

# The Changing Role of the Florida Wildlife Officer

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*Abstract:* The role of the Wildlife Officer has changed dramatically over the years, due to expanded police powers, growth in population, endangered and threatened species enforcement, and environmental degradation. In South Florida, specialized enforcement activities have been established to protect Florida panthers on several highways in the Big Cypress Preserve. The West Indian manatee receives considerable attention during the winter months. Endangered sea turtles receive special enforcement efforts during nesting season. Environmental problems associated with dumping and pollution are increasing dramatically throughout the state.

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The Game and Fresh Water Fish Commission, as we know it, came into being in 1943 by a constitutional amendment. Specifically, Article IV Section 9 of the Florida State Constitution provided for the organizational structure of the Commission and gave the Commission regulatory and executive powers with regard to wild animal life and fresh water aquatic life.

Times have changed considerably since the Commission was established and the first organizational flow chart was drawn up. In its inception there was no recognized division of law enforcement. Wildlife officers, formerly known as game wardens, worked under the direction of an area supervisor (lieutenant), who in turn answered to the regional manager. The chain of command was very simple—each region having 3 or 4 lieutenants, and each lieutenant having 7 to 12 wildlife officers. Initially, wildlife officers were considered just another tool, necessary for proper wildlife management. For many years the wildlife officer's job responsibilities were very clear. He was to protect wildlife and fresh water fish; his dealings were with hunters and fishermen, checking bag limits. There were fewer species listed as endangered, drugs were not as rampant, Florida had not yet experienced the tremendous growth in population and wildlife officers had only limited law enforcement powers.

Wildlife officers would not acquire full police powers until August 1970. Chapter 372.07 of the Florida Statutes provides for the police powers of the Commission and its agents. The powers delegated here are so broad that, together with police

standards certification, wildlife officers would come to acquire greater powers than any law enforcement officer in the State. By the mid-1970s this was becoming very evident. Wildlife officers were frequently finding themselves involved in many areas heretofore restricted. Perhaps not as much by choice as by circumstance—drug offenses became one such area. Wildlife officers patrolling remote areas were increasingly faced with these encounters. Wildlife officers were frequently sought for assistance by the Drug Enforcement Agency, U. S. Customs, and local sheriffs. They were a resource to be tapped; they were familiar with the territory; they knew where the remote airstrips were and occasionally witnessed low flying aircraft late at night.

Initially there was strong resistance by veteran supervisors to allow these ventures. This opposition came about because the Commission has always attempted to keep job responsibilities in the proper perspective, although at times it has been very difficult. It has always been, and should always be, that resource protection is the primary law enforcement responsibility of the wildlife officer. Nonetheless, no matter how hard we try, the nature of the job will expose wildlife officers to many aspects of law enforcement. Many dedicated wildlife officers, as well as supervisors, have strained relationships over this issue of role clarification. Unfortunately, conscientious officers have left the agency over the years because they had great difficulty determining their primary responsibility. Perhaps no motto is more appropriate, particularly to the wildlife officer, than "To Preserve and Protect."

By the early 1970s the evolution of the wildlife officer was becoming clarified. His responsibilities were so diverse and complex that an intensive training program became necessary. This was a by-product of having acquired police standards certification and also because of the growing complexities of wildlife law enforcement. Prior to this time, wildlife officers received only a few weeks of training. Officers were now required to complete 240 hours of police standards training, as well as training on Commission related responsibilities. This would change several times throughout the next 18 years, until it reached today's standard of 520 hours. Beginning in 1989 the Commission's training academy will last 6 months.

In addition to enforcing laws related to wildlife and fish, wildlife officers would be called upon increasingly to deal with traffic enforcement, robberies, burglaries, auto theft, boat theft, an occasional murder, dredge and fill, pollution, littering, drugs; the list goes on and on. No doubt these responsibilities came about as a result of expanded police powers; but, to an even greater extent, the evolution of the wildlife officer has come about because of the rapid growth in Florida. This growth has left scars on the environment and wildlife as well. It has also led to dramatic changes in the role of the wildlife officer; they are: 1) endangered and threatened species enforcement, and 2) environmental law enforcement (pollution, dumping, littering, and dredge and fill).

Each day about 900 new residents move into Florida. It is presently the fourth largest state in population, and by the year 2000, Florida may be the third largest. In comparison, the number of wildlife officers in Florida today has changed very little. When one considers the wide range of responsibilities with which today's

wildlife officer is charged, the enforcement capability of the Commission as a whole has declined. This decline has occurred because the wildlife officer has had to reconsider his patrol responsibilities. More often than not, "routine patrol" has become "directed patrol." One very significant area of directed patrol is that of endangered and threatened species enforcement.

### **Endangered and Threatened Species Enforcement**

This is perhaps the most noticeable change which has occurred in the role of the wildlife officer particularly over the last 10 years. Presently in Florida there are 39 endangered species, 26 species listed as threatened, and 45 listed as species of special concern. Perhaps two-thirds of these are located in south Florida; many are found only in the Florida Keys.

In looking at endangered species enforcement, one must start by looking at the species *Felis concolor coryi* (Florida panther). Perhaps no wildlife species has attracted more attention than this one, considered to be the most endangered animal in the world. Present estimates indicate 30 to 50 remaining in the wild. This animal's last stronghold is the Big Cypress National Preserve and surrounding areas. The Big Cypress Preserve consists of >228,420 ha located in the southwest corner of the state. Immediately below the Big Cypress is the Everglades National Park with 600,000 ha; to the east of it is the Everglades Wildlife Management Area with its >293,600 ha. To the north lie numerous large ranches.

Radio telemetry studies have shown that panthers require extensive range and move great distances, searching for prey. Telemetry studies and vehicle strikes have also documented consistent movement across several main highways traversing the Big Cypress Preserve. Since 1979, when accurate record keeping began, 11 panthers have been struck by vehicles within the boundaries of the Big Cypress Preserve. An additional 6 strikes have been recorded within a radius of 80 km outside the Preserve. Unfortunately, several cats would also die from various other causes, one of which included gunshot wounds. Without a doubt, however, their greatest threat at this time was the motorized vehicle.

Several highways would play an important role in the survival of the panther. Alligator Alley (S.R. 84) is an east-west highway which runs from Naples to Ft. Lauderdale dissecting the Big Cypress Preserve and the Everglades. Tamiami Trail (U.S. 41) runs from Miami to Naples dissecting the lower portion of the Big Cypress. State Road 29 runs in a north-south direction from Immokalee to Everglades City through the Big Cypress.

#### **Designation and Enforcement of "Panther Crossings"**

On these 3 highways, 5 sites were recognized as panther crossings because of the frequency with which the large cats used them. Alligator Alley had 2 such crossings, 1 which ran from the 19-km marker to the 34-km marker and another which ran from the 42-km marker to the 53-km marker. There were 2 other crossings located on State Road 29 and one on Tamiami Trail (U.S. 41).

Panthers are, generally speaking, a nocturnal creature and are most active after dusk. They were being struck and killed during the nighttime or very early morning hours as they crossed these highways. As one small part of a larger plan to protect them from extinction, a night time speed limit of 72 km.p.h. was enacted at these panther crossings. The slower speed limit might allow both the panther and the driver of the vehicle a greater opportunity to avoid a collision.

The crossings having been identified and designated as panther speed zones would require considerable law enforcement effort. Wildlife officers in Collier, Hendry, and Broward counties were sent to vehicular radar school in 1985. Radar guns were installed in 2 pursuit sedans detailed specifically for this endeavor. Wildlife officers normally patrol in Ramcharger vehicles. We learned early on, after blowing up several engines, that sedans would be required. Since the Big Cypress is so remote, the sedans were stationed at designated sights to be utilized by officers as needed. A normal work effort would require a wildlife officer to patrol in one of the speed zones for several hours in conjunction with his other duties. Considerable priority has been placed on keeping the wildlife officer in his normal surroundings as much as possible. Each officer is scheduled to spend 1 or 2 nights on this patrol during a 4-week period. Occasionally, large speed zone details are scheduled. The press is periodically invited to participate for increased public awareness. One such detail, over a 2-night period, utilized 6 pursuit sedans and resulted in 123 traffic citations. All citations were written in excess of 105 km.p.h. in a 72 km.p.h. zone. Since the program began, more than 3,600 traffic citations and 460 warnings have been issued in these speed zones.

It is worth noting that only two panthers have been struck by vehicles within these 5 speed zones since this special enforcement effort began, almost 4 years ago. In the previous 2 years, 6 panthers were struck by vehicles in the panther speed zones. It is also noteworthy that 4 strikes occurred outside the preserve in the past 4 years.

Working the panther speed zones would at times become somewhat dull and routine over the years. But wildlife officers could never afford to become lackadaisical. Two highways were main travel routes to and from Miami. Stops were almost always late at night and the wildlife officer never knew what to expect.

One particular stop made late at night involved a van traveling 135 km.p.h. While the officer was issuing a citation, a young girl ran from the vehicle screaming that she had been abducted and raped. She had apparently been tied up and had managed to free herself during the stop. Before it was over, the driver would be charged with false imprisonment and transported to the county jail. The girl was to be taken to a center for treatment.

Another attempted stop led to the pursuit of 2 vehicles, both driving in excess of 160 km.p.h. Stopping 2 vehicles traveling together is certainly an art in and of itself. Both drivers turned out to be juveniles with 1 of the vehicles having recently been stolen. Still another incident led to the discovery of a suitcase along the road. When the suitcase was opened, a young woman's body was discovered. Another stop led to an officer being assaulted by an individual with a knife. This culminated

in a high speed chase involving 5 different law enforcement agencies before the subject was apprehended.

There are numerous other incidents which are too many to mention; some are funny and some serious. The point being, wildlife officers were becoming more involved, not only in protecting an endangered species, but they were also more frequently encountering serious threats. These incidents have most certainly affected the way the wildlife officer conducts himself, both before and during stops. They could not let their guard down for one minute, or they might not have a second chance.

#### Patrolling in Manatee Protected Areas

Another area of endangered species enforcement, requiring considerable effort, is related to manatee slow speed areas. The West Indian manatee, a large sea cow, enters warm water areas during the winter months. Many of these areas are located at or near power plant discharges; others are located in the Everglades, south Florida and central Florida. Presently, the greatest threat to the continued existence of the manatee is the power boat. Each year, manatees are injured—very often fatally—by boat propellers. Many of these slow lumbering creatures bear scars giving further evidence to the problem's magnitude.

The Florida Manatee Sanctuary Act provides complete protection. It also requires that those areas frequented heavily by manatees be identified and posted as "slow speed" or "idle" zones. Because of this requirement many bodies of water are posted, and the slow speed requirement takes effect from November 15th through March 31st each year. As the plight of the manatee becomes more precarious with passing years, wildlife officers devote more time to the protection of this species. Since south Florida, and to an even greater extent the Everglades Region, does not experience a drastic weather change during the winter months, the problem is even more severe. Annual migrations of tourists add to an already serious boating traffic problem. Boat traffic on the waterways is extremely heavy throughout the year and, because of the warm climate, there is little noticeable decline in boating. Directed law enforcement patrols during peak boating activity periods provides increased protection for another species of wildlife in serious trouble. Another enforcement effort is thus added to the list of responsibilities which the wildlife officer has over the years increasingly assumed.

Regularly scheduled patrols in manatee areas would also have their exciting moments. One incident involved the arrest of illegal aliens. Wildlife officers patrolling the intracoastal waterway at Port Everglades received a call concerning 2 individuals who had jumped off a freighter and were swimming to shore. Since they were close by, they responded. One subject was apprehended before he reached shore, while the second subject was apprehended several hours later in a nearby mosquito-infested swamp. Several other incidents involved drug seizures. Smuggling drugs by boat has become one of the primary methods in recent years. This fact has caused wildlife officers to be more cautious when dealing with this activity.

### Protecting Sea Turtle Nesting Areas

Protection of endangered sea turtles is yet another priority which has come to the forefront over the last 5 to 10 years. Again this problem, while not restricted to south Florida, is of critical importance in the Everglades Region. Atlantic hawksbill, Atlantic green turtles, leatherback turtles, and Atlantic ridley turtles come ashore to lay their eggs on the sandy beaches primarily during May, June, and July. The turtle meat is considered a delicacy; however, many people are only interested in the eggs. Because of a myth they are considered an aphrodisiac. The eggs are sold in bars to those who mistakenly think their sexual prowess will be increased. Egg poachers stalk the beaches late at night looking for fresh turtle crawls, and then rob the eggs from the nest. Turtles generally lay about 100 eggs in the sand, and then cover them. The eggs are usually sold to bars, sometimes bring \$10–\$12 a dozen.

Wildlife officers patrol the beaches late at night during the nesting season in an attempt to apprehend individuals who would rob the eggs for personal profit. During these months, numerous arrests are made, but perhaps most notable was a recent case which landed a poacher a \$109,800 fine. The defendant was apprehended leaving the beach in the very early morning hours with a bag containing 1,088 sea turtle eggs. A United States Magistrate sentenced the defendant to the maximum penalty of \$500 and 60 days in jail, in addition to \$100 per egg. The same defendant is also awaiting trial for taking 818 eggs from nests of sea turtles in an adjoining county.

Over the years it has become increasingly evident that wildlife violators were also involved in numerous other criminal activities. One such situation occurred when a search warrant was served on a subject for turtle egg poaching. The search turned up 107 endangered sea turtle eggs, as well as 26 firearms, 1 fully automatic Mac-11, \$21,039 cash, 28 g of crack cocaine, 3 g of cocaine, 31 pounds of marijuana, 1 stolen ATC, stolen watches, stolen jewelry, stolen televisions, and stolen video camera recorders.

A very significant number of arrests would be made over the years. Most often, however, the wildlife officer's patrol efforts would come up empty handed. When his work day was over, he could only hope that his presence had perhaps deterred a few violators to stay away from the turtle nests. The occasional arrest would, of course, be front page news. Large details would be organized periodically and the press would be invited to go along. Again, this enforcement priority requires a great deal of effort and will perhaps increase with each passing year.

These are just 3 endangered species enforcement priorities. They are highlighted because they are indicative of a trend—a trend which unfortunately will continue in the coming years. This trend will see more and more species of wildlife teeter to the verge of extinction. This trend will witness expanded enforcement effort to save a specific species. Species such as the Key deer, the American crocodile, or maybe even the Schaus' swallowtail butterfly, will require increased attention in the coming years. These are dangerously close to extinction now. Still others such as the Key Largo woodrat, indigo snake, bald eagle, sandhill crane, tern, red-cockaded

woodpecker, black bear, American alligator, and burrowing owls, just to name a few, require special attention periodically. No doubt, the list of species listed as endangered, threatened or of special concern will grow.

The evolution of the wildlife officer will continue apace with this development. Where once a wildlife officer rarely encountered violations related to these species, it may one day become the rule rather than the exception.

### **Environmental, Dumping, Pollution, Dredge and Fill**

Perhaps the greatest indicator of man's thoughtlessness is witnessed in the area of the environment, dumping, pollution and dredge and fill. I say greatest because man can certainly see the effects of his actions here, whereas endangered species have often come about as an indirect result of man's actions. Once again, the rapid growth in Florida's population is, in large part, responsible for this problem. As the population increases, development occurs and once pristine areas incur damage because of man's greed and callous attitude toward the environment. Nowhere in the state is this problem more evident than in south Florida.

Littering has long been a problem, but recent years have seen this once thoughtless act grow into a real dilemma with often very serious consequences. Large scale dumping has become common. Pickup trucks and large dump trucks regularly seek uninhabited areas, usually located on the outskirts of town, to dump loads of trash, construction materials, tires, sewage, and, on occasion, toxic wastes. The population keeps moving further away from the coastal areas into what was once part of the Everglades. The evidence is all around for everyone to see. Simply put, it is quicker and cheaper to dump in remote areas than to pay fees at landfills, which also require further distances to travel to.

The wildlife officer's domain has long been the wooded areas, and the refuse was being put at their "doorsteps." Officers began to encounter large scale dumping on a regular basis. Most often, the officer witnessed the aftermath when the violator had departed. Popular dump sites just kept growing larger and larger. In many cases dump sites became so popular that many unknowing individuals began to take their refuse there thinking it was a legal landfill. Certain areas became popular for dumping tires; acres and acres of land were covered until there was no further room to dump. In some cases, these sites became mountains of old tires sticking out like cruel signs of the times. When the dump site filled up, someone would set it on fire to make room for more. Burning these sites caused additional problems with thick smoke and fumes rising into the sky. Chemicals were released into the soil which eventually seep into the groundwater table only a few feet below the surface. One particular tire burning incident in Dade County came very close to shutting down Miami International Airport. Thick clouds of black smoke covered an area for several miles and several runways were unavailable for use because the approach to the airport was not visible. A similar situation in Palm Beach County sent huge black clouds of smoke over several miles forcing the closure of several main roads while traffic was rerouted.

Dumping was not limited to tires, garbage, construction materials, or the like. One particular incident in 1983 occurred in Dade County which involved toxic wastes. An individual was apprehended as he unloaded a truck with 2370 liters of organic solvents, sludge oil, and heavy metal residue (copper lead and chromium) into a sawgrass marsh bordering the Everglades conservation area. The toxic waste was dumped into the marsh just 1 mile from the Dade County well field where the groundwater table is just a few feet below the surface. Since dumping a deleterious substance was at the time only a second degree misdemeanor, it was decided to pursue civil penalties instead. The defendant was found civilly liable and assessed \$4.6 million dollars in penalties. The defendant was alleged to work for an individual with strong ties to organized crime. Needless to say, he never offered to implicate his boss, the owner of the trucking company.

### Enforcing Dumping Laws

Shortly thereafter, several large dumping problems occurred in the wildlife management areas. Dumpers were running rampant, and wildlife officers began actively pursuing these individuals on a daily basis. Arrests soared! By 1986, wildlife officers began organizing saturation patrols, affectionately referred to as "garbage details." A very large detail was organized which involved 25 wildlife officers over a 3-county area: Palm Beach, Broward and Dade. The detail was extended for 10 days and specific target areas were mapped out. Since much of the dumping was commercial and related specifically to the construction businesses, the primary focus was in late afternoon, and just after dark. The fixed wing aircraft was flown from 1400–2000 hours each day, while unmarked ground units were utilized as roving spotters. It was relatively easy to follow the trucks loaded with debris as they headed towards the wooded areas. Marked units were called in after allowing them to dump. Over the 10-day period, 102 arrests and 13 warnings were issued for illegal dumping.

Just weeks later, an individual was apprehended in the Florida Keys for dumping several hundred gallons of diesel fuel into a saltwater mangrove area. The driver of the tanker had apparently been surprised when a particular weigh station on Marathon Key was still open at 0300 hours with an operator on duty. Since the tanker was overweight, the driver thought it simpler to open the valve and lighten his load. He unloaded the diesel into the water just several hundred yards down the road from the station. His tanker was seized and the civil penalties would exceed \$.5 million.

We believed increased public awareness was necessary to combat the dumping crisis. The local news media were invited to accompany wildlife officers on stake outs. Unsuspecting dumpers were photographed from hidden vantage points and some showed up live on the 6:00 p.m. news. A few of the unluckier ones got to watch themselves on Cable News Network (CNN). On one particular outing with CNN, our helicopter spotted a stolen vehicle being stripped in a wooded area. The pursuit ultimately ended in a migrant labor camp in Dade County. Before that incident was over, Metro-Dade's canine unit would be requested to assist wildlife officers in an orderly retreat, but not before an arrest was made.

Over the last 3 or 4 years, hundreds of individuals have been apprehended and



charged with dumping. Several wildlife officers would also be assaulted during this endeavor. One defendant would try to run down the arresting officer with his truck; another threatened our officer with a chain saw.

Because of the overwhelming criminal case load facing our courts, a very serious injustice soon came to light. Florida's "Litter Law" was ineffective as a deterrent. Violators would be charged with a second degree misdemeanor regardless of the amount of litter. Whether it was a truckload or a mere bottle, the maximum penalty was a \$500 fine and/or 60 days in jail. Defendants were being apprehended a second time, on 1 occasion a week later, because it was cheaper to pay the fine, then paying landfill fees.

Finally, on 1 October 1988, a revised Florida Litter Law was enacted. This new law now made litter of less than 6.8 kg or 0.8 m<sup>3</sup> in volume, a non-criminal infraction. Litter in excess of 6.8 kg or 0.8 m<sup>3</sup> in volume, but not exceeding 227 kg or 2.8 m<sup>3</sup> in volume, became a first degree misdemeanor. Litter in excess of 227 kg or 2.8 m<sup>3</sup> in volume became a third degree felony. The law also made commercial dumping a felony regardless of the amount dumped and provided for confiscation of vehicles used in the commission of the crime. The new law further defined litter to include anything one could imagine.

Within 30 days of the revised "Litter Law" taking effect, 3 commercial dumping arrests were made in Palm Beach County alone. Large scale dumping arrests continue to be made by wildlife officers; and, whether by choice or by circumstance, the wildlife officer has acquired another responsibility. Not only has the wildlife officer assumed responsibility but, for the most part, he is recognized as the leader in the fight against dumping. His role has again evolved; he is the front line in another law enforcement venture. Stationed at predetermined positions, wildlife officers spend countless hours waiting for the next dumper. Satisfaction will be derived from apprehending these callous, greedy individuals. Occasionally we will derive great satisfaction from the punishment handed down to the offender, but more often than not this will be tempered by sorrow at the stark and ugly evidence of man's indifference to his environment.

The dumping of raw sewage and illegal dredge and fill operations are coming to the forefront increasingly in recent years. Arrests involving incidents of this nature often require much more expertise because of the complexity of the laws. The arrest is only the first step along a long road where the officer frequently encounters paperwork barricades and frustrating legal delays. Many hours of investigation, report writing, and meetings with the State Attorney's office will be required before a successful prosecution can be accomplished. If this growing problem is to be dealt with effectively, specialized enforcement officers will be required.

Nonetheless, wildlife officers have been successful in recent years in prosecuting numerous environmental cases. One incident in Monroe County led to the arrest of an individual for cutting down mangroves along a mile of once pristine saltwater habitat. The developer planned to fill in the mangrove area enlarging his property to build an exclusive development. He was successfully prosecuted and fined

\$75,000 in civil penalties. He was also required to restore the mangroves and remove fill from the area.

Another case led to 2 ha of land being forfeited to the Commission. This 2-ha wetland tract was located within a wildlife management area. The owner of the property decided to construct a camp there. Numerous arrests for dumping raw sewage have been prosecuted; others are pending in the courts. These cases usually linger in court for extended periods of time.

There are success stories! The "Clean up the Keys" campaign in Monroe County is a prime example. One wildlife officer's diligent efforts against littering, dumping and pollution created tremendous public awareness. In spite of small fines and very little cooperation initially, this officer persevered until environmental concerns became top priority in the Keys. Several successful prosecutions and considerable media attention generated significant results. Judges began ordering violators to clean up miles of highway and back roads infested with litter. In 1 16-km stretch of highway, 300 m tons of garbage, construction materials and other refuse was collected. More than 300 abandoned vehicles were removed to junk yards. Other areas in south Florida have also met with some limited success. However, occasionally the success is short lived. As one dump site is cleaned up, another one is born.

## **Summary**

This past year boating safety has come to the forefront in the role of the wildlife officer. There are 700,000 registered boats in Florida with almost 1,000 accidents recorded in 1988. One hundred of these would result in death. Boating related deaths are over twice the national average. Boating theft is increasing very rapidly.

Wildlife officers have for many years patrolled fresh water streams and, to a lesser extent, salt water areas as well. Their role was much simpler initially, their efforts were directed toward compliance on bag limits, size limits, where applicable, methods of taking, and license requirements. Boating safety was done in conjunction with routine patrol. Another area of enforcement has blossomed, and wildlife officers now specifically target areas for boating safety violations. Many bodies of water are used almost exclusively for water skiing, jet skis, and recreational boating. Seldom had the wildlife officer patrolled these areas before. He had plenty of other areas to work, but now he would have to find time to work these as well.

Another responsibility has emerged—one which is very serious; it deals with human life. The wildlife officer will assume this task and will do it well. Most assuredly, however, other responsibilities will not receive the attention they deserve. The wildlife officer adapts well; he wears many hats; he has seen his role change many times. His job has become very complex. One could argue, with good cause, that the wildlife officer's role is the most demanding law enforcement position in the state. His role has changed tremendously since 1943 and will change even more in the next 20 years.