

Our people are trained to work in any state-of-emergency such as hurricanes, floods, etc. We have helped people in distress in every hurricane for the past fifteen years. Our agents have been credited with saving many lives and much property.

We have letters and documents on file bearing this out.

In times like these our agents never gripe about the overtime or having to miss a meal. I have stood with these men, wet, tired and hungry, when we would get the "all clear" that the emergency was over. We would go to our respective homes with the satisfaction that we had helped our fellow man.

We have been called on to help the State Police and other Law Enforcement agencies during some of the marches in Louisiana. This is a story all its own and I won't dwell on it now, but we were there.

The Agents of the Enforcement Division of the Louisiana Wild Life and Fisheries Commission represent a closely-knit, fast-moving and highly-trained task force operating in every parish of the State. Though their basic job is enforcing fish and game laws, they must spread themselves "thin" to enforce all the laws.

The scope of any enforcement agent's activities is much greater than the average person would believe.

As mentioned before, in many instances, the agent has the dual task of enforcing the laws pertaining to wildlife and fisheries and at the same time carrying the message to the people of what the Commission is doing to improve and perpetuate these resources.

The feeling is statewide among agents that this work with young people will serve a long range program to the importance of wildlife resources. In turn, they will have more respect for the fish and game laws as they grow older.

And, besides all these activities another important function of the agent is to foster safety in boating. Most any given day you can find the agents talking "boat safety" to various groups as well as individuals in his normal day of "patrol duty".

To the agents of the Southeastern States our challenge is great, and never ending. I challenge each agent to put forth his very best efforts at all times.

As Chief of the Enforcement Division from Louisiana I trust that I will always be able to look into a wayside mud puddle and see something besides mud and filth, that I can listen to the moans of an old man and see much good in his past, that I can hear the cry of a small child and see great things for him in the future.

I challenge all the Chiefs from the Southeastern to call our men into a huddle — when we call the "play", I am positive our agents will execute it perfectly and all the people from our respective States will be better off to have had the agents around.

## THE ROLE OF UNDERCOVER INVESTIGATIONS IN CONSERVATION LAW ENFORCEMENT PAST PRESENT & FUTURE

By Gerald D. Kirkpatrick, *Assistant Chief*  
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Mr. Chairman, Conservation Commissioners, fellow wildlife administrators and officers, it is my pleasure to represent the Pennsylvania Game Commission and specifically our Division of Law Enforcement. I have been asked to speak on the subject — "The Role of Undercover Investigations in Conservation Law Enforcement Past, Present and Future."

To give you a picture of my background of the subject at hand, I wish to call your attention to the fact that *I lived with the wildlife criminal for six years*. I point this out not as any special accomplishment, but rather for the purpose of pointing out factual conditions as they truly exist. Prior to my service as a Special Investigator, I served as a Pennsylvania Game Protector for several years.

Gentlemen, it has been our experience in Pennsylvania that the need for undercover investigations in conservation law enforcement is paramount. Not only from the standpoint of *necessity*, but a *must* and *obligation* as wildlife administrators charged with the protection and management of our wildlife resources.

This may immediately pose a question in some of your minds as to — *why now* should it be necessary to implement more drastic measures when today we have better trained and better equipped conservation officers than during any other period in our history. Well, gentlemen, there have been many contributing factors just to name a few. The ever increasing disrespect for all laws and law enforcement officers, the cancerous demoralization of our modern society, recent land mark decisions by the United States Supreme Court, and in some few instances the lack of dedication of law enforcement officers. *Little wonder* the criminal is thriving and growing in this type of environment.

While we have progressed in technology and science to enforce our conservation laws, so too has the criminal progressed in his knowledge and ability to avoid detection or apprehension.

We in Pennsylvania realized a few years ago that we were faced with an ever increasing law enforcement problem involving large scale illegal killing and selling of game, and we further realized that our routine law enforcement practices were just not accomplishing appreciable results in apprehending these highly skilled, wildlife criminals, and perhaps even losing ground. Major game law crimes had reached such alarming proportions in some areas of our state, that it was commencing to play an important role in the drastic reduction of our game populations. *Not only* were we wildlife administrators concerned, but so too were the sportsmen and interested citizens.

Well, I am happy to inform you that our Commission had enough foresight and courage a few years ago to authorize the implementation of an undercover corps in an attempt to cope with this ever-increasing law enforcement problem.

There were those who were sincerely skeptical and questioned the need for resorting to such drastic methods, as the use of undercover investigations in game law enforcement. Let me say, however, they *too soon forget* that, just a few decades ago, the lack of adequate conservation laws and law enforcement and the lack of public support and understanding of our wildlife resources, led almost to the total elimination of some of our most desired wildlife species. Our knowledge and experiences of the past should certainly light the way to our future.

*Gentlemen, the time is here, the time is now, when we must do everything within our power, and implement whatever methods are necessary, to insure rightful protection for all of our wildlife resources. Never before in our history have our wildlife resources meant so much to so many.* Let us as wildlife administrators protect and preserve that heritage.

The use of organized undercover investigations in conservation law enforcement is perhaps relatively new to most state conservation departments, but undercover investigations in law enforcement in general have been utilized as an ethical and accepted law enforcement tool across this nation for many, many years. The *very security* of our free world has, at one time or another, rested at least to some degree on intelligence information obtained by undercover operations. It has been interesting to note in most recent years the expanded use of undercover operations in all fields of law enforcement across this nation, in an attempt to cope with the unprecedented crime wave.

When our undercover corps was authorized and subsequently formulated, it was authorized for a specific *law enforcement purpose* and has been utilized *wholly* towards that end. Perhaps our greatest internal resistance against the inception of our undercover corps originated from those who feared that it might be utilized for personnel investigations. This could not have been further from the truth. I am confident that today that feeling is almost non-existent within our department.

To those of you who may be contemplating the implementation of an undercover corps within your department, *by all means* fully explain its purpose and goals to all your personnel. Under *no circumstances* use a member of your corps for any type of

personnel investigation. *One incident* of personnel investigation by a member of your corps would result in the *total mistrust* of your entire field force, to whom you must rely *almost* entirely for the basic information to commence an undercover investigation. As I said before, our undercover corps was organized for a specific law enforcement purpose. That purpose was solely to collect evidence and information of major game law crimes, evidence *that heretofore*, in most cases, was totally impossible to obtain through routine law enforcement practices.

Since the inception of our undercover corps in Pennsylvania, *we have* penetrated the nucleus of the wildlife underworld, a law enforcement penetration unprecedented in magnitude and scope in the history of the Pennsylvania Game Commission, often to the surprise and almost disbelief of many of our own officers. Disclosures resulting from this law enforcement penetration have shaken law-abiding citizens to the core, and many have rallied to our support as a result.

I dare say that after approximately nine years of operation of our undercover corps, the results have been so successful that it would be difficult to justify the discontinuation of the corps.

In light of our results in this field of conservation law enforcement, it is my opinion that undercover investigations will have to remain as a perpetual law enforcement practice. As time passes, we will be faced with a new breed of increasingly intelligent criminals who will have to be dealt with accordingly, and it is our experience that this is the only satisfactory method.

Undercover investigations in conservation law enforcement are no different, objectively, than those utilized to enforce the narcotics, espionage, liquor and many other penal laws. Please keep in mind, however, that when you must revert to the use of undercover agents in any type of law enforcement, it is because the agent is dealing with the extreme individual — the exception rather than the rule. This type of wildlife criminal *is not* dim-witted or illiterate, not the proverbial hill-billy living in poverty who is out to make an occasional fast buck, but most often the type of wildlife criminal who is cunning, brazen, fearless and very knowledgeable in his nefarious activities. He is the type of individual who possesses the same mental characteristics as that of any criminally minded underworld figure. It may be interesting to note, in several cases I have worked on involving the illegal killing and selling of game, the same suspects were simultaneously involved in various other crimes, such as narcotics, moonshine, numbers, etc.

This type of wildlife criminal employs the same precautionary methods to avoid detection or apprehension as does any enterprising figure dealing in the illicit traffic of any contraband goods.

Let me emphasize this very, very important point which shows how secretly and successfully this kind of wildlife criminal was operating in our State. During the years I worked as an undercover agent I was in the company of gangs of market hunters throughout the Commonwealth at one time or another. While in their company, I witnessed untold numbers of illegal deer killings and attempted killings at all hours of the night or day. *Never on one occasion* were we caught or even knowingly close to having been caught through routine law enforcement practices. This is certainly not meant to criticize or *even imply* that routine law enforcement isn't doing its utmost, but only to point out and re-emphasize how secretly and successfully this wildlife criminal was operating in our State. Since the inception of our undercover program to the present date, we have drastically curtailed the activities of this segment of wildlife criminals.

Let it never be forgotten, when you are dealing with this type of wildlife criminal on his own home grounds — which he of course knows backwards and forwards — your chances of apprehending him through routine law enforcement practices may be one in a hundred, and then it is more by luck than design.

In a broad sense, a crime is weighed and adjudicated on the degree of intent. The extreme degree of intent is premeditation. *In every undercover case we have worked up to this time, premeditation existed* to the nth degree. This is the type of wildlife criminal to whom *we dedicate* the use of undercover investigations in conservation law enforcement, the type of wildlife criminal we need *not make* any apologies for

arresting or show any degree of special consideration in settlement. This is the wildlife criminal who deplores *all laws* and law enforcement officers, and who makes a mockery of the profession and brags of his intelligence to escape apprehension. Certainly he is the wildlife criminal whom we can least afford to ignore and who is *truly* a disgrace to our society.

I would like to refer to the inception of our undercover corps here in Pennsylvania, as *the new and necessary* concept in conservation law enforcement, a *new concept in conservation* law enforcement that has truly met our challenges of today and offers security for the future.

Gentlemen, I would like to talk to you for the next few minutes on the administration of our program and the selection of personnel, which I think will be of interest.

Perhaps the two most important points to consider upon the adoption of an undercover corps program is the administration of your program by experienced personnel and the selection and training of competent personnel for undercover agents. If both administration and agent are equally diligent and earnest, success will be inevitable. If one or the other falters, so will your program.

I would like to explain the importance of restricting the use of undercover agents to *law enforcement investigations only* and the selection of competent personnel for undercover agents. In 1947, our Commission authorized the implementation of our first undercover corps. Personnel selected for agents were per diem and parttime employees. They were given several months of intensive training at our Training School. Subjects taught were undercover and general investigative techniques; general conservation law enforcement; and instructions on operation and use of mobile and portable radio equipment. Incidentally, this was our first use of two-way radio equipment which was purchased for use by the special investigators only. This group of investigators traveled over the State, generally in pairs, and upon request assisted various Game Protectors who had exceptional law enforcement problems. They operated in a dual capacity, as regular officers in uniform or undercover, as the case dictated.

*They were also assigned to personnel investigations from time to time* and this is where we made a *drastic mistake*. Field Officers became mistrustful of the investigators and this, coupled with personnel problems in several instances, caused our Commission to abandon the program in 1949. Overall success of the program at that time was classed as mediocre. Perhaps the two major reasons for failure of our program at that time were utilizing the investigators for personnel investigations and incompetent personnel as investigators in several instances. Let our experiences serve as a reminder to you to avoid making the same fatal errors.

The abandonment of our undercover program at that time was the loss of a potent law enforcement tool, a boon to the wildlife criminal, and a big step backwards in our law enforcement program at a time in history when we could least afford such a set-back.

As the years passed, there was talk and more talk by many of our field officers concerning the needs for an undercover program to penetrate organized gangs of market hunters and groups and individuals involved in slaughtering our wildlife.

I might add that it took considerable time and strong convincing to again sell our Commission on the idea to implement another undercover corps. The sad experiences of our previous ill-fated program was still fresh in their minds.

The fact remained, however, that we did have dire need for such a program. In view of our unquestioned needs, in the fall of 1959 our Commission again authorized the implementation of an undercover corps. The authorization was accompanied by specific guidelines, as follows:

"The undercover corps shall only be utilized as a law enforcement tool for the purpose of breaking up gangs of market hunters and groups and individuals involved in major game law crimes.

Even with all this information concerning its purpose and use, which was fully explained to all our field personnel, the "grapevine" was hot with rumors concerning its possible use for personnel investigations. This goes back to our ill-fated program in

1947 and 1949. I might add that it took several years to convince all of our field personnel that the program would be used solely for law enforcement activities.

At this time I would like to discuss the subject of the selection of personnel as undercover agents. We thought we had gained experience on this subject and knew all of the answers from our previous program but, oh, how wrong we were. We selected several of our salaried field officers who were top-notch law enforcement men and assigned them to special investigative duties. There was no increase in salary over their former position as Game Protectors. They were completely relieved from former district assignments in order to work full-time on special investigation duties. It wasn't long until some of the investigators were voicing opinions of dissatisfaction with their new assignment. They complained that they were out of touch with their fellow officers; away from home and family for extended periods; disgusted with the type of establishments they had to continually frequent; unhappy with their salary; and not fully conversant of the job requirements.

I think it is quite obvious to all of you that we could not hope for much success with this type of personnel climate.

What did we do? We let all of the investigators who chose to do so, return to their former positions. Thereafter, recruitment for positions of special investigators was strictly on a voluntary basis rather than a draft system. This has worked out ideally.

In addition, the salary range of our Special Investigators has been up-graded to the same classification as Field Division Office Assistants, with a pay range \$7,055.00 to \$9,454.00. Under our present personnel selection policy for the position of Special Investigator, interested game protectors make known their wishes through channels. An interview is subsequently arranged, at which time all aspects are discussed and considered. If the applicant is selected, he is assigned to work with one of our seasoned investigators for a probationary period of one year at regular Game Protector salary. At the end of one year, if he is satisfactory to us and he wishes to continue as an investigator, he is promoted to the position of Special Investigator. I might add that this is also a Civil Service position which is arranged without a formal examination due to the nature of the job.

Now let us discuss the administration of our program — how does it really function?

Starting with our central headquarters at Harrisburg, only our Executive Director, our Chief of Law Enforcement and myself have knowledge of activities by the investigators. All records and communications are personally filed by myself and kept under *lock and key*.

Incoming mail from our investigators is received in sealed envelopes marked "Confidential." All correspondence is personally opened by our Chief or myself. Outgoing mail to our investigators is sent in plain stationery, hand addressed. Postage stamps are utilized rather than the regular postage meter. A return address other than our official central headquarters is used in order to remove unnecessary suspicion. Correspondence pertaining to any particular case which is directed to our investigators is "coded" to eliminate the use of names or places — again a precautionary measure.

Requests for special investigations generally originate from our field officers. They furnish all information available concerning the suspects, such as names, addresses, physical descriptions, where they work, social habits, makes and descriptions of autos, suspected illegal activities and any other supporting information available. They then submit the requests to their Supervisors who, after review, forward them to the central headquarters. My Chief and I carefully review these requests and assign the cases to appropriate investigators.

Immediately following each contact, the investigators are required to submit a detailed report of activities and expenditures of "revolving funds." Speaking of revolving funds, this is a special account whereby cash funds are advanced to our investigators. The funds are used for all expenditures that cannot be charged to regular expense vouchers. A revolving account is a *must* for this type of an operation.

How do we determine when a special investigation case should be concluded and the offenders prosecuted? This responsibility and determination rests primarily with

the investigators assigned to the case. They are the only persons who know all the facts and ramifications in any given situation. We, of course, are kept fully informed on developments by progressive reports submitted by the investigators.

When a case is recommended for prosecution, a meeting is arranged with all personnel concerned: i.e., Game Protectors who have jurisdiction in the geographic area concerned; the Field Division Supervisors; Special Investigators, our Chief of Law Enforcement and myself. At this meeting, all phases of the investigation are discussed and specific charges agreed upon for prosecuting the offenders. We do not necessarily prosecute all violations committed, but rather select the major ones and prosecute accordingly. The Game Protector concerned becomes the prosecutor "upon information received." This affords him the opportunity to become an integral part of the overall operation. It has been our experience that this procedure has worked most satisfactorily.

At this point, gentlemen, I feel it will be interesting and informative to cite you a case history which I will refer simply to as "The Grant Case."

A co-investigator and I were given the assignment to investigate the possibility of an illegal deer killing and selling ring. The geographic area in question was located in the primary deer range of Pennsylvania. The request for special investigation, which was submitted by the local officer, contained names and addresses of several suspects, and names of several hotels and drinking establishments that the suspects frequented. The primary investigation centered around a small rural village where every person was acquainted with all others and several were related.

After thoroughly evaluating the case, we adopted an "alias" front most fitting to the situation at hand. For obvious reasons, I do not wish to publicly discuss here today the alias we used. I will say, however, that many aliases may be successfully utilized for this type of law enforcement work, and I will be happy to discuss this subject, in private, with any of you who may presently be engaged in this type of operation or may be contemplating such a program in your department.

We commenced this investigation during the early summer. The first few visits to the area were simply to get acquainted with the local residents, proprietors of tap rooms, hotels, etc.

We met the first suspect, whom I will call "Bill," in one of the hotels. In talking with Bill we learned that he was custodian of a local social club. We naturally directed our efforts towards receiving an invitation from Bill to join this club. Our applications were accepted and subsequently voted upon favorably. I might add that joining this club was a major step forward in solving this case. I would also add that after breaking this case and testifying in court, we haven't received renewal memberships in the club.

Most interesting, however, was the fact that Bill had been employed by our Commission some years previously as a laborer on our Food and Cover program for a period of approximately three years. He related many instances of how he killed deer illegally during closed season while employed by our Commission *right on our own State Game Lands*. He was able to do this without being detected because he was on the *inside*, so to speak, and knew the whereabouts of the officer in charge of the area concerned.

As we became better acquainted with Bill, we learned that he was one of the key members in an illegal deer killing and selling ring. Bill, himself, was not involved in the actual killings but acted as the *middle man* in arranging sales with prospective buyers. His position in the social club afforded him an ideal opportunity to meet the proper clientele.

As we progressed in the investigation, we learned through Bill that a group of local people was planning an illegal venison roast. Through our acquaintance with Bill we were able to learn the date and location of the proposed roast without any undue suspicion on his part. I asked Bill if he was going to attend and he remarked: "No, one of these days those boys are going to get caught. They have been doing this for several years."

He further stated: "I just recently saw on television where the Game Commission caught a group of fellows for illegally killing and selling deer. They are really cracking

down, and not only that, they have *fellows* going around in *plain clothes* who are *game wardens*. One has to be careful and really know who he's dealing with."

We evaluated our close association with Bill and the possibility of tipping off our officers of the proposed venison roast. We concluded that to tip off our officers and have them raid the party would not necessarily jeopardize our position in the investigation.

We confidentially cased the location of the proposed venison roast, which was a large camp located in a remote area in the mountains. We reported all the facts to the officer in charge of the area. He arranged to place the establishment under surveillance and was successful in apprehending a number of persons in the act of barbecuing an illegally killed deer. I might add that a number of prominent people from "town" were among the group when they were apprehended in the act.

They didn't really know who to blame for the leak and concluded that the law of averages had caught up with them. They couldn't blame us investigators, as we were two hundred miles away when they were raided. We returned to the investigation some weeks later and you should have heard the story Bill related about the raid. He again emphasized how careful one must be in this business.

It was now early fall and Pennsylvania's archery season was in progress. We investigators, of course, were there with our "bending sticks," filled with the usual anticipation and enthusiasm that prevails among hunters. However, there is a considerable degree of doubt in the minds of experts concerning the hunting ability of city folk, and as it turned out, we were unsuccessful in our efforts — as usual.

Our next visit on the case was during small game season. Our usual luck of connecting with game prevailed — "nothing."

Later, while we were visiting in a local hotel, Bill approached us and asked if we would be interested in some fresh venison to take home. We skirted the subject with usual precaution and placed Bill on the defensive, as he was now attempting to show us that *he* could be trusted, etc. After considerable discussion, Bill contracted to furnish us a butchered deer which would be wrapped and ready to go at a fee of \$35.00. Upon concluding the deal, Bill walked over to the end of the bar and had a short, confidential discussion with a patron. We concluded that this was one of the "killers."

We met Bill at the hotel the following evening as arranged. He informed us that he had the "produce" and asked us to follow him to a more secluded spot to transfer the contraband. The secluded spot was outside of the *social club* where he was custodian! He removed the butchered deer from his auto and placed it in the trunk of my auto. Bill remarked, "If you guys are wardens, you got me." We naturally replied in the negative. We then went into the club and paid Bill his quoted fee of \$35.00 for the deer. At this time Bill talked freely about his connections in the deer business and informed us he received \$10.00 per deer for arranging sales during the closed season.

The sale of this illegal deer was a test balloon. The fact that no repercussions resulted on our part placed us in the category of trustworthy beyond any doubt. From this point forward we were *really in the know*. We were subsequently introduced to several *killers* and as a result were able to maneuver many invitations to accompany them on illegal hunts.

I recall instances in this case when Bill actually telephoned my home to advise that he had certain described deer for sale. I also recall instances when the *killers* actually came to our motel at all hours of the night to advise us of deer they had for sale.

When, in our judgment, we had all the loose ends of the investigation tied together, we concluded the investigation and proceeded prosecuting the individuals concerned. We successfully prosecuted 11 defendants and the courts assessed penalties totaling \$4200.00. In addition, their hunting privileges were revoked for various periods.

Time does not permit us today to discuss in detail their *modus-operandi* or the security measures they employed to avoid detection or apprehension. I will say, however, that words cannot express the wonderful feeling of an investigator when he is *right in the middle of the action* knowing very well that the curtain will soon fall and justice will prevail.

An interesting highlight developed during the court proceedings in this case. The officer who was in charge of the area when Bill was employed by our Commission was present at the proceedings. Bill remarked to this officer, "When you were here in charge of this district we used to call you *foxy*, but since this development I am convinced you couldn't carry a candle to these fellows." This remark obviously was prompted by the technique used to apprehend these individuals.

While we are on the subject of court proceedings involving special investigation cases, I wish to point out that the defense, without exception, always attempts to establish *the defense of entrapment*. I am pleased to inform you they have been totally unsuccessful in their efforts. Obviously, their reason for using this avenue of approach is because they have no other defense. They recognize that the evidence is *overwhelmingly against them and their only hope is to establish entrapment or procedural technicalities*. The fact that the defense of entrapment has never been sustained by the Courts is a commendable record for the investigators and certainly reflects their proper training on this vital subject.

In conclusion, gentlemen, I can only evaluate our special investigation program in Pennsylvania as having been a *total success*. We have reached law enforcement objectives *far beyond* our expectations. As we evaluate our present and projected law enforcement needs, we are indeed confident that our special investigation program has adequately met our law enforcement needs of today and the projected future.

I thank you for this opportunity to discuss our special investigation program in Pennsylvania. We stand willing and ready to lend every possible assistance to any of you in organizing such a program.

At this time I will be pleased to entertain questions.

## THE ANTI-GUN MOVEMENT AND ITS POSSIBLE EFFECT ON WILDLIFE CONSERVATION

By David Swindell

*Florida Game and Fresh Water Fish Commission*

Some 179 years ago the drafters of our Constitution deemed it necessary to guarantee rights and protections to the citizens of our new nation. This Bill of Rights was designed to protect the people against encroachments upon the rights of minority groups by majorities; to insure protections to majorities from unjust treatment by minority groups; and to guard against the erosion of the rights of the people by government. Among the ten guarantees of this Bill of Rights is the second, which provides "...the right of the people to keep and bear arms shall not be infringed."

The shooting of Senator Robert Kennedy in early June by an assassin — who incidentally, violated no less than five laws of the State of California relating to the possession and carrying of a pistol — unleashed a period of public reaction which at its peak has bordered on mass hysteria. This reaction was, without question, born in the revulsion of society to the horrifying knowledge that the violence of assassination had again struck our nation. Our society in its anguish seized upon an inanimate object—the gun—as its scapegoat to the problem.

There followed a mounting drive against the gun as a symbol of violence which had, in the minds of many, no purpose except to kill fellow human beings. Legitimate recreational uses of the gun for hunting, target shooting, collecting by hobbyists, as well as the equally justified and Constitutionally protected right to gun ownership for personal protection were completely forgotten. Since early June the people of this country have been subjected to a barrage of antigun arguments and persuasion which mounted to one of the most massive propaganda campaigns ever launched. Antigun feeling reached the stage of hysteria as it was fanned by television programs throughout the nation, by radio, by newspapers, and by magazines. Magazines such as *Reader's Digest*, *Time*, *Life*, *Newsweek*, and *The New Yorker*