

THE IMPORTANCE OF ENFORCEMENT IN WILDLIFE CONSERVATION

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It is generally recognized that the aim of any wildlife conservation effort is to control the harvest in order to gain for man the maximum benefit from this natural resource. Conservationists are familiar with the five basic functions of a sound program, and the activities concerning the regulation, management, education and research phases of wildlife work. The fifth, and most important program function, deals directly with both the wildlife resource and human populations which affect the resource and our efforts to manage it. Law enforcement, through the variety of its activity, has the greatest direct bearing upon the success of the conservation effort of all the five functions in an organized program.

ENFORCEMENT'S PLACE IN PREVENTING VIOLATIONS

Enforcement officers exist solely because of the service they render in preventing violations of the laws. Just as a gun is no better than the soldier who carries it, a law or regulation is no better than the ability of the executive body to carry it out. Success of the regulation and management phases in conservation is impossible without public conformity, and enforcement by arrest and prosecution activity has the greatest single effect in securing this conformity. Although court action is not the most desirable method to secure cooperation, it is often necessary for its deterrent effect. Where fear of apprehension and prosecution prevents violations by a willful non-conformist, the program is successful as far as that person is concerned.

The quality of service rendered by the enforcement officer inspires public reaction to the program. Effective enforcement personnel, indoctrinated with the need for gaining public support for conservation, can gain the confidence of the people with whom they associate by skillful apprehension and trial methods. Contrawise, the poorly executed duties of an inefficient officer will engender public disgust, contempt, or even hatred. Service by affirmative enforcement is a vital part of any conservation effort, and the effectiveness in preventing violations and obtaining public conformity will measure the quality of this service.

ENFORCEMENT'S PLACE IN GAINING PUBLIC SUPPORT

While to the uninitiated the aim of an enforcement program might be expressed as "the arrest and prosecution of all wildlife law violators," the thinking conservationist emphasizes that the real object is to secure public observance of the laws. The program's success is assured when it has gained the observance of its rules by the persons upon whom it operates. This public attitude, however, is never automatically attained by passage and publication of enactments unless there is a promise of immediate personal advantage. General observance of the law, and especially of conservation law, is created through a public acceptance of

the wisdom in, and the need for, that law, and through enforcement which is impartial, just, and which is guided by common sense applied to the principle for which the law was enacted. At this relatively early stage in the total conservation movement, many persons feel that conservation laws deprive them of rights and privileges which they enjoyed uninhibited before those laws were passed. Enforcement's greatest service lies in aiding to overcome this adverse attitude, and engendering in its place public acceptance and observance of the conservation laws.

Law is only common sense in writing. So long as law remains within the bounds of common sense it retains likelihood of support, since everyone sees need for rules of conduct. But when law exceeds the limit of its need — when it by-passes common sense, or when it becomes so conflicting or complicated that persons cannot see where society is benefited by it, then it is subject to being ignored or held in contempt. Failure of some recent Congressional legislative effort illustrates this fact. Many laws have been killed because of the lack of need for them, or because they were of themselves too saturated with complications to be effective. Many good laws remain to be written because their need is not presently apparent. Conservationists, especially, have had a long uphill fight in obtaining sound legislation because there has been no general recognition for its necessity. The unpopularity of any law which denies today's privilege, even though it grants tomorrow's gain, causes the reserved legislative attitude which is reluctant to abridge exploitation of our natural resources. But, once the need for a law is apparent to the public, the need for its enforcement is obvious. When public pressure demands enactment, it also requires observance. Enforcement based on sound principles of impartiality, fairness and common sense will instill public support for the conservation program, and by guiding that public observance toward need for sound conservation practices, the effective enforcement officer can induce public demand for good conservation laws.

ENFORCEMENT'S PLACE IN GAINING ACTIVE PUBLIC PARTICIPATION

Fear of prosecution for non-conformity is an undesirable public attitude toward conservation, as is a passive but indifferent observance of the program's operation. A vigorous, wholehearted participation by the public insures the program's continued success, and the enforcement arm of the agency is the key to that participation. While arrests are necessary as immediate antidotes, and fear of court action is a deterrent, the wise enforcement officer seeks popularity for his cause, and a public participation in the activity of his program. He becomes a teacher and salesman who plants the desire to achieve conservation in the minds of his contemporaries by his affirmative service rather than by court action alone. This service he renders by teaching sportsmen who respect him, by working with impressionable youth groups, and by his own dedication to conservation's principles in conducting the duties of his office. He seeks development of a community attitude which encourages active assistance in the program, rather than a fear of apprehension or passive observance of the laws.

Perhaps the greatest single asset of the enforcement staff to educational work is its full coverage of every part of the state, and its constant contact with unlimited numbers of people. Every person can be told something of conservation, and the task of arousing others to a consciousness of the theory and methods is

unending. The continual efforts of enforcement officers to educate the uniformed through distribution of information material, visual aids, public appearances, and daily, person-to-person contacts accounts for a large part in gaining active participation.

The work of wildlife officers is associated with a child's idea of adventure. Woodsmanship, knowledge of nature's kingdom, and close association with fish, birds, and other wild animal life attract the interest of youngsters, and childhood idealism inspires respect for any "officer-of-the-law." By virtue of this popularity with young people the officer is valuable as a teacher and leader who is able to aid conservation education where it has the most lasting effect — in the minds of young people. By virtue of his acquaintance with persons in his section of the state, he is able to develop an attitude of active support in the minds of adult citizens.

The availability factor of the enforcement staff is a valuable aid to technical game and fish management, where knowledge of local conditions is important. Reporting on factors affecting ecological conditions, rendering active aid in manipulation of those conditions, and advocating farm practices which will improve them — these and many other management activities form a vital part of the enforcement officer's work as a matter of routine, because a fuller participation in conservation will result from them.

In those states in which the program is financed solely by license revenue, the quality of enforcement is an economic factor. Obviously, vigorous enforcement brings an increased revenue, while poor enforcement permits a reduced return. Few will risk payment of a fine, rather than the license fee required, when apprehension is a probability, and participating sportsmen will demand that others live up to the license requirements because of the aid it will give to the conservation program. Where the agency places the distribution of licenses to sales agents, and collection of funds from their sale, in the hands of the enforcement personnel, this again is a utilization of the location of officers and a means whereby wider public participation is achieved.

ENFORCEMENT'S RELATION TO CONFLICTING INTERESTS OF STATE AND FEDERAL AGENCIES

A tendency has developed in recent governmental processes which needs the attention of all concerned with conservation administration. Any laxness in a state's protection program tends to become dangerous when it attracts the attention of some other governmental agency or official to the possibility of gaining control over the activity. The ownership and right of control over wildlife has been vested in the people of the states under common law usage of the principle established by the Magna Carta in 1215. The tenth amendment to the Constitution of the United States specifically reserves to the various states all the powers and rights not granted to the Federal Government by this foundation document. The courts and the general public have been cognizant of this ownership and right of control being in the citizens of the states, as shown by Supreme Court rulings and legislative acts, since the founding of this country. The United States Fish and Wildlife Service, as the Federal agency involved most closely with wildlife management, has wisely adhered to this legal precept in the operation of the Federal Aid machinery under both the Dingell-Johnson and Pittman-Robertson

acts, in that this agency acts principally as the accounting and disbursing office, leaving the initiation, implementation, and completion of the various projects under the control of the states themselves.

The International Association of Game, Fish and Conservation Commissioners firmly believes that the management of non-migratory species of wildlife is a proper duty of state government, and has expressed vigorous opposition to attempts by some Federal agencies to gain control over this classification of wildlife. A resolution of that body, passed at the annual meeting held in Rochester, New York, on September 11, 1951, states this position emphatically.

But the attempted activities of some Federal agencies indicate the beginning of an absorption of states' duties permitted by a complacent public sentiment that the Federal Government is better able to manage and protect wildlife than any mere state organization. In North Carolina, considerable tension has been created through evidence of this desire on the part of some Federal land-owning agencies to attempt to exercise the exclusive control over the wildlife on that land. It is true that the state legislature did cede away the jurisdiction of the state on many matters within the confines of the Smoky Mountain National Park and some other lands within the state, but Federal officials on several National Forests and some National reservations used by military forces have increasingly demonstrated the tendency to appropriate control over wildlife affairs to themselves even to the extent that they completely ignore the laws of the State, and the regulations which lawfully govern hunting and fishing. An efficient law enforcement program, which has secured for itself the support and enthusiasm of the public for the state agency's program is one of the best defenses against the continuation of this usurpation of state powers. A public which is aroused in support of its own state agency, and which is solidly maintaining interest in the agency's program, can override the desire of any bureau of any individual to obtain more power at the expense of the state. A competent, efficient enforcement body will effectively shape this public support to the retention of the right in the states to manage and control their wildlife affairs. Efficiency is and will always be, the best politics to be followed by a state wildlife management administration, and is an indisputable argument in opposition to the relinquishment of control of the state's wildlife population to Federal agencies.

MEASURES TO INCREASE ENFORCEMENT EFFICIENCY

Law enforcement is a public service, and since it covers so many different phases in conservation work, the quality of that service establishes the public reaction to the agency. Gaining public support for the motives of conservation by countering the "exploit today, let tomorrow care for itself" theory is the mission of the agency, and the gravest responsibility in carrying out that mission lies in the enforcement officer's hands. To gain the fullest benefit from the enforcement effort, all available aids should be given the men who carry out that function. Three important steps are vital to insure any measure of success — and the more positive the steps, the more permanent and solid will be the results.

First, the enforcement body must be provided with those features which attract, and hold, men whose qualities make them valuable to the conservation effort. Salaries of wildlife enforcement men are traditionally low — they must be raised to comparable levels of other enforcement officers with commensurate

authority. Qualified men will be attracted by a good salary, and young men will make affirmative preparation for wildlife work as a career if they can be shown the possibility of a comfortable living to be gained from it.

Personnel management practices must be adopted and followed which will be attractive to men of the caliber sought. A haphazard selection method, which adheres more strongly to political endorsement than to the public relations potential of the candidate, is to be deplored. One which pays more attention to whom the candidate knows than to his ability to impartially enforce the law will not only disgust the employees who seek continual improvement of their agency, but it will also discourage good candidates from making application for wildlife work. Any easy-going, loosely-knit enforcement body which is left to run itself, instead of a unified cohesive, and intelligently supervised staff, will attract only the slackers and incompetents — because, like water, men seek their own level. A well qualified prospective employee will be looking for a position which leads in a pre-determined direction, rather than one which is merely following the path of least resistance.

Second, the officer himself must be given those qualities which today's enforcement measures demand. Training, intensively for thoroughness, and extensively for his varied duties, must be provided. Specific instruction in the laws, techniques of enforcement, management, research, public relations activity, and the methods of making conservation activity attractive is necessary for efficiency. Adequate supervision and training must encourage the officer to apply his basic qualities toward achievement of the conservation objective. The salary scale should be sufficiently flexible to reward varying degrees of achievement.

While court action is not regarded as the best method of creating general law observance, it is nevertheless a necessary measure when dealing with a large group of so-called sportsmen. Detection of violations, apprehension of the responsible persons, and collection and presentation of evidence, all have become more difficult with enlarged hunting and fishing activity and modern legal processes. It is only in providing knowledge of where and how to apprehend violators that experience is the officer's best teacher. The officer's enlarged service in enforcement demands technical skills which can be imparted only by formal training methods, and it is the responsibility of the agency to provide this training to promote his fullest measure of effectiveness. Knowledge of when, how, and what to do in connection with all phases of a case, knowledge of why and how the management program is conducted, knowledge of natural resources, and the best methods devised for conservation of those which are renewable — these positive technical skills can only be gained through organized instruction. The fullest measure of the officer's effectiveness in service to conservation principles can be gained only if the agency provides this training.

Third, the officer must be placed in a position to gain for himself the respect and confidence of his everyday associates in the work he is doing, and the manner in which that work is done. Subterfuge and underhand procedures invariably come to public attention. The officer who uses them can never keep the respect of others. His work, and the overall direction of his effort, must always be of such quality that a public disclosure of every motive would meet the requirements demanded of an honest straightforward citizen and community leader.

SOME MEASURES IN USE IN NORTH CAROLINA TO INCREASE EFFECTIVENESS OF ENFORCEMENT

The largest problem in establishing North Carolina's personnel management plan lay in breaking the ties of political factions. Vacancies invariably subjected the officials of the Commission to a flood of endorsements, recommendations, and other political efforts to have a favorite appointed. Tests for competence given in the county where the vacancy occurred were found to be ineffective. Even though a competent candidate may have been selected, the friction created by the efforts of opposing factions to fill the vacancy always placed the new man under suspicion of political connections for the first few months. To counter this, a system was devised whereby a statewide examination is held at a pre-announced time. Candidates whose applications show they possess the necessary educational, physical, age, and interest requirements are carefully screened, and their past records are investigated. Those who survive this screening process are given a four part examination conducted by Commission officials and trained personnel examiners at a central location in the state. Knowledge of wildlife and agriculture, general knowledge, mental aptitude, and physical condition are carefully examined, and oral interviews by an impartial board of personnel experts and Commission officials are conducted. A pre-announced number of candidates are selected from the top scoring applicants, and these candidates are given a thorough training course. A branch of the University of North Carolina, known as the Institute of Government, which is especially established for training public officials and enforcement personnel, conducts the training program. The Commission furnishes the instructors and the majority of the material relating to resource management and public relations, with technical work on legal matters being conducted by regularly-employed instructors who are graduate lawyers. This system of selection and pre-service training enables our state to prepare the best qualified applicants for field service. Political interference is ineffective under this system.

Upon the completion of training, candidates are placed in a standby status awaiting assignment. When a vacancy occurs, a pre-trained protector is immediately placed, thus eliminating lapse of time between vacancy and appointment. It is established policy that no pre-service trainee will be assigned to his county of residence until he has served in another county at least two years. Having a reserve of trained men also allows other divisions of the Commission to have available trained personnel for jobs of commensurate responsibility.

This system of selection, training, and placement has reduced to a minimum the amount of unwholesome influence which can be exerted upon enforcement personnel, and gives the man every opportunity to make for himself a life-long career in wildlife protection work.

Of course, this training is a continuing process, and annual refresher courses under the Institute are conducted for all employed protectors. In addition, training sessions are held at scheduled quarterly district meetings. Handbooks, legal rulings, information circulars, and other aids are supplied for individual instruction as they become available.

Field supervision has aided in establishing strengthened personnel policy in North Carolina. Semi-annually, a merit rating is given each protector by his supervisor, based on twenty phases of the work. Adjustment of pay scales is based upon these ratings after they have been carefully checked, discussed with the

individual concerned, and weighed in connection with longevity and past records. The protector's knowledge of the performance expected of him is an incentive to increased efficiency, and discussion of the ratings with supervisors, enables them to improve on low-graded factors. Public relations-education activity is given considerable weight on this rating, which tends to increase the protector's efforts toward the attainment of general law observance, rather than a high arrest and prosecution record.

Group life and hospitalization insurance, compulsory retirement contributions, tax-advisory service, and the ability and willingness of the office staff as well as the field supervisors to give prompt and personal attention to matters upon which the protectors require aid — all these help to improve the spirit of worth-whileness and group effort among the protectors. When the protector requests them, prompt replies and action are provided by staff members in furnishing answers to management problems, published material, movies, speakers, and aid in arranging programs — all of which build the protector's prestige within the community, and develop his pride in being able to produce results.

A uniformed force gains added public recognition. North Carolina provides complete winter and summer uniforms to each officer and has found that this adds to the respect given the position by the public and the man himself. Each protector is furnished signs which designate his residence or his offices in the county building, thereby adding general awareness of the services they render.

Equipment is made standard insofar as possible, with the radio-equipped cars, portable radio units, boats, motors, and plane being maintained in appearance according to established plans. The extreme mobility of the units and their uniformity, considered in the light of their effectiveness when used together, have caused many of our less conservation-minded people to greatly exaggerate their number. A fear of apprehension is instilled which accounts for much saving in our wildlife resources. Many persons believe that there is a plane, several cars, and many officers in every county, and that chances of escaping detection by a force of this size are slim indeed.

Special programs have been utilized effectively in North Carolina to emphasize the need for proper observance of the laws. Deputy protectors are appointed upon meeting stringent requirements both as to past interest and present willingness to work without pay, and field activity is required for continued tenure. Strangely enough, we have found that imposing restrictions on deputies has increased the interest in and the favorable results from this program.

The opening day of the general session on quail, turkey, grouse, and rabbits in North Carolina, which generally falls on Thanksgiving Day is designated Wildlife Protection Day by the Commission. Each male employee of the Commission, and every deputy protector, devotes his full day exclusively to enforcement activity, following an organized plan. A large majority of the hunters is checked, and the public awareness of enforcement is widespread. Other wildlife days are similarly designated, with protectors taking full part in Management and Education Days.

Giving the protector a responsibility in the formulation of policies and regulations of the Commission ties him closely to the rest of the staff. Each officer is consulted for any suggested change in the seasons and bag limits, and the recommendations of the protectors are often given after they have conducted public inquiry in their counties. The selection of desirable areas for restocking,

closing spawning areas, and many other local needs within regulatory power are investigated and suggested by the officers, giving them a part in policy information.

Conservation, according to Leopold, is but a state of harmony between man and nature. Enforcement's job in bringing about that harmony is a hard stone of many facets, but it is the foundation upon which the success of the program stands or falls. Effectively trained personnel, seeking to instill a sense of "law observance" in the citizens of small communities through hard work, skillful use of ability, and respect and trust toward the agency, can make conservation of our wildlife resources a living, progressive force for the welfare and happiness of all our citizens, and the accomplishment of the aim of all true conservationists—more sport for more people with equal opportunity for all to enjoy it.