

Shift Assignments and Effective Conservation Law Enforcement

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Abstract: The role of conservation law enforcement officers in the last half of the 20th Century expanded from enforcement powers used to ensure proper wildlife and fishery management to that of fully-certified state peace officers. Today, Florida Conservation Law Enforcement Officers are responsible for enforcing all state laws and applicable federal statutes. Officers have traditionally been provided latitude on when and where to work, largely because of the limited number of available positions to patrol vast geographic areas. Urban sprawl and public expectation for prompt service are causing managers to question the traditional stance of allowing such latitude. To further explore this issue, 50 state conservation and marine law enforcement agencies were asked to provide information on their specific shift philosophy. Thirty-eight responded and provided further insight regarding shift assignments and effective conservation law enforcement.

Proc. Annu. Conf. Southeast. Assoc. Fish and Wildl. Agencies 56:389–395

The stimulus for this research derived from the 1 July 1999 merger of the old Florida Game and Fresh Water Fish Commission (GFC) with certain segments of the Florida Department of Environmental Protection (DEP). Of particular interest were the law enforcement components of each of these organizations. Prior to 1 July 1999, the Florida Marine Patrol was part of the uniform patrol division within the DEP's Division of Law Enforcement. It maintained the law enforcement responsibility for patrolling Florida's marine waters. The GFC and its Wildlife officers were the enforcement entity responsible for patrolling Florida's inland areas. The intent of this merger was to create one agency that would more efficiently and effectively manage and protect all of Florida's fish, wildlife, and its resources and provide boating safety enforcement on state waters. It would streamline government by placing the regulation of these issues under one constitutional entity (Fuller 1998).

The combination of these 2 sometimes distinctly different state law enforcement entities has posed some obvious challenges to management. One of these challenges was the establishment of common shift work practices. Prior to the merger, former GFC and Marine Patrol officers worked several uniquely different shift schedules. The merged organization continued to explore shift schedules that most effectively met legislative mandates, as well as improve the ability to respond to citizen complaints.

The primary purpose of this research is to explore current conservation and/or marine law enforcement work shift philosophies, as they relate to meeting public demand for service and seek to answer the question: have traditional philosophies changed, causing managers to re-think shift work practices, and, if so, is there a better way?

It is important for the purpose of this research to define the term, "conservation officer" as a state law enforcement officer whose primary responsibility is to enforce fish, wildlife, natural resources, and/or boating safety laws and regulations. Synonyms may include: conservation agent, game/fish warden, marine patrol officer, wildlife agent, wildlife officer, etc.

As stated in the FWC, Division of Law Enforcement, Progress Report to the 2000 Florida Legislature, it is common for the average conservation officer to be responsible for 150 - 300 square miles of woods and water (FWC 2000). The larger and more geographically rural a state is, the more area of responsibility an officer may have. As denoted by the shift philosophy survey, a trooper with the Alaska Department of Fish and Game could very likely have patrol responsibilities that cover approximately 8,000 square miles. An officer with the New Jersey Division of Fish and Wildlife would patrol approximately 100–200 square miles.

Within these venues, an officer must be particularly self-motivated, self-aware, and knowledgeable of his/her natural environment. A standard prerequisite for an effective conservation officer would include an understanding of hunting and fishing seasons, meteorology, tides and marine conditions, astronomy, wildlife/fishery habits and habitat, flora, and how human activity interacts with all of the above. Many officers possess degrees in criminal justice as well as the biological sciences.

Ries (1989) reported that in the past, Florida conservation officers had limited law enforcement powers. Conservation law enforcement was considered just another tool necessary for proper wildlife and fishery management. Officer job descriptions were simple and clear; to protect the natural resources. Managers would typically frown on an officer going beyond the mission of dealing with hunters and fishermen, checking bag limits and arresting poachers, or otherwise assuring that the conservation laws were being complied with (Ries 1989).

As natural areas experienced population growth, conservation officers, perhaps not by choice but by circumstance, frequently found themselves working myriad crimes heretofore restricted. Ries (1989) also pointed out that officers patrolling remote areas were increasingly faced with encounters involving drug smuggling and crimes against property and persons. Conservation officers were frequently sought for assistance by the Drug Enforcement Agency, Federal Bureau of Investigation, U.S. Customs Service, and local and municipal law enforcement. Officers became a valuable resource because they were intimately familiar with the geographic terrain, possessed certain man tracking skills, and had specialized equipment (Ries 1989).

The evolution of the conservation officer continues today. Many of the traditional responsibilities have been broadened, to include environmental crimes, off-shore search and rescue operations, traffic enforcement, and most recently, homeland security. Florida conservation officers have parity in pay and in law enforcement au-

thority with other state law enforcement entities. They are certified state peace officers and federally deputized to enforce federal marine and wildlife regulations. In some rural areas and on the high seas, the conservation officer is the only law enforcement entity available.

Most recently, as the Coast Guard's mission has changed in the aftermath of the 11 September 2001 attacks, Florida officers fulfilled certain responsibilities that the Coast Guard had performed prior to the tragedy. These additional duties include off-shore search and rescue operation, seaport security, and nuclear power plant security functions during water patrols.

Today, the role of the conservation officer has become so diverse and complex, that an intensive training program is necessary. FWC officer candidates must attend an academy that consists of 26 weeks (9,072 hours) of intense training. The first 19 weeks (676 hours) are devoted to the state of Florida basic police officer recruit curriculum. The rest of the training is specifically developed and tailored to the unique requirements of conservation law enforcement. This specialized training includes, but is not limited to, vehicle operation (off-road driving), emergency vessel operation, tactical firearms, vessel accident investigation, vessel law, man-tracking, commercial fishing devices, wildlife and fishery resource law, natural resource crime investigation, nuisance wildlife control tactics, and search and rescue (FWC 2001).

In the late 1900s, increased responsibility came about as a result of expanded police powers, but to an even greater extent the evolution of the conservation officer came about because of rapid human growth within our natural environment. As human development encroached into what once were wildlife areas, it brought with it more traditional crimes.

As the public and other law enforcement entities recognized the conservation officer's abilities, traditional "hook and bullet" enforcement mentality diminished. Human safety issues took precedent as the public demanded a more responsive conservation officer. "Preserve and Protect," the popular conservation officer motto became "Protect and Preserve" (Ries 1989). The resulting challenge involves balancing traditional practices with increased responsibilities and the demand of the public (Clark 1984).

Many conservation agencies have struggled with these changes, some more than others depending on population growth, but all have had to make adjustments to their missions. The double-ended demands of the public on the one hand and the organizations resistance or inability to change or recognize change on the other, has placed many conservation law enforcement managers in vulnerable positions (Mill-saps 1982).

Although this is not new to more traditional law enforcement managers, conservation law enforcement has, in many cases, maintained the luxury of not having to meet the same public expectation as other law enforcement entities. For example, as described by Simpson and Richbell (2000), all emergency service operating on a 24-hour basis have had to deal with the issues of shift work and the availability of personnel. However, because of large geographic responsibilities, limited number of positions, and the issue of human interaction with the natural resource, conservation

law enforcement has not had to adhere to similar requirements. In Florida, approximately 650 officers are responsible for 8,426 miles of tidal coast line, 1,700 miles of rivers and streams, 3 million acres of lakes, 5 million acres of natural lands, and 128 management areas (FWC 2000). Officers have been provided great latitude in deciding when and where to work. Most conservation agencies have allowed their officers to schedule their daily work shift, except for specialized details that have been planned in advance. Shift schedules are decided by the individual officer and most often, based on the best 8 hours out of 24 hours. A "Self-motivated flex-time," as many officers would define it. Many officers consider this flexibility the only way to effectively "catch the bad guy." Typically, officers choose those hours when poachers and other violators would most likely be violating the law, which in turn, depend on which animals were in season and the moon phase. Supervisors could adjust officers' schedules to fit the needs of the agency (IUPA.AFL-CIO vs State of Florida). Shift coordination strategies became a focus of re-organizational concerns during and after the merger. A survey questionnaire was designed in order to assist in providing potential answers to this pivotal issue.

Methods

Information for this research was obtained through an extensive literature review of available data relating to conservation and general shift work practices and a 13-question (mostly multiple choice) survey questionnaire. The survey questionnaire was submitted to 50 state conservation/marine law enforcement agencies through the assistance of The National Association of State Law Enforcement Administrators (NASBLA). Those state conservation/marine agencies not associated with NASBLA were directly mailed the survey. Follow-up telephone interviews with certain respondents were conducted to validate any discrepancies. Survey results are published as aggregate data and not attributed to individuals or organizations.

The survey instrument contained 8 sections: instructions, purpose, definitions, background, questions regarding agency type, questions regarding the number of calls for service and officer response, questions regarding shift practice, and comments.

Discussion

The 1999 merger provided several sources of data contributing to this research. Moreover, it has also provided many questions. There was little comparable literature to consult specific to conservation law enforcement shift work practice. The survey model and a recent Public Employee Relations Commission Opinion were the best source of information contributing to the majority of the data received.

A review of literature regarding shift work practices reveals many different stances taken by non-conservation law enforcement professionals. However, there were 4 common denominators unique to conservation law enforcement. In a case study by Moore (1995), there was a strong belief that law enforcement shift sched-

ules be based on the needs of the agency and the community. In many cases, this is determined by calls for service and the distribution of those calls. In other words, personnel should be deployed where they are needed, when they are needed, and in proportion to the workload (Moore 1995).

Another similar issue was one that discussed the challenges of developing a shift practice for the 24-hour society. A study of the Ottawa Shift System by Simpson and Richbell (2000) provided insight on common conservation law enforcement shift work issues. The Ottawa system was to provide 24-hour coverage by equitably dividing the workday into 3 8-hour shifts. Duty groups covered a 28-day cycle. The system was initially designed to explore the difficulties of matching the demand for police services with the supply of police resources. Police administrators questioned the effectiveness of the system, particularly in more rural areas where crime was less predictable and less frequent and geographical size created a barrier to maintaining a police presence (Simpson and Richbell 2000). Although the study did not provide any solutions, it did disclose the fact that an agency's ability to patrol large geographic areas is difficult, regardless of whether it is a conservation law enforcement or traditional law enforcement agency. The research also denoted one other obvious fact; no patrol shift schedule will work for every police department (Moore 1995). This issue is confirmed by the survey results. The most common reason was the inability of agencies to possess the perfect number of positions to effectively schedule for all scenarios seen or unforeseen (Moore 1995).

It was also discovered that to change an established shift practice may cause employee complaints and require certain bargaining unit negotiations to take place. In July 2001, a complaint was made to the Florida Public Employee Relations Commission by the International Union of Police Associations (IUPA). The IUPA complaint argues that the FWC's adoption of a uniform work schedule that employed alpha-bravo-charlie shifts with 12-hour work periods was an unfair labor practice.

Both before and after the merger, the officers from the former GFC and Marine Patrol worked many different schedules. Approximately 17% of the time, there was no officer available to respond to a citizen complaint. Under the multiple schedule structure, FWC management evaluated its ability to respond to these complaints by adopting the new shift practice. Current results show that this change increased the agency's ability to respond to complaints by 12%. It also enhanced supervisor access to subordinates. In a recent shooting incident involving 3 FWC officers and a subject, shift supervisors were able to be on scene in minutes. This was not a common occurrence prior to the initiating of shift schedules. However, the hearing officer wrote that the state could not unilaterally change an officer's work schedule, absent a clear and unmistakable waiver by the union, exigent circumstances requiring immediate actions or a legislative resolution of an impasse. The union claimed that enacting scheduling changes without first negotiating with the certified bargaining agent is an unfair labor practice (IUPA vs FWC 2001). Although the opinion does not exclude the ability of an agency to schedule personnel where they are needed, when they are needed, and in proportion to the workload, they should probably inform the specific police union beforehand. The union's concern is that shift changes may impact an officer's

workload and safety significantly. If the FWC is acquitted of this complaint, precedent is sure to be cited in many other cases as state agencies are reorganized and managers are given a much freer hand to assign employees and workloads (Cotterell 2001).

There were several external issues identified throughout this research that were not expected. The research consistently made the point that changes to work shift causes strife among some employees (Moore 1995, Millsaps 1982). This issue was also denoted in the survey instrument within the comment section. Many respondents identified that changes to the existing work schedule would interfere with an officer's personal time and that flexible shifts are a form of incentive for officers.

The survey instrument showed 76% (29 out of 38) of reporting states supported a best 8-out-of-24 motivated flex time shift practice, even though they identified several common problems associated with this system. Coincidentally, the problems identified with this shift practice are the same reasons why they use it. Most agencies adopting the best 8-out-of-24 motivated flex time shift practices mandate that their officers are subject to call 24 hours on their scheduled workdays. This provides the agency the ability to call out an officer on certain occasions. Typically these occasions are serious in nature. However, in most situations, the officer called would have to respond great distances. The public may be misled by the shift concept and not totally understand that because an officer is available, it does not necessarily mean that they are immediately available.

To some extent, this research was not successful in its attempt to find a work shift philosophy that would be suitable for conservation law enforcement, reconfirming Moore's statement that no patrol shift schedule will work for every police department. The flex-shift, best 8-hours-out-of-24 hours, works in conservation law enforcement because it is difficult for agencies to possess the number of positions suitable to cover such large geographic areas. The flexibility in this type of shift structure may even provide the perception to the public that officers are available 24 hours a day/7 days a week.

The public demand for immediate response, technological advances, and even politics have not become a strong enough stimulus to force most conservation law enforcement as a whole to explore other shift schedules. Nevertheless, a few agencies have made changes because of their ability to provide a suitable number of officers to high activity geographic areas. In most cases, these changes were stimulated by the above issues.

Increased responsibilities, political influence, and the public's demand for immediate response has caused us to adopt new and different concepts. Each concept required the ability to be changed continually to meet the needs of the agency and the citizens we serve. As the responsibilities of traditional conservation law enforcement increase and their importance within the law enforcement community is more closely recognized by the public, organizations that have not faced these changes, soon will. Those who resist change face uncertain demise.

If there was one summation that was clear throughout this research exercise, it was that there is a need for continued study specific to conservation law enforcement

shift practice, responsibilities, and their adaptation to change. This type of research would greatly assist those who anticipate change.

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