

gives useful forms of wildlife an opportunity for reproduction and survival. It affords the over-all conservation effort with its only chance for success. Programs which provide better hunting and fishing recognize the important role of enforcement in game and fish management and give it the attention and emphasis which it deserves.

WILDLIFE LAW ENFORCEMENT—CONCEPT AND COST

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In discussing "Cost of Game Law Enforcement" better understanding may result if we first look at the position the present-day enforcement officer holds in his respective state or federal agency and review some of their problems.

Regardless of title—Protectors, Wardens, Rangers, Agents, Conservation Officers or Game Management Agents—the men who have the responsibility of enforcing wildlife laws and regulations and carrying out the varied and changing functions associated with modern game, fish and forestry management, *must* be well trained, skilled, intelligent and dedicated.

Two important qualifications are *flexibility* and *courage*. It has been said that "Everyone has courage, but few are prepared to use it." Only those of the "few" last long on this job. Further, a conservation officer must possess *two* types of courage. Frequently he must face belligerent and even dangerous characters in the performance of his duty. Also, he needs the courage to render quick judgment when the occasion demands—often on matters where he has relatively little background information—knowing that his decision, may be "second guessed" in many areas. He must exert restraint on human behavior in such a manner as will best accomplish the objectives of wildlife laws or regulations, and at the same time endeavor to avoid creating unfavorable attitudes toward his department's programs or projects. Such often demands unusual self-control and job devotion or loyalty, particularly when it is obvious that public sentiment or local conditions pertinent to the situation may have been over-shadowed by clouded biological "Facts and Figures" compiled in the gloomy recesses of some distant laboratory with no consideration for field application.

Adaptability to change—is fast becoming a most important requirement, for change is the keynote of today's management programs. The agent must be pleasantly receptive to "overnight" revisions of policies, procedures, and programs. What today may be an "important" law or regulation, may be revised tomorrow, however, it is the duty of the officer to enforce the law until by the stroke of the gong at twelve midnight, the ink of his obligation is erased from the pages of statutory mandate.

He may be advocating a policy of game or fish management only to open his mail and find a reversal of thinking, or a "New Frontier"—sometimes biologically referred to as a "trend." He may be following procedures outlined in his "Manual of Instructions" only to learn (possibly by the "grapevine") that a different *modus operandi* will become effective soon.

The flexibility of the officer is determined by his attitude towards administration and by the degree of enthusiasm with which he accepts each "new look" or change.

Enforcement personnel have been slow to recognize that today's wildlife laws and regulations result from detailed study and are promulgated on the basis of biological data. Even though we contribute much information and are actively engaged in many research projects, we are prone to place the blame on our technical staffs for making recommendations contrary to our beliefs, or that are difficult to enforce. Perhaps we have failed to take the opportunity to express our views, or to make suggestions at the time reports are submitted. We may not have placed proper administrative emphasis on the accuracy or detail of the survey in which we participated. Then, after the data has been analyzed and the regulation "signed, sealed, and delivered," we are rudely awakened to a "Frankenstein" in resource management that we may have helped to create ourselves—by not giving due thoughtful consideration to the role entrusted to us in this broad and important field.

We enforcement administrators may be guilty of not passing information to men under our supervision as well as we should. Many difficult situations could be alleviated if the linemen were more frequently taken into the huddle by the quarterbacks and told what plays were going to be called. As it is, we are quite often attempting to provide a wide offensive opening in a solid line of defensive public opinion without the blocking of sufficient information.

The work of our technical staffs should be carefully reviewed by the Fish and Game administrators and given due consideration in promulgating regulations. And, if wildlife laws are largely based on the results of biological studies, their enforcement is a major phase of most research programs. Thus it is our responsibility to see that primary objectives of such research are accomplished by exercising proper, intelligent, efficient control over the behavior of persons interested in the use of the resource. Wildlife laws do *not* regulate wildlife; they restrict human behavior. People—not wildlife—are the only animals capable of comprehending the written word. Our agencies have been charged with the control, management, restoration, conservation and regulation of wildlife resources not as *governmental property*, but as a heritage of the people—for their use or enjoyment in one form or another. Ours is an important function: we are responsible for the outcome of our department's endeavor to meet its obligation. In our hands rests success or failure of an agency's efforts to exert influence over the actions or behavior of people in their uses of natural resources.

Our job is complicated, because various agencies of government, as well as organizations of private citizens interested in the use of our natural resources, have many different ideas regarding the subject and are, too frequently, acting in opposition to one another, creating a confused pattern of public thinking.

For example, by crossing a state border, an imaginary line that seldom can be defined, a fisherman or hunter must govern his hunting or fishing activity in accordance with an entirely different set of rules than those from the area from which he has just "migrated." Yet we must defend our agency as being more competent, having superior knowledge or intelligence in their management policies. We must warp the "mind" or the "behind" of the "Pursuer" to fit the pattern of behavior established by our department. (There is nothing we can do about the "pursued," wildlife has no knowledge of boundary lines). We are often involved in the tangled webs of human opinions, desires, and interpretations, influenced sometimes by greed, selfishness, deceit, or just plain ignorance.

How do you estimate the cost (or value) of wildlife law enforcement? Can it be specifically determined in work so involved? May I call your attention to a statement made by Director Bob Aldrich of Florida, who said: "Hunting or fishing is not a commercial commodity to be sold, or to put a price on." What is the worth of a deer or wild turkey? Or a bass or duck? To a boy on his first hunt, who has just dropped a squirrel from the top of a tall hickory with his new .22, the young fisherman who has just "tree topped" a wiggling bullhead, or the "old timer" who thought he would never again hear the sylvan symphony

of a wild gobbler coming off the roost . . . ask these people what monetary value is placed on lifetime memories.

How about the economic value of hunting or fishing as recreation? Many millions of dollars are spent each year on the activity created by hunting and fishing opportunities. We as the governing agencies must maintain the "attraction" for the "prolific pilferers" of our flora and fauna. The economic value of wildlife recreation is increasing at a greater rate than is the compensation for those who are crawling around in mud or brush, at all hours and seasons, in an attempt to save some game for the bullet, the hook, the arrow, the trap or the camera.

A recent report indicated our population by 1980 will have reached 245 million, as compared to our present 180,000,000. Instead of the 44 million acres needed now for outdoor recreation, 75 million acres will be required in 1980. Present fresh water withdrawal amounts of 250 billion gallons a day; the 1980 need will be 340 billion gallons per day. I predict that before we reach the next "plateau"—or 1980—it will be easy to put a law enforcement price tag on each duck, bass or bunny.

I hope my pessimism is incorrectly founded, but until more people realize that wildlife laws are essential to the perpetuation of the resource, and remove their "form-fitting girdle" of complacency; unbuckle the "chastity belt" of non-conformity in their attitude toward laws and restrictions, and the meat hunting sportsmen strip from their inflated chests the "foam rubber falsies" of pretense or lip service "Conservationist," my biotic view of the biota will continue pessimistic.

I have, at times, attempted to break down the expense (time and mileage) required to apprehend and prosecute a game violation. I have compared the number of arrests, making allowance for other activities, with expense and salary budgets. A cost statement depends entirely on my estimate—not facts—and is worth very little. I doubt if any two of us could agree on any set of figures. The cost of enforcement cannot be determined by the number of arrests made, or the amount of fines assessed. It takes more time to discuss, reprimand, or advise a person on a minor infraction than it would to take him to court. Just the same, advice is also law enforcement and it costs money; many hours and miles are consumed in *preventing* illegal hunting or fishing. Many more are spent on informational programs, over radio or TV, informing the public why rules are necessary and what they are.

All of this is a part of enforcement as resource management, and must be figured in evaluating costs. Enforcement work is an integral part of all programs—although it is not always recognized as such. The enforcement officer is the "expert" in his specific branch of management, although his training cannot be determined by alphabetical characters such as A.B. or Ph.D. There are no colleges granting degrees in wildlife law enforcement. The officer's proficiency depends on his experiences in the expansive classrooms of rivers and ridges—fields and forests, lakes and lagoons. His "sheep skin" is inscribed with the "scratchy pen" and "blurred ink" of many hazardous assignments and bitter disappointments; his Alma Mater is Mater Natura.

So I argue it is impossible to "nail down" the cost of game law enforcement and trite to make budgetary comparisons. The game agent does not walk a beat or check parking meters with his back turned to the flow of human traffic. He is not a policeman operating on a predetermined schedule of working hours. When he walks down the street, count the people who inquire regarding some phase of his responsibility; observe how people crowd around to ask about hunting or fishing, or to "see about" some fish for their pond; watch those who glance over their shoulder and sidle up to tell him about what's going on out in Wild Hawg Holler.

Chances are, he charged this time to his daily activity report as *Law Enforcement*. It's also wildlife management, and its value can't be itemized. However, I'm going to quote some figures from a summarization of game law convictions prepared by a "Doctor" from Region IV., William T. "Bill" Davis, Ph.D. Determine in your own mind whether they mean anything or not. In my opinion, they serve to better emphasize the need for more attention to law enforcement, which can only be accomplished with additional personnel.

DAVIS REPORT

"For two years, game management agents in Region IV kept records of the number of waterfowl hunters checked and the proportionate number of violations found. The information indicated that Federal agents checked approximately 4% of the duck stamp buyers. In the Atlantic Flyway States, 21% of waterfowl hunters checked were in violation, and 11% in the Mississippi Flyway. Most of the contacts made with hunters in the field could be considered as random checks.

"The figures submitted regarding the total number of cases, and the total amount of fines imposed, are representative of the activities of all enforcement officers in the region. However, as Mr. Bailey has pointed out, much of the time of conservation officers is devoted to projects other than enforcement of game laws and regulations.

"The reports from some of the states were not in sufficient detail to give accurate information on jail sentences.

"Penalties imposed for violations in the various states, as well as in the Federal court districts where many Migratory Bird Treaty Act violations are tried, vary considerably. The average fine in one state is approximately \$40.00 per case, whereas in another state, fines and costs combined total about \$10.00 per case. Federal court districts average about \$25.00 for each case.

"All of this is brought to your attention to point up the need for assessment of heavier penalties for violations of game laws and regulations. When you realize that we check only 4% of the hunters, and although we may obtain 98% convictions, those apprehended are dealt with so lightly that much of the enforcement effort is nullified. Imagine, if you can, the staggering number of apprehensions that would be possible could we contact every hunter who goes afield."

TABULATION OF VIOLATIONS, FINES, AND COSTS

Following is a tabulation of the number of cases made in each of the 14 member states of the Southeastern Association of Game and Fish Commissioners during the last fiscal year, together with total amount of fines and costs, and jail sentences imposed:

STATE	CASES	FINES & COSTS	DAYS-JAIL
Alabama	3,844	\$ 76,880	
Arkansas	2,957	75,215	
Florida	4,559	45,362	
Georgia	4,750	63,344	
Kentucky	3,794	70,274	108
Louisiana	3,124	54,829	
Maryland	1,440	36,057	102
Mississippi	3,478	31,845	
Missouri *	3,986	81,953	3
North Carolina **	9,947	126,776	
Oklahoma	1,477	55,990	15
South Carolina	5,914	83,202	
Tennessee	3,342	66,709	
Virginia	5,769	116,011	
U.S.D.I.	3,455	59,300	6,331
TOTALS	61,836	\$1,043,745	6,559 Days or 18 Years

* Fish and Forestry violations not included

** Includes boating violations

I call to your attention that only 4% of the duck stamp holders were contacted. This may appear to be low but take into consideration the short hunting period, the type of activity, and that this figure does not include those checked by state officers.

During the first six months of this year, Missouri agents prosecuted 2,050 violations. Of this number, 1,227 were "No Permit." Approximately 700 were for over-limit, closed season and illegal methods. Our records indicate that we check approximately 20 to 25% of the one million persons who purchase licenses each year in our state. Using this as a basis, we missed about 10,000 "free riding" wildlife customers the first six months of 1963. When you multiply that number by the price of a permit, it is obvious that the loss of revenue is extensive. However, what would our income be, were it not for the men in the field prying "free loaders" out of the brush, chasing them through the fields, listening to their excuses? Although it is sometimes hinted as a cheaper method, I doubt if the personal field contact, by the enforcement officer can ever be replaced by modern communications media in persuading the "mythomaniacs" of field and stream to abide with our "pay-as-you-play" plan.

In closing, I would like to "sin-seriously" admonish once again the success of our department's programs depends to a great measure on the image created by the conservation office in the minds of our critical constituents. I believe Assistant Secretary of Interior Frank Briggs referred to them as "vociferous" rather than "critical."

The conservation officer needs all the help he can get from every man on the team in carrying the "pig skin" of wildlife law enforcement down a rough and rugged field to the goal posts of good hunting and fishing. Whatever the cost of game law enforcement, the hunting and fishing public is getting its license dollars' worth for every badge that blazes on the breasts of the "Brush Beaters."

SUITS AGAINST OFFICERS

BY ED ASHBAUGH

Attorney for the Arkansas Game and Fish Commission

To The Law Enforcement Section of the
Southeastern Association of Game and Fish Commissioners

Mr. Chairman, Ladies and Gentlemen; I feel greatly honored that out of the fourteen states that comprise the Southeastern I was chosen to discuss the question of "suits against officers" with you. This is a question which comes very close to us of the Arkansas Game and Fish Commission since we have some suits of this type pending in our courts at this time.

In my association with the law enforcement division of my own Commission, and of those of various other wildlife commissions, I have found these men to be dedicated to the enforcement of the game and fish laws, and to the protection of the fish and wildlife of the country, and this in my opinion is good conservation which inures to the benefit of all mankind, and here I wish to state frankly that in my opinion our own Commission could operate only for a very short period of time without the aid of our own law enforcement division, since we are wholly supported from license fees and some small sums of money from fines, not one cent of tax money going to the support of the Arkansas Game and Fish Commission, and human nature being what it is I am afraid many of us would soon be unemployed if we depended on tax money for support.

This question of suits against officers appears to be one of growing concern among all of us, as we are repeatedly faced with it. It is the duty of every wildlife officer when he sees a violation of a game or fish regulation, or has reason to believe that such regulation has been violated, to take appropriate action to arrest or apprehend the alleged