

STATE AND FEDERAL COOPERATION IN THE LAW ENFORCEMENT PROGRAM

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Webster defines Cooperation—As collective action for mutual profit or common benefit. He further defines the word Cooperate—To act or operate jointly with another or others.

The role we play in the overall management of our wildlife resources demands the cooperation of both State and Federal forces whenever feasible inasmuch as one agency can stand alone, nor can any agency without the aid of assistance of its neighbor ever hope to meet and conquer all the problems that arise in the field of wildlife management.

We, in enforcement, by the same token cannot stand alone but must be ever alert to the studies and findings of those engaged in management and research and we must apply these findings in our every day activities to improve our standards of efficiency.

Man, in his constant endeavor to manage wildlife, has set up zones, seasons, daily bag limits, possession limits, license fees and methods of taking. The administration of these is carried out from a central office, zone office or regional office. The practical application of laws and regulations is carried out by the wildlife officer in the field. The entire success of the harvest program may many times be judged by the efficiency the enforcement officer displays while applying the practical application of the policies handed down to him by his superiors. He who serves his department proudly will be the most valuable asset we have in a given area. Yet, by the same token, there are those who through lack of understanding of the problems of others may, and do many times, paint a cloudy picture of the State and Federal Agencies who have been given by statute a duty to perform, yet each operating under the jurisdiction of its own limitations must strive to do the job assigned in the most cooperative manner.

Wildlife knows no zones, state lines, regions or boundaries. The range of each species is governed by the basic instincts instilled into it by the Creator. Each individual state in which certain wildlife may be found, both as a resident and a migrant, has enacted through its respective legislature or commission laws and regulations that afford protection for the resident and migrant wildlife. Some states have enacted more stringent laws than others; some states by the enactment of certain laws following certain traditions in the method of harvesting, have granted wildlife therein greater protection than that afforded them under federal statutes and by the same token there are instances where the federal law is more restrictive than that of an individual state. Some will tell you that all of the federal statutes should be repealed and the state laws should be substituted in lieu thereof. Others will say state laws should be stricken from the code and federal regulations be inserted thereto. In presenting these arguments both sides will appear to be sincere in their discussions and most certainly since we are dealing with wildlife, both resident and migratory, we as enforcement officers should in all fairness expend our efforts with only one goal in view—conserve and control the harvest of what we now have with the thought of preservation of brood stock to insure adequate production for future generations. Hence, we come back to the basic concept of the title of this paper and that is the need for cooperation between the two services.

Being more familiar with Maryland, I would like to cite at this time some of the differences that exist today in order that you might be appraised of the situation more fully. Bear in mind these differences are by statute and the regulations promulgated and adopted by the Maryland Game and Inland Fish Commission are within dates and seasons, etc., as authorized by the Maryland Legislature.

The seasons, bag limits and shooting hours as set forth by federal regulations are adopted each year by the Maryland Game and Inland Fish Commission. Basically there are four main differences between federal regulations and those enacted by the Maryland Game and Inland Fish Commission.

(a) *Fixed Blinds—Floating Blinds*

The difference in blind regulations permits a great percentage of the larger bodies of water within our state to serve as a sanctuary where no shooting whatsoever is allowed. These waters include such areas as the Chesapeake Bay, Potomac River, Sinepuxent Bay and Chincoteague Bay which range in width from 2 to 22 miles and in length from 30 to 150 miles. The creation of these sanctuaries was brought about by a statute enacted by the Maryland General Assembly which prohibits the erection of a blind more than 300 yards off shore. This one statute alone has resulted in approximately 840,000 acres of water sanctuary.

There are several exceptions to this statute where blinds may be placed up to 1,000 yards from shore and also where sneak boats or bushwack rigs are allowed on certain waters such as the Susquehanna Flats which is located at the head of the Chesapeake Bay; the non tidal portion of the Potomac River where sneak boating is allowed and certain waters in Worcester County which have just been opened to sneak boating. The creation of the inviolate areas are many times overlooked by the critics. These vast areas of water sanctuaries coupled with climatic conditions are very important to the overall management of the migratory birds and most certainly serve as an important factor in the wintering of our waterfowl populations.

The January 1957 inventory reveals a population of 803,500 birds or approximately one bird per two acres of water. The entire water area of 1,546,240 acres, plus 350,000 acres of wetlands naturally makes Maryland an important state as a wintering ground for migratory birds and every effort will be made to protect them when they are within our state boundaries.

(b) *Sunday Shooting*

The ban on Sunday shooting is another law of tradition in Maryland and is backed by the greater majority of our people.

(c) *Shooting of Bona Fide Cripples from a Motor Boat—Prohibited by Federal Regulation*

The legality of shooting bona fide cripples from a boat with a motor attached without cutting the motor off was brought about by a Circuit Court decision in Southern Maryland several seasons ago. Prior to the time of this decision by the Circuit Court the Departmental ruling had always been that an outboard motor would have to be removed from the stern of the boat before any shooting or cripples took place. However, this decision now stands as law in Maryland and, of course, we must follow the dictates of the court until they are changed.

(d) *Two-Hundred-Yard Feeding Prohibition—Absolute Prohibition of Bait*

The two-hundred-yard bait or feeding regulation was first adopted by the Game and Inland Fish Commission in 1952. Prior to the adoption of this regulation there was no state law or regulation in Maryland concerning this item. Since its adoption numerous arrests have been made and we believe we have made definite progress with the regulation as it now stands. Most baiting in Maryland is carried out within the two-hundred-yard distance and since its enactment we have been BLESSED by some and DAMNED by others. Prior to the adoption of the regulation there was serious doubt in the minds of many as to the distance within that persons could be prosecuted. Since the regulation specifically states two hundred yards it alleviates that condition and the record of prosecutions for the past year alone reveals approximately 155 arrests and convictions for violation of the above.

Maryland Licenses and Seasons

During the past fiscal year ending June 30, 1957, we licensed 153,528 hunters and of this total 26,732 purchased duck stamps in Maryland. Incidentally, each person hunting waterfowl in the State of Maryland must procure a hunting license regardless of age and whether or not he hunts on his own property. This figure does not include the several thousands of non-resident hunters who visit Maryland annually for their hunting and who undoubtedly purchased their duck stamps in some other state nor does it include those persons in the duck stamp total who are under 16 years of age and are not required to purchase a duck stamp. Assuming that the total of persons hunting migratory birds is somewhere in the neighborhood of 30,000 we would then have a 20 percent of

total persons licensed who are hunting migratory birds in the State of Maryland. The season on migratory birds starts September 1 with rails and gallinules and carries through until January 15 for waterfowl and this season for migratory birds, as you can see, is many times coinciding with upland and big-game seasons. This overall "circus" of seasons presents a very complex and intricate enforcement problem and naturally is one of the busiest seasons of the year insofar as enforcement is concerned. To adequately patrol the areas it is necessary for the state officer to know where the federal officer is working and vice versa. Our supervisors of law enforcement are instructed by written orders to keep in close contact with the United States Game Management Agent in their respective regions in order that each will know of the others problems and activities. It is not good policy to have all enforcement officers of both agencies work on the same problem at the same time, inasmuch as the violator is very adept in determining what areas are being patrolled and of course he adjusts his activities to best serve his needs insofar as violating any laws or regulations. A good example of this occurred in Maryland several years ago when federal agents placed at our disposal all of their manpower during the deer hunting season. This concentration of personnel resulted in a terrific amount of waterfowl violations and while we accomplished our goal in taking care of the illegal deer hunter we sacrificed the waterfowl to many illicit methods of taking. During the past several seasons we have had a working agreement whereby the federal agents patrolled the waterfowl areas while we take care of the special deer seasons and by the same token we have been especially active in the waterfowl areas while the federal agents are making the annual waterfowl inventory. This has resulted in a definite decrease in violations and we believe it is the proper way to handle the situation.

I would like to cite one instance of how the violator operates.

Several years ago during the deer season, one of our wardens kept a duck blind under observation and at the opportune time pulled alongside the off-shore blind by boat and arrested the occupants for shooting over baited area and exceeding the legal bag limit. He was greeted with these words: "What are you doing here today, you are supposed to be in Western Maryland checking deer hunters." This is just one of the many examples of how shrewd these people are.

Too many times in the normal course of investigation, the state officer is confronted with a terrific barrier known as the state boundary. The jurisdiction of the state officer ceases at the state line. He cannot move ahead without the aid and assistance of the adjoining state agency and rightfully so. This can happen during a rush period and sometimes the officer is reluctant to ask for the assistance of a neighboring state officer because he knows he too is very busy, thus he goes to the Fish and Wildlife Service for assistance and receives it. Just recently, as a result of this cooperation, one large inter-state violation concerning black bass is in the hands of the United States Attorney in Maryland for prosecution and should be processed through the courts in the very near future. This was made possible not only by the cooperation of the forces of the adjoining states but also by excellent undercover service presented to the state by the Department of the Interior. We also have several other cases involving violations of the deer hunting laws that should be coming up in the near future. I do not think I need to emphasize the importance of a good undercover man nor say more on the subject.

One of the many duties an enforcement officer is called upon to assist in is the trapping and banding of waterfowl and in Maryland last year through the combined efforts of the service and regular and special employees of the department, we were able to trap and band 9,000 waterfowl while they were on their wintering grounds. This information as you well know will be most beneficial and continued as long as necessary.

A review of the records concerning duck traps reveals that in 1951 a total of 165 were destroyed under a joint enforcement program by the state and federal officers. We are very happy to report during the past year about 55 traps were destroyed and this reduction in the number of traps has certainly placed a definite crimp in this type of violation. I might add here that if it were not for the equipment used by the service in combating this particular type of violation, I am afraid we would be fighting a losing battle.

Dr. Hans Gross' book on Criminal Investigation has this to say about an investigating officer and which I do believe may be readily adopted in the field of wildlife enforcement:

"His services to the public are great and his labors full of interest, will be generally admitted but rarely, even among specialists, is full credit given to the difficulties of the position. An enforcement officer should possess the vigor of youth, energy, ever on the alert, robust health and extensive acquaintance with all branches of the law. He has to solve problems relating to every branch of human knowledge. He should be ready to place at the service of Society, with all the energy of which he is capable, the knowledge thus painfully acquired. He who seeks to learn only when some notable crime turns up will have great difficulty in learning at all. His knowledge should be acquired beforehand by constant application in his ordinary rights."

If we possess these qualifications and can pursue our efforts in this manner we have little to fear in the field of enforcement of our wildlife resources.

The feather of a bird is the strongest thing in nature for its size and weight. So, too, the amount of cooperation between state and federal governments is the strongest point for an everlasting fight for wildlife populations. Let's not weaken it.

CONSERVATION OFFICERS ON AND OFF DUTY

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The title of this paper, "Conservation Officers On and Off Duty," may at first lead you to believe that there is a distinct difference between an Officer while "on duty" and an Officer while "off duty." Do not be misled. I have been a Conservation Officer for over eight years and during that time the only way that I have succeeded in being "off duty" is to leave the state. There are times when we may consider that, for all practical purposes, we are off duty; but eight-hour days and week-ends off are something the Officer hopes for but rarely is able to take advantage of. The Conservation Officer is a public official and it takes only a few days for a new Officer to realize that the public can be very critical and demanding. Because of this, our conduct must be beyond reproach, twenty-four hours a day, seven days a week.

The personal and professional qualifications for a Conservation Officer are high. The better he meets these, the better is the foundation for the execution of his professional duties. A good Officer has a liking for people and an above average understanding of human behavior. This is perhaps just as essential as a good knowledge of game and fish. He is intelligent, resourceful, and has a clear mind capable of good logical reasoning. He must have an intense interest in his work, indifferent to hours, physical discomforts, and poor pay. If you, as an Officer, possess these attributes plus a keen desire to study for greater professional attainment, you are on the way to becoming a good Conservation Officer.

The success of any Game and Fish program depends on the Conservation Officer. He is recognized by administrators as the man who we must depend upon as the salesman for game and fish departments. The Officer who does not sell the programs of his department is doing himself an injustice, as he is also the person upon whose head is heaped the scorn and abuse of dissatisfied citizens. How do you become a good salesman? I believe that most sales managers will list as their prime requisite for a good salesman is to "know your product." It is, without doubt, the duty of every Conservation Officer to know and to be able to explain the product he sells. Your product is *your game and fish program, all your fellow workers, and yourself.*