



2012

Annual Agency Reports

Association of Midwest Fish and Game Law Enforcement Officers

2012 Annual Agency Reports

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Association of Midwest Fish and Game Law Enforcement Officers
2012 Agency Report
State/Province: Colorado
Submitted by: Bob Thompson, Acting Chief of Wildlife Law Enforcement
Date: 5/17/2012

Training Issues - On July 1, 2011, the Division of Parks and Outdoor Recreation and the Division of Wildlife were merged and combined into one Division of Parks and Wildlife (CPW) under the Department of Natural Resources. Prior to the merger, each agency sent new officers to a P.O.S.T law enforcement academy at different community colleges followed by agency training to teach officers how to be a park ranger or wildlife officer. Options are being explored to see if it would be cost effective and efficient to conduct our own P.O.S.T. certified training academy.

Funding and Staffing Issues - With the merger mentioned above and the appointment of Rick Cables, formerly with the United States Forest Service, as Director of CPW there is restructuring of CPW. Director Cables is flattening out the organizational structure of our new CPW and has eleven direct reports to him as Assistant Directors or Regional Managers. Director Cables created a new Assistant Director of Law Enforcement and Public Safety position to be on his leadership staff and appointed Heather Dugan into that position. Ms. Dugan was the former Region Manager of Parks for the High Plains Region which covers northeast Colorado. Ms. Dugan is still a commissioned Parks Officer and has been active in law enforcement through her career, including a stint as the LE Training Manager for the former Parks, and will be an asset to that position. The law enforcement structure underneath the Assistant Director of Law Enforcement and Public Safety is still being evaluated so that is not set as of this date.

Major Conservation Law Enforcement Trends - Probably the biggest major conservation law enforcement trend is the use of social media by people to illegally commercialize wildlife. It seems that there is not a day that goes by without some illegal wildlife activity occurring on FaceBook, Twitter, Craigs List, E-Bay, cell phones, etc. The commercialization of wildlife by illegal outfitters as well as the negative wildlife, habitat and law enforcement impacts from the oil and gas industry still is a problem in Colorado.

Unique Cross Boundary or Cooperative, Enforcement Efforts - In 2008, CPW, Utah Division of Wildlife Resources and the United States Fish & Wildlife Service entered into an agreement to investigate a case involving the illegal take of mountain lions, bears and bobcats for commercial gain in both Utah and Colorado. In March of 2012, the first of many conspirators pled guilty in federal court. Mr. Ellis, 50, of Grand Junction, Colorado, pleaded guilty to one count of conspiracy to violate the Lacey Act. The Lacey Act is a federal law that makes it illegal to knowingly transport or sell in interstate commerce any wildlife taken or possessed in violation of state law or regulation. According to the Information filed in the case on February 28, 2012, and in plea agreements, Mr. Ellis conspired with others to provide numerous illegal hunts of mountain lions and bobcats in Colorado and Utah. In particular, Mr. Ellis and his confederates trapped, shot and caged mountain lions and bobcats in order to provide easier hunts of the cats for clients. Mr. Ellis also admitted that he and his guiding partners guided several hunters on mountain lion or bobcat hunts in Utah for hunter that held licenses to hunt mountain lions or bobcats in Colorado. The outfitter for whom Mr. Ellis guided is based in Mack, Colorado, which is approximately six

miles from the Utah-Colorado border. The outfitter sold mountain lion hunts for between \$3,500 and \$7,500 and bobcat hunts for between \$700 and \$1,500. The maximum penalty for the conspiracy and Lacey Act violations is up to five years in prison and a \$250,000 fine. Pursuant to the plea agreement filed today, the prosecution agreed to a sentencing calculation pursuant to the advisory United States Sentencing Guidelines but did not agree on a term of imprisonment, an amount of fines or an amount of restitution. Mr. Ellis is scheduled to be sentenced in July of 2012.

New Innovations in Conservation Law Enforcement - With the increase of illegal wildlife activity through social media outlets and subsequent seizure by wildlife officers through search warrants it has become necessary to develop in-house computer/cell-phone/camera (technology equipment) forensic specialists. CPW has its own computer forensics lab and two investigators trained as computer forensic specialist since the turn-around time with other labs often exceed the statute of limitation requirements for filing of charges. CPW as assisted other state and federal agencies with computer forensics needs.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement – The current federal legislative challenges to the Lacey Act is of huge concern to Colorado. Colorado is a destination state for big game hunting from around the United States as well as world-wide. The Lacey Act is a huge tool that is used when poachers come to Colorado and leave the State before the violation is detected and contact is made with the poacher. Colorado works closely with the USFWS in being able to bring these poachers to justice. Colorado House Bill 12-1330 created a new appeals process for those with a long-term hunting and fishing license suspension, defined as those with a minimum 10 years suspension. Appeals will be possible after half of the suspension time has been completed. The Commission should they grant the appeal is authorized to consider requiring a fee, community service, or hunter education as part of the reinstatement process.

Cost Savings Initiatives - The merger of the Division of Parks and Outdoor Recreation and the Division of Wildlife to create Colorado Parks and Wildlife is expected to create improvements in work effectiveness and fiscal efficiency within the new CPW. The first year has been spent planning what the transition process will be and implementation is being started on some phases but it will take several years to integrate being careful to not run into federal aid diversion issues as well as other issues by combining two work forces into one.

Other Special Law Enforcement Issues – None to report at this time.

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Association of Midwest Fish and Game Law Enforcement Officers
2012 Agency Report
State/Province: Illinois
Submitted by: Director Rafael Gutierrez
Date: May 29, 2012

Training Issues

New Hires: Recently, a recruit class of 16 was funded with their hire date effective June 4th. The approved headcount for the Office of Law Enforcement (OLE) is 164 sworn. The current headcount is 124 and we project as many as 10 officers will retire over the next year making the hiring of this recruit class critical. Newly hired officers receive 18-24 months of training before being released on solo patrol.

In-service Training: Due to budget constraints and lack of manpower, OLE training has suffered during the past year. The training section has only conducted mandated and critical training in order to make ends meet.

Officer Safety Training: The OLE training section continues the decentralized firearms training program since 2009. The results of this change have been positive and beneficial. The decentralization allowed each region and district to be more flexible, thus eliminating scheduling conflicts and overtime concerns. The training staff was able to provide more focused instruction, run a safer range, and address issues more efficiently.

The firearms staff is providing the 2012 firearms qualification shoot for the OLE retired officers.

The OLE training section continues the training of defense tactics (DT) while researching new and improved training methods. The DT program is implemented quarterly on a region or district level allowing more flexibility for scheduling of officers training.

The DT and firearms staff merged to provide scenario based training for all OLE officers and supervisors. The cross training was well received by all who participated as it provided officers a more realistic training scenario to enhance their skills.

The firearms staff is now providing training on “**Bounding Overwatch**” techniques. This technique brings realistic and practical application to the training program and better trains the officers to function as a team during a real life situation.

Computer Training: The OLE training section continues to develop a computer training course for all skill levels of officers which continues to result in numerous wildlife cases being detected and solved. Also, there has been a more timely and efficient submittal of division paperwork which has been greatly beneficial.

The “**Training Blocks**” system continues to develop and is improving where officers are taught on an individual level allowing each officer to learn at their own speed and concentrate on one subject at a time. Using a 1 to 10 evaluation scale, our officers average skill level has gone from a skill level 4 to a skill level 6.

Waterfowl Enforcement: The OLE training section has revamped the Waterfowl Enforcement Training School. All material is being updated, including the manual, wing boards, seed packets, mounts, and training props. Also, a digital photo album of ducks and geese has been developed that is available to all officers on disk and electronically.

Outreach Training Programs: The OLE training section conducted numerous recruiting seminars, career fairs, and presentations in an effort to recruit qualified potential applicants for the 2012 Recruit Class and future classes.

The OLE training section offers a very active internship program consisting of up to 48 internships per year. College students who wish to pursue a career in Law Enforcement/Natural Resources apply for an internship of up to 8 weeks during which they ride with a Conservation Officer (CPO), watch, listen, ask questions, and participate in many of the duties of a CPO. These internships provide a wonderful learning experience to students who the IDNR OLE hope become future applicants.

The training section also works with many high school students who are trying to determine a career path. Upon request, high school students from around the state are scheduled to meet with a CPO or supervisor and are given an overview of the duties of a CPO as well as the mission of the IDNR and the Office of Law Enforcement.

The OLE training section attends numerous career fairs at colleges and high schools to educate students about the mission of the IDNR as well as the Office of Law Enforcement.

Funding and Staffing Issues

The budget crisis for the State of Illinois continues, and if anything, has gotten worse. The Department of Natural Resources, Office of Law Enforcement (OLE) is anticipating significant reductions to all its personal services and operating lines for fiscal year 2013. In addition, Illinois remains under a hiring freeze. The OLE is able fill command staff positions from within by promoting conservation police officers but can only hire new personnel with special permission from the Governor's office.

The Office of Law Enforcement did receive approval and additional funding to hire a class of 16 new recruits. This is the first class of new cadets since January 2007. The class is scheduled to begin training on June 4, 2012. At the end of fiscal year 2007 (June 30, 2007) with the addition of the last class, the Office of Law Enforcement's sworn personnel headcount was 166. The OLE sworn headcount on June 30, 2012 will be 137 with the addition of the new recruit class.

Funding for the Office of Law Enforcement for fiscal year 2013 is a major concern of the division. The OLE anticipates all operating lines will be reduced from their prior year levels. Some estimates indicate the overall reductions to the operating lines (i.e. contractual services, commodities, equipment, etc.) could be as much as 30% from the fiscal year 2012 funding levels. To prepare for this reduction in funds, the Office of Law Enforcement is already preparing to limit purchases to only those items that are absolutely necessary to maintain operations, with much more fiscal control, oversight and approval being done at the agency level rather than the regional level as in years past. There are no plans to purchase any trucks or laptop computers in FY13 as is typically done each year. Personal services (salaries and fringe benefits) do not appear that they

will fare much better in fiscal year 2013. The division expects to see as much as a 10% overall reduction to the personal services lines. The addition of sixteen additional headcount will put even greater pressures on these reduced budget lines. The Office of Law Enforcement does anticipate additional retirements in FY13 but cannot depend on those retirements to provide any relief since any savings that might have been realized from unpaid salaries will be used to pay lump sum payments to the retiring officers for unused benefit time. The personal services projected FY13 budget leaves little to no funding for overtime expenditures.

The OLE continues to experience a high number of retirements among its senior officers. With known retirements that will occur prior to the end of FY12, the Office of Law Enforcement will have lost 45 officers or 27% of its sworn law enforcement headcount since the last class was hired in January 2007. The numbers will improve slightly when the new recruit class of 16 is added to the ranks, but the OLE also anticipates as many to ten additional retirements within the next year.

EQUIPMENT ISSUES: Over the past several years, the Office of Law Enforcement's annual equipment appropriation has been reduced from \$900,000 to just over \$500,000 in fiscal year 2012. This year, the OLE did receive one-time supplementary funding to allow for the purchase of additional trucks and equipment required by the new recruit class.

The majority of each year's equipment budget typically goes toward replacing vehicles. To date, we have been relatively successful in keeping pace with vehicle replacements (primarily 4x4 pickup trucks) at around 140,000 miles. Officer retirements and lower prices for new vehicles have helped in this effort.

In FY12, some of the funding normally used for the purchase of trucks was diverted to allow for the purchase of new laptops. All officers are issued laptop computers and would not be able to perform their daily duties without this critical piece of equipment. With the advanced age of the computers and the improvements in technology, it became imperative that the department embark on a program to replace the laptop computers every 3-5 years. The purchase of 45 laptops in FY12 was the beginning of this initiative.

There have been insufficient funds in regular appropriations for years to address any significant replacements to speak of in a fleet of over 100 aging Jon boats and outboard motors. In recent years, funds have only gone far enough to replace a few outboard motors and no boats.

In FY13, the Office of Law Enforcement anticipates that its equipment appropriation will be significantly reduced to as little as \$50,000. If this occurs, all replacement programs of trucks, computers and even the few outboard motors that are normally purchased will be suspended. Repairs to squad vehicles are expected to increase in cost and frequency. Equipment purchases will be limited and restricted to only those items that are absolutely critical to the mission of the OLE.

Dedicated funding from snowmobile licensing revenue allows the OLE to purchase 3 new snowmobiles and trailers each year. However, increases in the cost of the snowmobiles and trailers are beginning to threaten the ability to purchase 3 new units each year unless the OLE receives an increase in its appropriation from this dedicated funding source.

The OLE has been relatively successful in securing federal grants for the purchase of large patrol boats. To date, the Office of Law Enforcement has taken possession of a 25' Work skiff Sonar boat for use in southern Illinois as well as a 24' Justice Homeland Security boat and a 25' Work skiff LEV Homeland Security boat for the St. Louis area. In addition, the OLE has ordered and will soon receive two more 25' Work skiff LEV Homeland Security boats for the Chicago and Peoria waters as well as another 27' Work skiff Sonar boat for the Clinton area. The sonar boats are equipped with high tech sonar equipment and will be used to inspect below water portions of bridges, locks and dams. The Homeland Security boats will be used for patrolling and responding to incidents.

Major Conservation Law Enforcement Trends

A major trend in conservation law enforcement in Illinois relates to the increase of violators using social networking to brag about illegal activities to friends and relatives. Once Illinois CPOs become aware of possible violations through comments or pictures on these social networks sites, officers are able to investigate by conducting interviews, using the IDNR point of sale licensing system to identify violators and harvests, and by obtaining warrants or subpoenas for computer records or other devices such as I-phones, which can store data critical to an investigation. Using the aforementioned techniques, Illinois conservation police officers made a number of outstanding arrests in the past year involving illegally taken "world class" trophy deer, with over 55 trophy deer heads seized. Michigan DNR assisted in seizing 31 of the deer heads.

In addition, Illinois CPOs conducted a statewide enforcement detail by using software to identify hunters who had reported a harvest of a deer or turkey within 2 hours after purchasing their deer or turkey permits through the IDNR point of sale license system. Some of these license and harvest reports were made many hours after legal shooting hours had ended. CPOs investigated over 350 cases in a 3 month period, resulting in over 400 arrests or written warnings for violations such as deer hunting after hours, unlawful loan of deer or turkey permits, hunting deer or turkey without a license or permit, and taking over the limit of deer.

Another trend in Conservation law enforcement is in the ability to work more closely with other agencies as a result of technology advancements. An example of this includes the International Wildlife Violators Compact (IWVC). With the advancement of computer databases, the various state fish & wildlife agencies are able to quickly identify violators eligible for suspensions and forward to the other states for entry into their licensing systems. The IWVC has had a major impact on the habitual violator's ability to move unnoticed from one state to another.

Unique Cross Boundary or Cooperative, Enforcement Efforts

The Illinois Department of Natural Resources is working with other state and federal agencies regarding the importation or control of exotic species. One example of cooperation is in the use of fisheries personnel, supported by conservation police officers, in the attempt to stop or slow the spread of Asian carp from Illinois waters into Lake Michigan.

Other examples of cooperation with other agencies during the last two years are the Indiana/Illinois/USFW enforcement detail named Operation Native Root resulting in 41 interviews and numerous ginseng violations, assisting Kansas & USFW agents with the apprehension of a group of 11 Illinois residents charged with the unlawful taking of dozens of turkeys in Kansas, working with Michigan DNR to seize 31 deer heads taken illegally in Illinois by several Michigan

residents, and a large deer outfitter investigation conducted with Missouri conservation agents that also required assistance from Alabama, Georgia, South Carolina, Pennsylvania, Tennessee, Indiana, Minnesota, and Colorado.

Illinois will continue to work with other state and federal agencies to investigate the unlawful taking of our natural resources.

New Innovations in Conservation Law Enforcement

Due to budget and staffing shortages, the Office of Law Enforcement has not had an opportunity to explore any new innovations or techniques. Current and foreseeable future efforts will be primarily dedicated to maintaining status quo.

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

2012 has been a very active year for legislation in Illinois. Illinois is currently in the middle of a major pension crisis. This pension crisis is a major strain on the Illinois Department of Natural Resources (IDNR) budget. Currently, the Illinois legislature is looking to reduce the pension strain by making major changes to the Illinois pension code. The changes being considered include requiring employees to pay more in monthly pension contributions, increasing the minimum retirement age, and delaying/reducing the cost of living (COLA) raises for retirees. In addition, the state legislature recently passed a bill that ends free retirement health insurance for all active and future retired employees. This insurance bill is currently awaiting the Governor's signature.

How these proposed pension changes will affect the IDNR Office of Law Enforcement's (OLE) budget is yet to be seen, but the uncertainty is causing a higher number of retirements than anticipated within OLE and the IDNR as a whole.

As a result of the worsening financial situation of the State of Illinois during the past several years, general revenue funds (GRF) appropriated to the IDNR by the Illinois legislature has been steadily reduced. As a way to deal with the reduction of GRF monies, the IDNR has proposed a "sustainability" bill that, if passed, would make the IDNR less dependent upon GRF funding. The pending legislation would insure a more stable source of income through charging fees for various activities or services. Some of the major fees include:

- Environmental consultation fees
- Aquatic life license fee increases
- Water resource permit fees
- Motor vehicle registration surcharge
- Equestrian user fees
- IDNR public boat launch fees
- IDNR public beach use fees
- Oil well permit & assessment fees
- State museum entrance fees
- Yearly off road vehicle (OHV) public access stickers
- Yearly "Paddle Pass" stickers (for use of all small non-powered watercraft)
- IDNR certificate of title fee increases
- Registration fee increases for larger sized watercraft

Other current legislation of interest that is likely to become law during this session;

- **HB 4983- Conservation Police hiring:** provides that the college educational requirement for hiring purposes is deemed to have been satisfied by a military veteran applicant if such veteran has been awarded any one of the various campaign medals for service in a conflict or war area such as Iraq or Afghanistan.
- **HB 4119- OUI/DUI vehicle code penalties:** allows Illinois conservation police to request a reimbursement up to \$1,000.00 for services associated with an officer's response to an OUI or DUI arrest. This restitution is required to be deposited into the Conservation Police Officer's Assistance Fund.
- **HB 3888- Transport of aquatic life:** provides that operators/owners of watercraft and sea planes must remove aquatic vegetation or aquatic life from their watercraft, trailer, or sea plane before leaving the area of a body of water. Also provides that an officer can stop and order a violator of this law to remove such aquatic vegetation or life from such equipment.
- **HB 4119- Shark fin ban:** prohibits the killing or possession of shark fin for the purposes of using the fin for human consumption as a delicacy.
- **HB 5685- Removal of persons from DNR lands and license reinstatement fees:** Gives Conservation police officers authority to remove persons from IDNR lands that are being disorderly or violating the law. In addition, corrects technical language from the bill passed the previous year that allows the IDNR to charge a reinstatement fee for licenses or privileges suspended or revoked for fishing, hunting, ginseng harvesting, timber buying, operation of watercraft and snowmobiles, or from entering IDNR lands or sites.

In an area of concern to IDNR is the Freedom from Over-Criminalization and Unjust Seizures Act (FOCUS Act) Senate Bill 2062 and House Resolution 4171, which would basically "decriminalize" the Lacey Act. In support of the United States Fish & Wildlife Service, the Illinois DNR submitted written opposition to the FOCUS Act.

Cost Savings Initiatives

The Office of Law Enforcement continued to train officers on the use of laptop computers and associated software programs during 2011 and the beginning of 2012. The use of computers has greatly improved communication statewide as well as locally. It has also helped to reduce administrative costs and improve efficiency. Many manual processes have been eliminated and less time is spent on researching subject information. Officers are now able to use the IWIN software to run subjects through LEADS, NCIC, and SOS without having to rely on radio dispatchers. They are also able to directly access the Department's Point of Sale system to research individuals' license and permit purchases and harvest information, as well as suspension information.

The IDNR agency timekeeping system phase 1 is now complete. It is accessed by all employees via Microsoft SharePoint. This system allows the agency to more accurately allocate man hours and expenditures to federal and State programs. Phase 2 of the system is just beginning and should improve the current system. Electronic leave requests and variant pay forms used when

earning overtime will be included in this phase as well as the computing of all benefit time. This will eliminate the manual time keeping processes entirely and improve workplace efficiency.

The Office of Law Enforcement continues to work on creating electronic forms for use on SharePoint. All of the commonly utilized forms have been completed and uploaded for all law enforcement staff use. These forms may be downloaded to personal computers and saved, or they may be completed on-line and then saved. All forms can be e-mailed or sent through a workflow process. This saves greatly in postage costs. The forms themselves are easy to understand, and instructions may be added to the forms if necessary. This eliminates the need for a large printed forms manual, saving manpower and paper costs.

Due to severe staff shortages in the administrative section of the Office of Law Enforcement, staff has had to begin thinking creatively of ways to streamline duties. All written warning tickets issued are currently scanned into Docuware software so that staff is able to search more efficiently for a warning ticket when necessary. A copy of the written warning can then be printed. However, at the present time, the information on the written warning tickets is not being entered into any database. This is simply impossible due to lack of staff. The Office of Law Enforcement also transferred the Timber Buyer program to the Forestry Division where it is a better fit with the mission and duties of that division.

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Association of Midwest Fish and Game Law Enforcement Officers

2012 Agency Report

State/Province: Kansas

Submitted by: Col. Kevin W. Jones

Date: May 10, 2012

Training Issues - The Law Enforcement Division continues to emphasize officer training opportunities, particularly in specialized area of training such as supervisory training, advanced interviewing techniques, and certain types of incident investigations.

Funding and Staffing Issues - Agency funding for wildlife and boating programs continues to be stable. Measures have been taken to be more conservative in budget allocations as a means to maintain strong reserve balances for the funds. As a result, the Law Enforcement Division did experience a 10.9% cut in budget allocation for wildlife enforcement programs. This cut has created a tightening of operations and maintenance budget. Vehicle operations funding is the most critical part of budget that has been affected. Based on current fuel prices portions of the operations budget are being frozen and that money ear-marked for fuel and maintenance. Money within the division's restitution account will be used to offset the transfer of operations funds to vehicle expenditures as project budget balances will allow.

Staffing within the division has not been cut. The division continues to maintain a full complement of 81 law enforcement commission officers and two non-commissioned staff members. The State provided an early retirement opportunity to employees in September 2011. The significance of this opportunity was that any position vacated under this program would be held vacant for three years, unless the agency could justify the need for filling the position

immediately. The Law Enforcement Division had two officers take advantage of this program. Secretary Jennison was successful in getting authorization to fill these positions thereby the division saw no loss in positions. While in a separate action the legislature did add a budget proviso that would result in a loss of positions, the division was not included in the proviso because of our public safety classification.

The 2012 Legislative session approved the proposed agency budget. However, during the session several changes or provisos were debated. At one point the Legislature proposed that funding for new vehicles would be cut and to require that all the agency trucks be driven to a minimum of 180,000 miles. The Secretary was able to have the funding restored and the minimum mileage requirement removed. This will allow the division to address the aging vehicle fleet and provide more reliable trucks for officer; provided that limitations are not implemented in future years.

Major Conservation Law Enforcement Trends - The Law Enforcement Division continues to participate in emergency response and homeland security activities through the State's response plan.

Unique Cross Boundary or Cooperative, Enforcement Efforts - The Law Enforcement Division continues to engage in enforcement actions and investigations, coordinating with affected sister agencies.

New Innovations in Conservation Law Enforcement - The Law Enforcement Division is working with the Kansas Highway Patrol to become part of a common, statewide records management system. Global Software will be used for the RMS and will integrate with the Kansas Incident Based Report System and the evolution into electronic ticketing. This system will link all participating law enforcement agencies into a common data system, allowing for greater sharing of enforcement related information. The department will be required to pay for data port usage and encryption access to the system, but the base cost and maintenance of the system will be funded through the Highway Patrol.

As the RMS system develops, the division is looking into data equipment that will be most compatible with the type of rigorous work our officers perform. Migration from current laptop and notebook computers to newer equipment platforms such as tablets is being considered.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement - The agency was recently formally identified as a public safety agency. This designation now groups the agency with other law enforcement and public safety agencies within state government. The change has already benefitted the agency in budget considerations, particularly concerning the filling of vacancies and replacing vehicles.

Cost Savings Initiatives

Other Special Law Enforcement Issues - The 2012 legislative session was very busy for the agency. Several funding related bills were taken up. The legislature also brought up several measures dealing big game hunting, primarily focused on deer and increasing penalties for certain types of violations. At the time of this writing, the legislature is still in session and has not taken final action of several of these issues.

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Association of Midwest Fish and Game Law Enforcement Officers

2012 Agency Report

State/Province: Michigan

Submitted by: Chief Gary Hagler

June 19, 2012

Training Issues

In addition to Law Enforcement Division's (LED's) annual required in-service trainings (firearms, first aid and survival tactics) five grant trainings were awarded in 2012:

Survival Tactics Training

The Michigan Department of Natural Resources (DNR) LED Survival Tactics Training Program, (or ST as it is known throughout the DNR), was revised to our current program in 1999.

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. Spontaneous Protection Enabling Accelerated Response Training (S.P.E.A.R.) has also been added to the program.

An individual who is confronted by a physical threat will have an autonomic response or startle-flinch that is part of the unconscious physiological 'self-defense' mechanism (medical data that shows how the neo-cortex, limbic system and reptilian brain can run conflicting messages during real combat stress). This occurs even before the cognitive identification process, which allows a victim to process the available information and make a conscious decision that results in the fight or flight response. The S.P.E.A.R. system is a scientifically & medically reviewed close quarter measure that uniquely aids in converting instinctive survival flinches & reactions into effective protective tactics. It isolates extremely dangerous close quarter scenarios and the stress inoculates students through a series of proprietary drills where we focus on integration and development of the Cross Extensor Spinal Reflex, specifically how to convert it into a protective or combative application. The program methodology integrates and capitalizes on a physiological instinctual process and converts the energy and movement of behaviorally based reactions into tactical options and then builds protective, defensive or combative tactics using the body's physiological responses to danger and violence. S.P.E.A.R. isn't a 'muscle-memory' system; therefore it will not interfere with current DT or combatives training. It utilizes the speed and reliability of the startle/flinch mechanism to convert the sudden attack into a tactical counter.

With our TASER pilot program complete, all officers are now issued the X-26 TASER. Officers can carry the TASER in addition to the existing intermediate weapons, the ASP collapsible baton and the chemical irritant spray. Since issued, there have been successful deployments, assisting with officer safety and subject control.

Firearms Training

In addition to our division's firearms training program, we've been training to the new Michigan Commission on Law Enforcement Standards (MCOLES) Active Duty Firearms Standard. This standard consists of two major components: knowledge and skills. Upon completion, officers will be able to:

- Demonstrate an understanding of the use of deadly force.
- Properly assess a life threatening situation.
- Employ sound tactics during a response to a life threatening situation.
- Appropriately discharge a firearm in a life threatening situation.
- Comply with departmental policies in situations involving deadly force.
- Demonstrate an understanding of the Law Enforcement Officer Safety Act of 2004.
- Demonstrate an understanding of Michigan's Carry Concealed Laws.
- Demonstrate proficiency on the MCOLES Course of Fire for active duty law enforcement officers.

Scenarios utilizing simunitions will be part of the summer shoot.

First Aid Training

Officers will receive in-depth training and refreshers in the following areas:

- Adult/Child/Infant CPR update & review
- Rescue breathing & treatment for conscious/unconscious choking
- Responding to dynamic crisis situations involving sudden illnesses & self treatment
- Blood Borne Pathogen Exposures

In addition, a scenario will be part of the training that incorporates subject matter such as severe burn treatment, officer safety and subject control, and the transition between refusal of treatment to implied consent to consent.

Wilderness and Cold Weather Survival Training

The Pathfinder School LLC is the premier school for Wilderness and Cold Weather Self Reliance. It greatly differs from many other programs due to the fact that they provide crucial training in the areas of primitive skills only to show the necessity of being prepared by using modern methods and techniques. The Pathfinder Program focuses on carrying the minimal items needed to effectively keep a person alive so they can avoid having to use primitive skills for survival.

The Pathfinder Program places a strong emphasis on the "The 5 C's of Survivability," which are the items that are most difficult to recreate with natural materials, the most useful items within any emergency kit and generally take specialized materials to reproduce. The program also teaches how to use minimal gear for multiple applications and tasks to reduce the dependency on large survival kits. This in turn reduces the weight for necessary travel.

An emphasis is also placed on the ability and techniques used to control body core temperature, which can mean the difference between life and death during inclement weather. Extreme fluctuation of body core temperature is one of the primary causes of fatalities during a survival situation.

The primary objective of this course is to teach law enforcement officers how to stay alive during cold weather emergencies and related survival situations. A secondary objective is to prepare the officers for the mental stress and physical demands necessary to survive these types of cold weather emergencies.

Digital Photography for the First Responder

Digital Photography for the First Responder is a 4-hour hands-on course that will prepare the first responding police officer to maximize the use of a compact point-and-shoot digital camera to best document injuries, accident scenes, crime scenes, disasters, and other emergency situations.

Officers will learn the capabilities, controls, and modes of operation of their point-and-shoot digital camera; how to ensure images are in focus; how to ensure images are properly exposed; how to ensure images are properly lit; what to photograph and document on first arrival; how to store and protect the images; and much more. The importance of digital image integrity and essential department policies to ensure digital image integrity will be discussed.

Swiftwater Rescue Training

Swiftwater rescue training will provide the knowledge and skills necessary for officers to conduct safer patrols, enhance emergency preparedness, and save lives.

According to Lifeguard Systems, Inc. whitewater sports, floods, and accidents are on the rise, putting fire, police and EMS at possibly more risk than any other type of rescue. One mistake can lead to multiple rescuer fatalities in a matter of seconds. This training will teach knowledge and skills to read the water to plan staging locations to avoid missing the victims, plant spotters with throw bags and set up low angle rigging to deploy a vessel, establish victim positive buoyancy and use sash weights, set up contingency operations for rescuers and the original victims, and properly handle patients to prevent further injury & increase survival chances.

Advanced Off Road Vehicle Tactical Training

This training focuses on off road vehicle dynamics, off road vehicle operations, tactical approaches on off road vehicle, weapons deployment, tactical searches of vehicles, identifying evidence, apprehension of suspects, and recovery operations of vehicles.

At the completion of the training, the participants will be able to approach a suspect vehicle tactically, evaluate and identify a life threatening situation and take appropriate actions to neutralize a threat by utilizing appropriate cover, concealment and weapons, search a suspect vehicle, detaining suspects as needed, remove suspect persons and secure them, search for and obtain evidence, identify possible weapons or drugs, and disengage from a suspect if necessary.

Search and Rescue Training

Search and rescue training will provide the knowledge and skills necessary for officers to conduct safe and efficient searches of missing persons, lost hunters, and other recreationists needing assistance. It will also enhance emergency preparedness and save lives.

As a result of attending this training, participants will become knowledgeable in the practices and techniques commonly used in search and rescue situations. Students will gain a basic knowledge of tracking, survival, medical care, victim transport, search patterns and other related search and rescue techniques and procedures typically needed during extreme environments.

Funding and Staffing Issues

Funding levels and staffing continue a decade long decline. LED is seeing reduced funding in both its general fund appropriation as well as restricted funding from license and registration fees. Sales of hunting and fishing licenses and snowmobile and ORV registrations continue to decline. License fees have not been increased in over a decade.

Major Conservation Law Enforcement Trends

LED began enforcement of an Invasive Species Order (ISO) which prohibits the possession of certain types of swine commonly referred to as Russian bars. This effort has been taxing on the officers involved as well as the administration. Of the 32 facilities that were believed to possess these swine, the majority had eliminated them prior to the implementation date. Others have since complied and done the same. A number of the facility owners have filed suit in an attempt to have the order struck down. DNR has worked closely with the Attorney General's Office to develop a sound strategy for navigating through the process and determining whether a criminal or civil action is best in each case. At times this has been a contentious issue but good planning and the professionalism the officers in the field have shown has made for a successful endeavor.

LED continues to play an active role in the State's emergency management plans. Steps are underway to fill a position that will be responsible for all of LED's emergency management responsibilities. In addition, LED is written into port security plans around the state with conservation officers being relied upon to handle critical on-water responsibilities in the event of an emergency.

Unique Cross Boundary or Cooperative, Enforcement Efforts

A major priority for LED has been the detection of aquatic invasive species being unlawfully transported into or through Michigan. One recent success was the seizure of 112 grass carp by investigators from the Special Investigations Unit (SIU) and the Commercial Fish Enforcement Unit (CFEU). A truck from the State of Arkansas was identified as travelling through Michigan selling legal fish species for stocking private ponds. Information from a complainant indicated that the operators were also selling live grass carp. Investigators were able to make an undercover purchase of grass carp which resulted in the seizure of the remaining invasive species and the tractor trailer. The suspect has been charged by Michigan's Attorney General with 12 felony counts related to the invasive species. The Attorney General is also exploring significant civil penalties against the company.

The CFEU has continued to be active with the Great Lakes Task Force which is made up of several Great Lakes states and the United States Fish and Wildlife Service. The mission of the

task force is to deal with violations occurring within the commercial fishing industry as well as the major threats posed by aquatic invasive species.

CFEU personnel have conducted training for USFWS Inspectors and Michigan State Police Motor Carrier Division officers in regards to the illegal trafficking of aquatic invasive species. The focus has been on Asian carp. This training has raised the level of awareness on the part of the enforcement officers and resulted in CFEU being notified of potential violations. The objective of this training has been to recruit as many agencies and officers as possible to assist in the detection of invasive species being illegally imported into or through Michigan.

CFEU personnel are in the process of providing training to United States Coast Guard and United States Border Patrol personnel regarding Great Lakes commercial and tribal fishing issues. The focus has been on netting equipment those agencies are likely to encounter while conducting operations on the Great Lakes as well as the vessels involved in the industry. This training has resulted in the agencies contacting the CFEU when they have encountered situations which they suspected to be in violation of state or tribal regulations.

Michigan continues to have a large number of hunters who travel to other states and provinces in search of trophy class game. This results in a number of investigations every year that SIU or field conservation officers do to assist other resource law enforcement agencies dealing with violations committed by Michigan residents in those jurisdictions.

New Innovations in Conservation Law Enforcement

LED is implementing upgrades to mobile data and communications to allow data, including LEIN information, to be sent over radio. We are in the first phases of implementing new mobile GPS resource location and dispatch software to enhance officer safety, improve efficiency and provide enhanced information availability. We have completed implementation of mobile broadband for all officers to have the ability to access the internet and state network from their patrol truck mounted laptop computers.

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

MI Supreme Court Decision File April 20, 2012

In April the Supreme Court heard Michigan v. Angel Moreno Jr. to determine if an individual could legally resist a police officer if the situation is an unlawful arrest or unlawful entry into their home. In this case, the court review whether defendant was properly charged with resisting and obstructing a police officer under MCL 750.81d after defendant struggled with officers who had entered his home unlawfully.

To resolve this issue, they addressed whether MCL 750.81d abrogates the common-law right to resist illegal police conduct, including unlawful arrests and unlawful entries into constitutionally protected areas and they conclude the statute did not abrogate this right.

Supreme Court Decision U.S. v. Jones

In January 2012 the U.S. Supreme court determined attaching a GPS to a vehicle is considered a search if the government attachment of the GPS device is to monitor the vehicle's moments would

constitute a search under the fourth amendment and a search warrant would be required to place the device.

Natural Resources: Hunting Heritage Bills

In July, PA 109 was signed to eliminate the minimum hunting age. It also requires the Natural Resources Commission to establish a mentored youth hunting program. This new law establishes a mentored youth hunting license for a person younger than 10 and allows a licensee to hunt with a mentor who was at least 21 in accordance with the program. It also requires the Department of Natural Resources to report to the legislature every four years regarding the adequacy of the revenue from mentored youth hunting licenses.

Also in July, PA 120 was signed to establish a mentored youth hunting license for a person younger than 10, and allow a licensee to hunt with a mentor who was at least 21 in accordance with a proposed mentored youth hunting program. It lowers the age to 10 for certain discounted hunting license fees, and set a fee of \$7.50 for a mentored youth hunting license.

Fireworks

In December, 2011, PA 256 was signed into law repealing Chapter 34 (Fireworks) of the Michigan Penal Code, and created PA 256 of 2011 (Michigan Fireworks Safety Act) to do the following:

- 1) Prohibit a person from selling consumer fireworks without obtaining an annual consumer fireworks certificate from the Department of Licensing and Regulatory Affairs (LARA).
- 2) Prescribe certificate application fees.
- 3) Impose a fireworks safety fee on retail transactions for the sale of consumer fireworks and low-impact fireworks.
- 4) Create the "Fireworks Safety Fund" and require certificate application fees and fireworks safety fees to be deposited in it.
- 5) Allow up to \$1.0 million from the Fund to be used each fiscal year for grants to local units of government to defray inspection costs associated with enforcing the Act.
- 6) Prescribe requirements for the sale of consumer fireworks from a retail location.
- 7) Prohibit a person from selling low-impact fireworks without registering online, and require LARA to create an online registry.
- 8) Prohibit a person from using consumer fireworks or low-impact fireworks while under the influence of alcohol or drugs.
- 9) Prohibit the use of consumer fireworks on another person's property without permission.
- 10) Prohibit the sale of consumer fireworks to a minor.
- 11) Prescribe civil and criminal penalties for violations of the Act.
- 12) Require LARA or a law enforcement agency to investigate alleged violations, and provide for the seizure of fireworks.
- 13) Allow a city, village, or township to grant a permit for the use or display of fireworks, and to charge and retain a permit fee.
- 14) Require the State Fire Marshal to report to the Legislature by October 1, 2013.

Effects on law enforcement:

The fireworks safety act allows the use of fireworks that were not previously lawful in Michigan. This may cause an enforcement issue on state lands where fireworks are not allowed by land use rule.

Environmental protection; air pollution

In April 2012, PA 102 was signed into law prohibiting the open burning of certain household waste and restricting the Department of Environmental Quality from promulgating or enforcing a rule that extended the open burning prohibited to materials not listed in the bill.

Limitations under the Act:

The Act prohibits the following:

- 1) Open burning of grass clippings or leaves is prohibited in any municipality having a population of 7,500 or more, unless specifically authorized by local ordinance, which ordinance shall be reported to the department of natural resources within 30 days of enactment.
- 2) Open burning of household waste that contained plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals, or hazardous materials.

Effect on law enforcement:

The act changes the site code for opening burning and the first offense would consist of a warning for the court or magistrate with no fine imposed.

Watercraft; marine safety equipment

In March 2012, PA 58 was signed into law requiring vessel operators comply with marine safety equipment requirements, requires a person being towed by a vessel to wear a proper Type I, II or III personal flotation device (PFD), not to include inflatable and revised the definition of passenger.

Limitations under the Act:

The Act prohibits the following:

- 1) Prohibits the operator of a vessel from towing an individual without an observer.
- 2) Prohibits the operator of a vessel from towing an individual who is not wearing a type I, II, or III PFD, not to include an inflatable.
- 3) Prohibits an individual being towed if they are not wearing a PFD
- 4) Prohibits the operator or owner from operating or permitting the operation of without required marine safety equipment.

Effect on law enforcement:

The Act allows conservation officers to address marine safety equipment violations with either the operator or the owner who permitted the operation and to address individuals towing or being towed without PFD(s).

Watercraft; identification and lighting

In March 2012, PA 59 was signed into law and established requirements for the identification, lighting and mooring of a barge in Michigan waters and allows the department or local authority to order or move a barge that poses a hazard to navigation.

Limitations under the Act:

The Act requires the following:

- 1) Owners of a barge shall place his or her name, address and telephone number on the hull of the barge that are light-reflective, in a contrasting color to the hull and not less than 6 inches in height.

- 2) In addition to other lighting requirements, the operator of a barge shall ensure the barge is properly lit with 4 or more white lights during the period from sunset to sunrise and as practicable during periods of limited visibility if any of the following apply;
 - a. Barge projects into a restricted channel or into a channel with established buoys.
 - b. Barge is moored so that it reduces the available navigable width of a channel.
 - c. Barge is not parallel to the bank or dock to which it is moored.
 - d. Barge is moored as part of a group of 2 or more barges.
- 3) Provides for the placement of the lights during certain circumstances.
- 4) Places a requirement on the type, position and intensity of light that must be used.
- 5) A group of barges shall not be moored together if the total width exceeds 82 feet.

Effects on law enforcement:

Allows conservation officers to address moored barges that pose a navigational hazard, who do not meet the requirement of the Act and authorizes officers to order the removal of or if the owner refuses to remove barges that pose a navigational hazard.

Watercraft; flee and eluding “Lieutenant Donald Bezenah Law”:

In March 2012, PA 60 was signed into law amending 750.479a to extend provisions regarding fleeing and eluding a police or conservation officer to the operator of a vessel and provide provision to suspend or revoke privileges to operate a vessel.

Limitations under the Act:

The Act provides the following:

- 1) An operator of a vessel who is given hand, voice, emergency light or siren a visual or audible signal by a police officer or conservation officer shall not attempt to flee and elude that officer.

Effect on law enforcement:

Conservation officers come into contact with vessels during the marine season and vessel operators violating other statutes attempting to elude an officer. This statute amendment provides an avenue for officers to address fleeing and eluding and provides a greater deterrent to fleeing with the penalties being a felony.

Watercraft; PWC Safety:

In March 2012, PA 61 was signed into law eliminating age-specific requirements regarding the personal flotation device (PFD) for those under the age of 12.

Limitations under the Act:

The Act prohibits the following:

- 1) Youth under the age of 12 from riding on or being towed without wearing a Type I, II or III PFD.

Effect on law enforcement:

Provides for a more uniform and consistent enforcement of the statute making the type of PFD the same for all individuals.

Watercraft; safety:

In May 2012, PA 120 was signed into law defining boating safety certificate and watercraft endorsement and stimulating who may operate a motorboat and under what circumstances.

Limitations under the Act:

The Act would require the following:

- 1) A person less than 12 years of age could not operate a motorboat unless they were issued and had in possession a boating safety certificate and under the direct supervision of a person 16 years of age or older
- 2) A person less than 12 years of age could not operate a motorboat with a horse power greater the 35 horse.
- 3) A person 12 to 15 years of age could not operate a motorboat unless accompanied by a person 16 years or older or in possession of a boating safety certificate.
- 4) A person operating a motorboat would have to present safety certificate upon demand of any peace officer.
- 5) A person operating a motorboat with 6 horses or less would not be required to meet the requirements.
- 6) Beginning July 1, 2012 persons born on or after July 1, 1996 could not operate a motorboat without a boating safety certificate.

Effect on law enforcement:

Conservation officers contact numerous recreational boaters and often encounter individuals not in compliance with the safety certificate requirement. The variation in age requirements for Personal Watercraft (PWC) and motorboats causes confusion among the recreational users. The change in statute will make the boating safety certificate age requirements uniform for all motorized water vessels.

Watercraft; traffic control:

In March 2012, PA 62 was signed into law revising the conditions under which a peace officer may stop and inspect a vessel bearing a safety check decal and to authorize a peace officer who observed the commission of a crime involving a vessel or its operator.

Limitations under the Act:

The Act provides the following:

- 1) Upon direction of a peace officer the operator of a vessel shall immediately bring the vessel to a stop.
- 2) Upon request of a peace officer the operator shall provide their name and address, exhibit their vessel certificate of number and submit to a reasonable inspection if their vessel does not bear a current decal of inspection.

Effect on law enforcement:

Under the provisions of this Act a peace officer could not stop and inspect a vessel bearing the inspection decal unless the operator is in violation of a marine law or is otherwise engaged in unlawful activity.

Law Enforcement; Investigations:

In April 2012, PA 104 was signed into law prohibiting individuals from providing false information to a peace officer conducting a criminal investigation.

Limitations under the Act:

The Act prohibits a person who knowingly and willingly does the following;

- 1) Concealing by any trick, scheme or device, any material fact relating to the criminal investigation.
- 2) Making any statement that knew was false or misleading regarding a material fact in the criminal investigation.
- 3) Issuing or providing any writing or document that was false or misleading regarding the material fact.

Effect on law enforcement:

The amended penal code provides a mechanism to address individuals providing false information or material during the course of a criminal investigation.

Weapons; renewal CPL:

In February 2012, PA 32 was signed into law allowing the renewal of a concealed pistol license prior to the expiration and the new license effective date.

Limitations under the Act:

The Act allows for:

- 1) Submission of the renewal application up to 6 months before the current license expires.
- 2) Effective date of the renewal license would be the expiration date of the current license or the date the renewal application was approved, whichever was later.

Effect on law enforcement:

The amendment provides clarification for officers and may reduce the incidents of individuals' cards expiring prior to receiving their renewal; however there may be the potential for individual license holders providing the wrong card or confusion on which card is valid.

Weapons; Electro-Muscular Disruption Device

In May 2012, PA 122 was signed to allow a reserve peace officer and a concealed pistol license holder to possess and use a device that uses electro-muscular disruption technology under certain circumstances, to require an authorized dealer who sold an EMD device to a CPL holder to verify the person's identity and handgun licensure, provide training and to prohibit a CPL holder from using an EMD device except under circumstances that would justify his or her lawful use of force.

Natural Resource; Hunting:

In March 2012, PA 65 was signed into law allowing individuals holding a deer damage shooting permit to authorize up to 15 authorized shooters.

Limitations of the Act:

The Act provides for the following:

- 1) The Department shall, within 5 business days determine whether a permit should be issued.
- 2) If permit is denied the department shall deny request in writing within 10 business days and advise applicant on other control or preventive measures.
- 3) If permitted allow permit holder to authorize up to 15 shooters.

Effect on Law Enforcement:

Conservation officers are often called on complaints relating to trespass, safety zone, over limit and illegal take of deer by authorized shooters. The increase in the number of shooters may increase the number of complaints.

Natural Resources; Inland Lakes:

In March, PA 56 was signed into law restricting the use of public road ending at an inland lake or stream.

Limitations of the Act:

The Act prohibits the following:

- 1) Construction, installation, maintenance, or use of boat hoist or boat anchorage device.
- 2) Mooring or docking of a vessel between midnight and sunrise.
- 3) Any activity that obstructs ingress to or egress from an inland lake or stream.

Effect on law enforcement:

Conservation officers frequently address complaints relating to conflicts between riparian ownership, off lot ownership and the use of road ends and easements. This legislative change will allow officers address these complaints.

Natural Resources; Pictured Rocks National Lakeshore

In May, PA 116 was signed into law to allow the Governor to cede to the U.S., upon application, concurrent legislative jurisdiction over land and water within the PRNL that had not been ceded previously, reserving to the State concurrent jurisdiction as he or she considered appropriate.

Effects on law enforcement:

Crimes against people could be addressed by NPS law enforcement rangers within park boundaries. County and state officers would need to respond to fewer incidents in the National Lakeshore, since NPS law enforcement rangers would be able to handle more incidents involving violations of State law, alleviating burdens on county and state officers. Violations of State law handled by NPS law enforcement rangers would be handled in United States court, alleviating burdens and costs for local courts.

Crime Victim's Rights Assessment

In December, 2011, PAs 293 and 294 were signed into law requiring a sentencing court to order a crime victim's rights assessment for all felonies, misdemeanors, and ordinance violations, rather than just for felonies, serious misdemeanors, and specified misdemeanors.

Effects on Law Enforcement:

This would add an additional assessment of \$50.00 for misdemeanor convictions such as fish without a license. Courts may be reluctant to convict when the minimum fine allowable is extreme.

Vehicles; Motorcycles:

In April, PA 98 was signed into law allowing individuals 21 years of age or older, meeting certain conditions to ride a motor cycle without a helmet.

Limitations of the Act:

The Act allows the following:

- 1) Individuals 21 years of age and older operating or riding on a motorcycle would not be required to wear a crash helmet if;
 - a. Operator or rider as an additional \$20,000 first-party medical benefits
 - b. Have had cycle or chauffeur's endorsement for at least 2 years or have passed a motorcycle safety course.
- 2) Individuals under the age of 21 years would be required to wear a crash helmet while operating or riding a motorcycle.

Effect on Law Enforcement:

Conservation officers enforce off road vehicle activity on public lands and individuals operating under PA 451 of 1994 will be required to wear helmets by statue. Individuals operating on ORV trails will also be required to use helmets which may increase enforcement activity and public confusion when helmets are required.

Invasive Species Order

The effective date provided in the Invasive Species Order Amendment was extended to October 8, 2011 to give the Legislature needed time to pass legislation that would create a rigorous regulatory program for sporting swine hunting and breeding facilities in Michigan. The amendment added wild boar, wild hog, wild swine, feral pig, feral hog, feral swine, old world swine, razorback, eurasian wild boar, Russian wild boar (*Sus serola Linnaeus*), but does not affect *sus domestica* involved in domestic hog production.

Cost Savings Initiatives

To accommodate the funding decline, vacancies are not being filled and staffing continues to be reduced.

Other Special Law Enforcement Issues

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Association of Midwest Fish and Game Law Enforcement Officers
2012 Agency Report
State/Province: Missouri
Submitted by: Larry Yamnitz, Protection Division Chief
Date: May 16, 2012

Training Issues – The Missouri Department of Conservation is presently conducting a training academy. The academy began March 1, 2012 and is six months in duration. The academy is Missouri P.O.S.T. certified and consists of conservation law, boating operations, waterfowl school, firearms training, land management practices, trapping, fish kills, defensive tactics, etc. There are 12 recruits in the training academy with a graduation date of August 29, 2012. After graduation, the new conservation agents must successfully complete an additional six month, five phase field training program where they will work with field training agents.

The Missouri Department of Conservation continues to send conservation agents to swiftwater rescue training. Swiftwater emergency calls are increasing in this state and with Missouri conservation agents patrolling streams, we felt it was essential for the agents to be prepared to respond rapidly and effectively to swift water emergencies, without sacrificing their safety. The training consists of using specialized gear in realistic swift water exercises, practicing with rescue craft, and reacting to swiftwater emergency situations. We are presently recruiting conservation agents to attend some upcoming training.

At our Division Conference, conservation agents and supervisors were provided information from the ATF on Federal firearm laws, particularly as they relate to convicted felons, and received a program on autism awareness. Arkansas Game and Fish Commission Wildlife Officer Michael Neal also spoke at the conference about the officer-involved shooting he was engaged with in West Memphis in May of 2010.

We are presently reviewing our evidence collection and storage procedures and will hopefully improve this very important process. Once the procedures are established, training will take place to get everyone on the same page.

Protection supervisors are being sent to attend a course entitled “Managing Police Discipline” and we have received mostly positive comments on the training. In addition, we will be sending supervisors to risk management training to further their leadership skills.

We have provided regional supervisors with the past years’ use of force reports to aid them in the training of field agents.

Funding and Staffing Issues – While revenues have stabilized from the past few years of steady decline, our budget remains fairly stagnate as increases are few. A couple positive notes are pay increases are being considered this year and additional AR-15 rifles have been approved for purchase.

We were authorized and have filled a leadership development position in which an employee in the field is selected to work temporarily (3 years) in our HQ. The purpose is to give this employee additional skills and knowledge needed to further their leadership qualities. In addition, this

position will work towards coordinating and improving our online regulations database, which makes regulations on our conservations areas readily available to the public.

Major Conservation Law Enforcement Trends – In 2011, Missouri's Operation Game Thief (OGT) program received 907 violation reports which resulted in 271 arrests. Deer violations were the most numerous with 147 arrests. Road hunting violations were second with 34 arrests. As part of the OGT program, we have a cargo trailer full of OGT material which converts to an exhibit. The trailer is utilized at special events such as fairs to promote the program and has been in operation since 2005. This past year the trailer was used at 12 events. We are in the process of upgrading our OGT trailer with new exhibits.

During the last deer season, 317,882 pounds of venison were donated to Missouri's Share the Harvest Program. A total of 6,191 hunters participated in the program. In light of the current economic down-turn, this program provides a quality protein source at a time when food pantries are in the most need. Conservation staff, in addition to our program partner the Conservation Federation of Missouri, are continually working on securing funding for this valuable program. The Governor of Missouri continues his active interest in Share the Harvest and has assisted in bringing more public awareness to the program.

Unique Cross Boundary or Cooperative, Enforcement Efforts – Missouri is blessed with many clear streams in the Ozarks which thousands of people float each year. Along with the huge number of stream users comes a multitude of conflicts and violations. To address these issues, we work closely with other agencies on special law enforcement patrols. These agencies include Missouri State Highway Patrol – Water Patrol Division. We have scheduled a meeting with the Missouri State Highway Patrol to better understand how our cooperative efforts can further benefit the citizens of Missouri.

We have been working with the Missouri Department of Agriculture (MDA) on CWD issues stemming from a game preserve. In addition, we continue to work with MDA on feral hog eradication.

New Innovations in Conservation Law Enforcement – We have issued laptop computers and iPhones to the conservation agents in the field. With the combination of these tools, conservation agents will have the communication assets needed to efficiently communicate with the public as well as our Department while in the field.

Agents are currently testing body video cameras. This equipment appears to be very useful in recording contacts. We believe this technology will allow us to more effectively answer complaints from the public as they arise, and also has the potential to enhance the training provided to our agents.

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement – We are continuing the restoration of elk in Missouri and will be bringing more elk in from Kentucky. An area around Peck Ranch Conservation Area in Southern Missouri has been chosen as the restoration zone, and will be where the additional elk will be released. This restoration project has garnered support from the public but also has been criticized from organizations within the farming community who feel elk

will be a threat to agricultural interests. Some issues concerning the elk reintroduction surfaced last year in the legislature and we continue to work on resolving differences related to this project.

There has been some attention recently on GPS tracking devices and we are presently putting together a policy on their use. We have also researched cell phone seizures for evidentiary content, and how they relate to investigations.

A big issue for our agency is the movement of other law enforcement agencies in the arena of radio interoperability. Our state is moving towards narrowband and digital radios and we are going to need to move in that direction as well. The issue is the money that it will take.

Cost Savings Initiatives – In an effort to improve the work effectiveness of conservation agents, a volunteer program was implemented in Protection Division several years ago. This year the program reached another milestone as every Protection Region in the state moves forward with implementing the program. Volunteers help conservation agents and other staff with a variety of work, including riding with agents during enforcement patrols, outreach and education efforts, training, and fish and wildlife management. We have found these volunteers do the work equal to 1.1 full-time employees per region. In addition to the cost-saving efforts, the program has also proven to be a valuable recruitment and retention tool, as several of our current field agents started as Protection Division volunteers.

We have gone to purchasing Eco-Boost pickup trucks and preliminary results show improved gas mileage. Hopefully, as we replace the vehicle fleet with more of the economic engine trucks, we will continue to see a savings in our fuel usage.

Other Special Law Enforcement Issues – In past years we have dealt with a deer processor that had less than desirable sanitary conditions at their processing facility. We have implemented regulations so the processors have a clear direction of what sanitary conditions must be met for processing deer meat. We have worked with our State Department of Agriculture on guidelines to accomplish this.

We are also exploring regulations on deer and turkey that will facilitate implementation of ePermits. The deer and turkey tagging creates an unfriendly user aspect in the attachment of permits and we are looking at ways to solve this issue.

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Association of Midwest Fish and Game Law Enforcement Officers
2012 Agency Report
State/Province: North Dakota
Submitted by: Chief Robert Timian
Date: June 1, 2012

Training Issues – After the 2010 I.M.P.A.C.T. training for some of our personnel it was felt that more officers should go through it. In February 2012 we brought back I.M.P.A.C.T. for our entire division and a couple of our Agency department heads to attend. After the training it was felt that other divisions could also benefit from the training.

Major Conservation Law Enforcement Trends – In 2011 our legislature renewed a grant for our department to operate the Missouri River Patrol in the Bismarck/Mandan area. In the summer of 2011 however our state dealt with major flooding and the patrol was put on hold. Currently we are gearing back up for the patrol with the assistance of local law enforcement volunteers whom work on an overtime basis. It will again provide for more coverage of a highly used area of the Missouri River in North Dakota.

Currently, we are working on a large investigation involving boat thefts where fraudulent boat registrations from North Dakota have occurred. This investigation is spanning city, county, state and federal law enforcement.

New Innovations in Conservation Law Enforcement - After the flood of 2011, many of our Wildlife Management areas have been closed or have areas that have been closed off. To keep tabs on those areas and to assist in identifying people going into the closed areas, we have installed a license plate camera at the entrances. These cameras also help us determine how many people are using the area and at what times of the day they are entering and leaving.

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

Other Special Law Enforcement Issues

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Association of Midwest Fish and Game Law Enforcement Officers
2012 Agency Report
State/Province: Northwest Territories, Environment and Natural Resources
Submitted by: David Williams
Date: May 22, 2012

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 department has completed a training strategy, which the overall goal is to develop a training strategy and implementation plan that includes identification of delivery along with a training assessment mechanism. We have in the past year concentrated on the mandatory training required under legislation and officer safety requirements. Training sessions delivered on law enforcement, basic law, officer safety, evidence and court procedures defensive tactics along with the mandatory re-certifications in: firearm (long guns), defensive tactics and fitness. Officers were trained in the Migratory Bird Convention Act and Wild Animal and Plants and the Regulation of International and Interprovincial Trade Act and subsequent regulations.

Funding and Staffing Issues - Currently have 57 officers deployed to five administrative regions in the Northwest Territories, along with specialists in Headquarters. Regional centers report direct to an Assistant Deputy Minister with the specialists providing advice and support to the regions. We are challenged in meeting regional capacity, due to the increased development exploration projects.

Major Conservation Law Enforcement Trends - The largest issue in the Northwest Territories is the rewriting of the departmental legislation such as the Wildlife Act, Forest Management Regulations and Forest Protection regulations, most of these legislations are well over 20 years old.

Unique Cross Boundary or Cooperative, Enforcement - Officers in the Northwest Territories on borders and adjoining jurisdictions are cross-appointed to enforce wildlife legislation. NWT officers are appointed to enforce federal wildlife legislation such as fisheries and migratory birds. The department also has a MOU with NWT Parks and Tourism for the enforcement of legislation and regulations.

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 - Officers continue to be involved in a diverse spectrum of resource 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 is reflected in the sentencing. The department is defending a statement of claim made by the Barren Ground Caribou Outfitters that was filed in March 2011 where they are seeking damages for alleged adverse effects on hunting business arising from the regulatory action to reduce and eliminate, for conservation reasons, outfitted BGC tags in a management unit. Many of the caribou populations are now stable or increasing as a result of the management actions implemented. A recent court decision under

the Tourism Act resulted in 10K fine with 18-month probation and 240 hours of community service (this is the maximum community service imposed under the Criminal Code of Canada. Restitution of 18K made to the hunters that booked the polar bear hunt. The courts were concerned of the fraud aspect of the case. On a further note, there are additional five charges laid for fraud before the courts.

Cost Savings Initiatives – The department is deploying a new compliance management information system that will track, manage and report on compliance activities as they relate to the management of the environment, forest and wildlife.

Other Special Law Enforcement Issues - A formal process is now underway to negotiate the devolution of Northwest Territories' public lands and resources and rights in respect of water from the Government of Canada to the Government of the Northwest Territories (GNWT).

This will change who makes decisions about how natural resources, such as land, water, oil and gas, and minerals are used and developed in the NWT. Devolution will transfer the decision-making powers over public lands and resources from Canada's Minister of Indian and Northern Affairs and its bureaucracy to the GNWT.

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Association of Midwest Fish and Game Law Enforcement Officers
2012 Agency Report
State: OKLAHOMA
Submitted by: Capt. David Deckard
Date: May 29, 2012

The following report covers the period July 1, 2011 through June 30, 2012 (FY2012) 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.

In addition, the agency has a reserve force consisting of 45 reserve officers who are agency employees assigned to various divisions with primary duties are other than law enforcement.

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 600-hour Oklahoma Basic Law Enforcement Academy, all totaling nearly 30 weeks of training prior to solo assignment.

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. In addition, all supervisors are also required to attend twelve hours of supervisory training each year. New supervisors are required to attend 24 hours within one year after promotion.

They are also required to train and qualify annually with their pistols, shotguns and rifles. In addition, game wardens must also attend an annual 8 hour defensive tactics refresher course.

The division has recently completed the M-4 carbine orientation and familiarization training for all game wardens. The training and the capabilities of the carbine was a vast improvement compared to the old M-14s.

Seven game wardens completed NarcAssault training in cooperation with the Bureau of Narcotics. The week-long training consisted of rappelling from helicopters, five-mile runs, plant identification, combat first aid, booby traps and orienteering etc.

Several wardens also attended Safe-Capture training to immobilize animals with the use of drugs.

The division implemented the IMPACT Project this year. The IMPACT Project will be a useful tool in training new and incumbent game wardens in interpersonal communications.

FUNDING AND STAFFING ISSUES:

Funding remains basically unchanged from the previous year. We are fortunate that we are a revenue based agency and not experiencing funding shortfalls that are impacting other tax appropriated Oklahoma state agencies which are currently furloughing and curtailing their spending etc.

One new game warden was hired during this period. We are currently in the process of hiring three game wardens. They are expected to begin in June 2012.

We were able to purchase 20 vehicles and 1 boat this year. The vehicles are Chevrolet C-1500 four-wheel drive extended cabs and Ford Crew Cabs. The Chevrolets were chosen this because of their 100,000 mile warranty. The Fords were purchased for District Captains. The equipment for this year's trucks have been upgraded with improved LED lighting, bed lining, grill guards and new low band radios and in the truck mounted handheld high-band radios. The boat is a 20' Sea Ark with a 150 hp Mercury outboard.

The division purchased 120 Bushmaster .223 M-4 carbines to replace the old and cumbersome M-14s that were loaned to the agency from the Army. Every game warden received an EoTech holographic sight, three 30-round magazines and a single point sling with their new carbine. Weapon mounted lights will be added in July 2012. The new rifles will be lighter and easier to

handle than the M-14s. Lower ammunition cost will allow more training opportunities with the carbines.

MAJOR CONSERVATION LAW ENFORCEMENT TRENDS:

Alligator sightings and nuisance complaints continue to expand across the southern half of the state. Black bear complaints continue as well.

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. We are presently working with Missouri and the US Fish and Wildlife Service on two simultaneous investigations in enforcing the illegal harvest and sale of paddlefish eggs.

NEW INNOVATIONS IN CONSERVATION LAW ENFORCEMENT:

The Division has developed and deployed an Operation Game Thief trailer to be used for various events and functions across the state. The 24' trailer incorporates a "Wall of Shame" and other education displays.

The division is in the process of issuing smart phones for all game wardens to help with communication.

Low lake levels during the recent prolonged drought gave game wardens an opportunity to locate and collect illegal barrels in our lakes. The barrels were placed in the lake by noodlers (hand fishing) to attract flathead catfish making them easier to harvest. Several truck loads of barrels and bathtubs were removed.

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

New legislation introduced this year:

Hunters will be able to use noise suppressors on their rifles this season when hunting on private land. Senate Bill 1743 allows hunters to use noise suppressors, or silencers, when hunting on their own land or with permission of the landowner. Anyone convicted of a wildlife offense while using a noise suppressor could face an additional fine of \$500 to \$1,000 over the normal amount for that game violation. The law becomes effective Nov. 1.

New legislation passed increasing the penalties for paddlefish poaching. Fines will now range from \$5,000 to \$25,000 for anyone caught in illegal possession of paddlefish eggs or other paddlefish products with a market value of more than \$5,000. The division requested a felony provision, but the crime remains a misdemeanor

Paddlefish eggs are used as a substitute to sturgeon caviar and often sold illegally worldwide.

New legislation enacted last year for failure to comply for a wildlife citation is working well with good results. More people are now taking care of their citations than ever before. Failure to

comply is now a separate charge along with the original charge and includes suspension of hunting and fishing privileges.

COST SAVING INITIATIVES:

Fuel costs continue to be a concern in Oklahoma. Game wardens are encouraged to use time management and to work wisely while conducting their patrols. Fuels saving initiatives have been implemented to help offset costs.

OTHER SPECIAL LAW ENFORCEMENT ISSUES:

Enforcement of the illegal harvest and sale of paddlefish eggs for caviar continues to be a major enforcement issue. Game wardens maintain an increased enforcement emphasis during the annual spring spawn to help curtail the illegal activities associated with the illegal caviar trade.

Game wardens in southeastern Oklahoma were able to uncover wide spread poaching after viewing a video that was produced for fishing with bow and arrows. The suspects were actually shooting fish that were being shocked. Over forty-five arrests were made as a result of the investigation.

Game wardens are involved in several Department programs that involve the recruitment and retention of anglers and hunters. The programs include an annual Wildlife Expo and an annual Archery in the Schools statewide tournament. Both programs require an enormous amount of manpower and associated costs in these popular and worthwhile projects. Other programs include the annual Wildlife Youth Camp, STEP programs and Aquatic Education. The recruitment and retention of anglers and hunters and the sale of licenses to them is vital to our agency.

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**2012 Agency Report
Enforcement Branch
Ontario Ministry of Natural Resources (OMNR)
Lois Deacon, Director - June 2012**

Training Issues

Training during the 2011-2012 operating season for the OMNR was for the most part consistent with the previous year's delivery with some notable exceptions.

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), additional initiatives were also carried out.

- Two new conservation officers are currently attending the Ontario Police College in Aylmer, Ontario. The officers are completing the Basic Constable Course which is the recruit training course for all police officers in Ontario.
- The Ministry of Natural Resources is conducting a provincial rollout of a new duty holster. The Blackhawk Serpa Level 3 duty holster is being issued to all officers during their annual firearms training and recertification.

Funding and Staffing Issues

Funding:

OMNR Enforcement Branch uses a Business Logic Model to allocate funds to work units across the province. This allows financial allocation decisions to consider cost variations associated with factors such as the higher cost of operating a vehicle in the north as compared to southern Ontario.

- This model also allows for allocation decisions to take into account various factors influencing each work unit's operating costs including: number of staff, the total number of vehicles and vessels the unit is operating and maintaining, mandatory and enhanced training requirements, uniforms and personal protective equipment, communications (radios and communication services), travel requirements, planned field activity requirements, etc.
- The nature of this model ensures that work units will have a funding allocation sufficient to carry out planned activities.

Base funding to OMNR's Enforcement Branch has been roughly flat-lined since 2010. However, like other jurisdictions across the mid-west, Ontario is facing a difficult economic situation and OMNR must live within its means. The implications of this are that many parts of OMNR, including Enforcement Branch, will have smaller funding allocations next year and for several years to come

Staffing:

OMNR Enforcement Branch continues to manage staff vacancies to live within the budget and focus continues to be on maintaining front line enforcement service delivery

OMNR Enforcement Branch continues work to establish and implement formalized standards for NEW Conservation Officer hires including physical abilities and psychological testing standards, criteria for background checks and driver's abstract reviews.

OMNR Enforcement Branch front line enforcement activities are delivered by approximately 180 Conservation Officers, reporting to 28 Enforcement Supervisors in districts across the province, who in turn report to 4 Regional Enforcement Operations Managers.

OMNR Enforcement Branch developed and launched an internal Branch Mentoring program in 2012; this initiative will encourage branch staff at all levels to improve competencies by working with other leaders in the branch.

Major Conservation Law Enforcement Trends

In addition to planned enforcement efforts, OMNR officers engage in education and outreach activities as part of their regular contact with natural resource users. Outreach includes providing information about legislation, rules and regulations, OMNR policy, natural resource management and MNR program initiatives. Other OMNR staff (e.g. biologists) also take part in a variety of outreach and education activities as part of their job. Education and outreach is one of the core duties of a Conservation Officer.

OMNR cooperative efforts with various police agencies in the province continue. Some examples of joint enforcement efforts include:

- Joint marine patrols, road checks, snowmobile/ice fishing patrols, etc.
- Intelligence and investigation staff deal on a regular basis with partners such as the Criminal Intelligence Service of Ontario, the Ontario Provincial Police and federal and municipal law enforcement agencies on a regular basis regarding illegal activity, intelligence collection plans, persons of interest, etc.
- Providing natural resources law enforcement communications materials to local Crime Stoppers boards for use by local media to raise awareness of natural resources violations.

Unique Cross Boundary or Cooperative, Enforcement Efforts

Participated in a joint forces operation with New York State Department of Natural Resources, US Fish & Wildlife Service, Canadian Wildlife Service related to international traffic in snakehead fish.

OMNR is part of a joint forces operation with the Canadian Border Services Agency and together have stopped more than 29,000 lbs of live Asian carp from entering Ontario at the Windsor border.

New Innovations in Conservation Law Enforcement

OMNR continues to expand its internet crime investigation capability (CONet).

- The levels of natural resource related violations occurring on the internet has been increasing in recent years, including the selling of Ontario's species at risk.
- Over the last decade, conservation officers have done some exceptional work in dealing with this rapidly evolving area of concern.
- Initial focused efforts included monitoring internet discussion forums, internet sales sites and sites dedicated to specific interests related to the trafficking in wildlife.
- CONet helped confirm that covert computers were effective tools for natural resources enforcement (used for research and for covert communication in order to collect intelligence and evidence).

Modernization of information management and information technology continues:

- A new law enforcement Records Management system called Niche RMS has been procured and is in the process of being implemented. Niche RMS will significantly improve the management and utilization of natural resource law enforcement information.
- Mobile Office technology has been installed in all High Visibility Enforcement Vehicles giving Conservation Officers the ability to remotely access documents, word processing, and e-mail.

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

Fiscal realities continue to impose challenges on program delivery.

Court rulings related to searches of computers continues to evolve as technology results in more evidence being held in electronic formats than paper.

Cost Savings Initiatives

Several program areas within OMNR, including Enforcement Branch, Aviation, Forest Fire and Emergency Services, and Ontario Parks, are standardizing uniform clothing specifications and consolidating procurement activity to drive price efficiencies and streamline the management of uniform processes within MNR.

Rising fuel prices continue to impact the cost of fuelling the Enforcement Branch fleet. Each \$0.01 (per litre) increase in the cost of fuel results in a \$10k increase in the cost to operate the fleet

Enforcement Branch will test Ford's EcoBoost V6 engines in four of its high visibility enforcement vehicles in 2012/13. Field testing will determine whether these vehicles meet the branch's performance requirements. If they do, they will also deliver fuel savings for Enforcement Branch.

Enforcement Branch is working on the development of a small vessel vendor of record (VOR) arrangement. The procurement will be broken into categories according vessel size (16 to 24 feet of vessel length overall) and performance characteristics. This will result in price efficiencies and streamline the management of vessel procurement processes within the branch.

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AMFGLEO/WAFWA Law Enforcement Annual Report
State Report – South Dakota
By: Andy Alban
Law Enforcement Administrator
Division of Wildlife
South Dakota Game, Fish and Parks

This report covers the period April 1, 2011 through March 31, 2012 for the State of South Dakota, Department of Game, Fish and Parks - Division of Wildlife - Law Enforcement Program.

AGENCY OVERVIEW

Are officers 100% Wildlife Law Enforcement or Mixed: **Mixed**

Straight Line Reporting Structure: **No**

Number of Officers: **60 conservation officers / 78 total officers in WL Division**

TRAINING ISSUES

Within the past year, the Division of Wildlife developed and implemented a boating law enforcement training program. Boating enforcement has and will continue to be a major responsibility that is tasked to our agency and its officers. Our wildlife conservation officers (WCOs) are called upon to enforce the boating laws and regulations of this state and to ensure both the enjoyable and safe use of our state waters. Currently, our WCOs annually undergo numerous hours of training in a multitude of law enforcement and wildlife management arenas. Many hours, justifiably so, are spent annually on firearms (FA) and defensive tactics (DT) instruction alone. However, our agency has dedicated very little time to training in the boating environment. What training has taken place has been localized or done on-the-job. Levels of boating operation and boating enforcement experience vary across the WCO ranks. The lack of standardized training has left some officers without the necessary skills to efficiently and effectively conduct boating enforcement efforts.

Our boating law administrator (BLA) was tasked with the development of the boating enforcement training program. The boating enforcement training program will also work well in conjunction with our current FA and DT training programs. The following are the needs for education and instruction that were identified:

- South Dakota boating laws and regulations
- Boat trailering and towing
- Boat maintenance
- Open water boat operation and handling
- Close-quarters boat operating and handling
- Watercraft theft investigation
- Boat accident response and investigation
- Water rescue and first aid
- Water survival and safety
- Tactical watercraft operation
- High-risk stops and boarding
- Night watercraft operation and enforcement
- BUI investigation and enforcement
- Firearms (boating environment)
- Defensive tactics (boating environment)

The model for bringing forth the education and instruction of the above listed boating enforcement type training includes the implementation of five Boating Enforcement Instructors. The breakdown for the five instructors to be certified will include one officer from each of the four administrative regions, along with the BLA. The department will utilize three certifications to train our instructors: (1) the two-week Watercraft Enforcement & Tactical Course offered by Arizona Game and Fish, (2) NASBLA's three-day Boating Under the Influence Course, and (3) NASBLA's five-day Level One Boating Accident Investigation Course. Instructors will also be expected to attend and complete continuing education opportunities as they become available and are deemed necessary. The department plans to conduct annual spring/summer boating enforcement training in each region, beginning in the spring of 2012.

FUNDING AND STAFFING ISSUES

Officer turnover continues to be an issue, with nearly 18% of field officer duty stations vacated in early-2012. Many officers have left for similar employment in adjacent states. It takes nearly two years to fill a duty station from the date of vacancy announcement to the hiring process and through the completion of POST/field training. Of the 60 conservation officers hired within the last 10 years, 42% have left the department. The agency is undertaking a recruitment/retention study to better evaluate key issues and implement strategies to address the problem of officer turnover.

After three straight years without a raise, a bill was passed during the 2012 legislative session that gave state employees a bonus to compensate for lost wages. The bill gave employees a percent raise based on how long they had worked for the state. Employees who worked one year received a 1.7 percent raise, while those who had been with the state two years received 3.4 percent and those who had worked three years or more received 5 percent. Additionally, state employees are slated to receive a 3% salary increase, along with a cost of living adjustment, beginning with the June 9 pay period.

MAJOR CONSERVATION LAW ENFORCEMENT TRENDS

2011 license sales were steady (389,119), but down one percent from 2010 tallies (393,083). This is likely attributed to a lower pheasant population that was forecasted in 2011. Many nonresident hunters rely on the annual brood survey indices as part of their trip planning.

We expect to hold our second “antler auction” in June of 2012, as part of the Outdoor Expo that takes place at the State Fairgrounds in Huron. Items are expected to include deer/elk antlers, bobcat pelts, mountain lion skulls/hides, tree stands and other unique items. The majority of these items were obtained over the last two years of conservation law enforcement activities.

Resident Canada goose populations have continued to increase over the past few years, exceeding population objectives and causing high levels of crop damage. In an effort to reduce the goose population, South Dakota implemented an August Management Take for the second year where hunters were able to harvest eight geese per day in certain counties between August 13-28. After securing authorization from the USFWS, hunters were allowed to donate their harvested geese to the Sportsmen Against Hunger program where the meat was subsequently distributed to needy families across the state. Over 2,000 geese were donated via this program. Law enforcement impacts, as a result of this program, are still undetermined.

UNIQUE CROSS BOUNDARY OR COOPERATIVE ENFORCEMENT EFFORTS

2011 proved to be a difficult year for the State of South Dakota. Heavy rains from the fall of 2010, coupled with above average winter snowfall, left many lakes and rivers at or above capacity going into the spring of 2011. Heavy rains continued into the early spring adding to the already saturated ground. By late March, many lakes and streams across the eastern half of state were at or near flood stage. To make matters worse, our state would soon be involved a flooding event of historical proportions.

By late May, the US Army Corps of Engineers announced that it would be ramping up releases from the Missouri River dams in an effort to move above average snowpack runoff and rainfall amounts from Montana and the Missouri River Basin. By May 23rd, Garrison (ND) and Oahe Dam releases were at 60,000 cubic feet per second (cfs) and would be moving toward the 70,000 plus mark by the end of that week. What seemed like high release levels for those two dams would seem small in comparison to the release levels that would be in place less than a month later.

On May 25, 2011, Governor Dennis Daugaard declared a state of emergency for the Pierre and Ft. Pierre areas. Sandbagging and levee building efforts were started immediately with assistance being brought in from around the state. Game, Fish and Parks enforcement staff, along with equipment, were called upon shortly after flooding efforts began.

By early June, releases out of Oahe were nearing the 100,000 cfs mark and would soon top out at the maximum release rate of 150,000 cfs. While the scramble was on in the Pierre area to mount a fight against the Missouri, a similar situation was developing at the lower end of the river in South Dakota. Shortly after releases were increased on the upper Missouri dams, increased releases were also starting to take effect on the lower Missouri dams. It did not take long to realize that, similar to the Pierre area, other towns in and along the Missouri River were also going to be facing a fight with the Missouri.

One such town that would be in a race against time and the rising waters of the Missouri was that of Dakota Dunes, which lies near the border with Nebraska and Iowa. In early June, while flooding efforts were being made in the Pierre area, similar flooding efforts were underway at Dakota Dunes. Sandbagging and levee building efforts of massive proportions were underway at both the upper and lower portions of the Missouri River. It now seemed as if the entire state was involved in flooding related work in some shape or fashion.

Throughout the entire flood event, people and organizations from across the state and nation were pouring countless hours into not only the initial flood response, but also the ongoing maintenance of keeping the levees intact, the waters safe, and remaining homes and property secure. Almost every conservation officer in the state spent at least some portion of their spring and early summer taking part in flood work. For some, their entire summer would seem encompassed with flood related activities.

By mid-June, the flooding fight had become more of a maintenance operation. Dam releases on all four South Dakota dams were at or near their maximum. Levee building and sandbagging efforts had been completed for the most part. It was now a waiting game to see how long the high flows of water would be coming down the Missouri. During this period of time, department staff kept busy assisting with the security and maintenance of the levee systems, having to dispatch numerous animals that were posing a treat the integrity of the levees themselves. Department staff also assisted with river patrol, helping to enforce the many of no boating or no wake zones that were now in effect on major portions of the river. In addition to patrolling the river, department staff were also asked to provide security for many of the remaining homes and property that had been evacuated due to the flooding. Department staff provided a 24-hour support role for much of the summer months in both the Pierre/Ft. Pierre and Dakota Dunes areas.

A light at the end of the tunnel was finally starting to appear by mid-July as releases from the dams were starting to decrease. The end of July brought with it the demobilization of much of the Pierre area flood staffing and work. August would bring with it the winding down of the Dakota Dunes efforts as well. September would mark the first month since May that the majority of the department staff would now be back to their normal duties.

Though the flooding events of 2011 were a difficult time for the State of South Dakota, many positives came out of what was seemingly a negative situation. Our Department had the pleasure to work alongside numerous local, state and federal agencies, developing lifelong relationships and helping to form a bond. Enough cannot be said for the efforts that every single person had put into the flooding events of 2011.

NEW INNOVATIONS IN CONSERVATION LAW ENFORCEMENT

State IT staff are still working in the development phase for our Department's case management system. Despite a one year delay, we remain optimistic that project will near completion by the end of the year to allow us time for a test phase before final implementation in 2013.

After hearing success stories from other states, the Department purchased six Hummingbird side-scan sonar units for rescue/recovery operations. These are in addition to the two larger side-scan units we previously received that employ a tow fish and require additional personnel in each boat to operate. We have experienced some success already with these units since their implementation in patrol boats.

All officers were issued a new Gen-4 Glock model 22 (.40 cal) in 2011. These replaced older models that were purchased in 2000. We are in the process of ordering new shotguns as well to replace older models.

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

The ability of officers to conduct compliance checks of resource users on private land without permission was changed in 2011, when our open fields policy was tightened. Several attempts have been made at changing this through the legislature, but all have failed. Instead, the Department has regulated these activities via internal policy. The unfortunate changes that were mandated relate to where and when compliance checks can be conducted, absent suspicion of illegal activity. In addition to allowances made to entering open fields on private land for the purpose of investigation of reports of crimes, enforcement of applicable statutes, and rendering assistance to other LE agencies, officers may also do so for the purpose of "conducting compliance checks of department-regulated activities that are made at a time and place that avoids interference with those activities and results in minimal inconvenience to the individuals so engaged. Unless an officer has reason to believe that illegal activity is occurring or has recently occurred, these checks shall occur in the vicinity of public roads and section lines, along field borders where hunters are congregated or where vehicles involved in hunting, trapping, fishing or boating have traveled". We experienced some issues during the hunting/trapping seasons, especially in regards

to checking waterfowl hunters in the field. We are reviewing the policy again with hopes that changes can be made to further assist officers in doing their jobs.

We had a fairly busy Legislative Session in 2012. Several “bad bills” that were defeated include:

- HB1080 – An act to waive certain licensure requirements to hunt fox and coyote with firearms.
- HB1081 – An act to revise certain provisions relating to the killing of any mountain lion to protect human life, livestock, or pets.
- HB1082 – An act to provide certain exceptions to the Department of Game, Fish and Parks promulgated rules pertaining to the taking of mountain lions.
- HB1087 – An act to limit the terms of certain conservation easements.
- HB1090 – An act to provide for the issuance of deer hunting licenses to certain landowners for use by family members.
- HB1176 – An act to authorize certain party hunting methods and practices pertaining to the hunting of big game.
- SB153 – An act to authorize the transfer of certain landowner preference big game licenses.

Bills of significance that were passed include:

- HB1018 – An act to repeal certain obsolete or unnecessary provisions pertaining to the Department of Game, Fish and Parks.
- SB10 – An act to revise certain provisions pertaining to boating while under the influence.

COST SAVINGS INITIATIVES

The Department continues to implement an extended vehicle replacement mileage directive. Depending on the vehicle (1/2 ton vs. ¾ ton), our patrol units will be retained until at least 120,000 or 140,000 miles.

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Association of Midwest Fish and Game Law Enforcement Officers

2012 Agency Report

State/Province: Texas

Submitted by: Colonel David Sinclair, Interim Division Director

Date: June 5, 2012

Training Issues - The Marine Enforcement Section received a \$47,000 Homeland Security grant from FEMA. This grant will train 20 officers in tactical boat operations recognized by the U.S. Coast Guard (USCG) and provided by the National Association of State Boating Law Administrators (NASBLA). In 2005, the USCG and the State of Texas entered into an MOU regarding the enforcement of maritime safety and security zones. This agreement requires Texas peace officers to enforce maritime safety and security zones within waters where Texas has concurrent jurisdiction. Texas Parks and Wildlife Department (TPWD) is identified in the Area Maritime Security Plan as a region-wide provider of layered security for all navigable waterways including 9 nautical miles into the Gulf of Mexico. See [NASBLA Tactical Boat Operator Training](#).

With grant assistance from the USCG and NASBLA, The Marine Enforcement Section sent 47 game wardens to receive training in boat accident investigations. This course gives law enforcement officers the opportunity to advance their skills in accident investigations. The course also provides critical data to help shape boating safety regulations across the country. With the newly established statute codifying Texas Game Wardens as the primary water safety enforcement officers in Texas, it is critical that we hold the expertise in boat accident investigations. See [NASBLA Accident Training](#).

In March, Texas hosted 24 students for NASBLA's Boating Under the Influence Seated Battery Train the Trainer Course at its Lake Texoma Field Station. Texas Game Wardens, Oklahoma Marine Patrol Officers and USCG personnel received training in the newly validated seated battery of field sobriety test as well as tips on effective teaching techniques. Starting this summer, a small group of Texas Game Wardens will use the new battery of tests on suspected under-the-influence operators, and based on their own evaluations of the new program, we will determine best course of action to complete a statewide rollout the following year. See [NASBLA Boating Under the Influence Training](#).

Captain Jonathan Gray assumed leadership of the TPWD Environmental Crimes Unit in October 2011. Immediate focus was on training, with emphasis on investigator ethics, working with informants and whistle-blowers, and writing of search warrants. Programs were developed and investigators attended extended training on these topics with other agents of the Texas Environmental Task Force.

Sergeant investigators have been tasked to attend regional and district meetings to raise awareness of environmental crimes specific to their geographical areas. A PowerPoint presentation was created to give game wardens a basic understanding of how they can enforce environmental crimes that are becoming more prevalent in rural areas, and identify cases of interest for the Task Force. Emphasis was placed on the ever increasing oil industry.

The Operation Game Thief Committee held their annual committee meeting at the [Texas Game Warden Training Center](#) (GWTC) Thursday, November 10, 2011. Committee members attending included: Chairman Joe McBride — Austin; John Nelson — Austin; Robert McBee — Houston; Allen Hurst — El Campo; Rick Walker — Aguilares; Robert Harper — Richardson; and Ron Sewell — Odessa. Representatives from Austin headquarters included Colonel Pete Flores, Chief of Staff David Sinclair, Assistant Chief of Wildlife Scott Vaca and Lori Brock, OGT Administrative Assistant.

The OGT Committee meeting was hosted by Major Danny Shaw and his staff from the GWTC. Major Shaw, Lt. Brad Guinn and Lt. Jason Bussey gave a guided tour of the new GWTC prior to the OGT business meeting. During the afternoon business meeting, the OGT Committee approved payment of \$13,750 in reward payments for tips received on the OGT Reward Hotline over the past year. \$30,000 was approved for roadside billboards. In addition, grants totaling approximately \$53,492 were approved for the following:

- Marine Enforcement HQs — Marine Accident Reconstruction software \$12,930
- Special Ops Unit — Surveillance equipment — \$16,854

- Region 3 — Undercover Eye camera system (2) — \$7,794
- Region 9 — Side-imaging sonar w/ GPS (4) — \$13,115
- Region 10 – Side-imaging sonar w/ GPS (1) — \$2,800

A variety of other topics were discussed, including fund-raising events, Text Tip reporting and OGT membership ideas. Following the meeting, a delicious catfish and shrimp dinner was provided by the [Texas Game Warden Association](#). Those preparing the dinner included Malcom Wilkes, Brownwood; Lacy Loudermilk, Abilene; Bryan Baronet, Brady; Vance Flowers, Goldthwaite; and Shea Guinn, Throckmorton.

Seven game wardens along the Texas Coast are scheduled to attend the Marine Law Enforcement Training Program (MLETP) at the Federal Law Enforcement Training Center in Glynco, Georgia with funding provided by the National Marine Fisheries Service (NMFS). NMFS has sponsored many game wardens in past years to participate in the MLETP. The program provides basic marine law enforcement training, focused instruction on the safe operation of marine patrol vessels, and specific training in law enforcement operations. For program information, see [FLETC Marine Law Enforcement Training Program](#).

NMFS Gear Specialist Dale Stevens will provide updated instruction on new Turtle Excluder Devices (TED) and By-Catch Reduction Devices (BRD). This training will be made available to game wardens in the field through a series of workshops. This specialized instruction will provide a solid foundation of knowledge for officers enforcing TED/BRD regulations. NMFS special agents will provide field game wardens with thorough instruction on the Code of Federal Regulations, specifically Individual Fishing Quota and TED/BRDs. This will undoubtedly assist in detection and prevention of violations as directed by the Joint Enforcement Agreement (JEA). In 2010 multiple TED cases were filed as a direct result of training officers had received. As of May 31, 2012 game wardens have seized approximately 35,500 pounds of shrimp for TED/BRD violations.

Funding and Staffing Issues - The 83rd Texas Legislature begins with the pre-filing of bills on November 1, 2012. The session starts on Tuesday, January 8, 2013 and continues for 140 days. This session will be similar to the last session with budget concerns for the department and division. The 82nd Texas Legislature dealt with a huge shortfall, but made it quite clear that law enforcement in Texas is an essential service, and with that being said, left Texas Game Wardens with their budget intact. In the second-half of the biennium, the base budget with fringe is approximately \$56.4. Additionally, dollars appropriated for training cadets was set at \$1,696,000 for this half of the biennium.

Because the OGT Program for TPWD is funded primarily from private donations, we are constantly focusing on our fund-raising events. The Austin fund-raiser on May 18th was a great success with 233 active shooters participating in all shooting events and raising over \$50,000 for the program. The live auction attracted a lot of attention, especially with auction items like Benelli, Guerini and Browning shotguns, Winchester rifles, Springfield XD pistols and guided hunting and fishing trips. Over \$14,000 was raised from the auction alone. The one-day event attracted more than 325 people, including Governor Rick Perry, who helped with the auction.

TPWD Executive Director Carter Smith and OGT Committee Members Ray Bailey, John Nelson, Bob Harper and Chairman Joe McBride were present as well. The two upcoming fund-raisers in Midland on October 5th and San Antonio on October 12th are keeping us extremely busy. The Midland event will attract supporters from all walks of life in West Texas, especially those in the petroleum industry, and should provide an added boost to OGT. The San Antonio fund-raiser will include many major South Texas ranchers and landowners as well as major sporting goods sponsors. The OGT program's primary focus is to provide much needed specialized equipment for game wardens and to approve rewards for tips to the 24/7 OGT hotline for reporting hunting, fishing and water safety violations. Since September 2011, OGT has awarded over \$14,000 in rewards to callers, and the OGT hotline has received 1,469 calls.

New advances in the OGT program include:

- The new reporting system that allows Spanish speaking callers to call in complaints to the 24/7 hotline is operational.
- OGT has expanded its efforts to reach more of the public by creating a quarterly newsletter and developing an OGT Facebook page, both of which have proved successful.
- Adding West Texas to our fund-raising event venues will enhance the program's efforts.

Major Conservation Law Enforcement Trends - The Marine Enforcement Section continues to recruit, train, and utilize local law enforcement agencies throughout Texas enforcing Chapter 31 – Water Safety Act. In order for any commissioned peace officer to enforce water safety regulations in Texas, the officer must be certified through TPWD's Marine Safety Enforcement Program. This program unifies our agency with outside local law enforcement agencies and ensures consistency in laws related to boating safety. See [Chapter 31 TPWD Code Section 31.121](#).

TPWD Environmental Crimes has created a database that will essentially help the agency by providing the ability to instantaneously mine data and case work for each agent.

The Fisheries Enforcement Section continues to work with the U.S. Food and Drug Administration, Interstate Shellfish Sanitation Conference, and Texas Department of Health Services to enforce the time/temperature requirements for shellfish harvest. The goal of this joint effort is to encourage compliance with the National Shellfish Sanitation Program Model Ordinance. For program information, see [National Shellfish Sanitation Program](#).

Unique Cross Boundary or Cooperative, Enforcement Efforts - TPWD Special Operations Unit (SOU) teamed up with the U.S. Fish and Wildlife Service (USFWS) to stop a major live white-tailed deer smuggling operation. Approximately 40 deer were smuggled into Texas from Pennsylvania, Ohio, and Missouri. The largest buck scored over 450 non-typical points under the Boone & Crockett scoring system. Defendants have paid approximately 2 million dollars in fines and restitution. The SOU and USFWS currently have 17 additional cases involving the illegal importation of live white-tailed deer into Texas.

Operation Dry Water – On June 22 – 24, 2012, TPWD will participate with agencies from across the country to work together in a national campaign called Operation Dry Water. Boating Under the Influence (BUI) is dangerous. In fact, over 20% of boating-related fatalities nationally are a result of alcohol use. In Texas, operating a boat with a Blood Alcohol Concentration (BAC) of .08% or higher is illegal. Penalties include large fines and jail time. Cooperating law enforcement agencies will intensify efforts to detect and remove boat operators who are impaired by alcohol or drugs. See [NASBLA Operation Dry Water](#).

TPWD Environmental Crimes Unit was recently asked to assist the Drug Enforcement Agency (DEA) in the service of a search warrant of a high-level meth manufacturer to prepare felony hazardous waste charges on the defendant. This is a test case in which the defendant disposed of his meth waste via his kitchen sink, which by statute definition discharges into “waters of the State.” This statute provides penalties up to \$100,000 per offense, which should provide additional tool to successful prosecution.

New Innovations in Conservation Law Enforcement - The Marine Enforcement Section recently was awarded grant funds from the Texas Operation Game Thief program to acquire advanced 3D accident reconstruction software and training to assist the State Marine Accident Reconstruction Team (SMART) in its efforts to investigate some of the state’s more severe accidents. The software will also be used to help reconstruct 3D crime scenes for other major criminal investigations conducted by TPWD.

TPWD Environmental Crimes Unit has had great success in the area of surveillance with the improvement of trail cameras, namely, the Reconyx portable camera. This specific brand has long-life battery options, infinite focus and ability to read license plates at night on passing vehicles.

TPWD Law Enforcement continues to increase its marine fleet. The most recent acquisition is the P/V *Peter Holt* a 38-foot SAFE Boat that is assigned to the middle Gulf Coast of Texas. It will compliment the two 65-foot vessels that currently patrol the upper and lower Gulf Coast of Texas.

P/V Peter Holt



The SAFE Boat fleet has grown to 17 vessels consisting of one — 38-footer, 13 — 29-footers and 3 — 21-footers. Two additional SAFE Boats have been ordered and are waiting for deployment to the Rio Grande.

TPWD has also increased its aircraft fleet. TPWD applied to the Department of Defense 1033 Program during FY 1996 to acquire surplus military aircraft to augment our ability to effectively patrol the Rio Grande and Gulf Coast. We were assigned two helicopters at that time. During the past year, a Partenavia assigned to the State of Florida became available under the 1033 Program, and we were able to assume responsibility for that airframe, as well.

This 1984 Partenavia (Game Warden green-and-white paint scheme and additional avionics in process) will join our fleet below which has consisted of two 1972 Army OH-58s, one 1984 Cessna 206, and one 2009 Cessna 206. See

[Aircraft and Vessel Photos.](#)



Parks and Wildlife (TPW) Commission adopted rules permitting landowners to contract directly with nuisance alligator hunters. Prior to the new rules, TPWD had contracted with qualified individuals for the removal of nuisance alligators. Each hunter bid for the privilege to conduct nuisance control activities in a specific territory, agreeing to pay a per-foot price to TPWD for every alligator removed. In return, the control hunter was allowed to keep the alligator and could sell the skin and meat. All removals were authorized on a case-by-case basis by TPWD. The new protocol will authorize a permitted control hunter to contract directly with landowner or landowner's agent (including a political subdivision, governmental entity, or property owner's association) for a fee or other compensation for the removal of nuisance alligators. The new protocol requires that each nuisance control hunter complete a certification process that includes an application to TPWD, a TPWD administered course, and a test on nuisance control. Reporting requirements will ensure that only bona fide nuisance alligators are taken by permitted control hunters. An annual permit fee is also required.

At their March 29, 2012 meeting, the TPW Commission adopted rules permitting the use of firearm silencers for the take of alligators, game animals or game birds. Silencers were already legal for hunting nongame animals, furbearing animals and exotic animals, including feral hogs. Wildlife Division of TPWD determined that there was no resource-related reason to prohibit silencers, and Law Enforcement Division had no enforcement-related reason to prohibit these devices.

Cost Savings Initiatives - By September 1, 2012 Texas will be reduced from ten law enforcement regions to five regions. With the reduction in positions at the top tiers through attrition and reorganizing the regional lines, there will be more consistent enforcement at the regional level. Additionally, the previous majors' salaries will be moved to patrol positions. The balances in lapse salary will aid with covering operating costs.

Relevant court rulings affecting special operations:

Law enforcement staff at TPWD is currently conversing with the District Attorney on the utilization of mobile trackers (GPS) on target vehicles due to a recent Supreme Court ruling classifying the placement of a mobile tracker on a vehicle as a search. See [Supreme Court Ruling - Trackers](#).



Association of Midwest Fish and Game Law Enforcement Officers
2012 Agency Report
State/Province: Wisconsin
Submitted by: Chief Warden Randy Stark
Date: 5-16-12

Training Issues - We are moving forward to develop new ways of completing online and web based training. This includes use of Mediasite, Survey Monkey, and Microsoft Live Meeting and PowerPoint. Included in this initiative is our Warden Electronic Resource Library (WERL) using PowerPoint presentations as a way of providing information to our conservation wardens.

Funding and Staffing Issues - Working towards full staffing continues to be challenging. As of the creation of this report the Bureau had 36 vacant stations. We hired 11 recruits the spring of 2012, which when placed in the field months from now will reduce the vacant stations to 25. Planning the FY 13 recruit class is underway. Again we hope to have at least 10-15 quality hires.

Several retirements are expected in the coming months, which will takes us a step back from our two steps forward, but we feel confident a change in the IRS rule providing enforcement safe harbor from increasing the retirement age will stave off a max exodus at the end of this calendar year.

Major Conservation Law Enforcement Trends - The public in Wisconsin is calling for more aggressive enforcement of Aquatic Invasive Species laws. The incidence of people keeping orphaned wild animals as pets is increasing, and public sentiment work against the Department when we try to deal with these issues. They immediately become high profile issues in the media. Increasing our wildlife rehabilitation capacity is an important element in a solution.

Unique Cross Boundary or Cooperative, Enforcement Efforts - Wisconsin continues to build a strong partnership with the Chippewa Indian Tribes and the Great Lakes Indian Fish and Wildlife Commission Wardens (GLIFWC). State and GLIFWC Wardens routinely work together on various Fish and Game cases. These joint investigations have resulted in seizures of fish and game including appropriate penalties and revocation of licenses.

In addition, GLIFWC and Conservation Wardens have joined forces whenever possible for firearms training. Recently Warden Russ Fell and Paul Martin (certified firearms instructors) provided instructions to the entire GLIFWC force for the new rifles GLIFWC were issued. This three day event allowed for good relationship building and for each agency to learn from each other. This cross training allows for more prepared officers to go into the field each day.

Working with statewide and local fish and game clubs, we have increased participation in Learn to Hunt (LTH) events and Mentored Hunting. Participants in LTH events were up 13%, female participants increased 17% and last year made up 30% of all attendees at LTH events.

Four events involved university hunt clubs and a couple food co-ops and as of this spring, at least one LTH event has been held in nearly every county in the past year. In total, there were more than 110 events and almost 2,000 participants.

The number of mentored hunting licenses sold increased by 12%.

In a partnership with a local Operating Engineers Union, hundreds of hours of heavy equipment time was donated in the creation of a new shooting range in Waushara County.

Over the last year, Conservation Wardens from around the state have been assisting the Capitol Police during times when controversial legislation was being passed or gatherings/rallies occurred revolving around the recall efforts. In addition, many of our wardens assigned to marine units are training more frequently on homeland security type issues and exercises. The warden force is “partnering-up” with more and more agencies such as FBI, WI DOJ, Coast Guard, Dept. of Military Affairs, and WI Emergency Management.

New Innovations in Conservation Law Enforcement - The Special Operations Unit has recently worked on a joint investigation with the State of Colorado involving the use of Isoforensics. <http://isoforensics.com>

Isoforensics can be used in some investigative capacity to determine the known origin of a fur bearing animal using H and O isotope ratio analysis. For more information or to read a detailed summary of the results of the Isoforensic study please contact Brian Ezman at 608.246.7992 or brian.ezman@wisconsin.gov.

The Special Operations Unit has also designated an Administrator (John Welke) within the unit as a lead statewide internet and social network site investigator. The new position will serve as the Bureau of Law Enforcement’s lead (statewide) investigator for violations involving Internet or social network dimensions for the Special Operations Unit. This includes acting as the lead investigator for all investigations (statewide) involving natural resource related violations occurring via the Internet and social networking sites. This position will be responsible for the development of policies and procedures regarding the identification of violations and collection of evidence pertaining to natural resource related violations that are suspected of occurring via the Internet and / or social networking sites. This position will coordinate and assist field wardens and special investigative wardens with requests for assistance regarding natural resource violation investigations occurring via the internet and or social network sites. This position will assist special investigators assigned to the unit with establishing and operating covert accounts via the Internet and social networking sites. This position will be the designated liaison for all credentialed law enforcement officers in the Bureau of Law Enforcement regarding social networking site administrator / security contacts. This position will develop informational contacts and legal procedure for department personnel to adhere to for obtaining information / evidence from social networking sites. John Welke can be reached at 608.279.1960 or john.welke@wisconsin.gov.

We are move gradually into smart phones. In FY 12 we had a goal of reaching a 30% transition. We are not quite there due to funding issues, but the wardens using them are making great use of this technology. Bureau staff is exploring Mobile Data Management systems to determine how to best implement apps and create efficiencies with the phones.

The month of May, wardens were transitioned out of old CF 30 computers and into new CF 31s. The new ruggedized computers are using a Win 7, 64 bit platform over the old Win XP version.

Advice is to start early and be prepared to troubleshoot many of your software systems so they will operate in the new Windows environment. For your IT staff having issues, we ended up running a copy of XP as a virtual environment inside Win 7. It seemed to resolve two major issues for us until the software upgrades are developed by the out of the box companies.

MACH or the long version, **Mobile Architecture for Communications Handling** is being explored by WDNR and WI State Patrol as a tool to replace our automated vehicle locator system (AVL). MACH is and AVL on steroids and will work in concert with TraCS, our electronic citation system. MACH utilizes an innovative internet communications architecture that allows public safety agencies to share information for facilitating cooperation and organization during every day activities and emergency events. One visual description of MACH is described as using a mapping system that is fully functional with Google Maps to manage events, from catastrophic flooding to managing traffic flow at a state fair. The link to explore further is attached <http://www.teginc.com/>

State, Regional and National Issues, Legislation, Legal Challenges and Court Decisions Impacting Natural Resources Law Enforcement - 2011-12 Legislation:

Wisconsin Act 10 - In summary, this legislation removed the authority for most public employees to collectively bargain for anything other than wages, and capped this to not more than the cost of inflation. Also required most public employees to contribute more toward their Health Insurance and Retirement.

Wisconsin Act 21 - Relating to: the authority of all state agencies to promulgate rules interpreting the provisions of a statute enforced or administered by the agency; requiring gubernatorial approval of proposed administrative rules; economic impact analyses of proposed rules and emergency rules; legislative review of proposed rules. In a nutshell, this legislation has increased the length of time it takes to create, amend or repeal administrative rules from 1-1.5 years, to 2-3 years, depending on the economic impact of the proposed rule change.

Wisconsin Act 24 - Relating to: culling of bass in a fishing tournament. Previous state law did not allow culling or sorting of fish by releasing a fish already kept and not immediately released, with another fish. This law requires the DNR to allow culling if the culling involves Bass during a fishing tournament. Still not legal to cull any species when not part of a fishing tournament.

Wisconsin Act 28 - Relating to: privileges under a Class A or Class B bear hunting license, and bear carcass tag and back tag requirements. This legislation eliminated the requirement for a person with a Class B bear license to have to wear a backtag while assisting a Class A license holder pursue a bear, allowed a Class B license holder to shoot a bear if it was first wounded by not killed by a Class A license holder, changed the minimum age for when a person needs a Class B bear license from age 12 to age 16, allows the training of dogs to pursue bear (even without a kill tag) during any season open to hunting bear with dogs.

Wisconsin Act 29 - This Act repealed the requirement passed in the previous legislative session that all Law Enforcement Officers must collect certain information about the race of the driver and occupants of any vehicle the offer stop on a public roadway and submit that information to a central data base.

Wisconsin Act 35 - Relating to: going armed with Concealed weapons, possessing or transporting a firearm under certain circumstances, disorderly conduct limitations, and electric weapons. This legislation created for the first time a license that the public could obtain to carry a concealed handgun, knife, electric weapon or billy club, and authorized loaded uncased handguns to be possessed and transported in vehicles with or without a CCW license

Wisconsin Act 46 - Relating to: Small Businesses. Requires all state agencies to establish by rule, reduced fines and alternative enforcement mechanisms for minor violations of administrative rules made by small businesses.

Wisconsin Act 50 - Prohibiting the Department of Natural Resources from requiring a hunter first harvest an antlerless deer before they are allowed to harvest a buck deer (Earn-a-buck rules), and prohibiting the DNR from establishing a season for hunting deer with firearms prior to Oct. 15th in any area of the state that is not a CWD management zone.

Wisconsin Act 51 - Relating to: placing, possessing, or transporting a firearm, bow, or crossbow in or on a vehicle or in or on a motorboat. This legislation removed the requirement that firearms, bows and crossbows need to be placed in a firearm or bow case before they are placed in or on any vehicle, and authorized the placement and possession of a loaded firearm on a stationary vehicle. This changed laws that had been in place for nearly 100 years in Wisconsin.

Wisconsin Act 94 - Relating to: Self defense (Castle Doctrine). If a person intentionally uses force that was intended or likely to cause death or great bodily harm, the court shall presume that the person reasonably believed that the force was necessary to prevent imminent death or great bodily harm to himself or herself if the person makes such a claim and either of the following applies: 1. The person against whom the force was used was in the process of unlawfully and forcibly entering the actor's dwelling, motor vehicle, or place of business, the actor was present in the dwelling, motor vehicle, or place of business, and the actor knew or reasonably believed that an unlawful and forcible entry was occurring. OR 2. The person against whom the force was used was in the actor's dwelling, motor vehicle, or place of business after unlawfully and forcibly entering it, the actor was present in the dwelling, motor vehicle, or place of business, and the actor knew or reasonably believed that the person had unlawfully and forcibly entered the dwelling, motor vehicle, or place of business."

Wisconsin Act 95 – Requires DNR shall make available to the public a written directory of all stewardship land that is open for public access.

Wisconsin Act 168 - Relating to: creation of a sporting recruitment and retention council, programs to encourage recruitment of hunters and trappers, reduced fees for certain first-time hunting and trapping approvals, high school credit under and administration of the hunter and trapper education programs, requiring DNR to offer online hunter and trapper education courses to adults, waiving fishing license requirements for a weekend ice fishing event, allow hunting and trapping in all State Parks, and reduce sturgeon spearing license minimum age requirement from age 14 to age 12.

Wisconsin Act 169 - Relating to: hunting and trapping of wolves when removed from the Federal Endangered Species list. Establishes a Wolf Harvest license, sets a season of Oct. 15 thru Feb.

28th, established 2 types of license issuance processes as well as certain regulations on allowed methods of harvest, including use of dogs, baiting, and hunting at night.

Wisconsin Act 177 - Relating to: Removal of minimum harvesting requirements for commercial fishing in the Great Lakes.

Wisconsin Act 180 - Relating to: Amending the definition of rough fish to include Asian Carp, and authorizing the taking of rough fish with a crossbow using a fishing arrow teathered to the crossbow with a line, as already authorized for bow and arrows.

Wisconsin Act 207 - Relating to: the regulation of aquaculture. Removed the requirement for an import permit if the fish are covered by a valid Fish Health Certificate and are only being moved from a Fish Farm located out of state to a Fish Farm located in state.

Wisconsin Act 208 - Relating to: registration and operation of all-terrain vehicles and utility terrain vehicles. This legislation basically will require registration of and regulate Utility Terrain Vehicles (like the Gattor or Mule) similar to how ATV's are currently registered and regulated, with some additional rules related to age for operation, wearing seatbelts, etc.

Wisconsin Act 251 - Relating to: possession of certain animals killed by vehicles. Current law allowed any person who accidentally killed a deer with a vehicle on a roadway to obtain a free tag for the carcass, or anyone else at the scene if the driver did not want the carcass. This legislation will treat bear and wild turkey the same way. This Legislation will also allow any person with an appropriate hunting or trapping license to pick up and keep most species of small game animals killed accidentally on a roadway, IF there is an open season for that species and the season is open. The animal will count towards the person possession limit if there is one for that species.

Wisconsin Act 252 - Relating to: weapons that may be used to hunt certain animals. This legislation made it lawful for any person to hunt game with a crossbow under the authority of all the various types of hunting licenses available, except for the ARCHERY hunting license. Only certain disabled persons and senior citizens age 65 or older can use a crossbow to hunt deer during the ARCHERY deer season under the authority of an ACHERY license. But any person with a gun deer license can now hunt deer with a crossbow, bow or firearm during any firearm deer season. Any person may also use a crossbow or a bow or firearm under the authority of thier bear, wolf, turkey or small game hunting licenses to hunt the species authorized by that license.

Cost Savings - The LEAN project

The Department has moved forward with (Six Sigma) Lean Government training for staff.

The Bureau of Law Enforcement is currently using the LEAN Government training to find efficiencies in issuing our Wild Game Serving Permits. Under Wisconsin law, before a restaurant, hotel, tavern, or club can serve wild game to guests they must obtain a permit issued by the Department. This state law is very old and it has a rich history that can even be traced back to logging and mining camps which are still part of the statute. The intent of the law is to prevent someone from profiting off of fish and game. Permits are issued for not for profit events. This

permit is issued in conjunction with the State Department of Health as they have inspection authority over the facilities serving wild game.

The current system for issuing permits is cumbersome. Using the LEAN Government principles the process will be web based and it will be reduced from a ten step process to a four to five step process. A statewide database on this will be developed to replace locally held paper files. This database will allow the department to measure customer satisfaction and identify trends in permitting. The permit issuance processing time will decrease from over seven days to one because of the electronic format being developed. The LEAN principles have shown ways to create efficiencies and streamline this process.

Soon, the Department will determine other opportunities to apply LEAN principles to its operations.

The Bureau saved the department over \$130,000 by organizing the procurement of new computers. This was accomplished by pooling all together bureaus within the agency (Park Rangers, Forestry and State land Rangers). Normally, timing of purchases has been off synchronization since the beginning when other Bureaus followed the Warden Service's footsteps to be more "tech-mobile." But in 2012, budget issues forced managers to hold computers longer, which brought about computer close outs among all the bureaus at the same time. This allowed bureau staff to haggle a much better deal with a bigger acquisition.

Wardens have been voluntarily opting out of having a home phone and instead they are using cellular phones as a means to communicate with the public. Forty three of 148 wardens have now opted out of their home phone. The savings from this effort has been redirected into smart phone use.

Other Special Law Enforcement Issues - Warden Customer Service Initiative

Wisconsin Conservation Wardens are continuing to improve upon the customer service that we provide to the public we serve. In this effort, we have implemented a customer service feedback site for our customers to assess the service that our wardens provide. It is our hope that this honest feedback from the customers we serve will not only help us to enhance and duplicate the things we are doing well, but also identify things that we can improve upon.

By going to this easy to navigate site, the customer will be asked 7 questions aimed at assessing and improving the service we deliver to constituents. You may review the questions or provide actual feedback on warden service by going to:

[Http://www.surveymonkey.com/s/Warden](http://www.surveymonkey.com/s/Warden)

Although this feedback forum has only recently been implemented, we have already received many submissions from our customers. Listed below are two samples of customer responses:

- *The Warden Ben Mott called ahead to let us know he was coming. Talked for a few minutes. Explained facts about the law in regards to eagles. My wife was amazed with his overall knowledge about eagles. He took the time to answer any questions we had. Gave us*

information on who to contact in case we had more questions. His attitude and bearing was very professional while being friendly This Warden is a credit to your department and an example as to what I expect from my tax dollars. I believe you have a good man and expect he will advance as he is the kind we need in Wisconsin

- *Outstanding professional and leadership model Andy Lundin responded to my hotline complaint. He picked up a deer carcass with a missing head that I found on a farmer's fence line. He was able to determine exactly what happened with that deer. He was able to issue two citations connected with this case. Overall I came away IMPRESSED with Andy's dedication to his job, as well at how well he communicated along the path. Thank you for the GREAT SERVICE!*

In addition to the customer feedback site, Wisconsin Wardens have developed a Customer Service Menu/Guide. This “Menu/Guide” is a compilation of customer service suggestions and ideas for wardens to use in various situations and scenarios. In essence it’s a “tricks of the trade” in providing excellent customer service. We believe our Wardens are truly the best in the business in providing excellent customer service. This Menu/Guide is an effort to capture and share our customer service skills as we continue to improve our service to the public in the protection of our states resources.