region) throughout the State. They will eventually be trained in advanced investigation/reconstruction and be provided specialized equipment to perform their duties. The OLE believes that developing and training a small specialized group of officers will result in more proficient and accurate investigations being completed. The Team will also relieve the less experienced and trained officer from investigations so they can assume normal patrol and emergency responses. In addition, the local OLE resources and manpower in the area of the accident will not be overextended.

The OLE recently purchased Mustang Suits and two (2) Ottercraft Boats through a grant from the ITTF. The suits have been well received by field officers who have been assigned to flood details during the winter months. The Ottercraft Boats will be deployed on the Mississippi River for homeland security patrols/response. The hull design will allow for operation in icy conditions and the cabin will provide shelter for officers on patrol during inclement weather. Equipment is currently being installed and the boats will be deployed shortly.

The OLE is working on several fronts to improve our data entry, management and analysis:

OLE staff continues to work with IDNR IT staff to link Illinois' suspensions to the Point of Sale (POS) system. This project is nearing completion, as we believe our POS system will be able to block license sales to suspended individuals within the next 2 weeks. Our POS system has been linked to the Illinois Department of Healthcare and Family Services data for quite some time, and has been very successful in prohibiting sales of licenses and permits to individuals who are delinquent in their child support payments. The POS system also holds detailed customer information, previous purchases and harvest information which can be used by officers in their investigations.

The OLE is working with the Administrative Office of Illinois Courts to get automated disposition reporting from the circuit clerks. There are 102 counties in Illinois, and at this time automated disposition reporting is available from 83 of them. It is anticipated it will take one year to complete this project.

The OLE is also working with IDNR IT staff to establish part of our defendant database on-line, where officers would be able to enter data themselves on the tickets and warnings they issue, at the end of each shift. (These two latter items – automated disposition reporting and officer entry of citations – should greatly assist in our data entry efforts).

Illinois joined the Interstate Wildlife Violator Compact on July 1, 2007. For many years we have had a regulation that if a person was suspended in any other state, by a federal agency, or by a province of Canada, that person was also suspended here. There was no reciprocity, however, for other states to accept Illinois' suspensions. With our entry into the compact, this has now been addressed. Illinois also now has access to other states' suspension information through the IWVC database, and is involved in residency investigations with several other states.

All of these database advances open new areas of investigation and enforcement to our officers, both in the field and within the DOI.



State Report for Indiana
Colonel Michael Crider
Director of Law Enforcement
Indiana Department of Natural Resources
April 9, 2008

Training Issues:

Indiana is currently under a hiring freeze and specific permission is required to fill any vacancy. We have asked for the ability to fill our current eleven vacancies. We anticipate that number exceeding twenty by the time we can complete the process as our process takes over 18 months to go from the testing phase to realizing an officer working unsupervised field duty. It appears that we will be allowed to hire however some adjustment to our selection process may be necessary. This ability to hire is a major concern as we have 60 of our 214 officers eligible to retire this year.

We recently completed our annual in-service training of officers. Along with the focus of providing state mandated components we provided ATV operation training and the first module of Woodland Tactics Training that officers obtained during training with the Maryland Natural Resources Police. We traded that training for training that we provided during our K-9 school. Maryland had two dogs and handlers attend that training. Also participating in our K-9 school was a dog and handler from Kansas. The K-9 school finishes April 17th and was very successful by all accounts.

We continue to provide training to field staff on the CODY Records Management System. We have devised a way to use that program for our payroll and project costing functions however this is a huge shift in our business practice and training is occupying quite a bit of time for some officers. We continue to be very pleased with the system.

Indiana is hosting ANRET in June and based on projections anticipate a good turn out. Trainers who attend will be exposed to our River Rescue Program and will have a block of instruction on

CODY. Both of these programs were discussed briefly during the Louisville Chiefs meeting. There is also interest in discussion related to how ANRET can help with the IMPACT project. We will do what we can to help facilitate that discussion.

Funding and Staffing Issues:

We have initiated a program which takes the funding for our current assistant district commander (First Sergeant) and spreads the funding across three field positions. Those positions will be upgraded to Team Leader (Corporal) and supervise a designated portion of our operational district needs. This allows us to drop our span of control from around 1 supervisor to 14 field officers to 1 supervisor for 6 positions. We are implementing this program as voluntary vacancies occur within the operational districts. When either a Lt or F/Sgt retire or promote the replacement Corporal system goes into effect. This is the only way we could address span of control and maintain current funding levels.

Otherwise we are struggling with gasoline prices. We have asked officers to monitor their vehicle usage closely in hopes that we will not need a more formal program to control vehicle costs. If gas prices continue to rise we will have no choice.

Major Conservation Law Enforcement Trends:

We continue to see emphasis placed on our division to serve as lead agency during multi-agency responses. Much of this is due to our continued display of the diversity that we bring to the table. The talents and equipment of resource policing agencies was showcased during Hurricane Katrina and we have built on that reputation.

An interesting trend is invitations to serve on task forces that we would not have been considered for in the past. I currently have a Captain serving as Assistant Executive Director of the State Fusion Center and an officer serving as a task force member of the FBI Cyber Crimes Task Force. We participate monthly in the Counter Terrorism Task Force Committee, JTTF, and the Environmental Crimes Task Force. We are one of the first agencies called to the EOC and one of the last released due to the versatility of our officers. I'm sure many of your agencies is seeing the same trend.

All of these are wonderful things and great opportunities to showcase our agency but I am concerned that we will experience "mission drift". I don't want to become so busy with "extra duties as assigned" that we neglect our core function and lose connection with our constituent base and the rest of DNR.

Unique Cross Boundary or Cooperative Enforcement Efforts:

Indiana completed a long term undercover operation along with the USFWS that looked into the exploitation of paddlefish last year. Due to that investigation we were able to provide information to biologists about the trends we observed during the investigation. This led to a joint effort between Indiana and Kentucky to look at regulation changes designed to protect and maintain this

resource as a viable industry. Talks between the two agencies have been productive and by years end regulation changes should be in effect.

We also had a small role in an investigation related to the illegal movement of live coyotes and foxes. Due to lax regulations in Indiana we had become a major supplier of animals for running enclosures. The lead states did an outstanding job of detailing the problems related to this activity. Indiana has since initiated rule changes that would close the loophole contributing to this problem. Alabama, Virginia, Georgia, North Carolina, South Carolina and Kentucky also participated in this investigation. They are to be commended for their investigations into this practice.

New Innovations in Conservation Law Enforcement:

We are having great success with our side-scan sonar units. These units were acquired via DHS grants and are extremely useful in pre-mapping critical infrastructure related to potential maritime targets. We have also used them for drowning recoveries with great success. They have the potential to change a drowning operation from a long drawn out search to a very quick recovery for the divers.

We have elevated the importance of our PIO's in our strategic plan and will be more proactive in dissemination of information from headquarters. This will ensure a consistent message while still enabling reactive reporting of significant details or investigations.

We have begun using video conferencing (SKYPE) with some success. This involves a free download and the purchase of a camera. It works fairly well with air-cards and very well with T-1 connections. This may become an important program if fuel cost limits the ability of staff to attend district meetings. I can deliver a message to the meeting via internet and it is displayed to the officers via a data projector.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resource Law Enforcement:

We remain enjoined from enforcing our rules related to fenced hunting enclosures for deer. We have 10 facilities who are parties to that suit and we are awaiting a decision one way or the other. This is a hot topic here and a concern related to disease spread due to CWD keeps it at the forefront.

We have litigation related to man made embayments along the Ohio River that could cause considerable problems if the case goes the way it appears to have started. At issue is the ability for the public to use the water resources of areas that are connected to the river by choice of the adjacent landowners. In this case the landowner wants the water for real estate value but doesn't want the negatives that come along with a party cove atmosphere. This could be a legal precedent that affects other similar areas. We are watching this one closely.

Indiana had a pretty successful legislative session, especially for a short (non-budget) year. Here is a short synopsis of three significant bills that passed and have been signed by the governor.

Great Lakes Compact: This bill allows Indiana to join with other great lakes states in a compact designed to protect that fresh water resource. There has been considerable interest by other states and even foreign countries in buying water rights from the states adjoining the various great lakes. This is destined to become a greater issue as the world's fresh water sources are depleted. The compact is very detailed so I am generalizing quite a bit but for once it is nice to be ahead of the game.

Apprentice Hunting License: This program allows a person subject to mandatory hunter education requirements to purchase a hunting license and hunt under the direction of an adult mentor. Our law allows for the purchase of up to 3 licenses before an individual is required to take and pass hunter education. Several states already have this option and it should allow more Indiana residents to take advantage of a spontaneous invitation to hunt. This program was heavily endorsed and supported by several national and local sporting organizations.

Sportsman's Benevolence Fund: This program was created and given to law enforcement. It allows the division to market products and use the funds generated as matching funds for programs like Farmers and Hunters Feeding the Hungry or Safari Clubs Sportsmen Feeding the Hungry Program. All funds would pay for the processing of donated deer for use in food banks. We are aware of the recent news related to lead issues however we plan to proceed with our program. We have ordered 25,000 lapel pins that will be used to generate \$125,000 and will also accept donations from other interested parties. There is widespread support for the program here.

Cost Saving Initiatives:

Nothing other than already mentioned.

Other Special Law Enforcement Issues:

We are concerned about the response to the extension of Interstate 69 between Indianapolis and Evansville. Several environmental groups have banded together to protest this expansion and have been vocal that they will actively work to disrupt construction by monkey-wrenching. It is disturbing that even so called moderate groups like the Sierra Club are involved in the protesting and rhetoric.

We have the most experience in dealing with these groups and as such are providing training to other law enforcement and construction crews related to prevention and response to an incident. We will provide expertise for the removal of tree-sitters or other protests tactics and Indiana State Police will perform normal security functions. We are working very well with an agency which is a natural rival in this case.

This project will span several years and pass through some areas that the groups consider environmentally sensitive so this issue will be a constant concern. If your state has experience with radicals, especially western states please have your investigator contact mine.



State Report – Iowa
Submitted by Chief Lowell Joslin
Law Enforcement Bureau
Iowa Department of Natural Resources

April 18, 2008

Training Issues:

Our bureau has had a Field Training Officer (FTO) program in place for many years now and while we have made minor changes to the program the basics have stayed pretty much the same. In January 2008 Joli Vollers, Training Coordinator, John Sells, Conservation Officer/FTO, and Randy Edwards, Assistant Chief of Law Enforcement met with Shon Eide, Training Coordinator with the South Dakota Department of Game, Fish and Parks and Bob Brown from the South Dakota Department to learn more about their new and revised training program.

They discussed the pros and cons of this program and how it has worked for them. The S.D. Dept. had previously used the program that we use currently. There is a fair amount of flexibility with this new program and it incorporates a number of checks and balances. It implements a good deal of “problem based learning” options and opportunities. This new program is called the “Reno Method”. It involves new ways of training and teaching adult learners. It does away with the 1-5 rating system...and instead, depends more on narratives of the FTO and “products” and assignments produced by the Probationary Conservation Officer (PCO). After that meeting, we felt it would be worthwhile to have another similar meeting with all of our own FTOs - and any officers who might be contemplating being an FTO in the future. That meeting is scheduled for May 14, 2008.

Our training, in the past, has been presented to Officers at monthly District meetings and at our annual Bureau In-Service Training Meeting, but this summer (2008) we will be pulling some of our basic Defensive Tactics/Active Countermeasures/Firearms training from these monthly District meetings and attempt to provide that same training to ALL Officers in the form of two half-state meetings. We are incorporating more scenario based training regarding use of force issues and decision making. We are also looking at using some AirSoft technology in addition to the Simmunition we currently use. AirSoft guns, gas propellants, and projectiles will be a much more economical method of training than Simmunition.

We recently provided Officers with an opportunity to attend a Jeff Baile Interviewing and Interrogation training session. Officers really enjoyed this session and some began using the techniques presented there right away and found it very helpful in making enforcement cases.

During this past year Officers received training from Wisconsin DNR staff regarding the use of decibel meters in determining noise levels for boats and all-

terrain vehicles. With the purchase of new decibel meters, this new training will help when dealing with noise enforcement issues regarding boats or ATVs.

Funding and Staffing Issues:

We currently have two Conservation Officer positions vacant but will be looking to fill those soon. Our Recreational Safety Education Program Supervisor will be retiring at the end of July 2008. We will also be losing one of our District Supervisors to retirement in October 2008, and I plan on retiring in December of 2008.

We currently have 79 Conservation Officers (peace officers) assigned to the 99 counties we have in Iowa. We break the state up into six regions or districts and each has one Recreational Safety Officer (peace officers) and one District Supervisor (peace officers). This is complimented by one Conservation Officer/Training Coordinator (peace officer), one Recreational Safety Education Program Supervisor (peace officer), one Assistant Chief (peace officer) and one Chief (peace officer) which are all located in our central office. We also have the following non-peace officer staff; one Administrative Assistant, one Executive Officer who manages several of the program areas our bureau oversees (such as falconry, TIP, hunting preserves, multiple offender, and others) and one Executive Officer who oversees our snowmobile and ATV programs.

We are currently two Conservation Officers short of where we were ten years ago. Our Division Administrator has asked that our bureau develop a methodology and determine just how many Officers are needed for our state. This has been a daunting task and while we have looked at the methodology of two other states we still continue to work on this task. We believe that one important input needed for this would be to do a statewide survey of what the public believes the important issues for Conservation Officers are. We hope to accomplish that survey during our next fiscal year. We continue to work on this project.

Last year we added some other non-officer positions to our staff. During 2007 we added a River Trails Program Coordinator that has worked on the creation of marked river/water trails, better access for users, and educational issues. We added a Boating Education Coordinator position and a Shooting Sports Coordinator position. The Shooting Sports Coordinator is funded by our bureau but that person is directly supervised by our Wildlife Bureau Chief, not by Law Enforcement. Our Shooting Sports Coordinator coordinates our Archery in the Schools program, oversees our agencies shooting ranges which includes the development of new shooting ranges, and helps with the expansion of the Scholastic Clay Target Program. We most recently added a Program Planner position to help with our ATV and Snowmobile programs.

Major Conservation Law Enforcement Trends:

We continue to see an increase in the number of registered boats in Iowa and that has placed increased pressure to for us to provide a greater law enforcement presence on our major lakes and river areas. We also see a continued increase in workload regarding recreational vehicles such as ATVs, OHVs, and OHMs. We currently have eight ATV parks in the state and user groups are continuing to put pressure on us for more riding opportunities. We do not have any linear riding trails in the state, but have looked at other states for their successes in this area. Registration monies provide the operating budget for our ATV and Snowmobile programs as well as providing grant money for user groups (clubs).

Our deer herd continues to be very healthy and with large numbers of deer we see increases in the number of deer depredation problems across the state. We are limited by state law as to the number of out-of-state deer licenses we can sell and that continues to be a problem as some non-residents continue to look for ways around our residency laws so that they can obtain a deer license. We continue to look at new ways of strengthening our residency laws and made an attempt to change residency during this legislative session, but we were unsuccessful.

Over the past two years our bureau has been working to update our boat dock regulations. Our agency regulates all docks placed on or over public waters and we are now in the process of implementing new dock rules. This has placed more of a burden on Officers especially those located on our major water areas. Our state is experiencing expanded development of houses/condominiums/town homes/etc. especially along the Mississippi River, but this is also true for some of our lakes...everyone wants to live near (or have access to) the water. We continue to work on problems such as large expansive docks that developers want placed out from their housing developments, cantilever type docks that are permanent structures extending from shore, but are above the water and do not float on the water. We are always concerned about threats to the aquatic ecosystem, especially if structures are going to be near T & E species. We strive to maintain a balance for those riparian owners that are allowed to “wharf out” and the other users of our public’s waterways such as boaters and fishers. This task is daunting to be sure.

Unique Cross Boundary or Cooperative Enforcement Efforts:

Last summer our Officers along the Mississippi river worked on special enforcement efforts related to sturgeon with Special Agents from the US Fish and Wildlife Service.

New Innovations in Conservation Law Enforcement:

We continue to look for better ways to utilize license information from our Electronic Licensing System. This system has been in place for a few years now

and Officers continue to find new ways to “mine” and utilize the information in helping to make enforcement cases.

We continue to look at ways to better utilize computer technology and now have a Division staff person within our IT Bureau that is dedicated to helping our staff build data bases and find ways to have IT technology work for us.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resource Law Enforcement:

During March 2007 we went through a trial with Mr. Kevin Kelly, a tree farmer in east-central Iowa. Mr. Kelly had for some time been claiming vast amounts of damage from ALL forms of wildlife, especially deer. Each year Mr. Kelly would send our Director an invoice for what he believed to be the cumulative damage caused by wild creatures and he would indicate that he as a landowner had every right to protect his property and that our staff should come out to his property and rid it of every form of wild animal as he considered them a nuisance and wanted all of them either eradicated or removed.

While our agency does have deer depredation biologists on staff, Mr. Kelly seemed to prefer to not to utilize their services. Mr. Kelly was charged with unlawfully killing a whitetail deer and using a rifle to kill a deer. There was a jury trial and after two hours of deliberation the jury came back with guilty verdicts on both counts. Mr. Kelly was also assessed \$1,500 civil penalty for the deer. All fines and costs were paid.

Mr. Kelly’s defense was based on a 1915 Iowa Supreme Court ruling (State v. Ward) where the Iowa Supreme Court overturned a guilty verdict by letting a farmer/landowner use the “necessity” defense...”was it reasonably necessary to shoot the deer to prevent substantial damage to the landowner’s property?” Mr. Kelly utilized this necessity defense, but did not have enough evidence to win over the jury. Mr. Kelly did not appeal his case, but does think that he has opened the door for other landowners to utilize this “necessity” defense in similar cases.

The issue of a landowner sustaining damage from wildlife is not one that is always easy to mitigate. Our agency works with landowners when it comes to depredation and animal damage complaints and we know that this issue will be in front of the courts at some point in the future.

2008 Legislative Session Items of Interest:

Sustainable funding....DNR staff have been working with a legislative Advisory Committee in an effort to provide a funding stream (from general revenues) that will enhance our programs. Work has been progressing and this issue will come before legislators this session (due to end mid-late April 2008). The Advisory Committee reviewed and researched current budgets and streams of funding and concluded that an additional \$150 million per year, strategically used at state and

local levels, will go a long way toward meeting the needs of Iowa's natural resources. The Advisory Committee is looking to create a constitutionally protected trust fund and has chosen, as the funding mechanism, 3/8 of 1 cent sales tax to be voted on by the people. This issue passed during this year's session and will need to be brought in front of the legislative body again next year. If passed, the next time the state's sales tax is raised we could be looking at additional funding, provided the people of the state think enough about the state's natural resources to vote for such a proposal. There has been growing support for this and while we have some hurdles to go, things are certainly looking bright for the future.

Lower Blood Alcohol Concentration (BAC) for boating from current requirement of 0.10 to 0.08. Currently for motor vehicles the required BAC level is 0.08. It took us several years to strengthen our BWI laws and now we are trying to require the same BAC level for boats as is currently utilized for motor vehicles. This did not pass this session.

PFDs required for children 13 and younger...this passed during this session.

Deer issues...we always seem to have several bills related to deer issues and this year will be no different.

Technical changes bill...our department often has some type of omnibus bill that includes several needed changes for our agency and this year is no different.

Cost Savings Initiatives:

Nothing specific to report.

Other Special Law Enforcement Issues:

Iowa will host the 2008 Midwest Investigators conference scheduled for Sunday, June 8 through Wednesday, June 11 and will be held at the Village West Resort, Spirit Lake, Iowa.



Association of Midwest Fish and Game Law Enforcement Officers

State Report – Kansas

By: Kevin Jones
Director of Law Enforcement
Kansas Department of Wildlife and Parks

Training Issues

Training remains a high priority for the Law Enforcement Division. During the past year, new training equipment was purchased for custody and control instruction. Included were “redman” suits, mats, training batons and related training aids. This is a high priority training area for the division.

Significant improvement was seen in integrating law enforcement training across the three divisional lines within the Department. Primary instructors are assigned from either the Law Enforcement Division or the Parks Division. Coordinating training schedules between the three divisions having law enforcement authority has been the primary problem. This improvement has been primarily accomplished by emphasizing clear lines of communication and scheduling in addition to encouraging support positions from all three divisions.

The Division is reviewing and developing a new training program for entry-level officers. Primary law enforcement training is provided by the Kansas Law Enforcement Training Center shortly after a new officer is hired. The emphasis of the Division training program will be to focus on the wildlife and boating laws plus the unique duties and work conditions of a Kansas game warden.

During the past year, several officers received advanced training in boating enforcement. In total, 12 officers participated in training provided at the International Boating and Water Safety Summit sponsored by Texas Parks and Wildlife, the NASBLA BUI Train-the-trainer seminar, the instructor and tactical Marine Patrol Officer Courses, and the NASBLA Comprehensive Boat Accident Investigations Seminar. This training is part of the Division’s increased emphasis on watercraft enforcement across the state.

The Investigations Section of the Division received advanced training in the use of electronic equipment and field level repair of certain systems. This section continues to make advancements in developing and integrating enforcement records and intelligence information through established state and RISS program systems.

Funding and Staffing Issues

The dramatic increases in truck operational costs combined with the slight, but continual, downturn in license sales has caused a tightening of the Department budget. While baseline budgets for regular operations and maintenance have been for the most part left intact, the creation of new projects or enhancements have been

limited with funding becoming very competitive for Fiscal Year 2010 budget preparation.

The current FY 2008 budget was developed with consideration that vehicle expenses would be increasing. The enhancement to this budget has afforded the Division the ability to continue full operations at the present time. The projection for the remainder of this fiscal year anticipates continued operations at normal levels with no reductions.

While the FY 2009 has not been approved by the legislature at the time of this writing, it is anticipated that there will be no cuts in this proposed budget. Within this budget is the request for funding for three new officer positions within the Division. If approved as anticipated, the Division will be hiring two field officers and one investigator sometime after July 1, 2008. This addition to the enforcement staff is needed to address a few of the coverage deficiencies across the state.

The legislature is also considering allowing Department enforcement officers to join the Kansas Police and Firemen Retirement System. It is anticipated the cost increase for this change would be over \$445,000 per year. Department officers are not the only group asking for consideration in changing retirement plans. Other agencies with law enforcement or fire protection duties want to switch plans as well. There was an interim study committee appointed last summer to review these proposals; however, no conclusive recommendation was made by the committee.

There have been some changes made during the past year about giving preference to veterans seeking employment. The recognition of this preference has changed over time thereby causing some confusion in the hiring process. The 2008 Legislature is considering several bills relating to veterans' preference for employment.

The Department continues negotiations with the officer bargaining unit, represented by the Fraternal Order of Police. Negotiations on a new agreement began two years ago, and while most of the articles have been tentatively agreed to, discussions are continuing on four articles relating primarily to pay and benefits.

Beginning January 1, 2008, the Law Enforcement Division was re-structured to address the demands being placed on the Division. Originally, there were five regions, each having a Regional Supervisor. Field activities and first line supervision were under each Regional Supervisor. Regional Supervisors were under the direct supervision of the Division Director. Under the new structure, the Regional Supervisor positions were changed to Captains. Field enforcement is under the regional supervision of two Captains, who have a staff of Lieutenants, specialist officers and regular field officers. The remaining three Captain positions were assigned to head up the Investigations Section, Emergency Response and Planning Section, and Training and Policy Development Section. The Captains for investigations and field enforcement are under Major Mark Rankin and the Captains for Emergency Response and Training are under Major Dan Heskett, who is also the department's Boating Law Administrator. Both Majors are directly under the Division Director. As with any change, there are growing pains, but in the short

time the restructured division has operated, it appears the change has been positive and is allowing more focus on some very important issues.

Major Conservation Law Enforcement Trends

As with many agencies, we are seeing an increase in the recognition of Department resources during critical times or emergencies. In particular, the assistance that can be provided by Department law enforcement officers is more frequently being called upon. In early May 2007, a category F5 tornado leveled most of the town of Greensburg. Department officers were among the first to respond and begin a sweep of the area searching for victims of the storm. As the initial response and recovery operations proceeded over the course of the next several weeks, Department officers were assigned to security details. Our officers were praised for their responsiveness, ability to work in difficult conditions and the equipment they were able to bring to assist.

While the Greensburg tornado required a substantial commitment of Division resources, flooding in the Wilson and Montgomery County areas of eastern Kansas required additional resources being tasked. This response required the rescue of persons and animals from the floodwaters. While this response was under the Governor's declaration of a state emergency, other officers responded to numerous local calls, not under a Governor's declaration for assistance, during flood events across eastern Kansas.

Currently the Division is evaluating and drafting up-dated policies and protocols relating to emergency response actions. While we have not been able to secure any funding from Homeland Security grants and programs, we have been able to secure the reimbursements from events like Hurricane Katrina, the Greensburg tornado and Wilson County flooding to acquire needed equipment for better emergency response.

In addition to emergency response, Law Enforcement Division officers have had an increasing role in providing enforcement and security for Department sanctioned events within the state parks, such as the Country Stampede (well over 150,000 people attending) and the Wakarusa Rock Festival (between 30,000 and 40,000 people). This is another example of where the duties of the game warden have expanded beyond merely checking hunting and fishing licenses.

Unique Cross Boundary or Cooperative, Enforcement Efforts

One of the more significant cases during 2007 was a joint undercover investigation, Operation "Mighty Mo", with the state of Missouri. Intelligence information developed by Missouri officers resulted in the cooperative investigation and arrests in both Kansas and Missouri. Charges ranged from hunting without licenses, closed season, and over limits along with commercial sale of game and possession of firearms by convicted felons. At present, the case is proceeding through prosecution and has not been formally closed.

ATF requested a cross check on a list of convicted felons with the Department's license database. Because of the "Mighty Mo" case, ATF identified

the license database as one means of acquiring additional information on the activities of felons.

Department officers have started monitoring and developing leads on potential illegal fur and wildlife sale through the internet. After a brief search, it was determined that there is a massive amount of wildlife items being sold and traded. Further strategies are being developed as to the best way to deal with this growing market.

New Innovations in Conservation Law Enforcement

The Department has recently purchased a limited selection of data mining software from Statistical Analysis Software (SAS). The Law Enforcement Division will have access to these programs, which generate extensive queries on a wide variety data. Aside from the marketing analysis and cost accounting features of this software, queries on license and permit data should provide great assistance in the investigation of fraudulent license and permit purchases.

The Division continues to expand on the use of services provided by the Midstates Organized Crime Intelligence Center (MOCIC). The services provided by the RISS project member have advanced and greatly supplemented our investigation abilities. The Division is currently expanding on the number of authorized users and submission of intelligence reports and postings within the MOCIC system. Also of great benefit is the ability to transmit enforcement information across a secure, encrypted e-mail system.

Approval and funding was provided for the Department's law enforcement officers to communicate on the statewide 800 MHz. radio system. This system was developed by the Kansas Highway Patrol and the Kansas Department of Transportation. Under this program, the Department will lease 800 MHz radio equipment from the Department of Transportation and have access to the developing statewide radio system. When completed, this will be a great advancement in the overall communications between agencies across the state. Heretofore there has been no standard for emergency communications systems in the state. Law enforcement and emergency response groups communicate on locally controlled systems within the VHF, UHF and 800 MHz frequency ranges. The problems associated with the mis-match of communications equipment became very apparent in the initial hours after the Greensburg tornado event.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement

CWD was again identified in wild deer during the 2007 hunting season. Samples taken from three hunter-harvested deer in Decatur County were found to be positive for CWD. Decatur County is located in northwestern Kansas. One deer kill in an adjacent area of Nebraska was also identified as having CWD. The Department conducted a limited sampling of deer in the Decatur County area, but no additional occurrence of CWD was found.

Zebra mussels expanded their presence in the state to three additional reservoirs. They are now found in El Dorado Reservoir, Cheney Reservoir and Wellington City Lake in south-central Kansas, and in Perry Reservoir in the northeastern corner of the state. This expansion in their presence prompted introduction of legislation to establish an Invasive Species Management Act. This bill was modeled after Minnesota law. As written, it was conservatively estimated that the initial direct cost to the Department for implementation would be in excess of 1.8 million dollars. No funding source was identified within the bill and therefore the cost would come directly from existing Department funding sources. This would have more than depleted the current revenues of the Department. The bill did not receive a committee hearing, but it is anticipated that there may be future action on this bill in coming legislative sessions.

A state representative introduced a bill in the 2007 legislature, that was held over to the 2008 session, that would prohibit any law enforcement officer from entering on land posted as "hunting by written permission only". While originally focused on the department's officers, the language in this bill was so broadly written that it applied to all law enforcement agencies. Under the bill, the only way law enforcement could enter these particular lands would be by direct observation of a known violation or through the execution of a search warrant. So far, the bill has not had a committee hearing, and an attempt by the Representative to add similar language to another bill on the House floor was defeated.

The Governor signed into law a bill which makes failing to comply with a citation or order of the court a crime with provisions to suspend or revoke privileges. Under the new law, any person who does not honor the conditions to appear on a wildlife citation, or who does not comply with a court order, such as pay a fine, may have their privileges to hunt, fish or trap suspended until such time that the person complies with the citation or order. This legislation was introduced by a County Attorney, who is also a Wildlife and Parks Commissioner, as a means to encourage non-residents to pay the fines set by the court. In the case causing this action, two Texas residents were found guilty of deer hunting violations and sentenced. The court did not receive payment for the fines imposed, and the court could not take any other action because the individuals had left the state. The new law has notification and due process requirements that must be met before a suspension can occur. However, once suspended, the individuals could be entered into the Violator Compact.

The issue of concealed carry of firearms has been an ongoing topic for several years. Two years ago, the legislature passed a law allowing persons, who meet certain qualifications, to carry concealed firearms. The question arose if a person holding a concealed carry permit would be prohibited from carrying a firearm during a restricted weapons season, such as the archery-only deer season. The Kansas Attorney General reviewed the issue and concluded that the Department does have the authority to prohibit the carry of concealed firearms during these situations. The Attorney General did not render an opinion on the ability for commissioned law enforcement officers to carry a concealed firearm under the federal law.

The 2008 Legislature is considering a resolution to bring a Constitutional amendment concerning the right to hunt and fish to a general public vote. At the time of this writing, the House passed the resolution and it is now awaiting action in the Senate.

Cost Savings Initiatives

To improve communications with our officers, we have developed a web portal for law enforcement through the Department's server. Through this portal, we post policies and updates, and provide links to other enforcement information sources. We are also working through Google documents as a way to review and comment on works in progress. We will also be looking at the potentials of video conferencing in an effort to eliminate excess travel to staff meetings.

Other Special Law Enforcement Issues

The Law Enforcement Division is working on increasing its recognition across the state. Plans include updating the marking of trucks and developing other materials, such as career and informational handouts, to promote the recognition of the Division and knowledge of the services provided.



Manitoba Conservation Compliance and Field Services

AMFGLEO Annual Agency Report

By: Colin Merritt
Enforcement Coordinator

Training Issues

Currently, most officer training is instructed by Natural Resource Officers who volunteer to develop and instruct the courses in addition to their regular officer duties. In the last few years it has gotten increasingly more difficult to recruit officers willing to take on this role. Furthermore, finding supervisors willing to allow their officers to be away from their districts for prolonged periods of time to instruct has also become more difficult. For this reason, the Dept. has received approval to hire three Regional Training Officers that will be situated around the province to take the lead role in the development and implementation of officer training. Peer instructors will still be required for some training but it is hoped that these individuals will be able to handle the majority of the training and qualification requirements. Unfortunately, no new staff years were supplied for these positions so they had to be taken out of the field officer ranks.

Implementation of the Department of Justice approved Seasonal Officer Training course for newly hired Park Patrol Officers has been contracted out this year to the University College of the North in The Pas, Manitoba. Previously this course was instructed by Natural Resource Officers. Contracting this out allows our peer instructors to spend more time in training full time officers and working in their respective districts on regular duties.

Manitoba will be sending ten new recruits to the Western Conservation Law Enforcement Academy at Hinton, Alberta, this fall. With representatives from each of the four western provinces, the intent is to establish common training for resource officer candidates, and to create new recruits who are more effectively and efficiently trained and able to function at the field level sooner, while decreasing the agencies cost for post-hire training.

Funding and Staffing Issues

There have been no real changes in budget levels over the last year. Conservation is still very much under staffed and under resourced. The increasing cost of fuel could have a very detrimental effect on our ability to get the required job done. Recently, our Fleet Vehicle Agency, which supplies all government vehicles, changed their fee structure by separating the cost of fuel out of the mileage rates we are charged. We will now be responsible for paying for the fuel out of district operating funds as well as a per km. charge. (Albeit a lower rate than before)

The department is still finding it difficult to attract and retain enough qualified candidates to fill our seasonal officer positions so will be running with Assistant Resource Officer vacancies again this year. Increased competition for eligible applicants from other provinces and the federal government has compounded the problem.

The Parks Superintendent program is continuing with the addition of two more positions in the province (four total) with plans for more in the future. This position was created to remove most of the daily park operations duties from the Natural Resource Officer. The NRO will now only be responsible for enforcement and park security and safety instead of the total park operation.

Getting qualified officers to apply for some of our District Supervisor positions has become such a problem that we have instituted a new program to fill numerous positions. They are being filled by candidates that were not successful in the competition process but are willing to move to the district in a developmental role. Through mentoring we hope they will gain the necessary experience to properly fulfill the functions of the position.

A new Provincial Intelligence Officer position has been approved for the Special Services Section in Winnipeg. This is a big move in the right direction in terms of being able to better focus investigations and provide a better picture in terms of what is going on provincially.

A new Recruitment and Training Officer position has been approved and filled in Winnipeg headquarters. This position is now responsible for the hiring, tracking and training of our 120 plus seasonal Park Patrol and Assistant Resource Officers.

A “streamlining” proposal was developed by the Chief Natural Resource Officer’s group in hopes of removing the Natural Resource Officer from the current multi-discipline environment. Resource law enforcement has taken a back seat over the years to other non-enforcement priorities that are also the responsibility of the NRO. The proposal has been reviewed and amended by the Assistant Directors and is now in the hands of the Regional Directors and the Assistant Deputy Ministers. We are hoping something will be implemented that will address the concerns raised by the Chief NRO’s in the original proposal.

Major Conservation Law Enforcement Trends

The illegal sale of fish, primarily walleye, is still a major issue. This includes the illegal sale of black market fish to consumers and restaurants, fishers illegally filling other fisher’s quota for them or filling quotas from one lake with fish from another. Lack of specialized staff and complicated or lacking fisheries legislation has compounded the issue.

Overproduction of quotas has become a major concern on the north basin of Lake Winnipeg. For various reasons this has become a political issue with demonstrations at the Legislative Building by commercial fishers and First Nation groups. One of compounding problems is a Manitoba Hydro compensation program that pays out to a commercial fisher on the basis of their total production, not on just their legal production. This and poor court judgments has made it very lucrative to fish over their quota. Hopefully clear heads will prevail and this will be worked out in the favour of the resource that is in jeopardy.

Unique Cross Boundary or Cooperative Enforcement Efforts

We seem to be running into more issues relating to items leaving Canada and entering the US. Investigations involving wildlife, animal parts and fish in a variety of situations have recently been encountered. We have had excellent agency cooperation involving both State and US Federal agencies.

New Innovations in Conservation Law Enforcement

None to report.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement

Due to a recent Supreme Court of Canada decision originating from British Columbia (R. vs. Morris) First Nation people in Manitoba can now use a light to hunt vertebrate animals at night on land they have right of access to as long as they do so in a safe manner. Manitoba previously did not allow anyone to discharge a firearm at night for the purpose of hunting.

Cost Savings Initiatives

None to report.

Other Special Law Enforcement Issues

None to report.



Michigan Department of Natural Resources Law Enforcement Division

AMWFGLEO Annual Agency Report
April 18, 2008

Training Issues

Survival Tactics Training - The Michigan Department of Natural Resources (DNR) Law Enforcement Division (LED) Survival Tactics Training Program, (or ST as it is known throughout the DNR), was founded in 1999 and has been in place ever since.

The comprehensive training program has been developed to maintain an officer's tactical skills and survival thinking. The training includes classroom lectures, hands-on conditioned response training, as well as scenario training. Conservation officers are evaluated a minimum of once a year on their survival tactics skills. The focus of the program is to train and develop the officer to react to a threat through proper conditioned response training, while still maintaining appropriate conformance to the use of force continuum, and department policy.

The ultimate goal of the ST Training Program is for each officer to understand and apply the concepts of a strong survival mindset. This mindset consists of three main principals combining tactical thinking, tactical skills, and a survival attitude.

In an effort to ensure safety and reduce the number of training related injuries, the ST Program has adopted the use of training dummies for all full force conditioned response drills. These life sized training dummies have been a welcome addition to the program. They allow our officers to safely practice and hone their techniques, while still being able to deliver strikes, kicks, and take downs at full force/contact speeds.

Marine Training - We have traditionally offered two separate training sessions in the area of marine enforcement and boat handling. All Michigan conservation officers are required to complete the week long Basic Marine School, which takes place on one of the largest inland lakes in the state.

This training familiarizes officers with boat handling basics, state & federal boating laws, on water enforcement techniques, boat maintenance, towing, victim rescue, knot tying, and basic navigation skills, to name a few. While on the water, officers are put through a series of low and high speed exercises, giving them the skills and confidence to safely perform their duties on marine patrol.

The Advanced Marine School is also a one week course, and is offered to those officers who have already completed the basic course and tend to operate vessels on the large open waters of the Great Lakes. A large part of this training is conducted on the open waters of Lake Huron & Lake St. Clair. An advanced marine school is being planned for June 2008.

The Advanced Marine School is similar in format to the Basic Marine School, with the difference being an emphasis on the safe operation of the larger patrol vessels. Advanced training in marine navigation is also covered, with special attention to operations in large waters.

Firearm Tactics Training – The LED continues to transition to the new Sig Sauer DAK pistol that replaces the previously issued Sig Sauer DAO pistol. The new pistol features an enhanced trigger system and an accessory rail. The accessory rail allows for use of a tactical illuminator (flashlight), which attaches directly to the firearm. Officers have been issued the new illuminators (Streamlight Model M-3X) and are training with the new pistol/light combination as they are distributed. The attached tactical illuminator eliminates the need for holding a flashlight in a separate hand, and also serves as an important back-up light should an officers primary light fail.

Our division also transitioned to a Level II security holster. The holster, Safariland Model 6280, affords the shooter an added level of security while also allowing for rapid pistol draw and return to the holster without the need for fumbling with problematic snap closures. The new holsters feature a rotating hood design, which is easily activated by the shooter when drawing the gun. Return of the gun to a secure holster requires only simple gross motor skills.

Drive Training – Our drive training was held at the Michigan State Police Precision Drive Track. Officers attended a three day training to hone their precision driving skills.

Fitness Training - The DNR LED Fit for Duty program continues to evolve and is rapidly shifting from mostly voluntary to mostly mandatory or required

participation. FFD training personnel are currently and continuously working to improve the program by exploring alternative exercises that promote long term health and fitness, while allowing for accurate measurement of an officer's ability to perform the day-to-day functions of a conservation officer.

Funding and Staffing Issues

The LED is under severe budget constraints as Michigan's economy continues to struggle. The division's budget is under multiple attacks. Its general fund allocation has been cut by about 50% over the past five years as the state attempts to balance its budget. As the sale of hunting and fishing licenses continues to fall, coupled with fees that haven't increased in ten years, the DNR has to cope with a reduction in its largest funding source. Other sources of state restricted funds are also facing structural deficits with fund balances rapidly being depleted.

Budget difficulties are manifested in staffing shortages. The division has about fifty officer vacancies, shortages in dispatcher positions, and vacancies in various

administrative support positions. These shortages will be partially resolved this year with the pending hiring of twenty new officers, and the filling of vacant sergeant's positions.

Major Conservation Law Enforcement Trends

Michigan continues to contend with several disease related issues such as tuberculosis (TB), chronic wasting disease (CWD) or even viral hemorrhagic septicemia (VHSv). In- state as well as interstate cooperation is needed to keep these diseases from spreading. Each of these issues offers unique challenges for our officers.

Viral Hemorrhagic Septicemia Disease

VHSv is a disease in fish that has recently caused large-scale mortalities of various populations of wild fish in several areas of the Great Lakes Basin (Lake Huron, the St. Clair River, Lake St. Clair, the Detroit River, Lake Erie, the Niagara River, Lake Ontario, and the St. Lawrence River).

An emergency federal order was issued last fall by the Animal and Plant Health Inspection Service of the United States Department of Agriculture in an effort to prevent the spread of VHSv between states and between the United States and Canada. In response to this, The Michigan DNR developed a Fish Disease Control Order consistent with the Federal Emergency Order to provide additional protection to slow the spread of VHSv throughout Michigan's Great Lakes and inland waters.

VHSv could be rapidly moved by ships that discharge untreated ballast water, the stocking of infected fish, or the unintended movement of water by boaters and anglers that contain either the virus itself or live fish that are infected with the

virus. Many angler behaviors are excellent ways to move pathogens from water to water including the use of live and frozen baitfish and fish eggs (roe), the movement of live game fish from water to water, and the movement of live well and bilge water from water to water.

The Fish Disease Control Order specifies a list of fish species that are affected by the order. The order also contains a set of general provisions that cover a range of angler actions for the use of bait. Specific requirements have been implemented for the retail and wholesale distribution of bait as well. The state has been divided into "Management Areas" to keep the pathogen free areas as far as possible from those areas that are positive and to place a buffer area in between these areas. There are specific requirements for the catching or use of bait in each of these areas.

Conservation officers have been involved with getting this information out to the public and educating them on the seriousness of the disease and the steps they can take to slow its spread. The bait business is a profitable industry in Michigan, and there is a lot of movement of bait species throughout the state. Conservation officers have stepped up enforcement efforts with respect to retail and wholesale bait dealers by conducting inspections at the business, reviewing test certification documents for bait, and following up on the numerous complaints and questions this order has generated.

Emergency Management

The Michigan DNR has been involved in emergency management since 1976. The LED has been designated as the division responsible for this program. Until September 11th, there were drills or exercises involving one of the nuclear plants, but the DNR made very little if any response. All of this changed with the events of September 11th. It was recognized that the entire nation needed to step-up its readiness to respond to terrorism. Readiness was also mandated for all-hazards. The DNR's first real experience was a response to Hurricane Katrina in 2005. Since that time, the DNR's Emergency Management program has matured and grown. The DNR now has a designated Emergency Response Director. A captain within LED is assigned as Emergency Coordination Center Director, and a lieutenant serves full time as the DNR's Emergency Management Coordinator. These duties are certainly non-traditional for a natural resources law enforcement agency. It has been determined, however, that COs are better trained, better equipped, and better suited to respond to many all-hazards emergencies than any other agency.

Unique Cross Boundary or Cooperative Enforcement Efforts

Michigan conservation officers have several ongoing investigations with surrounding states involving cross boundary illegal fur activity (i.e., fur taken in one state but claimed to have been taken in another).

Michigan conservation officers have several ongoing investigations with surrounding states involving illegal fish harvest on the great lakes. These

investigations involve fish taken over one jurisdictional boundary and claimed to have been taken in another.

Michigan conservation officer detectives (Special Investigative Unit) work closely with eBay Fraud Investigations Team (FIT). FIT is an excellent asset when conducting web bases investigations.

The Wildlife Violator Compact is still in its infancy stage, but is destined to be a highly effective method in preventing violators from simply changing jurisdictions once caught and their hunting privileges are revoked. This shared data base of information between states with the reciprocal revocation of hunting privileges will surely impact the violator's ability to freely continue their law breaking habits in another state where they would normally be an unknown player.

New Innovations in Conservation Law Enforcement

The use of DNA analysis is continuing to become more useful and prevalent in the prosecution of wildlife crimes. Another area of recent forensic development has been with strontium isotope testing. The DNR established a partnership with Michigan State University to develop a data base of DNA from animals taken across the state of Michigan. Using this technique, we can often determine the particular geological area from which a sample originated.

Conservation officers have increased use of new and improved electronic devices such as surveillance cameras, microchips, and GPS tracking devices.

Digital technology is becoming the dominant format for both audio as well as photographic devices. Digital devices typically provide greater quality in a smaller, more concealable package. Some of SIU's surveillance equipment is quickly becoming outdated and has outlived its life expectancy.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement

2007 Inland Consent Decree

Litigation between five Michigan tribes, the United States, and the state over the scope of treaty rights under the 1836 Treaty of Washington has been ongoing since 1973. Late in 2003, tribal claims litigated in federal court only involved tribal fishing in the Great Lakes. In 1979, the court ruled that the 1836 tribes still had a viable treaty right to fish in the Great Lakes, and specifically found that the Great Lakes waters could never be settled. As a result of this ruling, the state, the United States, and the tribes entered into consent decrees in 1985 and again in 2000 to implement the court's 1979 ruling.

Although the court in *U.S. v. Michigan* had addressed the issue regarding the tribes' treaty right claim with respect to Great Lakes fishing, the issue of the validity of

treaty rights with respect to inland hunting, fishing, and gathering remained unresolved and uncertain. The tribes believed that these inland rights were still valid and that they did not need to adhere to state hunting and fishing laws and regulations. Accordingly, the tribes adopted their own hunting and fishing regulations for their members. Under these circumstances, the state believed judicial resolution of these issues was necessary to remove the legal uncertainty of the issue and to provide long term stability to a legal issue that was formerly uncertain and confusing.

In September 2003, the state filed a claim in federal court to resolve the issue of the inland treaty rights to hunt, fish, and gather on land ceded to the United States in 1836. In August of 2007, a Consent Decree was entered into by the state and the tribes. The agreement recognizes the tribes' rights to exercise their treaty retained privileges.

The DNR manages Michigan's resources based on the principles of sound scientific management and will continue to do so under the Inland Consent Decree. In the 1836 treaty area, the DNR and the tribes will coordinate their efforts in research and assessment activities and will cooperate in conducting restoration, reclamation, and enhancement projects and consulting and exchanging information.

Conservations officers will have authority to enforce tribal regulations on non-tribal lands. That authority will be effective only if, and only for so long as, the tribes and the state are able to identify a mechanism by which tribal law enforcement officers shall have the authority to: stop hunters and fishermen in the field in order to determine

whether they are tribal members; enforce tribal regulations with respect to tribal members; and, to the extent they are deputized under applicable law, enforce state regulations with respect to non tribal members. The state shall be precluded from initiating prosecutions of the tribes' members in state courts for violations of state law or regulations pertaining to hunting, trapping, otherwise taking any species of wildlife, fishing, or gathering, when such acts are within the scope of this decree or subject to tribal regulations that are consistent with the intent of the decree.

Efforts are currently underway to identify the aforementioned "mechanism". Unless deputized by county sheriffs in their respective jurisdictions, Michigan's tribal conservation officers do not have peace officer status, and do not have jurisdiction over non tribal members. The Michigan Attorney General's office is reviewing all options to ensure this portion of the decree is implemented. In the meantime, an interim procedure has been developed to guide DNR officers until such time that enforcement authority is fully granted.

Officers observing what appear to be a violation of tribal regulations are instructed to identify tribal members/witnesses involved in the violation. In cases of violations of tribal conservation code or consent decree that deal specifically with

hunting, trapping, fishing, or gathering, officers document observations and make information available by way of an incident report to tribal enforcement officers. Officers do not make seizures or unreasonably detain individuals in the process of documenting tribal violations. Upon request, officers will act as witnesses in related prosecutions. Officers are also required to forward incident reports to their district law supervisor within 48 hours of observed violation.

In case of violations of activities ancillary to hunting and fishing, such as recreational trespass, hunter or angler harassment, etc., or in cases of general violations of the Michigan Penal Code, officers can proceed in the same manner and with the same authority as they would in dealing with non tribal public. In these cases, officers can detain and collect evidence and cite tribal members in violation into state court.

In addition to the 1836 treaty area, certain Indian tribes of Michigan that are part of the 1842 Treaty of Lapointe have stated their intentions of increasing their spring walleye spearing quota numbers and their intent to gill net certain bodies of water in their ceded territories. Our conservation officers will be dedicating a large amount of their time monitoring these activities.

Cost Savings Initiatives

Staff Reductions - In 1990, Michigan had 257 commissioned conservation officers. By 2000, the number dropped to 228. Today the number of officers has fallen to 181. With approximately 50 vacant conservation officer positions, enforcement hours are significantly reduced and geographic areas are left with little or no officer presence.

The division office staff has also been subject to reductions. In 2000, the staff had 29 employees. Today division staff is comprised of 22 employees. Significant vacancies exist in supervisory and financial positions.

Overtime Reductions - Overtime is used by officers to provide extra enforcement hours on holidays, and season opening days, and to provide critical protection to fish and wildlife during vulnerable times of the year. During fiscal year 2002-2003, conservation officers were allocated nearly 35,800 overtime hours in all programs. With reduced numbers of officers available, overtime hours were also reduced so that for the current year, the overtime allocation in all programs is less than 12,000 hours.

Vehicle Reductions - With the reductions in officers, there would naturally be a reduction in the number of patrol vehicles needed. However, LED has exceeded this number by eliminating extra patrol vehicles that are used when others are being repaired. Actual count of vehicles in the LED fleet has dropped from 260 in 2001 to 220 today.

Equipment Replacement Delays - LED is the primary agency for enforcing marine safety, snowmobile and off-road vehicle laws. To achieve this mission, the division maintains a fleet of watercraft, snowmobiles and off-road vehicles (ATVs). Further, this equipment is used to gain access to remote areas to protect natural resources and public safety.

Because of this equipment's rugged and frequent use, its useful life expectancy is less than ten years for snowmobiles and ATVs. When the equipment ages, it costs more to maintain, is unavailable for use more often, and prone to break down during use, putting officer's safety at greater risk.

Today, about 40% of the LED's snowmobiles and one third of the ATVs and watercraft are ten years old or older.

Additionally, the division maintains less equipment than five years ago. We have disposed of excess and obsolete equipment. We also leverage our purchasing power by trading in old, obsolete and inoperable equipment when purchasing new equipment.

Travel Reductions - The training demands of a conservation officer exceed those of most employees. To be more efficient in delivering training programs, the division holds several programs simultaneously to reduce travel expenses. Car pooling is encouraged whenever officers travel to meetings, training or other events. The division has cancelled its annual professional development training for five straight years at a savings of approximately \$70,000 a year and it uses technologies such as audio and videoconferencing to hold meetings with distant supervisors.

Use of Volunteers and Short Term Workers - Volunteers are the primary hunter education providers to the youth of Michigan. We currently have 2711 certified volunteer instructors that taught 29,693 youth in 2006. Volunteers put in 41,570 hours at a value of over \$764,000 if paid at an entry level officer wage.

The Department's shooting ranges experience times of high usage and low usage. When the ranges are too busy for full time staff to manage safely, short term workers are used. They are used only when needed and cost less than full time staff.

The communications center also has peak times of year, especially around the deer hunting seasons. During these times, LED utilizes Parks and Recreation Division employees who would otherwise be laid off to staff the telephones. These employees provide a valuable service to conservation officers and the public for a few weeks when needed most.



State Report – Minnesota
Submitted by Colonel Michael R. Hamm - Chief
Director of Law Enforcement
Minnesota Department of Natural Resources/Law Enforcement

April 18th, 2008

Training Issues:

The April 2008 Academy of 10 brings our compliment to 203 which is close to what we consider full compliment (209) of which 159 are Field Officer Stations. We have found 18 or less in our Academy is the number which we can adequately handle through all phases of the hiring and training process. If we go over this number we place too large of a burden on all of the Officers and Supervisors involved in the process.

The focus on Officer training for existing staff continues to meet mandatory course obligations, range firing, as well as specialty courses dealing with traditional Game and Fish issues. Our Officers are extremely involved in the hiring and training process and this involvement puts a huge strain on our workforce as these tasks are in addition to their normal fieldwork.

Officers and Supervisors are involved in all portions of the hiring and training process, to include sitting on oral interview panels, conducting background investigations, instructing at our 12 week academy, and during the 16 week Field Training Program.

We will focus on training programs for veteran Officers in the Fall of 2008. We need to continue to find ways to pass on the institutional knowledge we have been loosing to retirements over the years.

Funding and Staffing Issues:

We are adequately Staffed effective April 2008, a Division complement of 203 Licensed Conservation Officers (Peace Officers). We will continue to strive for full compliment.

Major Conservation Law Enforcement Trends:

A large trend in Conservation Law Enforcement today continues to be a increased workload in enforcing recreational vehicle laws. ATV's, OHV's, and OHM's usage have called for work hours from the Conservation Officers in the State of Minnesota. Hours worked on these recreational vehicle issues have increased in the

past few years along with the necessary funding. We plan on maintaining our traditional Game and Fish Enforcement work (65-72% of our overall work).

Unique Cross Boundary or Cooperative Enforcement Efforts:

Minnesota Conservation Officers share responsibility for enforcement of recreational vehicle laws ATV's, OHV's, OHM's, Snowmobiles, and Watercraft regulations with local Law Enforcement Agencies, (State Patrol, County Sheriff's, Local Police) when these types of vehicles are operated in their jurisdictions. The Enforcement Division continues to take a lead role in training other Law Enforcement Departments in the enforcement of recreational vehicle regulations and have had numerous opportunities to work joint projects with them. The Division of Enforcement administers a Grant Program to County Sheriff's to fund some equipment and some hours worked on recreational vehicle enforcement issues. By doing this it appears to have some ability to influence how County Sheriff's work recreational vehicle activity.

New Innovations in Conservation Law Enforcement:

New Innovations utilized by the Enforcement Division of the MN DNR have consisted of utilizing the assets of our support operations sections.

The Division has it's own **Public Information Officer** who's salary has been more than paid for through the positive media generated for the Division with stories and articles that always promote the Division and the good work Officers do.

The Division's **K 9 program** continues to serve with some costs of the program being sponsored without the use of State funds. This program has been an asset to the Division and has generated very positive publicity.

The Division's Specialized **Wetland Enforcement Conservation Officer Section** continues to be a one of a kind Program designed to enforce Minnesota's Wetlands Conservation Act and protect the states wetlands. We have added 4 additional Conservation Officers in this area and expanded their duties to include Aquatic Invasive Species. This past year we conducted aerial surveys with our own **Conservation Officer Pilots** to detect Wetland violations.

Our **Snowmobile Task** force utilizes experienced Officers to concentrate on high use areas of snowmobile activity and reduce snowmobile violations.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resource Law Enforcement:

On August 29th 2002 the Minnesota Supreme court ruled that occupants of a fish house or shelter have the same 4th amendment rights when it comes to search and seizure that they would have in their home. Previous to this decision Minnesota Conservation Officers could inspect a Fish House (Shelter, Ice Shanty) and it was a violation to deny a Conservation Officer entry into the Fish Shelter to inspect. Since 2002 our Officers have seen an increase in the number of refusals they receive when trying to check the states fishing regulations during the winter ice fishing season. Beginning with the 2005 Ice Fishing Season the Division has documented refusals. This issue is one that is very frustrating to Officers who are literally handcuffed in their enforcement of the winter fishing regulations.

Minnesota Legislature Convened on February 12th, 2008 and is planned to adjourn on May 19, 2008.

At the time of this writing (April 18th, 2008), Several Policy Bills are being discussed, as a reminder these are possible changes being discussed and may **not** become law, always check Minnesota Current Laws before you engage in the activity www.dnr.state.mn.us :

Some of the issues in the Game and Fish Bill include:

- Standardize big game hunting minimum age at 16
- Clarify that landowner free deer licenses are for residents only
- Clarify youth licenses for muzzleloader season
- Stamp issuance fees, no pictorials needed, just ELS validation
- Nontoxic shot on public lands in the agricultural zone, 2011
- Amend blaze orange small game hunting exemptions hunting with nontoxic shot
- Allow the possession of firearm while archery hunting for big game
- Clarify deer baiting regulation; expand exemptions
- Allow a youth who will turn age 12 during the calendar year to hunt big game
- Allow Nonresident youth taking antlerless deer in a lottery area
- Consolidate the turkey stamp fee into the turkey license
- Ammunition restrictions modified
- Mille Lacs County; taking of white and albino deer prohibited
- Anglers authorized to take fish with two lines
- Fish spearing earlier open season authorized
- Electronic licensing system agents permitted to charge a higher fee to credit card users
- Nighttime raccoon hunting hours modified
- Angling and fish house license period modified
- Conservation angling license provided
- Bear hunting permit drawing provisions modified
- Master bear guide license established and rule making required

- Deer license fee category created, muzzleloader scopes allowed under certain conditions
- Youth hunting regulations modified
- Turkey hunt application drawing provision modified
- Uncased firearms report required
- Apply the same civil penalty for shelters left on accesses to shelters left on the ice
- Extend the “one-over” limit for walleye and northern pike to fish in possession
- Establish a statewide limit of four walleye daily and in possession

Some of the issues in the Recreational Bill include:

- Clarify ATV training requirements 12 years old, less than 16 years old are consistent
- Clarify that youth under age 16 years of age must 'fit' the machine they are operating.

Cost Savings Initiatives:

Nothing Specific.

Other Special Law Enforcement Issues:

Minnesota was host to the 26th Annual North American Wildlife Enforcements Officers Association Conference in July. The entire Minnesota Enforcement Division attended. There were over 600 meals served at the Banquet and 784 total attended the Conference (delegates and non-delegates). There were 446 Delegates present. Minnesota's Conservation Officer of the Year Brian Mies was selected as NAWEOA Officer of the Year.

Minnesota Conservation Officers spent 23 days in August of 2007 assisting the Hennepin County Sheriff's Office with the collapse of the 35W Bridge in Minneapolis.

The 2008 Republican National Convention will be held in St Paul, Minnesota.



MIDWEST NEWSLETTER
MISSOURI DEPARTMENT OF CONSERVATION
DENNIS STEWARD, PROTECTION DIVISION CHIEF

4/14/2008

1. Training Issues

Missouri is planning on starting a Conservation Agent Training Class around April 1, 2008. Currently we are down approximately twenty agent positions due to retirements and agents moving into other positions. Our application process will begin in late summer or early fall to hire the agent trainees for the new training class.

Central Region set up a training scenario on tactical firearms shooting from a boat. Personnel had to identify a threat and fire from both calm and rough water scenarios. Any type of training that realistically replicates actual working conditions helps prepare officers for their daily duties and increases safety.

2. Funding and Staffing Issues

Protection Division Chief Dennis Steward announced his retirement. Dennis will officially retire at the end of June but his last work day was mid-April. Dennis has always represented the highest in ideals, work ethics, integrity and character. He is well respected by the men and women in Missouri's Protection Division as well as employees throughout the agency. Dennis served as Protection Division Chief from 2002-2008 and served 34 years within Protection Division.

In his farewell memorandum he wrote, "I've had a wonderful career with the Department, fulfilling my life's dream of working to protect the wildlife resources of Missouri. The dream was to be a conservation agent. I did not dream I would become a supervisor, much less the chief of our division. Truthfully, my dream would have been fulfilled had I stayed in the field as a conservation agent, and I still feel being an agent is one of the very best professional careers a person could pursue. However, becoming a supervisor has its own rewards, especially in our line of work. I'd encourage you to try it. I've been privileged to know and work with you, some of the best, most dedicated conservation law enforcement professionals and conservationists in the world."

His career began as a field Conservation Agent, and then promotions followed to District Supervisor, Regional Supervisor and Field Chief. His last promotion to Protection Division Chief capped a long career of professionalism and service to both Missouri and the Nation. Dennis served

as the Chair of the Law Enforcement Section of Southeastern Association of Fish and Wildlife Agencies. He also served as Chair of the Interstate Violator Compact for three years. During his three years the group grew in number as states joined the compact and IWVC also grew in professionalism.

3. Major Conservation Law Enforcement Trends

Our Share the Harvest program has continued to provide additional pounds of venison for less fortunate Missourians. In 2007 260,908 pounds of venison were donated by over 5,569 hunters. The program is currently in 80 of our 114 counties throughout Missouri. Since the inception of the program in 1992 Missouri hunters have donated approximately 1.5 million pounds of deer meat to other Missourians. The Share the Harvest program took a slight dip in participation and pounds of meat this year due to limited processing funds.

Missouri's Operation Game Thief program produced 1,031 calls which resulted in 348 citations to wildlife violators. The bulk of the arrests continue to be for wildlife and deer related but 28 citations were issued for fishing related violations. The Operation Game Thief program continues to provide an important avenue for citizens to assist with wildlife law enforcement and the protection of the state's resources.

4. Unique Cross Boundary or Cooperative Enforcement Efforts

"Mighty MO" a joint Missouri-Kansas undercover investigation concentrated on illegal deer antler sales along the state line. The two year investigation uncovered multiple illegal antler sales, a felony antler sale, and illegal commercial harvest of catfish and big game violations in Wyoming. The two state investigations netted a number of significant wildlife violators and received excellent media coverage after the takedown occurred in both states.

Missouri and Iowa Agents conducted a joint road check on the Missouri-Iowa state line during Missouri's deer season. The joint operation on Route 63 produced a total of twenty two violations for both states.

Northeast Protection personnel investigated a local outfitter in conjunction with the Colorado Division of Wildlife and the Fish and Wildlife Service. The joint investigation uncovered multiple violations and resulted in a number of arrests and seizures.

5. New Innovations in Conservation Law Enforcement

Protection Division created a Leadership Development opportunity with the retirement of Protection Programs Coordinator Bill Kohne. The main duties of this one year leadership training position will be working with the Operation Game Thief and Share the Harvest programs. Both programs are long established successful programs, but both need an infusion of technology, efficiency and effectiveness to better serve the citizens of the state. Conservation Agent Shawn Gruber was promoted to this new leadership position and after a one year term will return to his original field position. The Leadership Development Opportunity positions allow and employee to prepare themselves for future leadership positions yet return to their original position after one year. We are hoping these opportunities will help produce the leaders of tomorrow.

The Department will experience a high number of retirements during the next few years. Our challenge in Missouri and across the nation will be to retain the necessary “institutional knowledge & memory” and to attract younger field employees to leadership positions. Our goal is to avert the “perfect storm” of inexperienced leaders and a conservation crisis. A Department wide Leadership Initiative is underway to identify, prioritize, analyze and make adjustments to help the agency fill future leadership positions.

Radio interoperability and being able to communicate with other enforcement agencies continues to be at the forefront of communication issues. Homeland security is pushing the interoperability issue and it will be a real enforcement benefit when all agencies can easily communicate via radio calls.

Our Southeast Region has been utilizing a side scan sonar unit on the Mississippi River and other rivers to identify netting equipment, noddling boxes, trotlines and in body recovery. The side scan sonar unit gives almost photographic quality images in certain water conditions. We are still experimenting with the technology but it appears to be a reasonably priced sonar unit that will accomplish many of the needs of field personnel.

6. State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement

Illegal harvest of paddlefish and sturgeon has increased due to caviar prices and the opportunity to make large amounts of money in short periods. Missouri personnel recently apprehended a pair of illegal paddlefish netters on Table Rock Lake. In addition our Southwest Region personnel teamed up with Oklahoma to arrest another group of illegal fishermen crossing into Missouri. Between these two groups of fishermen they possessed over

\$100,000 in illegal paddlefish eggs. Agents are also finding fish with their bellies slit open in traditional paddlefish areas.

Protection personnel have been working with Fisheries personnel on the Missouri River to check and monitor the legal and illegal take of sturgeon. In addition to commercial sturgeon harvest they are also monitoring the commercial take of turtles.

7. Cost Savings Initiatives

Initially Protection personnel were slated to start driving mid-size pickups to help with cost savings initiatives. However after further evaluation and review we elected to stay with full size pickups for Conservation Agents. The full size pickup provides a quality work environment.

8. Other Special Law Enforcement Issues

Feral Hogs continue to be a growing problem throughout the state. As one small group is eliminated another group miraculously appears. It appears that people are releasing the hogs to hunt or to chase with their hounds. A special Governor's Task Force was created to address the growing issue. In addition the Department, along with other agencies has taken a very aggressive approach at hog removal. Trapping, baying hogs with dogs, shooting on sight and aerial gunning are all techniques being employed to control or remove hogs from an area. As other state's can attest feral hogs destroy wildlife habitat and negatively affect many other species of wildlife.



For the AFWA Law Enforcement Committee
National Association of Conservation Law Enforcement Chiefs
Association of Midwest Fish and Game Law Enforcement Officers
WAFWA Law Enforcement Committee

Nebraska State Law Enforcement Report
Submitted by Ted Blume
Administrator, Law Enforcement Division
Nebraska Game and Parks Commission
April 2008

TRAINING ISSUES

Due to the ever-changing and more violent environment in our society, all Nebraska Conservation Officers (COs) are currently undergoing critical incident training with the Nebraska State Patrol to address active shooter and aggressor situations. As

most know, a multiple fatality shooting event occurred at an Omaha mall this past fall. We also had our first CO-involved shooting fatality last fall where a young male was fatally wounded by officers. One of our officers was assisting PD officers in searching a building for an armed burglary suspect when the deadly force encounter occurred. The Grand Jury exonerated our officer from any wrongdoing in the incident which clearly demonstrated the value of continual appropriate use-of-force training. We are also developing a critical incident protocol for the agency that expands on the general State protocol to address details of agency response to such events whether in our facilities or when assisting other agencies.

We sent 3 District Supervisors to a two-day Project Extra Mile (PEM) training session. PEM is directed at creative law enforcement efforts to help curtail underage drinking. Alcohol consumption by youth on our State Park and Recreation Areas is an ongoing problem and hazard for them and other area users.

FUNDING AND STAFFING ISSUES

We continue to experience hunter/angler participation deterioration in most arenas with resultant cash flow challenges as well as rampant inflation for such things as vehicle fuel. Consequently, we have undertaken several efforts to help address these issues:

- We have completed an agency budget reallocation process that will help build the Game Fund balance to a more viable level. This involved additional budget cuts in all operational divisions including Law Enforcement. Combined with previous cuts over the past three years, the only way we can meet the reduced budget guidelines and still maintain adequate operating funds is to leave additional officer vacancies open as they occur – hopefully through natural attrition from retirements, etc.
- The marketing effort that the agency initiated in 2006 continues to gain momentum and budget needs have been identified for the program. In addition, funding has been allocated for the enhanced hunter/angler recruitment, development and retention (RDR) and the hunting/angling access programs. This means further budget cuts for all divisions beginning with the next biennium in July, 2009, to provide the required budgets for these expanded programs that are geared toward increasing participation in hunting and angling and related outdoor recreation activities.

MAJOR CONSERVATION LAW ENFORCEMENT TRENDS

The Law Enforcement Division (LED) is becoming even more involved in hunter/angler recruitment, development and retention programs. As an example, our third annual Missouri River Outdoor Expo at Ponca State Park in September 2007 drew 38,000 participants – up from 18,000 in 2006. COs provided security and traffic control as well as assistance with event planning, shooting events and the LED display.

The second Kearney Outdoor Expo is scheduled for April 17th through 19th this year with over 2,700 school kids committed to attend the first two days and an open public and family day on Saturday. We will have 18 Conservation Officers assigned to the Expo providing security and assisting with events such as shotgun clay target shooting, fishing, and providing a safety boat and crew for canoeing and kayaking.

COs assist with all facets of the current RDR program including hunter education, youth outdoor skills camps, youth mentored hunts for various game (pheasants, turkey, doves, furbearers and deer primarily), aquatic education programs, school programs, specialty workshops, and a myriad others with more to come as the expanded RDR program is implemented.

Our elk herd is increasing with hunting opportunity spreading to new areas annually. Trophy quality is excellent which has resulted in more illegal activity. The increasing number of elk and their expansion into more eastern areas are creating more complaints and conflicts with publics and landowners in more populated and agricultural areas. COs are usually the first to respond to these complaints.

Our COs provide Game Law and Parks law and regulation training to many other law enforcement (LE) agencies across the state each year as well as to each Basic Class at the Nebraska Law Enforcement Training Center and the State Patrol Academy. This enhances awareness of wildlife and parks laws and regulations and support for the efforts of our COs on the part of many agencies and all new LE officers.

UNIQUE CROSS BOUNDARY OR COOPERATIVE ENFORCEMENT EFFORTS

We continue cooperative efforts in many arenas. A few examples:

- Our COs cooperated as usual with US Fish and Wildlife Service Special Agents and Refuge Officers on a number of special LE details and investigations over the past year such as a waterfowl detail in District 4 that resulted in a good assortment of violations including possession of wild-taken waterfowl by a Chinese restaurant for commercial purposes.
- The back-up assistance provided by a CO in a burglary arrest situation that resulted in the fatality mentioned earlier. An ongoing and routine type of assistance to other LE agencies that we all provide, but that can be very hazardous as in this case.
- We conducted a number of joint law enforcement operations with a wide variety of other agencies including a boating safety and boating under the influence (BUI) detail on the Missouri River with Iowa and South Dakota COs as well as Dakota County Sheriff's deputies and South Sioux City Police Department officers. A total of 19 officers participated in the concerted effort which netted 4 BUI arrests and 16 other boating violations. These cooperative details are excellent rapport builders between us and

other LE agencies in Nebraska and bordering states, and are extremely well-received by the public – a great public relations tool.

- We hosted a joint meeting with Nebraska Native American tribes' natural resources law enforcement personnel in August of 2007 at Ponca State Park. Representatives were present from the Ponca, Omaha and Winnebago tribes. It was a good cooperative exchange, again (we host a meeting every three years or so), and resulted in several joint LE details with tribal officers in the fall.
- We continue to become more involved in general emergency response and Homeland Security programs and efforts. We are in the process of finalizing our agency Continuation of Operation Plan (COOP) to mesh with the State COOP. The Law Enforcement Division has taken the lead on this project as well as all other facets of agency emergency preparedness.
- We are coordinating with the Nebraska State Patrol for our inclusion in the Nebraska Fusion Center project now underway which they are heading up. We will be a substantial player in that cooperative LE and emergency response program as is the case for conservation LE in many other states these days.
- Cooperative details with the State Patrol and local sheriffs were conducted on State Recreation and Wildlife Management Areas for traffic, drug and alcohol interdiction. These cooperative LE efforts result in a wide variety of arrests and citations for all involved agencies, and the removal of problem individuals from the areas much to the appreciation and support of campers, anglers and other legal area users.
- Another area of LE cooperation is assistance from the State Patrol Air Wing with aircraft and officer/pilots for spotlighting and other details. We also utilize some contract aircraft and pilots, but the Patrol has been a substantial additional asset to maximizing our airborne LE capability. At the same time Patrol pilots enjoy the change of pace from traffic enforcement, and it gives them more night flying hours than normal to help them maintain that proficiency.

NEW INNOVATIONS IN CONSERVATION LAW ENFORCEMENT

Nebraska has implemented a COPR (Conservation Officers Protecting Resources) program which is an organized, focused, special-detail-team approach to dealing with complaints, problems or areas of high activity. It varies from normal special details in that the officers utilized are part of a special team that is composed of two officers from each district (total 10) overseen and coordinated by a captain. The team or components of it are detailed to areas where problems (real or perceived) exist – often on short notice, rather than planned in advance, with no foreknowledge of location or target individuals or activities being provided to anyone outside the team to prevent compromising detail impact. COPR details often utilize a mix of covert and uniform officers to maximize effectiveness. One such COPR detail at Lake Maloney and Sutherland Reservoir focusing on illegal fishing and commercialization last summer resulted in fines and liquidated damages (restitution values for illegally taken/possessed wildlife) of over \$10,000 in a two day period.

This detail utilized a covert camping trailer with officers in residence to observe and document illegal fish harvest.

The new State radio communications system project continues to progress. The request for proposals was released to vendors in March. The timeline is currently to award the contract in late summer 2008 with completion of the system build-out and implementation approximately 18 months later. The new State radio system will provide a needed enhancement of wireless communications for all Public Safety agencies. Wireless data is a related topic that is also being addressed concurrently with consideration of all available options including separate commercial (cell-based) approaches and enhanced stand-alone radio system data capabilities beyond the basic provided by the digital voice system technology specified.

STATE, REGIONAL AND NATIONAL ISSUES, LEGISLATION, LEGAL CHALLENGES AND COURT DECISIONS IMPACTING NATURAL RESOURCES LAW ENFORCEMENT

We hope to again be able to seek statute changes in the 2009 legislative session to allow us to participate in the Interstate Wildlife Violator Compact (IWVC) – this time by establishing authority to incorporate the compact into our regulations. We have attempted several times to implement the IWVC by including all the provisions in statutes, but without success primarily due to the length and complexity of the legislation. We are also in the process of formulating recommendations for the Board of Commissioners regarding increases in some fines and liquidated damages including trophy values for deer, elk and bighorn sheep which we don't currently have. These, too, would require statutory changes.

COST SAVINGS INITIATIVES

Our ongoing budget challenges and reductions have resulted in/necessitated several cost saving efforts:

- Continue holding three Conservation Officer vacancies unfilled for the indefinite future, and increasing the number of vacancies over the next 18 months by 3 or 4 more (a total of 6 or 7) to augment available operating funds. We are hoping that this will be a temporary necessity while the budget adjustments mentioned previously are accommodated.
- Law Enforcement again implemented a mileage reduction program for March with continued efforts as feasible for the remainder of the fiscal year ending June 30th.
- Continue mandating planned patrol tactics and prioritization of complaint responses and other activities that can be combined and planned more efficiently to help realize the reduced mileage and fuel expense goals.
- We are still restricting equipment purchases, especially for high dollar items like boats, in an effort to accommodate as much of the budget reduction as possible in the operating area rather than personal services. This is only viable on a temporary basis, however, or long-term operational capabilities will be compromised due to lack of adequate equipment.

- Continue to prioritize acquisition of equipment and eliminate marginally effective and less necessary equipment items. One example is issuing replacement night vision equipment only where necessary and frequently used.

Hopefully, the prioritizing of expenditures will also result in more efficient operations while saving money.

OTHER SPECIAL LAW ENFORCEMENT ISSUES

Mountain lion sightings and encounters with the public are increasing across the state. The immediacy for response to such calls, especially in urban environments, has placed a substantial additional burden on our COs and available staff time.

The budget reductions continue to be the primary challenge for the Law Enforcement Division. The necessity of leaving Conservation Officer vacancies open for extended periods of time compounds the problem of insufficient staff to handle the increasing number of calls for service and complaints regarding illegal activities. However, the limited resources have resulted in better planning and utilization of remaining staff time and support monies through prioritization of duties and responses. Hopefully, the future will bring a more positive financial picture that will allow rebuilding the CO Corps to a more appropriate level.

Overall, the Law Enforcement Division is holding our own and still addressing the vast majority of mandates while contending with this period of reduced staffing and funding. We are at the same time ramping up our efforts in support of the newly enhanced hunter/angler recruitment, development and retention program.



Association of Midwest Fish and Game Law Enforcement Officers Agency Report

State/Province: New Brunswick

Submitted by: Neil Jacobson, Provincial Conservation Specialist

Training Issues

Several training opportunities were made available to Conservation Officers in 2007. Sidearm training / recertification and Defensive Tactics training remain a training priority for the Department of Natural Resources (DNR). Defensive Tactics re-certification occurs every three years while Defensive tactics training occurs twice a year.

A Sidearm Conversion Course was designed and facilitated by two Conservation Officers in 2007. The 40 calibre Sig Sauer P226 replaced the 38 calibre Smith and

Wesson revolver. DNR trained ten Conservation officers to become armourers for pistol maintenance. This training was held in New Hampshire, USA.

In 2007, the Department accepted three students from the Conservation Enforcement Program at Holland College for their on-the-job training. The Enforcement program is specifically designed for cadets who have completed a forestry or wildlife technician program and wish to become Conservation Officers.

In February 2007, two staff members from DNR attended the National Special Investigation Training Case Coordinators Course held in Saskatchewan. In August 2007 one DNR representative attended the Association of Midwest Fish and Game Law Enforcement Officers Investigators Training in Little Falls, Minnesota.

Criminal Intelligence Service New Brunswick (CISNB) has been a valuable partner to DNR. CISNB has provided valuable training to the Department including several Pipeline courses and a seven day Introduction to Surveillance Course. DNR Conservation Officers also participated in a trapping course facilitated by the DNR Fish and Wildlife Branch.

Funding and Staffing Issues

On January 1, 2007 the Department of Natural Resources changed its law enforcement model. One hundred and eighty five (185) officers who mandated to conduct 30% enforcement duties were reduced to one hundred and four (104) officers. The identified one hundred and four (104) Conservation Officers are responsible to perform 98% enforcement duties at the present time. The remaining staff members continue to be employed with DNR in resource capacity.

Four officers were identified as Regional Intelligence Officers. Their roles include acting as a liaison on a regional basis with Criminal Intelligence Services New Brunswick and partner agencies.

Major Conservation Law Enforcement Trends

Early statistics indicate that under the new enforcement model the number of violations investigated has remained the same while there was an increase of 72% for major investigations.

The Department of Natural Resources has worked closely with other provincial agencies to solidify arrangements for special investigations. DNR is advancing the Special Investigations Program through training, policies, and equipment.

Like other jurisdictions, our officers are seen as a valuable resource to other non-enforcement and enforcement agencies. The DNR K-9 units continue to assist in search and rescues operations, as well as fish, wildlife and firearms violations.

The Department of Public Safety in New Brunswick announced an Off-Road Vehicle Enforcement Unit. The unit only commenced operation in 2008. It is hoped this new unit will free our officers to concentrate on Natural Resources Law Enforcement issues.

In 2007, The Department commenced a working relationship with the Maine Forest Service on several matters. This relationship has proven very beneficial in gathering intelligence and with cross border investigations.

Unique Cross Boundary or Cooperative, Enforcement Efforts

As a province situated on the New Brunswick – Maine border, natural resource violations extend beyond our district, provincial, and national borders. Organized crime groups, commercialization, and trafficking of wildlife is a reality in NB. As a result, DNR is committed to intelligence based natural resources law enforcement.

DNR is a member of the International Association of Law Enforcement Agency (ILEA) and regularly participates in intelligence meetings in both Canada and the USA. As a result of our participation, NB Conservation Officers have worked at several US Ports of Entry during bear season with US Fish and Wildlife Investigators, Maine State Wardens, US Border Patrol Agents, and Canadian Wildlife Service Officers on an export border blitz in the fall of 2007. The intelligence operation was a huge success and future operations are planned. As an active member of the ILEA, the DNR intelligence program is linked to over 34 US and 26 Canadian partner agencies.

DNR is an active member of the International Association of Natural Resources Crime Stoppers. A Department representative attended the 2007 annual meeting in Kentucky.

New Innovations in Conservation Law Enforcement

DNR's participation at the Midwest training in Minnesota in 2007 has proved to be a valuable experience. In addition to the training received, candidates returned to their province or state with covert equipment. The use of electronic surveillance equipment is a valuable tool for officers working undercover and performing surveillance operations.

In 2007 the Department of Natural Resources Enforcement Section worked vigilantly towards obtaining access to a provincial moose DNR data bank. Although the Department has yet to use genotyping in a case, it will become a valuable tool in the near future. DNR plans to expand the program to a deer DNA data bank.

The past year DNR worked closely with the Department of Justice and the Attorney Generals Office in order to implement the use of tickets for minor offences. Approximately 105 minor offences were identified as ticketable. It is anticipated that a training program will occur in the spring of 2008.

The Department formalized a Special Investigations Program in 2007 and will work to initiate an Intelligence Program in 2008.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement

In 2006, the Supreme Court of Canada ruled on a New Brunswick case relating to Aboriginal rights to crown timber. The case law has a national application and permits First Nations people the right to cut and possess crown timber for domestic use. The First Nations people are not permitted to sell, barter or trade the crown timber. This has presented several challenges to enforcement staff.

With the assistance of CISNB and the Canadian Association of Natural Resources Chiefs, DNR has continued to update policies and procedures to ensure the best law enforcement practices are implemented.

Cost Savings Initiatives

Nil

Other Special Law Enforcement Issues

Enforcement Services Section remains committed to supporting the four provincial regions. In 2008 the Department will continue assist with equipment updates, uniforms, special investigation requests and overall program support.

Respectfully submitted,

Neil Jacobson



Annual Report for IAFWA - April 2008
North Dakota Game and Fish Department
Submitted by: Robert Timian

Training

North Dakota is instituting new Aquatic Nuisance Species (ANS) rules. Currently we are in the process of setting up the training for our officers for the identification of those species.

Funding and Staffing Issues –

We don't see any major changes in our upcoming '09-'11 budget. Currently we are fully staffed. There may be some increases in our equipment line due to increases in costs and we are keeping an eye on the possible issues with mileage rates, if fuel prices reach \$4.00 per gallon or more.

Major conservation Law Enforcement Trends –

North Dakota has seen over the last two years an increase in the number of drug and underage drinking arrests on our State Owned management areas. We have stepped up enforcement efforts on our management areas to return them to their intended use. We are also currently renewing the MOU's we have with other states for our anticipated future needs. The abundance of wildlife, especially whitetail deer and Canada Geese, has impacted our law enforcement with expanded seasons.

Unique cross boundary or Cooperative, enforcement efforts –

We just recently signed an MOU with the Three Affiliated Tribes to allow access to Lake Sakakawea, without fee, for non-tribal members within the reservation boundaries. We are continuing our use of the Interstate Wildlife Violator compact (IWVC) and developing closer relationships with our neighboring states in regard to violators input into the system.

New innovations in conservation law enforcement –

North Dakota started use of a new records management system, which was implemented in Oct. 2007. The system will be used to assist in tracking of and analysis of cases, work load and hope to develop the system to aid in our employee evaluation process. We also continue to develop the role and duties of the investigations unit.

State, Regional and National issues, Legislation, legal challenges and court decisions impacting Natural Resources Law Enforcement –

No state legislative issues as ND's legislature only meets on odd numbered years. North Dakota is watching the Farm Bill and the impact on CRP in ND. Currently there is 3 million acres in ND that greatly benefits wildlife and hunting. There is also the monitoring of disease issues such as TB which has become an issue recently in our neighbor state, Minnesota, and how it may impact ND.

Cost Saving initiatives –

Currently we have not had to implement any cost saving initiatives outside of normal fiscally responsible operations.

**NORTHWEST TERRITORIES COMPLIANCE DIVISION
Environment and Natural Resources
ANNUAL REPORT FOR 2008**

The mandate of the Minister and the Department is to promote and support the sustainable use and development of natural resources and to protect, conserve and enhance the NWT environment for the social and economic benefits for all NWT residents

TRAINING ISSUES:

The Compliance Division completed revisiting a risk assessment study that summarized the critical environmental issues facing the Department within the next 10 years as they relate to Compliance Activities and what type of training ENR enforcement officers have now and require in the future to safely deliver the departmental mandate. Based on this study and health and safety precedents the decision was made to develop an options paper and implementation plan to issue side arms to officers. The department is also completing a training strategy, which the overall goal is to develop a training strategy and implementation plan that includes identification of delivery and assessment mechanisms.

Training sessions delivered on law enforcement, search warrant, officer safety, evidence and court procedures and defensive tactics, wildlife immobilization problem wildlife, basic law, communications and range officer. Officers also completed re-certifications in firearms and defensive tactics. The department plans to introduce and implement mandatory fitness standards in 2008.

FUNDING AND STAFFING ISSUES:

Currently have 63 officers deployed into five administrative regions in the Northwest Territories along with specialists in Headquarters. We have a new Acting Deputy Minister and Assistant Deputy Minister (Operations) these positions will be finalized in June. We are continued to be challenged in meeting regional capacity with the increased resource development exploration projects and to hire officers.

MAJOR CONSERVATION LAW ENFORCEMENT TRENDS:

The big issue in the Northwest Territories is the re-writing of the departmental legislation such as the Wildlife Act, Forest Protection and Management and new Species at Risk, most of the departmental legislation is well over 20 years old.

UNIQUE CROSS BORDER OR COOPERATIVE ENFORCEMENT EFFORTS:

Officers in adjoining jurisdictions are cross-appointed to enforce NWT wildlife legislation. NWT officers are also appointed under Fisheries and Federal legislation. Officers attended the inter-jurisdictional North of 60 meeting hosted in end of March in Inuvik with Alaska, Yukon, British Columbia and Canadian federal agencies. Discussions at the Canadian Chiefs of Law Enforcement annual meeting have been held regarding the implementation of a violator compact program it has become very apparent that both resident and non-resident hunters have become very transient and are involved in unlawful activities in other Canadian provinces.

NEW INOVATIONS IN CONSERVATION LAW ENFORCEMENT:

None to report

STATE, REGIONAL AND NATIONAL ISSUES, LEGISLATION LEGAL CHALLENGES AND COURT DECISIONS:

Officers continue to be involved in a diverse spectrum of law enforcement activities beyond those traditionally associated with wildlife law enforcement. The public support for enforcement that protects resources is at a high level. Courts are continuing to support greater penalties for infractions and this is reflected in the sentences levied.

COST SAVING INITIATIVES:

None to report

OTHER SPECIAL LAW ENFORCEMENT ISSUES:

The department also has a MOU with the Tourism Department for the enforcement of the tourism and park legislation by ENR Officers and to complete agricultural inspections on poultry laying facilities. The department is challenged in working with the Land Claim groups to implement conservation measures to protect the declining Barren Ground Caribou herds in the NWT.

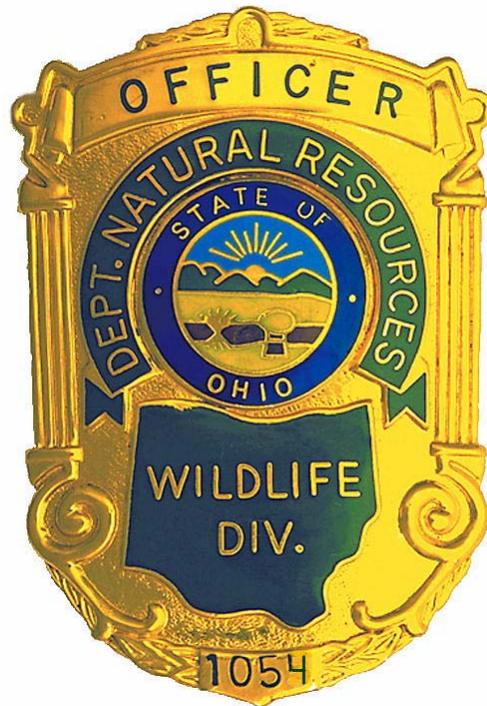


**Annual Report to the Association of
Midwest Fish and Game Law Enforcement
Officers (AMWFGLEO)**

2007

Ohio

*James E. Lehman
Law Enforcement Executive Administrator
ODNR Division of Wildlife*



Training Issues

- **2007 Wildlife Officer Cadet Class**

Thirteen new wildlife officers were hired, trained, and assigned to the field in 2007. After a thorough application process, background investigation, physical fitness and other testing, the 13 cadets received one week of Division of Wildlife and Department of Natural Resources orientation training at Division of Wildlife Headquarters. Sixteen weeks of Basic Peace Officer Training at the Ohio Peace Officer Training Academy (OPOTA) began on January 8, 2007, with the 13 cadets enrolled alongside 14 other recruits from various Ohio law enforcement agencies. Many courses of study and practical exercises were taught by Division of Wildlife officers who are certified as peace officer instructors. The cadets excelled in this training program and all graduated on April 27, 2007 sweeping the individual awards for academy performance including the overall highest academic performer, high score on the state exam, “top gun” for best performance in the firearms training portion, and “top driver” award. Several cadets also earned individual awards for their leadership and organizational skills.

Cadets began the nine-week Wildlife Officer Cadet Pre-Service Training program on April 30, 2007. This additional specialized training continued at OPOTA in our own classroom with full use of facilities such as the gym and fitness room, cafeteria, and firearms ranges. It was taught by Division of Wildlife staff and guest instructors from other agencies and divisions. Topics of instruction included wildlife laws and rules, policy and procedures, advanced firearms and defensive tactics, fish and wildlife management programs, and communications and education information. Graduation exercises were held June 29th and the new officers reported for duty on July 2, 2007. They have now completed a six-month Field Training and Evaluation Program (FTO) while working with experienced officers and supervisors for much of that period.

- **Field Training Officer Program**

The Wildlife Officer Field Training and Evaluation Program (FTO program) and accompanying manual is a system to track a new officer’s initial performance and progress and provide consistent and structured field training. This program received a complete review in 2007 with revisions of forms, procedures, and associated tasks. The operational period of this “on-site” training is six months from the date of the Probationary Wildlife Officer’s (PWO) initial assignment out of the training school. The first 90 days (three months) of the program, a Field Training Officer (FTO) will work with the PWO four days per week as the PWO performs the routine functions, projects, and assignments required of a wildlife officer. The fifth day will be spent by the PWO completing required paperwork, reports, acting as a duty officer in the respective district office, and other tasks as assigned. The FTO will also work with the PWO on a set of 20 standardized training tasks based on the duties and responsibilities of the wildlife officer and our agency. In the final 90 days (three months) of the initial assignment, the PWO will work with an FTO a minimum of two days per week. The remaining days that week the PWO will perform all of the routine functions, projects, and assignments required of a wildlife officer.

The success of this program is dependent upon the experienced officers already on the job to give guidance and evaluation to the recent academy graduates. Without their knowledge, expertise and commitment this program would suffer. Each officer selected as an FTO attended a mandatory FTO training session and each was authorized to wear a Field Training Officer bar on their uniform noting their status.

- **Current Officer Training**

We continue to make great strides in officer training particularly for firearms and defensive tactics. All commissioned officers receive a minimum of 40 hours in-service training in firearms and defensive tactics. Statewide in-service training this year in this arena included qualifications with all issued firearms and secondary weapons as well as four quarterly training sessions in each wildlife district. These quarterly trainings covered officer self defense, handcuffing (including legal aspects), escorts and takedowns, all-terrain vehicle (ATV) stops and approaches, defensive driving and maneuvering, policy and procedure review concerning use of weapons, use of force, and the 4th Amendment to the U.S. Constitution, Miranda, and pertinent court cases. Shooting exercises included point shooting, shooting from unorthodox positions, shooting from behind barricades, shooting and moving, reloading exercises, and limited and no light exercises.

We are continuing the process to establish a “training track” for newly promoted investigators, wildlife officer supervisors, law enforcement supervisors, administrators, and wildlife officers which would outline standardized law enforcement-related training courses or equivalents, both mandated and suggested for career and professional development. Some mandatory courses include criminal investigation and death investigation for investigators and front-line supervision and conducting background investigations for wildlife officer supervisors.

- **National Incident Management System (NIMS) Training**

NIMS implementation is moving forward at a steady pace. The next NIMS phase known as “Tier 2” has a due date for completion of September 1, 2008. Tier 1 requirements were: Designated persons to complete I-700, 100, 200 & 800 by September 1, 2007, develop enhanced communications approaches, begin development of an all hazard exercise program, and advise internal and external customers of the existence of NIMS and that this agency supports the usage of NIMS. Tier 2 requirements are: Designated persons to complete G-300 & 400, implement all hazard exercise and training programs, conduct agency risk analysis and create contingency plans, and maintain and enhance responder resource inventories and readiness.

- **Waterfowl Enforcement**

A specialized Waterfowl Enforcement School was held for wildlife officers, investigators, and supervisors. This school, taught by our own officers, biologists, and U.S. Fish and Wildlife Service (USFWS) special agents focuses on enforcement techniques for waterfowl and migratory game birds, species identification, and regulations. It features classroom study, field trips, and scenarios

designed to improve waterfowl enforcement skills and knowledge. We are exploring the possibilities of conducting a similar specialized training for furbearer and trapping enforcement.

Funding and Staffing

- **Wildlife Officer Academy Application Process**

Thirteen new state wildlife officer cadets were hired during the past year. The graduation of this training academy brought our officer staff up to 152 commissioned wildlife officers, investigators, supervisors, and administrators. Due to projected retirements we have identified a need to hold another training academy for approximately 18-20 cadets and will conduct proficiency testing in June 2008 with interviews, background investigations, and additional testing following. The new training school should begin on January 5, 2009 and graduate on July 2nd. We continue to have a goal of having very limited vacant assignments and having adequate officers serving in an at-large capacity who are able to transfer into open areas as they are available.

Recruitment of outstanding, diverse applicants for the wildlife officer position continues to be a challenging priority. For the upcoming 2009 training academy we expect to receive over 400 applications. We have averaged 400 applicants for each of our last five training academies, where 10 to 30 new officers have been hired. Our cadets are required to have at least a two- year college degree in selected fields and be able to meet physical fitness standards and pass a rigorous background evaluation and other tests. We have consulted with a minority recruitment specialist to improve the numbers of minority applicants and conduct extensive advertising. Recruitment for the 2009 class has included postings on agency, college, and job websites, major newspapers, press releases, and attendance at major sport shows and events around Ohio. Additionally human resources and law enforcement staff we have appeared at over a dozen recruitment fairs and contacted colleges and universities in Ohio and surrounding states.

- **Current Officer Staff**

Officer staffing levels have remained adequate. Wildlife officer cadet classes held on the average of every other year for the past 10 years have allowed us to maintain a full complement of officers in most areas with usually brief vacancies. Although this cadet training schedule has been expensive and time consuming, it has been necessary in order to keep up with retirements of veteran officers. There is typically one wildlife officer assigned to each of Ohio's 88 counties, four investigators working in each of five wildlife districts around the state, and investigators working out of the Lake Erie Enforcement Unit. Wildlife officer supervisors and law enforcement supervisors at the district level, as well as administrators and training officers at the Columbus headquarters complete our work force. We continue to work towards expanding our Special Operations Unit which consists of investigators who work in a full-time covert capacity principally targeting major violations and illegal commercialization of wildlife. This unit has been tremendously productive in recent years with numerous arrests made due to their efforts. Additionally, our firearms and defensive tactics training team have

expanded to allow improved coverage and diverse training. Team members are volunteers who perform training duties in addition to their normal duties as field officers, investigators, or supervisors.

Major Conservation Law Enforcement Trends

- **Natural Resource Enforcement and Drug Arrests**

For decades, wildlife officers working nighttime compliance of fishing and or state property protection have encountered either marijuana use and/or small marijuana growing operations on public and private properties. Unfortunately, this trend has grown over the years and more and more officers are encountering cocaine, methamphetamines, and heroin, in addition to marijuana, at an alarming rate.

In Ohio, drug arrests are common, and have firmly set a place in the top ten by arrest type. Below are but a few examples of incidents involving Ohio wildlife officers:

In the summer of 2007, Wildlife Area Manager Ron Carter was on Mackey Ford Wildlife Area in Pickaway County looking for vernal pools when he came across what he suspected was a homeless camp. He called Wildlife Officer Ken Bebout who responded and found it to actually be a large marijuana growing operation. After two weeks, surveillance, a project was planned in cooperation with the Pickaway County Sheriffs Office, Ohio BCI & I, federal DEA and a representative of the Columbus Narcotics Force. No suspects were apprehended, but 10,495 marijuana plants with an eventual street value of \$10,500,000 were confiscated.

Investigations conducted by the special operations group are not immune from the influence of the drug culture. Four out of the last five takedowns have included significant drug seizures and trafficking offenses. In a recent case, a meat processor had a significant indoor marijuana growing operation, and was packaging marijuana for sale. During the take down, bulk amounts of oxycotin and some morphine were seized along with the marijuana. The local drug task force was contacted to assist in prosecution and stated it was one of the largest drug seizures in their history.

In April 2008, Wildlife Officers Brian Bury and Jim Davis were conducting fishing license compliance checks on a wildlife area when they encountered a man fishing. During the contact, the officers noticed a strong odor of marijuana, and when they inquired about the odor, the man stated he had smoked it all. Upon further investigation several rocks of cocaine were discovered.

In closing, the drug culture is a growing pandemic in our society. Natural resource managers and enforcement personnel will continue to see continued and likely increasing use of drugs on agency land holdings and in the public they come in contact with. The likelihood of officer assaults increases, and as an agency we continue to train our officers in the recognition of drugs and prepare them for the situations they may encounter.

- **Turn in a Poacher Program**

The Turn In a Poacher (TIP) program has celebrated its 25th anniversary this year. The program continues to grow in popularity with the general public. In fiscal year 2007, 4,353 phone calls were received through 1-800-POACHER, which generated 1,565 written violation reports. The ability to anonymously report wildlife violations has given informants the security to make a report without fear of reprisal. Media sources have pushed the program into the public's eyes after several large case have been made through the TIP program. The continued media coverage will help the program reach its fullest potential. We continue to promote TIP and look forward to upcoming opportunities to improve the reporting process.

Unique Cross Boundary or Cooperative Enforcement Efforts

- **Senate Bill 77**

Senate Bill 77 was passed in June 2007 and became law in October 2007. It was called the Commercial Fishing Reform Bill and included changes in penalties, new methods of reporting catches, and vessel monitoring systems for commercial fishermen on Lake Erie.

A Vessel Monitoring System (VMS) will begin July 1, 2008. This is a system that will track each commercial fishing vessel's movement in Lake Erie. This will assist wildlife officers by providing them real-time location information of the fishing fleet. This is important as Ohio has three fishing zones or management units that are allocated quotas of yellow perch. It is important that fishermen harvest fish from the zones in which they are allocated a quota. In addition, there are closed fishing zones around reefs and harbor mouths that can be monitored quickly by this system. Commercial fishermen will also be required to use the new electronic catch reporting system for Lake Erie. This new system will require commercial fishermen to report daily catches electronically to the Division of Wildlife.

Senate Bill 77 also changed the penalties for egregious violation of fisheries laws. It has provided a hierarchy of penalties to fishermen within a 10-year period. The first violation of a serious fishery law will result in a 30-day suspension, in addition to any other fines and penalties issued by the judge. The second violation within that 10-year period will result in a 60-day suspension, and the third violation in this same the period will result in a permanent revocation of the license.

- **Interstate Wildlife Violator Compact**

On January 1, 2008, Ohio joined the Interstate Wildlife Violators Compact. Legislative action in 2006 gave permission to the chief to join the compact; we are in the process of developing the Administrative Rules and internal policies and procedures. The goal for implementation is fall of 2008.

- **Americans with Disabilities Act**

Governor Strickland signed SB 209 on March 26, 2008, which requires the DNR to issue permits that allow persons with disabilities to hunt in public wildlife areas with electric-powered all-purpose vehicles (EPAPV) and modifies criminal law to permit hunting from vehicles. This law will become effective July 1, 2008.

Sections of Administrative Code are currently being written to comply with the new law. These Administrative Rules will allow certain mobility-impaired persons the ability to hunt from a motor vehicle on wildlife areas. The regulations will allow the hunter to hunt from their EPAPV on the wildlife areas currently open to motor vehicles. These vehicles must be propelled by electric power, obtained from batteries (1000 watts or less). These amendments are being added to allow for the compliance with the Americans with Disabilities Act.

- **Child Support Enforcement Agencies**

Ohio Revised Code requires the suspension of all licenses for default of child support when notification is made by a child support agency. As a result of the notification, the ODNR point of sale system must be queried to determine if the individual had purchased hunting and/or fishing license. A letter of revocation is forwarded to all holders of hunting and fishing license suspending their license as required by law. In fiscal year 2007, 467 suspension orders were received in which, 73 suspension notices were issued.

New Innovations in Conservation Law Enforcement

- **Radio and Data Communications System Ppgrades**

We have begun the implementation of Field Based Reporting (FBR) and the next system phase of our Multi-Agency Radio Communications System (MARCS). This will include a new Law Records Management System (LMRS), printers in the vehicles for printing summonses and forms, and card swipes to read operator license information and auto-populate certain fields with information on forms. Additionally, officers have a link to the Ohio Bureau of Motor Vehicles where they can access a photo of an individual directly on the Mobile Computer Terminal (MCT) in the truck. We are finalizing the testing of potential replacements to the current Itronix MCT. The two laptop computers tested were the General Dynamics-Itronix XR-1 Go-Book and the Panasonic CF30 Toughbook. We have identified a need to have an MCT that will function more like a laptop computer away from the vehicle and allow easier officer use when completing reports and accessing information.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement

- **Ottawa Tribe Lawsuit**

The Ottawa Tribe of Oklahoma (Ottawa Tribe) filed a complaint against ODNR seeking the right to fish and hunt in Ohio and on Lake Erie without restrictions. The complaint was filed in the United States District Court for the Northern District of Ohio, Western Division. On March 31, 2008 federal Judge Jack Zouhary granted summary judgment in ODNR's favor on all issues, and the case is dismissed. In his conclusion, Judge Zouchary stated,

“The hardship brought upon the Ottawa Tribe following their removal from Ohio was severe. Despite the Tribe's identified hardships, the delay in

asserting treaty rights to hunt and fish in Ohio is unreasonable. This delay in asserting hunting and inland fishing rights is also prejudicial to Defendant, and as such laches bars recovery of these claims. Plaintiff has, however, established a dispute of material facts surrounding the prejudice to Defendant of asserting treaty rights to fish in Lake Erie, specifically the impact of commercial fishing on current conservation levels. Nevertheless, after examining all treaties identified by the parties, the Treaty of 1831 extinguished any treaty-based right for the Ottawa Tribe to fish in Lake Erie.”

- **Commercial Fishing Lawsuit**

The Great Lakes Commercial Fishermen, LLC filed a complaint against the ODNR and the Division of Wildlife in the United States District Court for the Northern District of Ohio, Western Division. The complaint challenges the constitutionality of Am. Sub. Senate Bill 77 (127th General Assembly). Am.Sub. S.B. 77 establishes new rules and penalties for the regulation of commercial fishing in the Ohio waters of Lake Erie. The case is ongoing.

- **Court Appeal on Officer’s Authority**

The Court of Appeals of Ohio Sixth Appellate District reversed the decision of the Erie County Court, dismissing the charges of unlawful taking of migratory game birds over bait. On December 4, 2006, appellees filed motions to dismiss their charges. In their motions to dismiss, appellees argued that the officer unlawfully entered private property without good cause to believe that a law was being violated.

On July 20, 2007, the trial court granted appellees' motions. In granting appellees' motions to dismiss, the trial court relied on R.C. 1531.13 which states in pertinent part: "Any regularly employed salaried wildlife officer may enter any private lands or waters if the wildlife officer has good cause to believe and does believe that a law is being violated." The ruling stated, "There is absolutely no factual evidence before this court to suggest that the checking of licenses and/or bag limits was anything but routine. This court must apply the plain meaning of 'good cause' as contained in Ohio Revised Code Section 1531.13 to mean that the legislature intended that wildlife officers not have the unfettered right of intrusion upon private property unless 'good cause' exists."

The Appellate Court reversed the trial court stating, the officer “saw appellees hunting and then he entered the property to check their licenses and bags. Once he saw people hunting, R.C. 1531.14 gave him the authority to enter the land in pursuit of his duties, one of which is to ensure that people are hunting lawfully. R.C. 1531.13. We disagree with the trial court that R.C. 1531.14 gives wildlife officers "unfettered" access to private property.”

Cost Savings Initiatives

- **Internet License Sales**

Internet sales of licenses and permits have continued to increase since this option was made available several years ago. We have been promoting and

encouraging use of the Internet to obtain and submit controlled hunt applications as a cost-savings measure over traditional mail-in information.

- **Fuel**

Gasoline costs continue to be an area of concern for enforcement vehicles. We are not yet operating under any fuel and mileage restrictions and hope to stay that way. Officers are encouraged to carpool with other officers and staff when attending functions, trainings, meetings, and other non-routine enforcement patrol or situations. We have also increased the replacement mileage on vehicles to 120,000 miles in order to reduce costs associated with vehicle replacement annually.

Other Special Law Enforcement Issues

- **Special Operations Unit**

The Special Operations Unit of the Division of Wildlife's Law Enforcement Section concluded four significant cases in FY 2007. The cases were Operation Take-em, Operation Enough, Pine Hill Meats, and Payne's Deer Processing. The violations investigated were primarily for deer and waterfowl. The two processors were investigated for allegedly buying and/or selling deer. In all, 28 individuals were arrested and charged with a total of 225 misdemeanor violations and one felony of Ohio's wildlife laws. In addition to the wildlife charges, several significant drug seizures resulted from search warrants executed from these cases.



ASSOCIATION OF MIDWEST FISH AND GAME ENFORCEMENT OFFICERS

STATE REPORT – OKLAHOMA

By: Larry Manering, Chief

Law Enforcement Division

Oklahoma Department of Wildlife Conservation

The following report covers the period July 1, 2007 through June 30, 2008 (FY2008) for the Oklahoma Department of Wildlife Conservation, Law Enforcement Division.

AGENCY OVERVIEW:

The Oklahoma Department of Wildlife Conservation, Law Enforcement Division game warden's primary responsibility is to enforce the State's wildlife laws. Game wardens also participate and assist in all phases of the Wildlife Department's operations and programs.

The division consists of 118 employees, with a field force of 90 game wardens, 16 game warden supervisors and 8 district chiefs. Central office staff includes the

chief, assistant chief, training coordinator and one secretary. The division operates with a straight-line chain of command.

TRAINING ISSUES:

All new game wardens undergo five weeks of in-house training and ten weeks in the Field Training and Evaluation Program with a Field Training Officer. In addition, they also attend the 505-hour Oklahoma Basic Law Enforcement Academy, all totaling nearly 28 weeks of training prior to solo assignment.

Recent legislative changes have increased academy training hours from 370 to 505 effective 1-1-08. The hours will increase an additional 71 hours starting 7-1-08 to a total of 576 hours and increasing additional 24 hours again in 2009 for a total of 600 hours.

The increased academy hours coupled with our in-house training will require a new officer to be away from their home an average of twenty weeks during their first year of service. The increased period for a new game warden to be away from their homes and families for training may become an issue for recruitment in the future.

All game wardens are now required by state mandate to complete twenty-five hours of law enforcement training and two hours of mental health training each year. This is an increase from of nine hours from last year. All wardens will also have to complete six hours of Evidenced- Based Sexual Assault Investigation by 2012 as mandated by last year's legislature. In addition, all supervisors are also required to attend twelve hours of supervisory training each year.

FUNDING AND STAFFING ISSUES:

Three new game wardens were hired in September 2007 and an additional three more officers were hired in April 2008. We currently have three more positions to fill this year due to retirements. Vacancies and hiring will continue at a rapid pace due to the fact that many of our officers that are now eligible or will be eligible to retire in the very near future.

The Oklahoma legislature recently passed a law allowing a defendant of a wildlife violation to choose to pay an administrative fine paid directly to the agency instead of going through the court process. The Administrative fines are collected in the field by game wardens at the time of the offense for certain wildlife offenses that are promulgated by our commission. The new fines will allow the offender to save nearly fifty percent of the normal cost of the fine and court costs had it been filed in district court. The law allows the Department to collect one half of the fine and costs for each offense rather the \$5.00 and court costs that was collected previously. This is a win-win for our constituents and the agency.

We were able to purchase 24 vehicles and 3 boats this year. The vehicles are Ford four-wheel drive extended cabs and four-door crew cab pickups.

MAJOR CONSERVATION LAW ENFORCEMENT TRENDS:

The Law Enforcement Division is now able to participate in several federal aid projects in the state that previously unavailable for our division. Game wardens now participate in a Blue catfish fisheries survey collecting data during their routine patrols. Other federal aid projects include Hunter Education, Aquatic Education and the Archery in the Schools program. The federal aid revenue help eases some of our budget constraints.

UNIQUE CROSS BOUNDARY OR COOPERATIVE ENFORCEMENT EFFORTS:

The division continues to cooperate with every state in efforts to combat fraudulent license applications and interstate wildlife violations.

NEW INNOVATIONS IN CONSERVATION LAW ENFORCEMENT:

The division has purchased new side sonar units that are capable of recording digital images of nets and other features underwater. The new sonar units are proving to be a valuable tool for fisheries enforcement.

STATE, REGIONAL, AND NATIONAL ISSUES, LEGISLATION, LEGAL CHALLENGES AND COURT DECISIONS IMPACTING NATURAL RESOURCES LAW ENFORCEMENT:

Legislation concerning trespass on commercial hunting areas, a new five-year hunting, fishing or combination license, computer-assisted remote controlled hunting and increased restrictions and penalties for paddlefish protection were at the forefront of this year's legislative session.

COST SAVING INITIATIVES:

Rising fuel costs continues to be a concern in Oklahoma. Game wardens are encouraged to use time management and to work wisely while conducting their patrols. Fuels saving incentives have been implemented to help keep rising fuel costs down.

OTHER SPECIAL LAW ENFORCEMENT ISSUES:

Enforcement of the illegal harvest and sale of paddlefish eggs for caviar continues to be an enforcement issue. Game wardens maintain an increased enforcement emphasis during the annual spring spawn to help curtail the illegal activities associated with the caviar trade. We have seen a remarkable increase of Russian immigrants from several states attempting to harvest paddlefish for caviar.





**Agency Report: Enforcement Branch
Ontario Ministry of Natural Resources
Lois Deacon: Director
April 18, 2008**

Training Issues

Training Items

Training during the 2007 – 2008 operating season for the MNR was in many ways consistent with the previous year's delivery. In addition to the mandatory enforcement competency evaluations in self defense, conflict avoidance, judgmental training and firearms (which all Conservation Officers are required to attend) a number of additional initiatives were also carried out.

Additional training offered this year to MNR officers included:

1. Specialized alternate carry training for the Intelligence Investigations Section
2. Initial Self Defense Instructors Training/Professional Instructor Techniques Training courses
3. Front Line Enforcement Supervisor Workshop (two one-week modules)
4. Finalizing the rollout of the Provincial FleetNet communications training

Also provided this past year were three regional workshops for all the Conservation Officers over a two day period. These were open for all Enforcement Branch to attend and focused primarily on work unit updates and new and emerging legislative training. Areas touched on included new Species At Risk legislation, Provincial Park and Conservation Reserves Act, Ontario Fisheries Regulations and the new Compliance Governance Office.

Funding and Staffing Issues

As part of the Ministry of Natural Resource's increased budget for 2007/08, the Enforcement Branch received an increase approximately \$1.6 million over the previous year's budget. This is approximately a 7 per cent increase over the 2006/2007 year-start budget. This additional funding was used to assist Enforcement Branch in the continued advancement of the risk-based operational planning focusing on provincial, regional and local priorities as well as directed field response to public complaints and TIPS.

This past year was an active one in terms of recruiting and filling front line Enforcement Supervisor and field Conservation Officer positions. Competitions

were held to fill 7 Enforcement Supervisor positions, a quarter of the 27 Supervisor positions in the province. In addition 12 field Officer positions were advertised and filled across the province.

The branch is also in the process of filling 4 Enforcement Intern positions. These positions will go through a 2 year on the job training program to prepare them for Conservation Officer careers.

Major Conservation Law Enforcement Trends

Zoo Project: Wildlife in captivity and zoo inspections

In order to legally keep most wildlife in captivity in Ontario one must possess a permit, licence or other authority.

The Ontario Ministry of Natural Resources (MNR) is responsible for about 40 MNR licensed zoos that hold scheduled native wildlife including several butterfly exhibits. MNR zoo licences are designed to manage the keeping of wildlife and provide direction only for very basic animal welfare requirements. MNR does not have the mandate or authority to licence or inspect facilities that contain only exotic wildlife. At this time no agency or organization in Ontario has a general mandate to deal with the control of exotic animals nor are there any legislative animal care standards for zoos and similar facilities.

Recently, there have been several high profile incidents involving MNR licenced zoos. In one case, a zoo operator would not allow an inspection of his facility and MNR refused to renew the licence. A search warrant was executed and the Ontario wildlife was seized but several large cats were left on site as they were outside the mandate of MNR. A jaguar later escaped from its enclosure, ate the family dog and was ultimately shot to death by police. In another case, an Ontario zoo became part of a media circus in Australia due to the conditions in which a kangaroo was being held. MNR was under pressure to take action but has no mandate or authority related to non-indigenous wildlife. The zoo is no longer licenced by MNR to hold Ontario wildlife but still may have other animals in captivity. The kangaroo mysteriously disappeared.

In August of 2007 the Ontario government proposed modernizing the *Ontario Society for the Prevention of Cruelty to Animals Act* and increased funding to the Ontario Society for the Prevention of Cruelty to Animals (OSPCA).

Additionally, MNR and the Ministry of Community Safety and Correctional Services (MCSCS) are co-chairing a provincial working group to help identify options to enhance the care and management of all types of animals in captivity, starting with zoos. The working group includes representatives from various government ministries as well as NGOs including the OSPCA. MNR and OSPCA

entered into an information sharing protocol to help bridge the gap between organizational mandates.

Pursuant to a government initiative announced by MCSCS, MNR inspected every zoo licenced by MNR between January 1, 2008 and March 31, 2008 in order to set a benchmark based upon a consistent review of each facility's compliance with the conditions of their zoo licence. Project team members did not conduct investigations of non-compliance detected during an inspection but passed on information to local officers. Results of this inspection project will help MNR adjust the MNR zoo licencing program.

Liquor Licence Act Enforcement by Conservation Officers

In July of 2007 Ontario's Liquor Licence Act (LLA) was amended to give Conservation Officers specific authorities under the Responsible Use provisions of the Act. These authorities allow Conservation Officers to take action, where appropriate, for violations related to unlawful possession, consumption and transportation of liquor in and on vehicles, boats and motorized snow vehicles. Conservation Officers were also designated as Provincial Offences Officers for the purposes of the LLA which allows them to process violations using a standard ticketing procedure.

The enforcement of the LLA is not a core responsibility of OMNR Enforcement Branch; Officers are directed to pursue LLA enforcement incidental to, or in support of, mandated operations. This new authority allows Ontario's Ministry of Natural Resources to assist police services in ensuring public safety and the safe use and enjoyment of Ontario's out of doors.

Unique Cross Boundary or Cooperative, Enforcement Efforts

SAULT STE. MARIE BORDER ENFORCEMENT INITIATIVE

For the past 4 years, Conservation Officers from the Sault Ste. Marie District have been participating in a joint force initiative at the Canada – United States border crossing in Sault Ste. Marie with members of the Canada Border Services Agency.

The purpose of this initiative is to provide a response to high violation rates, compliance promotion upon entry into Ontario, cost effective enforcement, intelligence delivery to other MNR Districts, create detection and reporting relationships with other agencies including CBSA, United States Border Protection Service, United States Fish and Wildlife Service and several US natural resource agencies, and to maintain or enhance a positive MNR enforcement image with the public.

Since the inception of this initiative in 2004, 61 checks have been conducted at Sault Ste. Marie – 23 incoming proactive and 38 outgoing reactive, resulting in 332

charges and 1200 warnings. The checks are short in duration and are conducted at random times. The majority of the violations detected originated from outside the Sault Ste. Marie District.

Some of the most common violations detected include over limits of game fish, detection of imported baitfish and animal parts (to prevent the spread of invasive species and chronic wasting disease), detection of fraudulent hunting and fishing licences, illegal bear, deer and moose, over limits of wildlife and detection of furbearing animals and black bear gall bladders.

The border initiative will continue in 2008, and several checks have already been planned with the Canada Border Services Agency.

New Innovations in Conservation Law Enforcement

Mobile technology: Conservation Officer GIS

The Conservation Officer GIS (COGIS) enforcement pilot project was designed to develop and test mobile GIS and GPS technology and software in a field patrol environment over a one-year period. The COGIS application consists of a laptop computer loaded with GIS layers and functions, and connected to a GPS antenna installed in 2 Conservation Officer enforcement vehicles. The computers, software, mounting brackets and Conservation Officer training were provided through the OPS Innovation Fund

This tool was designed to assist Conservation Officers in their enforcement coverage of large patrol areas and provide a tool for continuous intelligence and violation trend information collection where there are high turnovers of Conservation Officers. These computers provided real-time moving map technology on the screen in the vehicle and allowed officers to call up data layers using drop-down menus, and to enter enforcement and violation related information to the database. Various hot link symbols on the screen provide detailed land, water, resource user, legislation and court data to Conservation Officers in their vehicles.



Initial testing of the units has shown that the application of this technology is favorable, as long as the proper laptop computer is utilized. Conservation Officers were able to enter real time enforcement data (i.e. hunting camps, black bear bait

sites, vehicle locations, shot and abandoned moose), record new forest access roads and lake access points, and obtain all relevant Certificate of Offence ticket information when dealing with a violation.

Final evaluation of the COGIS application is being completed. Recommendations received from the field testing have provided Enforcement Branch with a strong base to develop future integration of mobile technology for Conservation Officers as Enforcement Branch moves forward with its IM/IT strategy.

Corporate Compliance Governance Officer Promoting Excellence in Enforcement Professionalism

In 2006 the office of the Corporate Compliance Governance Officer was created to promote ethics, integrity and professionalism for all compliance officers in the Ministry of Natural Resources. Enforcement Officers interact extensively with clients, stakeholders, partners and the community at large on an ongoing basis. The Corporate Compliance Governance Office simply adds value to an already highly professional group of dedicated officers.

The goal of Enforcement Branch is to safeguard the public interest by leading and delivering professional regulatory protection of Ontario's natural resources. The Code of Professionalism is foundational in this pursuit. It sets forth "Seven Elements of Professionalism" and "Four Service Standards for Professionalism" for all Officers to follow when dealing with clients. The Corporate Compliance Governance Officer is the champion of the Code of Professionalism and has commenced in-service training workshops and will expand these in the coming months.

Another key aspect of this office is to promote transparency and accountability both internally and externally. Part of this mandate will include a public compliments and complaints procedure which is currently in the final stages of development. This process will provide consistency across the Enforcement Branch when receiving public compliments or in cases where a member of the public wishes to lodge a complaint. An important characteristic of this process was the extensive aboriginal dialogues which took place in the development of the process.

The Corporate Compliance Governance Officer will provide strong leadership as we strive for excellence in the field of professionalism!

Canine

Our K-9 support unit has recently trained two of our dogs for detection and location of Blandings and Wood Turtles, both alive and dead. This innovation is being used to further Species At Risk investigations as well as to assist researchers in locating these species for assessment purposes.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement

Overviews

On May 3, 2007, the Ontario Court of Appeal issued decisions in two cases concerning whether and in what circumstances an Aboriginal person who is harvesting outside of his or her community's treaty territory can "shelter" under the treaty harvesting rights of another Aboriginal community.

In these two cases, the Court found that in certain circumstances Aboriginal people can "shelter" under the treaty harvesting rights of another First Nation. Put otherwise, the Court found that in certain circumstances an Aboriginal person can exercise the treaty harvesting rights of a community of which the person is not a member. In particular, the court found the following:

- In *R. v. Meshake* the Court found that an Aboriginal person who is a member of a Treaty 9 community can exercise Treaty 3 harvesting rights in circumstances where he has married into a Treaty 3 community, been accepted by that community and been invited by the family into which he has married to participate in the harvest.
- In *R. v. Shipman et al.* the Court found that the Michipicoten First Nation can, in certain circumstances, grant permission to those "passing through" its territory to harvest in its territory and thereby effectively extend its treaty rights to those to whom permission is granted.

Night Hunting Case:

A Justice of the Peace (JP) strongly criticized the Ministry of Natural Resources (MNR) for violating the rights of a man and his son who were charged for allegedly shooting at a deer from inside their truck. The JP stayed all charges in Provincial Offences Court after finding there was an "abuse of process" and questioned the fairness of policies of the MNR. The JP also criticized the Ministry Officers for failing to get a warrant to search the truck, calling it a "flagrant misconduct of the Conservation Officers." The placement of a decoy on private property without permission was a "flagrant intrusion" which was "tantamount to trespassing". To admit the evidence at trial would bring the administration of justice into disrepute because ordinary citizens don't want government to breach the rights of landowners, the JP said. It was argued by MNR the decoy placement was not an abuse of process, nor was the decoy placement unsafe. The MNR also argued there were sound reasons not to inform the landowner and that the Officers acted under legal authority and placement of the decoy simply mimicked a natural occurrence, a deer stopping in a field. This decision is currently under appeal by the MNR and it should be heard later this year.

Regarding Metis Decisions:

On June 12, 2007 Justice G. Rodgers released his decision in a case involving three anglers who were members of the Métis Nation of Ontario (MNO) who had brought an application for a stay of proceedings on the basis of abuse of process by the Crown. The defendants argued that they were entitled to benefit from an agreement reached between MNO and MNR in 2004, that Ontario had breached the terms of that agreement, and that that breach was abusive and should result in charges against them being stayed (R. vs. Laurin, Lemieux and Lemieux).

As a result of discussions with the Métis Nation of Ontario (MNO) and consistent with the Laurin et al Decision, on an interim basis only, the MNR will not generally be pursuing enforcement action against individuals who hold valid MNO Harvester Certificates and who are harvesting for food, social or ceremonial purposes in the area identified on their Harvester Certificate.

Other Special Law Enforcement Issues

A Memorandum Of Understanding has been drafted by Environment Canada to facilitate cooperative enforcement initiatives directed at Species At Risk investigations and intelligence gathering/sharing. The United States Fish and Wildlife Service, New York Department of Environmental Conservation Police, Environment Canada and the Ontario Ministry of Natural Resources are working towards the implementation of this agreement to cooperatively curb the illegal trade in Species At Risk within our own jurisdictions as well as across our borders. This agreement will allow for sharing of enforcement resources, and include a process for information to be shared securely between agencies within a timely manner, better enabling investigative successes in the future.

Currently the Ministry of Natural Resources together with the Ministry of Environment and the Inspections Investigations & Enforcement Secretariat are exploring options for a secure Intelligence Database to be shared over a Wide Area Network. This tool will enable the timely storage of and retrieval of information allowing investigators from across the province to access this data in real time.



AMFGLEO Law Enforcement Committee Saskatchewan Annual Report
Submitted by
Bill Zimmer, Manager, Specialized Enforcement Unit
Saskatchewan Environment

TRAINING ISSUES

In 2007, Saskatchewan entered into a partnership with the provinces of Alberta and British Columbia to provide centralized training, known as the Western Training Academy, for all newly hired conservation officers

The training program was sixteen weeks in length and was delivered at Hinton, Alberta. The training program comprised of all mandatory certifications in the Use of Force, as well as all other training relating to water vessels operations, vehicle operations, ATV and Snowmobile operation, problem wildlife, and investigative training. Instruction of the various courses was delivered jointly by instructors from all three participating provinces.

Saskatchewan sent 13 young conservation officers to the training program. Graduation took place on December 2007 and currently all graduates have been placed into full time vacancies within Saskatchewan Ministry of Environment. The program realized a number of efficiencies in delivering the training required for all new hires.

Other western provinces and territories have also expressed an interest in participating in the Western Training Academy program.

FUNDING AND STAFF ISSUES

Funding and staff numbers for the 2007 – 2008 fiscal year within Saskatchewan Ministry of Environment remained unchanged. There were no significant issues with a lack of funding, however, there remains issues associated with an inadequate number of officers located in northern areas.

The huge increase in the oil and mining industry has demonstrated that there will be profound effects on the environment and resources in northern Saskatchewan. The inadequate numbers of officers to enforce the necessary environmental and resource protection laws is a significant issue facing Saskatchewan Ministry of Environment. In the near future a thorough review of the structure of Saskatchewan's Enforcement and Compliance Branch will be undertaken. The purpose of the review will be to examine the organization of the branch and to determine where staff efficiencies can be made to identify issues associated with insignificant numbers of staff.

MAJOR CONSERVATION LAW ENFORCEMENT TRENDS

Saskatchewan is in the process of developing a Memorandum of Understanding with the Royal Canadian Mounted Police (RCMP), Municipal Public and the Saskatchewan Justice Coroners Office relating to investigations of human death as a result of wildlife attacks. This initiative is one of the many recommendations stemming from an inquiry into the death of an individual as a result of a wolf attack that occurred in northern Saskatchewan in 2005.

Saskatchewan has identified the need for a violator compact program with other provinces. The goal is to refuse issuing hunting or fishing licences to any resident of Saskatchewan who has been convicted of a serious fish or wildlife offence in another jurisdiction, as well as to share information on individuals from another jurisdiction who have violated in the province of Saskatchewan.

UNIQUE CROSS BOUNDARY OR COOPERATIVE ENFORCEMENT EFFORTS

Saskatchewan continues to rely on the support of several other resource agencies, many within the United States, as well as Federal resource agencies, to assist investigations relating to violations committed in the province of Saskatchewan.

Investigations completed in 2007 resulted in a California resident fined \$18,200 for unlawfully hunting in Saskatchewan, an Alberta resident fined \$20,000 for rogue outfitting from a northern Saskatchewan recreation cabin and, most notably, an Ontario resident fined \$175,000 for unlawfully outfitting and hunting in the province of Saskatchewan.

STATE, REGIONAL AND NATIONAL ISSUES, LEGISLATION, LEGAL CHALLENGES AND COURT DECISIONS IMPACTING NATURAL RESOURCES LAW ENFORCEMENT

In 2003 a provincial court ruling found that stop and search provisions under The Fisheries Act, Sask. exceeded the authority of the Charter of Rights and Freedoms Act. Similar stops and search authorities existed under all other resource protection legislation. It was evident that the ruling relating to stop and search authorities under The Fisheries Act would also apply to all resource protection legislation, creating a significant barrier when conducting enforcement patrols.

In 2007, amendments to resource protection legislation were finally made to enhance stop and search authorities. Although the parameters of the amended authorities are not as broad as in the previous legislation, it will serve as a significant tool in allowing conservation officers to conduct vehicle stops and large scale roadside inspections.



**AMFGLEO/WAFWA Law Enforcement Annual Report
State Report – South Dakota**

By: Andy Alban

Law Enforcement Program Administrator

Division of Wildlife

South Dakota Game, Fish and Parks

This report covers the period April 1, 2007 through March 31, 2008 for the State of South Dakota, Department of Game, Fish and Parks – Division of Wildlife Conservation Law Enforcement Program.

TRAINING ISSUES

Field Training Program Update: The Wildlife Division's field training program, patterned after the 'Reno Model' of field training, continues to impress agency staff. Over 15 conservation officer trainees have completed training using this new model and approach that utilizes problem-based learning and community-oriented policing concepts. Supervisors and Wildlife Training Officers (WTO's) alike feel the new model is much more effective in developing a wider diversity of skills in new recruits prior to their deployment to their first duty station. One point of interest is that two trainees succumbed to the pressures of training and subsequently filed letters of resignation. This is roughly the same number of failures in all of the previous years using the San Jose Field Training Model. The adult learning styles in the Reno-based training force the trainee to experience the duties of a Conservation Officer by failing forward.

IMPACT Project

The Division continues to pursue the cooperative development of an "Interpersonal Skills Training Program" for conservation officers by state wildlife agencies and is in the process of building the "IMPACT Project", developed by Randy Means of Thomas and Means, LLP. The project will involve multiple conservation law enforcement agencies (AZ, CA, CO, FL, ID, IN, MO, NM, OK, PA, SD, UT, WA, WI, WY, AMFGLEO & WAFWA) which have desire and commitment to lead in this vital area of professional development. Agencies from other states are still welcomed to get involved.

This project recognizes the criticality in conservation law enforcement work of good human relations and interpersonal communication skills and the need to assure the presence of those skills in incumbent conservation law enforcement officers. To that end, the project will identify appropriate performance criteria and create an appropriate test for assessing those skills in a conservation law enforcement context. It will also create correlated remediation tools, including computer/video-based training, for use as necessary and/or desirable. Improvement of officer performance in

this domain will strengthen community relations, increase investigative effectiveness, reduce complaints and lawsuits, reduce the need for force, and enhance officer and public safety.

As of March 2008, original drafts of 30 scenes with on average five communicative junctures each (150 total) have been written. At each of the 150 communicative junctures, there have been three officer responses written; one bad, one better, one good. In total, there have been 450 responses written that have been developed into one document. The next step is to have each response verified/validated by a national panel of subject matter experts (SME's) in law enforcement communications. All SME's have vast LE experience and advanced relevant academic credentials. These should be completed by the end of April, 2008. In early May, a written analysis of each of the 450 responses should be completed, detailing why each response is either bad, better but not good, or good. The scenes will then be divided up amongst agencies (SD, NM, WA, CA, FL, WY, CO) interested in creating the raw video footage necessary for the IMPACT technical personnel to create the role-play stimuli and the associated computer-based training.

FUNDING AND STAFFING ISSUES

The Wildlife Division is staffed with 61 conservation officers with an overall complement of 79 sworn officers division-wide. The latter number accounts for supervisory and administrative LE staff.

We continue to experience some turnover within the conservation officer ranks, but we are hoping to become fully staffed by the end of 2008. Three conservation officer trainees will attend our State Law Enforcement Academy this summer and another recently completed the Academy and is now embarking on field training. We have made some additions efforts to work with our state universities to increase our applicant pool. The early results reflect an increase in the number of applicants.

The Division implemented an alternative organizational structure plan for the Field Operations Section in 2007. The Regional Law Enforcement Specialists (RLES) within each of the four regions were converted to Conservation Officer Supervisors. Now there are two CO Supervisors within each region, thus reducing the span of supervisory control to a more manageable level. As a result of this change, a new Law Enforcement Program Specialist position will be filled to alleviate the workload of the Law Enforcement Program Administrator. This new position will be tasked with focusing their time on statewide LE projects. In addition, a new 'Wildlife Investigator' classification was created to better reflect the roles of our two special investigators. In the past, they were classified as a Conservation Officer.

MAJOR CONSERVATION LAW ENFORCEMENT TRENDS

In January, Game, Fish and Parks organized a second meeting of the interagency committee overseeing the development of an ANS management plan for South Dakota. The meeting was attended by personnel from, SD Departments of; GFP Wildlife, Agriculture, Transportation, Environment and Natural Resources, Tourism and State Development, Education, SD State University and the Animal industry Board. Federal agencies included; the US Fish and Wildlife Service, and USDA – APHIS. The environmental and economic threats from ANS have become a reality in a growing portion of the US. Zebra mussels, Eurasian water milfoil and more recently the fish virus VHS among others, are making their way into South Dakota or are currently established within bordering states. While these threats are alarming, our relatively low current levels of infestation provide us with a very good opportunity to be proactive in our response to ANS threats. The ANS management plan will facilitate cooperation across agencies and organizations for efficient ANS; education and outreach, prevention, regulation and law enforcement as well as possible control and management. The oversight committee is in the process of developing the plans objectives and implementation schedule. The completed plan will ultimately be reviewed by the Federal Aquatic Nuisance Species Task Force and presented for approval to the Governor.

UNIQUE CROSS BOUNDARY OR COOPERATIVE ENFORCEMENT EFFORTS

Our two wildlife investigators continue to work closely with the USFWS and other state wildlife law enforcement agencies to conduct covert hunts on a number of commercial hunting operations. Many significant cases were prosecuted during the past year, with some still being sorted out via plea agreements. Most of the cases involve the illegal take of game on commercial hunting operations and shooting preserves and involve both residents and nonresidents.

On April 17, 2007, Region 1 (Western SD) Conservation Officers were arriving at a Regional meeting in Rapid City. By coincidence, a gunman on school campus call came in just as our officers were arriving for their first day of the meeting at the Howard Johnson's motel, just across the street from the school. Within an hour, the RCPD requested GFP assistance and we were able to send about a dozen officers to the scene. Our officers performed various duties to include escorting students, to searching other school facilities in town, and manning checkpoints for several hours. Fortunately this incident turned out to be a hoax, but it was a good training experience for those who responded. It goes to show that wildlife law

enforcement officers must always be prepared for anything as one never knows when or what they may be called to assist with.

NEW INNOVATIONS IN CONSERVATION LAW ENFORCEMENT

The Division will undergo training this spring on our two Centurion side-scan sonar units, acquired via Homeland Security grants. We intend these to be housed at two of the four Missouri River reservoirs in the state. They will certainly be another tool that has the ability to function in different arenas, such as search and rescue operations.

The Division is still looking to develop a case management system and is continuing to explore this concept with staff from the State Bureau of Information and Technology. At the same time, we are exploring established commercial programs that will eliminate the time and resources needed to develop a system.

The Division continues to contract with the forensics lab at Black Hills State University, Spearfish, for DNA/forensics testing. We are please with their efforts and have gained additional convictions as a result of their work. Technology is a wonderful thing!

STATE, REGIONAL AND NATIONAL ISSUES, LEGISLATION, LEGAL CHALLENGES, AND COURT DECISIONS IMPACTING NATURAL RESOURCES LAW ENFORCEMENT

We had a successful and relatively quiet legislative session in 2008. Perhaps our biggest accomplishment was getting our residency laws revised. The new law incorporates the concept of domicile, while also clearly defining who is eligible for dual residency and how one loses their residency. Another important bill that passed established a hunter mentoring program for youth 10-16. Basically, a youngster will be able to hunt most game species without a license, provided their licensed and Hunt Safe-certified parent/guardian is in immediate contact with them and unarmed. Legislative topics that were introduced but defeated included: lifetime license bill, senior citizen crossbow bill, transferable big game licenses for landowners bill, and finally, a bill to reimburse motorists for collisions with wildlife.

We will hold our first ever Outdoor Expo in May of 2008. The South Dakota Outdoor Expo is a statewide event with a focus on outdoor education. Its purpose is to introduce thousands of families and children to outdoor activities. Through interactive exhibits and activities, it teaches an understanding and appreciation for conservation and outdoor recreation and its importance of preserving our heritage. We feel this is an outstanding way to market a positive image of the hunter, the angler and the outdoors

person by demonstrating how these groups contribute both environmentally and economically to a healthy South Dakota. We will be sending a large contingent of Conservation Officers to work at this event.

The Wildlife Division is in the process of establishing Regional Advisory Panels (RAP) to provide an additional link between the Division, the Commission and our customers. The RAP's will allow us to gain feedback from various perspectives and input for long-range vision. We hope to identify challenges and opportunities, in addition to developing ideas and potential solutions to these topics. This will promote an awareness and understanding of management and resource challenges.

COST SAVING INITIATIVES

Rising fuel costs continue to remain a concern for agency administrators. E-85 flex fuel pickups continue to be purchased in an attempt to offset the price of gas. Staff have been encouraged to utilize fuel supplied at DOT substations, rather than at a gas station. Additionally, we have asked staff to car pool where feasible and also to plan their trips to maximize effectiveness.

OTHER SPECIAL LAW ENFORCEMENT ISSUES

The transfer of former U.S. Army Corps of Engineers (COE) lands along Lake's Oahe, Sharpe, and Francis Case to the SD Game, Fish, and Parks – Wildlife Division is nearing completion. Lands along Lake's Oahe and Sharpe transferred in 2007, while it is anticipated that the lands along Lake Francis Case will transfer soon. One issue that is currently being addressed, by Wildlife Division staff, involves agriculture and grazing leases. Traditionally, many producers had leases with the COE that allowed them to primarily graze or hay as well as allow livestock to access the reservoirs for water on COE lands adjoining their private property. Since the lands being transferred to the Wildlife Division are only those from the "take-line" elevation down to the top of the exclusive flood control pool on each reservoir, it appeared that producers might be required to get two leases (one from GFP and one from the COE). In an effort to streamline the process for producers, Wildlife Division staff have been negotiating an easement with the COE that would allow GFP the ability to write one lease agreement with producers for their traditional grazing, haying and water access activities on both the GFP and adjoining COE property.



ASSOCIATION OF MIDWEST FISH AND GAME LAW ENFORCEMENT OFFICERS

STATE REPORT – TEXAS

2008

AGENCY OVERVIEW:

Are officers 100% Wildlife Law Enforcement or Mixed:

- 100% Officers Wildlife Enforcement

Straight Line Reporting Structure: *Yes*

Number of Officers:

- Number of Officers: 460 Commissioned/37 Cadets

TRAINING ISSUES: The Texas Game Warden Academy will graduate the 53rd Game Warden Class in May, 2008. This class of conservation law enforcement officers will graduate as the best equipped class in recent years with new portable radios and a new weapons platform in the new M-4 rifles. The Academy is preparing to move to the new training site in Hamilton County, Texas, as fundraising efforts are underway to build a world class conservation law enforcement training facility. Our current facility was a converted warehouse and served to train 604 game wardens in 20 classes since 1978. As the demands and nature of our duties and responsibilities continue to evolve as conservation law enforcement officers our new facility will allow us the flexibility to adapt to our ever changing roles. It is critically important that we continue to involve our field wardens in the skills training modules in order to effectively share the institutional knowledge, experience, and culture with our new conservation officers in training.

FUNDING AND STAFFING ISSUES:

The FY2008 Commission-approved budget for the Law Enforcement Division totals \$54,863,033.00. Law Enforcement's FY2008 budget includes 646 positions – 480 commissioned officers, 40 cadets, and 126 civilians. Texas Game Warden numbers were increased by 15 fully-funded officers for assignment along the Mexican border as part of the State of Texas Homeland Security efforts. Texas Game Wardens were also appropriated \$2,270.793 million in general revenue in FY2008 to cover general law enforcement and emergency management duties.

MAJOR CONSERVATION LAW ENFORCEMENT TRENDS:

Legislation passed in 2007 provided authority for the agency to address issues related to the possession and sale of certain non-indigenous snakes, a growing part of the burgeoning trade in non-game wildlife species. Effective September 1, 2008,

a permit will be required to possess or sell, either recreationally or commercially, any non-indigenous venomous snake, as well as the following constrictors: African rock python (*Python sebae*), Asiatic rock python (*Python molurus*), green anaconda (*Eunectes murinus*), reticulated python (*python reticulatus*), and southern African python (*Python natalensis*). The penalty for release of snake covered by this regulation is a Class A Misdemeanor.

Other enacted legislation provides a specific definition of public road or right-of-way to include: a public street, alley, road, right-of-way, or other public way, including a berm, ditch, or shoulder. It also provides a specific prohibition against hunting any wild animal or bird from a public road or right-of-way.

The 2008 Texas Legislature passed a law requiring TPWD to establish mandatory physical fitness standards for all State Game Wardens by November 2008. TPWD is in the process of developing and implementing the standards.

UNIQUE CROSS BOUNDARY OR COOPERATIVE ENFORCEMENT EFFORTS:

Texas Parks and Wildlife Department received \$500,000.00 for participation in the 2008-2009 Joint Enforcement Agreement. The purpose of the Joint Enforcement Agreement (JEA) among the U.S. Department of Commerce (DOC), National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries), Office for Law Enforcement (OLE), and the State of Texas Parks and Wildlife Department (TPWD) Law Enforcement Division (LE) is to increase compliance with the laws and regulations for federally managed fish caught in the Gulf of Mexico and returned to Texas.

TPWD/LE officers focused on three main areas to enhance federal enforcement. Commercial, recreational, and charter vessels fishing in the Gulf of Mexico and returning to Texas ports were monitored through the use of overt patrols. Inspections of Texas fish dealers and shippers buying, selling, and transporting fish caught in the Gulf of Mexico were increased. TPWD/LE officers worked to educate the public on federal fisheries conservation issues, fisheries laws and regulations, and reporting of fishing violations.

NEW INNOVATIONS IN CONSERVATION LAW ENFORCEMENT:

The Operation Game Thief program continues to take advantage of the 2005 legislatively enhanced latitude in spending its privately raised funds by recently paying for fifty game wardens to complete a four-day Reid Interview and Interrogation Training course. Comments from class participants indicate the training was worthwhile and appreciated - with one class member attributing his successful investigation of a new mule deer poaching case from the 2006 season to methods learned in the class the previous week. Civil restitution value alone on the mule deer is \$10,000.

STATE, REGIONAL, AND NATIONAL ISSUES, LEGISLATION, LEGAL CHALLENGES AND COURT DECISIONS IMPACTING NATURAL RESOURCES LAW ENFORCEMENT:

Texas Homeland Security/Border Operations

The mission of TPWD is to manage and conserve the natural and cultural resources of Texas to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

The Law Enforcement Division provides a comprehensive statewide law enforcement program to protect Texas' wildlife, other natural resources, and the environment. The Division also provides safe boating and recreational water safety on public waters by ensuring compliance with applicable state laws and regulations. Texas Game Wardens are responsible for enforcement of the Parks and Wildlife Code, all TPWD regulations, the Texas Penal Code and selected statutes and regulations applicable to clean air and water, hazardous materials and human health. Wardens fulfill these responsibilities through educating the public about various laws and regulations, preventing violations by conducting high visibility patrols, and apprehending and arresting violators.

Homeland security and Border Operations were developed for the purpose of responding to the Governor's mandate of increasing Border security, stemming escalating violence and thereby ensuring Texans' safety. Texas Parks and wildlife has maintained its mission of conservation and still participates with other federal, state and local law enforcement agencies by providing personnel, vehicles and boats as well as fixed and rotary winged aircraft as requested for a series of coordinated Border Security Operations.

Texas Parks and Wildlife began participation in Border security operations in June 2006 through December 2006 with Operation Rio Grande. Operation Wrangler followed in January 2007 through August 2007, and in September 2007 kicked off Operation Border Star.

The focus of these series of Border Operations is preventing crime and terrorism in Texas along the 1,248 mile border between Texas and Mexico. Terrorists and criminals do not respect geographic, political or legal jurisdictional lines and often exploit these boundaries. TPWD has participated in these operations as, "The presence in Texas' remote areas and as the law enforcement boots off the pavement." To present, TPWD has participated in eighteen months of operations with forty two Border Operation surges. Each surge has averaged 5 days, 25 Game Warden participants, resulting in a total of 39,395 personnel hours and 6,735 boat hours.

OTHER SPECIAL LAW ENFORCEMENT ISSUES: With the never-ending lure of large profits to be made from "farming" genetically superior deer, the Special Investigations Unit is continuing to devote a significant amount of time to

the investigation of unlawfully imported white-tail deer. Texas closed its borders to the importation of white-tailed deer in 2002 to prevent the spread of disease. Success in this type of investigation is achieved when tenacious, professional investigators at both the State and Federal level are allowed to charge forward in a cooperative effort. Game Wardens in Texas enjoy and benefit from the professional relationships developed between agents of the U.S. Fish and Wildlife Service and the Federal Bureau of Investigation.

Another issue that remains a problem for the Special Investigations Unit in Texas is the embezzlement of funds by consignment boat dealers. Unscrupulous consignment dealers take in inventory from persons wishing to sell their boats on commission. Once the boat is sold, the consignment dealer fails to pay the original owner and fails to process the sales/titling documents for the new owner. A few consignment dealers have been prosecuted for theft charges, but current state regulations in this area are not adequate to protect both the buyers and sellers. Some consignment shops have begun to craft loopholes in their sales contracts which force buyers and sellers to become embroiled in civil litigation to solve the problem.

The Environmental Crimes Unit continues to contribute to the Agency's mission of protecting the natural resources through the investigation of industries and individuals who would destroy wildlife habitat by the unlawful disposal of waste. The investigative efforts of the Environmental Crimes Unit, along with other state and federal agencies, have cooperatively taken on an average of forty new criminal cases each of the past three years.



AMFGLEO Annual Agency Report
Wisconsin
April 15, 2008
Randy Stark – Chief Warden – Wisconsin

Training Issues - Describe any new or innovative training programs or techniques which have been recently developed, implemented or are now required.

Recruitment and Hiring We won't be conducting a recruitment and hiring process for new wardens during 2008. We'll use our time this year to review and re-vamp our processes in anticipation of opening our next application and testing process in April, 2009. This will lead to our next class of permanent conservation wardens beginning their training in January, 2010. Currently the Assistant Training Director (lead recruiter) and recruitment program assistant positions are vacant so we'll also be working at filling those jobs in anticipation of the 2009 hiring process.

Academy All of our recruits meet the 520 hour basic training standard in addition to our specialized recruit warden training at the academy and throughout the first year and a half of employment. During the weeks of our academy training, both basic law enforcement and specialized training are spread out through the calendar year and end with the recruit graduation in late July. Our specialized weeks of training include marine, hunting, waterfowl, furbearer, environmental, ATV and snowmobile enforcement and agricultural awareness. We schedule four field training assignments that begin in April and culminate with the final two week Certified Solo portion occurring in November during the deer gun hunting season. During the academy recruits are required to participate in fitness training and just prior to graduation they complete a confidence/challenge course which includes a 2.5 mile run – 40 obstacles – 2.5 mile run.

In-service Training Wisconsin Wardens need to meet the state mandated 24 hour minimum standard of annual training to maintain their law enforcement certification. Three days of annual re-certification training are held at Ft. McCoy in January and February. Topics include firearms, defense tactics, legal update and warden skills training. This year's inservice training included Lee Shaykhet who specializes in defense tactics which have a ground fighting component tied in with his presentation. The firearms training included a tactical course where all shooters started the course sitting on a snowmobile and were required to wear a snowmobile helmet and fire their issued handguns as they worked their way on foot through the course. Another course of the firearms training required all Wardens to wear their winter parkas and gloves. Along with handgun review (steps of the draw, reloading and malfunction skills) a use of cover exercise was done with simunitions weapons. Wisconsin Wardens have a total of three required firearm qualification range days during the course of the year. In addition extra hours of in-service training are provided during bi-annual regional meetings and individual team meetings.

Career Development Specialized and career development requests are included as part of each employee's annual performance review. We have a career development program instituted through policy. To the extent budgets and time allow we take advantage of specialized training opportunities for advanced skill development, tactical programs, leadership, supervision and executive development.

Training initiatives

- Advanced tactical, defensive tactics and firearms training (M1A rifles, room clearing, active shooter response.)
- Incident Command, Homeland Security, advanced incident management training.
- Five bureau staff (3 warden supervisors, 1 field warden and 1 environmental enforcement specialist) currently attending the department's annual Leadership Academy.
- One command staff warden is scheduled to being the Wisconsin Certified Public Manager program.

Funding and Staffing Issues - identify any recent developments in funding, staffing, and diversity in employment issues and describe what prompted these developments and how improvements in funding, staffing and diversity in employment were accomplished.

Funding Issues The Bureau received its budget much later (mid-December) than normal years, which caused a delay in its distribution to the field. Assuming that

budgets would be similar to last year's allocation, anticipated cuts due to looming state deficits, plus several legislative authorizations for large purchases, we asked staff to consider this year's budget similar to last year's. In the end, things are tight like most other state resource agencies.

Salary-wise, the Legislature restored salary line for five regional warden positions whose salary was removed in the prior legislative session.

Some programs like water resources, of which we derive some operational and salary funding from have been predicted to be in the red in the near future. As a result, lapses were mandated. As well, two of our general tax purpose funded positions (sales and income tax funded), had to be held open to make up for statewide shortages in that funding source. Again, tight budgets resulting from lapses, cuts and reductions, and retiring personnel are situations that most states are finding themselves in.

Because we received allocations later than normal and the fact that we will be changing the way we allocate station budgets next FY, we decided to allocate funding to teams only and not individual warden stations. This change will allow simpler budget tracking in the future and if Supervisors want, they can still track individual funding using personalized spreadsheets.

The Bureau's budget for FY 08 came in at \$27 million; \$12.9 million was permanent salary, \$6.8 million was operational costs and the rest was fringe and overhead.

Staffing Issues As of this report we have 21 vacant warden positions including 12 field slots and 9 advanced, supervisory or management positions. Recruiting enough quality candidates continues to be an issue as does losing veteran wardens to retirement. Both of these issues contribute to the steadfast vacancy rate the Bureau has been forced to contend with since 2002. We are slowly gaining ground over the thirty vacancies we had in 2003-04. Our current class of 11 recruit wardens will be in training through the end of the year and can expect assignment to their initial stations in January, 2009. Mixing the current vacancies with the recruit class and factoring in anticipated retirements we will probably have about 15 vacant positions by the end of the year. However, that number could be larger.

Operating Expenses Again, most of our law enforcement budget is devoted to supporting field operations enabling conservation wardens and enforcement specialists to do their job.

The funding that was provided this year, covered normal costs to operate our safety education programs (Boating Snowmobile, ATV and Hunter Education), field patrol and education (which includes; vehicle operations & travel expenses), fixed costs including dispatch services, radio maintenance, information technology costs and training and environmental enforcement.

We recognized some gains in our operating capital power in that we were able to use legislative funding increases to replace aging computers (CF28s). Our capital output for the new computers CF30s will be close to \$1 million dollars, which will be paid off over several years with the aid of loans (master leases).

We received additional funding for recruit class training. As described elsewhere in this report, the increase in funding will improve our abilities to raise the bar and serve the citizens better.

We continue to make strides with radio interoperability issues. New radios, both portable (handheld) and mobile (truck) will replace existing equipment. With this replacement, standardization, training and interoperability will become reality.

The Bureau also implemented full use of aircards to be used with the new CF30s. This change allowed a reduction in dialup costs and increased efficiencies for the field as well as supervisory staff. Wardens reported that they could be in the field observing resources uses and at the same time they could manage email and report needs.

Our vehicle rates stayed the same at the flat rate of \$550 per month. This stability was due to a small increase the Department received from the legislature for the management of the entire Fleet account and a small surplus balance in the account that was used to offset costs.

Rent was not charged to the Bureau this year due to the hardship that all Divisions were experiencing and the fact that the rent account had a balance that could be used in lieu of billing the bureaus. Cost projections for the next FY are not good and are expected to increase dramatically over the previous year's when rent charges come back.

Other costs such as worker comp. premium payments, computer support costs and mapping costs increased dramatically in FY 08.

Overall, the Bureau received slightly more funding than the previous year, but the costs to continue and operate were greater than the increases.

Major Conservation Law Enforcement Trends - identify any major cooperative, interstate, reciprocal or other cross jurisdictional law enforcement trends (e.g. including community policing, operator under the influence (QUI) initiatives, or other issues which fall outside traditional fish and wildlife enforcement functions).

Viral Hemorrhagic Septecimia (VHS) Since April of 2007, the Natural Resource Board enacted an Emergency Order and created several variations of emergency rules covering the movement of live fish in Wisconsin. Initially the focus was on known infected waters, and then changed to address fish and bait movement statewide. Most recently the rules changed to lessen the restriction on use of bait minnows. Socially and politically the concern has centered on the regulations that impact what anglers can and can't do with minnows.

The non permanent nature of the regulations has made implementing an enforcement plan difficult and thus far the primary focus has been on education.

Since the detection of VHS we are taking a closer look at our commercial bait harvest and bait dealer industry. Because of interstate shipments and harvest of bait, this effort

has required a partnership with adjacent states, Wisconsin State Patrol, Wisconsin Department of Agriculture, Trade and Consumer Protection, and USFWS.

Survive the Ride – Snowmobile In November of 2007 we received a legislative extension of the 55 mile per hour (mph) nighttime speed limit until 2010. Nighttime speeds above 55 mph greatly reduce a snowmobile operator's ability to stop in time to avoid colliding with a hazard once headlights illuminate it. The department will evaluate the impact of the nighttime speed limit and will continue to pursue a permanent nighttime speed limit.

We have gained support from the Wisconsin Snowmobile Council for legislation tying snowmobile OWI convictions to the Wisconsin Drivers License system. This support was initiated through our partnership with the Snowmobile Council. High fatalities during the past several snowmobile seasons including a high profile Chicago TV News Anchor, has raised media and public awareness of the issue.

Invasive and Exotics

Because of educational efforts in 2007 and increased public and media awareness of the threats from aquatic invasive and exotic species, we were successful in securing funding for LTE deputy wardens to focus on invasive and exotic enforcement and education during the summer of 2008. We are in the hiring and training process for this program with a May 2008 planned start date. A potential spin off of the program and funding is recruitment for future full-time Warden candidates.

Harmony in the Woods In an effort to reduce tensions and sensitize hunters, Hmong and Caucasian alike, to respect and learn to be comfortable when they are in the woods and fields together, a cooperative effort between DNR, and the Hmong community was initiated in July 2007. The long term initiative has several goals. The goals include creating a safe and enjoyable outdoor recreational environment for everyone, creating shared cultural understanding, building long term relationships that honor differences, and creating a more inclusive conservation community into the future.

To accomplish these goals several actions were taken that included:

- Building upon previous efforts, a retreat was held with Hmong community leaders, conservation group leaders from the Conservation Congress, the National Wild Turkey Federation, Wisconsin Wildlife Federation, Wisconsin Bowhunters Association, Wisconsin Waterfowl Association, and the Woodland Land Owners Association and staff from several DNR programs. The purpose was to share cultural and historical information, compare perspectives on natural resources and identify common ground and opportunities to work together in the future.
- Wardens and existing Hmong Hunter Education instructors conducted instructor training with members of Lao Veterans Association from across Wisconsin. The training resulted in 47 Hunter Education graduates, 12 of those new Hunter Education instructors certified to teach Hunter Education, with the balance becoming an instructor after an apprentice period. These new instructors can now fan out and hold Hunter Education courses in the Hmong language across Wisconsin in the future.
- Hiring of a Diversity Coordinator to assist in law enforcement outreach efforts across the state with the Hmong community.
- Hiring of bilingual Customer Service Representative to staff the new DNR Call Center in addition to increased effort in production and distribution of bilingual regulation pamphlets.

Unique Cross Boundary or Cooperative, Enforcement Efforts - describe any Interagency, interstate, international, state/tribal, or other cross jurisdictional enforcement efforts (e.g. major Lacey Act investigations, progress with Wildlife Violator Compacts, improvements in interagency communication (WCIS), etc.)

Ongoing Partners and Work Groups

Port Security
Homeland Security Council
FEMA
FBI
State Interagency Work Group
State Transportation Infrastructure Work Group
EPA
USFWS
Great Lakes Indian Fish and Wildlife Commission
USCG
State Emergency Operations Center

Wildlife Violator Compact In 2007, Wisconsin passed legislation as the first step to joining the Wildlife Violator Compact. In 2008, we hired a Wildlife Violator Compact Administrator to establish the data and management systems needed to function as a full member of the Compact. Effective April 15, 2008, Wisconsin is an operating member of the Wildlife Violator Compact.

Federal Permit Legislations Authorizing the federal government to enter into a contract with WDNR allowing Federal permits and approvals such as U.S Military Property (Fort McCoy and Volk Field) permits and Federal Migratory bird stamps may be issued through automated license issuing system (ALIS).

Southwestern Wisconsin Floods In August of 2007, Conservation Wardens played a vital part in emergency response to severe flooding in southwestern Wisconsin. Initially the response was by locally assigned Wardens but activation of the Emergency Operation Center (EOC) expanded the involvement to include Regional Response Teams from the South Central and West Central Regions. The response shows the equipment and staffing niche that Conservation Wardens fit during natural emergencies.

Southern Wisconsin Snow Emergency A February major winter storm caused complete stoppage of traffic on Interstate 90/94 north of the Wisconsin/Illinois state line to near Madison. Activation of the Emergency Operation Center initiated Regional Response teams from South Central and Southeast Regions. Conservation Wardens utilized 4-wheel drive squads and snowmobiles to provide assistance to stranded motorists. The entire incident received a full review from the Governor's Office and the role played by the Bureau of Law Enforcement received high praise.

ICS Training We have established ICS-300 as the training standard for LE personal and are nearly complete with this goal. In addition several Regional Wardens, Supervisors and Administrative Wardens have and or are scheduled to attend Enhanced Incident Management/Unified Command

New Innovations in Conservation Law Enforcement - describe any innovations in equipment, enforcement techniques, forensics, etc

Laptop Computer Statewide we have upgraded from Panasonic CF28 to Panasonic CF30. In addition, we are participating in a warranty cycle for repairs as a cost saving measure. The new computers provide expanded memory, speed, and tools. The expanded tools include fingerprint scan security, internal wireless connection, lighted keyboards, improved monitors, touch screen options, and internal GPS capability. The computer purchase also included a MDC docking station upgrade.

Cellular Computer AirCards In 2007, the Bureau phased in aircard use for Wardens that had limited access to high speed Internet options from home offices. In 2008, we have expanded this program statewide providing Wardens with mobile access to wireless technology for information and data that was once only available through “hardline” network connections. This does not replace the radio based Mobile Data Computer System, but is another tool available for data entry and collection.

Surveillance Equipment The Special Operations Unit has replaced, upgraded, and purchased additional surveillance equipment to include state of the art real time web based video equipment. In addition to field use, this equipment upgrade has built partnerships with other law enforcement agencies through the sharing of equipment and resources.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement - describe issues which impact or challenge law enforcement authority.

DNR Secretary Change During 2007-08, Wisconsin experienced a mid-term change in the Governor appointed DNR Secretary Position. The change included a new Division Administrator for the Bureau of Law Enforcement.

Youth Mentor Legislation We developed support and sponsors to introduce a youth hunting mentoring bill as an effort to increase youth involvement in hunting. Through the process and system the legislation had public and political support and passed the full assembly and was available to the full Senate. The Legislature went out of session with no action taken.

Cost Savings Initiatives

Technology

A majority of our workload and fiscal efficiencies are related to tapping technological advancements previously mentioned in this report – aircard use, computers, website etc

Continued growth and development of an Integrated Call Center

In 2007 the Bureau of Law Enforcement and Customer Service & Licensing began combining resources to create an integrated Call Center. The Information and Hotline call center is functioning at capacity and some of the key benefits is the “one stop shopping” aspect, combining of resources as a money saving effort, and decreased workload for Wardens.

Through a statewide promotional effort the Call Center is highlighted as the # to call for questions and information lessening the volume of calls that Wardens receive at home and office, allowing them more time to focus on their specific work activities.

Other Special Law Enforcement Issues

Baiting and Feeding

Feeding and baiting of deer continues to be a concern in regards to the spread of both Chronic Wasting Disease (CWD) and Bovine Tuberculosis in this state. During the 2007 deer season, illegal feeding and baiting violations were the most prevalent type of citation issued by wardens with a 30% increase over the 2006 arrest records (254 to 331). The Department position continues to be that we support a total ban on baiting and feeding for deer. We are working with a coalition of groups, including the agricultural community, to build support for a ban.

Thrill Killing

Wardens throughout Wisconsin have reported an increase in the number of complaints and arrests related to “thrill killing”. Suspects killing for killing with no intention to utilize the game killed, often leaving the animal in the field. Those involve range from 16-25 yrs old, with a wide variety of animals targeted and weapons used. Cases may also involve organized contests on the # of animals killed. These type of cases create an obvious safety and resource concern.