

PRESENTATION TO SOUTHEASTERN ASSOCIATION OF GAME & FISH COMMISSIONERS

By
Leonard L. Boulter
Boat & Water Safety

Gentlemen:

Certainly, most of you are aware that the State of Mississippi is one of the few states that has created a separate state agency charged with the sole function of Boat and Water Safety Administration. I am sure that many of you are expecting me to have some dramatic spill as to the advantages of this individuality. I don't intend to dwell on that. I address my remarks about our organization, its operations, effectiveness, cost, and impact on the boating public. In so doing I will talk about both advantages and disadvantages of administering water safety. You must draw your own conclusions as to whether it should be administered by a department of Conservation or not.

First let's look at boating law enforcement. Should the law be enforced by conservation officers? No one has ever resolved this question and I doubt that they ever will. What difference does it make if the enforcement officer is called Conservation, Marine Police, State Trooper, Water Patrolman, or whatever? It is the law itself, the training of the officer to execute that law, the assignment of that officer to the enforcement of that law, the willingness of those in authority to accept the responsibility of that law, the willingness of all those concerned to recognize the importance of that law, and the desire to fully cooperate with those held responsible for the effectiveness of that law. I do not believe that it makes one bit of difference what the officer's title is or what agency he is employed by.

What about education programs administered by conservation departments? Our experience has shown that it is virtually impossible to conduct an effective water safety educational program during the summer or boating seasons. The days are long, hot, and a water outing is extremely inviting. The boating enthusiast is not about to participate in an educational session when he could be enjoying his hobby. With this experience in mind, we direct most of our efforts to enforcement during the boating season, which in some cases will inspire better participation in education programs. During the winter months, our enforcement officers suddenly become educational instructors, civic club speakers, and water safety program chairmen, in addition to their regular assigned duties of enforcement.

If we had only open type small fishing boats to contend with, education would impose no real problems either for the boater or the enforcement officer. This not being the case, however, enforcement officers must be better educated than the general boating public on all water safety subjects. It doesn't require much training to ascertain if a small class "A" boat is carrying sufficient Personal Floation Devices and is properly registered. On the other hand, class "I" and above boats are complicated craft with unique laws to cover their operation. In our state approximately 36 percent of all boats fall in this category and education in the fields of navigation, construction, handling, seamanship, and other subjects are of utmost importance. The water safety officer must be well versed in these subjects if he is to command respect of the boater and at the same time demand obedience of the law. In other words, the officer must know the law in more detail and possess better boating capabilities than the boater. In order for officers to retain this degree of knowledge, once trained, he must receive refresher training at regular intervals to keep abreast of the changing laws. Through the years it has been proven that water safety officers must devote *full time* and a concerted effort to maintain the expertise expected of him. The Coast Guard itself, being recognized as the most experienced agency in boating law ad-

ministration, has several years ago accepted the fact that water safety officers must be specialized and they set about the task of selecting and training key personnel for the unique duties of Boarding Officers. It is for this reason that I contend that water safety officers should be expertly trained and specialized in water safety with no other unrelated duties assigned.

Can we argue with years of experience and proven fact that water safety is unique and that it deals in a product of human life? This brings up the point of which responsibility is of higher priority, water safety or other conservation subjects. I have been raised under the belief that all laws were enacted for the protection and benefit of the human being. It seems to me that water safety having to do only with the protection of human life and property should take precedence over other forms of conservation. I do not believe this to presently be the case any place except where there has been an agency created to deal exclusively with the problem.

We in water safety are not generally dealing with the outlaw segment of the citizenry. We are confronted with the middle and upper class citizen, individuals who stand out in their community and professions. Many of whom are highly qualified boatmen with thousands of dollars invested in their chosen mode of recreation. These citizens are entitled to professional representation in government, with their fair share of consideration when laws are made and enforced. With few exceptions — I do not believe that the boating public has had its fair share of governmental consideration. This has resulted in poor and insufficient education programs, insufficient or no waterway marking system, assembly line enforcement mostly directed to checking lifesaving devices, while the reckless and flagrant violators often go unpunished.

In the past we have seen in our state a total lapse in continuity of water safety knowledge among state officials, legislators and other related agencies. We have seen rules and regulations previously legally promulgated and adopted become lost and forgotten. We have seen several legal and binding agreements with other departments, states, and agencies completely lose and no one familiar with their existence much less the contents. I believe this lack of continuity in specialized personnel has greatly deterred our water safety programs and no doubt has contributed to a higher fatality rate on our waters. I point this out to impress upon you the importance of maintaining specialized personnel dealing exclusively in water safety. No matter how small a water safety program is or how few persons are employed, let what there is be of quality, fulltime, and specialized in the profession. Then the department will grow to meet the challenge, almost automatically.

Let's go back to the question, "Should Boating Safety be administered by a Conservation Agency?" In my opinion, it can be administered by any department, but there must be a separate division, separate enforcement officers, different types of equipment, and specialized training. There must be separate funds allocated and earmarked for specific projects. The boating program must be self-sufficing, not dependant upon funds from the sale of fishing or hunting license, etc. In retrospect, boating revenue should not be utilized for funding other conservation projects.

We do not have a consolidated conservation agency in our state. If such an organization should come to be, I doubt very much if water safety would be included in its organization. Our legislature, in the 1965 regular session, ruled out the dual responsibility concept when it separated Water Safety and Game & Fish. We are very proud of our Game & Fish Commission and all of you know it is second to none. I feel that additional unrelated responsibilities could only hinder its primary function and efficiency. We are blessed with good wardens as evidenced by the superb wildlife management and hunter-fisherman success in our state. I do not think that water transportation and safety is anymore related to our wardens than would be land transportation and safety. We enjoy an ex-

cellant cooperative relationship with all our conservation agencies and most especially with our Game & Fish Commission. But most of all we have an effective Boating & Water Safety Program financed by those who live under its rule and reap the benefits of its actions. We like our organization the way it is. Its sole responsibility is that of Water Safety. We intend to keep it that way.

Thank You

*FLORIDA'S EXPERIENCE WITH FULL-TIME
UNDERCOVER INVESTIGATORS AND FULL POLICE
POWERS*

*Captain Alan Lamarche
Inspection and Investigation Supervisor*

The use of undercover investigators is not a new concept in the field of wildlife law enforcement, however, the concept of full-time undercover investigators (as used in Florida) may be an innovation to further enhance the effectiveness of our chosen profession.

Full police powers by wildlife officers is also not an entirely new concept in wildlife law enforcement. It is interesting to note, however, that, at this time only twelve (12) of the fifty-one (51) states have taken the necessary legislative action to give their wildlife officers full police power status.

Within the last two (2) years, the Florida Game and Fresh Water Fish Water Fish Commission has initiated a program utilizing full-time undercover investigators, and has also acquired full police powers for its wildlife officers.

Today, I will attempt to relate our experiences in the two aforementioned innovative concepts of a progressive wildlife enforcement program.

I never wear a uniform and my hair may not be the same color or length tomorrow. I supervise a statewide team of inspectors and investigators. Lieutenant Ashley has explained the role of the uniformed inspector in his paper. Our investigators work undercover and appear to be ordinary civilians. Our undercover investigation program is considered a full-time special statewide project. The upward chain of command for this project is from the undercover investigator, to the Inspection and Investigation Supervisor, to the Chief of Law Enforcement, to the Director. At no time is this chain of command violated, for we have found that the number one priority for a successful undercover program is complete confidentiality as to the identity of the undercover investigators as well as all aspects of present or future investigations.

I feel it is important to make the following point clear at the outset. Our investigators are used solely for the purpose of investigating fish and game violations. Many years ago, our Commission, like so many others, used plain clothes investigators to check on their own personnel. Perhaps, in those days it was a necessary action, today it is not! We have a sufficient number of highly trained professional supervisors and a chain of command that eliminates any need for inhouse personnel investigations. This practice crippled the prospect of initiating a full-time undercover investigation program for many years. Minor rumors of suspicion by some old-timers still circulate throughout our uniformed ranks.

There are two basic approaches to modern wildlife law enforcement—prevention and apprehension. Uniformed officers in marked cars provide the most efficient and effective method of preventing game violations and are, indeed, the backbone of any enforcement agency. In today's world, law enforcement administrators are finding a need to place more and more emphasis