

## **Specialization Units and Natural Resource Law Enforcement**

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*Abstract:* Specialization is a needed law enforcement function and strategy to combat white-collar criminal activity involving natural resources. Increased state and federal management concerns of living natural resources have led to a dramatic increase in law enforcement responsibilities. Effective enforcement of all regulations is integral to the management process to protect, conserve, and maintain sustainable levels of living natural resources. State and federal resource regulations mandate a comprehensive and specialized compliance program. Comprehensive and specialized programs will maximize existing resources ultimately benefiting the public and the living natural resources.

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The enforcement of regulations designed to generate compliance with fishery laws is unique. The heart of backbone of any regulation designed to manage, protect, enhance, restore, or sustain a fishery resource is directly proportionate to the emphasis placed on law enforcement and its ability to generate and maintain compliance. Natural resource law enforcement is the ability to establish and maximize compliance with resource regulations by providing adequate deterrents and creating a conducive atmosphere maximizing the benefit to the resources through adequate management, ultimately benefiting the users.

Officer presence is one of the most effective aspects of the compliance initiative to achieve management goals and maximize resource sustainability. However, officer presence is one of the most inadequate situations that exist in most states, especially among the coastal states. Statistically, Louisiana has more coastline than any other state in the United States. The habitat is conducive to evasion, one of the most difficult geographic areas to patrol, and one of the most bountiful. In general, most southeastern states have similar, yet special, geographical challenges. Increased numbers of officers and adequate equipment are the most essential elements for the success of any natural resource law or regulation. Without these elements, resources suffer and users directly feel the impact of rededicated patrol efforts on an already slender manpower presence.

Laws and regulations must be effective to work in a positive fashion. They must

be clearly developed, easily understood, and indiscriminately applied. They must possess language that adequately defines, allows, or prohibits activities to achieve desired results. Regulations should be designed to benefit the stocks biologically and the citizens sociologically, physiologically, and economically. Clear regulations, combined with adequate enforcement presence, should equate to compliance, because a law without officer presence offers no deterrent and minimizes compliance levels. When applied in an adjudicatory process, laws must possess sufficient penalties that do not create a mere "cost of doing business" philosophy and provide a cost equal to more than just a portion of one night of outlawing opportunity. Furthermore, just the existence of a good law with adequate penalties will not guarantee any certainty of sufficient prosecution or adjudication. Officer presence, together with all the existing variables, provides the most optimum conditions.

Many states deal with similar problems: old outdated laws that are poorly designed and laws that were developed with good intentions to benefit a resource but just don't work or can't be enforced. All laws and regulations must be put to the road test by enforcement officers or all the time spent in development will ultimately be wasted. When problems are identified, steps must be taken to correct problems immediately. Another problem occurs when good laws are on the books but enforcement officers are only able to scratch the surface in achieving a desirable level of compliance needed to feel the real effects of a regulation.

Currently the states' inadequate levels of funding for the enforcement of regulations are the primary problem with the strategic success of all resource protection management programs. Enforcement programs are overlooked and underemphasized nationally.

### **Questions for Consideration**

There are questions that must be amplified to the public and understood throughout all natural resource departments and state lawmaking bodies: How important is the success of department programs and what level of success is desired? How important are all the efforts by all the persons involved, and the ability to protect, enhance, restore, and sustain fishery resources to the citizens of the United States and resource users? These questions are answered by the amount of emphasis and funding placed on the states' enforcement needs assessment associated with natural resources. Minimally funded enforcement programs eliminate any possibility of realizing the potential effects of all biological, physiological, social, and economic efforts that attempt to better manage the living natural resources for present and future prosperity. In the end, the resource suffers sustainability and the users suffer economically because of minimally funded enforcement programs.

### **Compliance Is Key**

Compliance with natural resource regulations is the key to the success of any management program. State enforcement programs have now become the most important

factor in the conservation, protection and sustainability of any resource because enforcement has been overlooked for too long. Regulations are formulated for many different reasons, including public safety, health, protection measures, conservation measures, user group affiliation, or political considerations. The adequate increase and development of focused state enforcement programs, coupled with cooperative efforts of federal law enforcement efforts, is the only way to achieve a sufficient level of success and compliance and to adequately protect public safety.

Compliance can only be achieved with adequate levels of officer presence. This can be enhanced with focused specialization. Within any regulating sector, points of contact made by law enforcement determine the level of compliance within that sector. In fisheries, for example, disregarding focused, compliance-increasing efforts inevitably undermines fishery management efforts by skewing the data on which harvest guidelines and allocation decisions are made.

The long-term effect of uncontrolled violations is a degradation of the fishery, sometimes to the point of decimation. History of certain fisheries being decimated in the United States has proven this. Fisheries are currently highlighted and recognized for their abuses and not for their benefits, fisheries are being eliminated or made illegal for these recognized abuses. Without law enforcement's ability to generate compliance with regulations, the abuses will spread like cancer throughout industries and threaten their existence. This is wrong.

Adequate law enforcement is the only way to eliminate the abuses, creates positive public recognition and protect present and future fisheries. Sufficient state law enforcement funding and specialization focusing on detrimental criminal activity holds the answer. States are already vested with the responsibility and drive, but are unable to carry out this mission because of funding shortfalls.

Ideally, adequate enforcement and specialization have the best capability to detect a sufficient number of violations to deter any purposeful violations of the law, and reduce to insignificance the effects of undetected violations on achievement of management goals. The current levels of undetected violations are harming the natural resources and costing the states and the nation money in lost economic value and adversely effecting every citizen and living natural resources. Undetected violations take directly from the users who try to do the right thing.

The most important variable in the equation of fisheries management is the ability for law enforcement to gain compliance. Since the ability to detect violations is fundamental to deterring violations, a lack of enforcement presence is assumed to provide a potential for violations to occur, and those increased levels of violations have a major impact on the achievement of management goals.

### **Specialization Can Increase Compliance**

Adequate enforcement presence in some sectors requires specialized law enforcement personnel to provide the best level of compliance. A new type of resource

criminal has been identified. This bad guy is using white-collar criminal activity to benefit financially at the expense of the resource. Complexities exist and will continue to evolve in resource management. Some state enforcement agencies possess and could continue to develop and train personnel who have specialized knowledge to increase the potential to realize the optimum effects of resource management. The state enforcement agency's performance and community policing techniques will provide user groups and professionals with the best educational mechanism to increase compliance. State enforcement enhances adequate initiation of criminal charges, creating a sounder base for legislative review and increasing judicial deterrence through adequate adjudication and resource conservation.

New and old resource management methods used for reporting fisheries landings require increased levels of enforcement to adequately ensure the best statistical information possible to better manage the country's resources. With increases in enforcement comes the validation of statistical information that drives the management of the country's natural resources.

If cooperative resource management efforts cannot be adequately protected from non-compliance, poaching and smuggling, there will be little incentive for individuals within user groups to comply. The recreational and commercial pressure being put on the Gulf of Mexico along the coasts is immeasurable. If drastic funding measures are not taken to protect, conserve and mandate compliance with fishery management regulations, the gulf and other areas are headed toward depletion and the economic impact on the country will be dramatic.

Providing funding for additional officer presence with focused specialization will increase compliance of fishery participants, increase monitoring of landings, increase effectiveness of dockside inspections, increase statistical monitoring of specific fishery resources and increase the ability to respond to complaints of illegal catch, smuggling, misreporting, underreporting and illegal purchases. The white-collar natural resource violator must be eliminated.

Louisiana's commercial seafood industry has a total economic effect of \$2.8 billion annually. Associated with this economic effect are approximately 31,400 jobs. Louisiana has reported records of annual fishery landings of over 1.3 billion pounds, with an estimated dockside value of over \$270 million.

All fishery regulations are complex, change frequently and require a high level of enforcement presence to achieve compliance. In addition to state laws and regulations, most saltwater fisheries also have federal regulations associated with a joint effort to protect, maintain, manage and harvest commercial species.

Uniquely, the Special Investigative Unit gives the public specialized law enforcement personnel to provide the best level of compliance in these specific areas. Because of the complexities that exist and that will continue to evolve in resource management, specialized law enforcement personnel obtain some of the best compliance effort in specific areas. The Special Investigative Unit establishes personnel who have specific knowledge and time dedicated to performance of complex investigations in all areas under the department's jurisdiction. This provides industry personnel with the best

educational mechanism to increase compliance and furthers the professionalism of both industry and law enforcement.

The Special Investigative Unit was established to better serve the public and user groups and to provide increased reliability on management principles, to better protect states natural resources and to bring justice to those out to abuse the resources.