

Law Enforcement Session

Comments Regarding Defendant Management and Professionalism in Wildlife Law Enforcement¹

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Abstract: The author encourages wildlife law enforcement officers to develop and maintain a cooperative rapport with convicted offenders in an effort to increase the number of informants and cooperators as an aid to cause compliance with regulations.

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There are many things (most things) I care little about, and only a few I get excited about, and most of these that excite me are within my arena of work responsibilities. One of these I am adamant about is professionalism in wildlife law enforcement. In brief, I have no use whatsoever for the unprofessional wildlife officer. That's being very candid, nevertheless, I can't tolerate unprofessionalism in any way, shape, or form and that's what generated these remarks. (They were designed for officer cadets during their training period prior to field assignment.) I believe professionalism within our ranks is extremely important. In my estimation, there are 3 primary elements that will insure a successful career in wildlife law enforcement. They are 1) Professionalism, 2) Professionalism, 3) Professionalism.

Professionalism is defined, in part, as characterized by or conforming to the technical or ethical standards of a profession.

There are probably as many different definitions of professionalism regarding wildlife law enforcement as the number of officers attending this conference, or for that matter, the number of wildlife law enforcement officers who have served in North America since Massachusetts and New Hampshire established the first 2 game warden systems circa 1850.

Professionalism is something we hear about constantly, usually from the first hour of the first day we were involved in basic training. Through our careers, some of us may have been exposed to an additional short course regarding professional behavior possibly due to our temporary inability to follow directives or policy. Also,

¹ These comments were initially prepared to be given to new wildlife officers during their cadet training.

in most cases, it's not the officer that suffers through all of this, it's the administrator who must find a solution.

Defendant management, on the other hand is nothing new, we just don't talk about it very much and we don't give this important concept the attention we should. To some, defendant management may mean nothing more than, find some violators, roll-the-gold on 'em, invite 'em to the courthouse then forget 'em and go look for some more misfits.

One of the most important elements of true professionalism for each and every conservation officer is, at times, somewhat difficult to accomplish and maintain, that being the ability to manage defendants. For one of the purposes of this brief discussion, professionalism is an attempt to do something positive to deter violations, both intentional violations as well as unintentional. Reducing violations this way may require some careful planning, some time, and real applied patience. Nothing here should generate barriers for the proficient wildlife officer who has developed, or who is in the process of developing, or plans to develop, the skills necessary to plan his activities and manage his available time along with the ability to practice patience.

Let me guide you through an example of what I believe positive action could and should be in order to deter future unlawful action on the part of a violator, and at the same time demonstrate professionalism on the part of a wildlife law enforcement officer.

Think back to what is considered the most memorable case in which you were involved. It may have been your first, possibly the most difficult, or the one that required a lengthy investigation. This may be a case that you planned to pursue a year or more in advance.

Nevertheless, the end result of this planning, time, and patience provided the violator with an hour and place to appear and enter a plea before a judicial officer and hopefully receive sufficient punishment to cause respect for the regulation that was violated and inspire future compliance.

Again, looking back. How did you manage this case? Especially, how did you manage the violator? Was your every action in keeping with what should have been done? Were all of the policies and procedures required by your agency followed to the letter? Did you observe all of the rules of criminal procedure established by the state along with the guidelines suggested by the prosecuting attorney and judge for this particular type of case? Were your witnesses, if any, properly schooled, coached and cautioned as to courtroom procedure? Was your evidence carefully preserved without any missing links in the chain of custody? Up to this point if everything you were responsible for had been completed, as it should have been, your professional image should continue to be intact.

Once more, and most important, looking back on your overall management of this case, how did you manage the defendant?

Appropriate management of the defendant, in my view, is the single most important element of case preparation. The manner in which you deal with the defendant should be carefully thoughtout and planned in advance. Even as you make

your initial approach, covert or otherwise, there should be no doubt in your mind regarding what you will say or how you will conduct yourself. (In the event you are with another officer or possibly, as occasionally happens, an informant or landowner-cooperator, there should be no question as to who is in charge and what the course of action must be.)

Maintaining complete control during the initial contact is extremely important and should be the beginning of an effort to do something positive to deter future violations. The professional officer at this point will do everything possible to protect the violator's dignity and self-respect. In all of his dealings with violators, the professional officer is always cognizant of the feelings of the people he is dealing with no matter what the occasion. The professional officer never assails a person's dignity, countenance, or character. I have recognized the importance of this concept for many years and it was engraved in my mind on 10 September 1987. At that time, while addressing all of the Arkansas wildlife officers during an annual conference, U.S. Fish and Wildlife Service retired Special Agent Willie J. Parker admonished: "Never, never deprive a man of his dignity. As long as you maintain his dignity he's comfortable. Once he has lost that, he doesn't have much more to lose." In a word, this is *real* truth from a *real* professional. Also, the professional officer will not permit a course of action that will later give cause for derogatory remarks about the violator or himself. This is important because at this point, the effort to prevent future violations with this violator has just started. Why not start to develop, rather than destroy, the opportunity of a productive and long lasting relationship? I believe we should keep Willie Parker's admonishment in mind and keep 'em comfortable.

Management of the defendant does not stop when you have completed your citation. Keep the defendant's esteem in mind. If he has never been to court, explain court procedures and how your judge operates. Consider the details regarding this by making sure the defendant knows where to sit, when to approach the bench and how to enter his plea. Most important, let the defendant know you will also be there to answer any last minute questions or to return any seized equipment. Managing the violator in this manner may cause him to do some positive thinking about his past actions, about the way he has been treated so far and this may also, hopefully, generate in his mind a lasting good impression of your work. Good defendant management has produced guilty pleas. Poor defendant management has not. Good defendant management has even produced apologies from the violator for causing the arresting officer and/or the court unnecessary problems. Good defendant management has also generated lasting and beneficial friendships.

For the professional officer, defendant management is never over, it's somewhat like farming in that the work is never completed. What plans do you have for the defendant when court is adjourned? Do you leave the courtroom advising the defendant he is now on your "list"? Do you tell him the next time the fee will possibly increase? If you don't actually mention this directly to him, do you make it a point that he overhears you make these remarks to someone else, possibly another officer? The professional officer does not.

With the court case completed, the professional officer is no longer dealing with a defendant, he is now dealing with a potentially new cooperator, and with some attention, possibly a new informant.

Some officers, not the professional officer, look forward to the time when they will be in a position to distance themselves from the violator after court when the case is completed. After all, isn't the violator the enemy? Isn't he someone you have no desire to be associated with? Some officers may view a particular violator as representing the highest form of human garbage, in the current vernacular, a scumbag, the last person you would invite on a float trip to share your canoe and your free time.

Your management of a convicted violator need not be any different than your treatment of anyone you are encouraging in order to develop an informant or cooperator. Essentially, this is nothing less than good basic human relations.

It is understood there will be occasions when it will be extremely difficult to develop a lasting relationship with a violator, and you may feel any effort in this regard may be counterproductive. In your mind this most likely may be non-residents who you believe have no intention to return to the state or others who live in distant parts of the state or far away from your assigned patrol area. This is not to suggest any attempt should not be made to manage a defendant when a possibility exists through means other than frequent and planned local area personal contacts. If you feel you may be able to develop a cooperator/informant by telephone or through the mail the end result may very well justify whatever means you have selected to accomplish the purpose. The "try anything once" rule may be applicable here. If an officer is serious about developing a cooperator, distance should not be considered a problem.

I have found even though a particular violator lives and works many miles from an officer's geographic area of responsibility, this individual may return from time-to-time for some seasonal hunting or fishing activity. Why not apply the "try anything once" rule? If you are successful you will have gained one more cooperator/informant to assist you, unless you have the capability to be everywhere at once and have decided you do not need any additional assistance with your enforcement efforts. The professional officer will not adopt this kind of thinking, the professional officer will stimulate all the "extra" help he can find the ways and means to cultivate. I have always believed, as far as informants are concerned, "more is better."

The methodologies available to encourage defendants to become cooperators are all but endless. The method you select is dependant only on your available time and individual abilities. The important item to consider here is not to over-extend your abilities. Someone once wrote something to the effect everyone generates an image based on *action*, not words, and the only way to earn credibility is through satisfactory *performance*. This thought should be kept in mind when you are cultivating new cooperators, or for that matter, in all of your associations with the public. The professional officer does. Again, this suggests nothing more than good basic human relations.

In order to be successful in the conversion of a defendant into a cooperator/

informant it is necessary to first discard any and all ill will, grudge or malice that may have been generated, real or imagined, regarding the individual you are attempting to convert. It is essential that you adopt a totally new attitude designed to encourage rather than to degrade. It should be understood this cautionary suggestion is not at all necessary or intended for the professional officer.

Let me offer an example of one recent incident of defendant management and real professionalism on the part of a thoughtful wildlife officer. Names, dates, and places are not important, only the action on the part of this veteran Arkansas wildlife officer.

A long-time violator, along with other members of his family, went to extremes to cause this officer an inordinate amount of difficulty. They worked at length to instigate ill will toward this officer throughout the entire community, mostly because of past incidents when they were apprehended for waterfowl hunting violations. The difficulties that, over time, precipitated between this family and the officer generated everything except fraternalism and camaraderie. In short, it was something of an on-going feud, mostly on the part of the violators.

I have forgotten the detail, nevertheless, the primary antagonist shot himself in the foot causing him to be hospitalized. When our officer was told about this incident he contacted the convalescing violator by telephone, and while being anonymous, and with a disguised voice, told the accident victim of a similar accident he experienced and generally empathized with this victim's difficulties.

Because these two had many personal contacts during the years, and regardless of the officer's ability to be a good actor, the victim recognized his voice. This didn't matter as the violator went to great length to explain his appreciation because the officer thought enough of him to attempt to offer help and encouragement.

The next day the violator's brother contacted the officer at his home and during a lengthy visit the brother pledged support on behalf of the entire family. To date, a cooperative spirit exists and past difficulties have been set aside. Knowing this officer, there is no doubt in my mind he will be successful turning this family of violators into cooperators.

This is just one very recent example. I know of several more from personal experience, most involved trappers. Nevertheless, it has been proven conversions in attitude can be attained with some evangelistic time and effort on the part of the professional wildlife officer.

These few brief comments were not intended for anyone attending this gathering. I am satisfied everyone here is nothing less than professional or you wouldn't be here.

Hopefully, these thoughts will reach those who are not professionals. I will be the first to admit there are a few non-professionals within our ranks and it is up to the rest of us to introduce them to the advantages of professionalism as well as the art of defendant management.