

It is also a convenient center for the general public to get information pertaining to all phases of the Department and its management and enforcement operations.

Today we live in a fast-moving mechanical world, where the word "Progress" seems to be the overall goal of man. Yet, in so many instances to accomplish what is thought of as "Progress," many of our free, God given beauties are completely overlooked and forgotten. To prevent such destruction and to continue better conservation of our wildlife, we must have the best in Law Enforcement that can be obtained. As you and I know, the Wildlife Officer not only enforces laws, but in reality is the front man for every Department in its relations with the public. And with the public's demand for better information, which is a *true step toward better conservation*, these Regional Headquarters are proving to be assets in the overall Law Enforcement Program.

PRIMA FACIE EVIDENCE

By PHILIP J. STRONG

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PRIMA FACIE EVIDENCE

Prima Facie is a Latin phrase which means at first view, first appearance, or first sight. When you approach a hunter or fisherman you take in the whole situation at a glance. Most States have *prima facie* laws and by these we prosecute many Game and Fish law violators. *Prima facie* evidence, like presumption, is set up by rules of law because the burden of proving absolutely everything involved in a case is almost impossible. Our Legislature has established that certain facts are self-evident and places the violator on the defense because the burden of proof is placed on him instead of the law enforcement officer.

When making a *prima facie* case, you simply present the facts, which according to law, constitute a violation. After that, it is up to the accused to explain the facts. Conviction is not automatic, but as I stated before, the burden of proof is on the defendant rather than the prosecutor.

Section 5884, Mississippi Code of 1942, Volume 5, Recompiled, states "that any person found in the possession of a trap, fishing tackle, or other *device* of any description whatsoever used for the purpose of taking wild animals, wild birds, or fish in the natural habitat of such animals, birds, or fish, or in possession of dead bodies of wild birds, wild animals, or fish within the field, in the forests or on the public highway or on the waters of Mississippi, shall be *prima facie* evidence that said person is or has been hunting, trapping, or fishing." I am sure that all of you have a law similar to this law. It is under this statute that we convict many violators. *Prima facie* means that there is sufficient evidence to justify the facts that are stated. For example, when on routine patrol you had reason to stop a pickup truck coming out of a swamp or wooded area and while checking the truck you found a freshly-killed deer in the back. The occupants of the pickup had a 30.06 rifle and also a headlight lying on the seat or floor board of the truck. The dead body of the freshly-killed deer, the headlight, the 30.06 rifle and the time of night would be *prima facie* evidence that the occupants of the vehicle had killed the deer by the aid of a headlight. You probably have possession laws whereby you could prosecute these people, but the penalty for headlighting deer is much more severe than the penalty for possession.

Another example is when you are on patrol on a river and stop a boat to check the occupants for fishing licenses. In the course of the

check you see a fence charger connected to a battery and a wire attached to the fence charger with a short chain attached to the end of the wire. Also, several flathead catfish are found in the boat. You did not see the suspects using the fence charger but the mere fact that the fence charger was in the boat with a wire attached, with a short chain attached to the wire, and flathead catfish in the boat would be *prima facie* evidence that the occupants of the boat had been taking fish with the use of an electrical device.

I could state case after case where *prima facie* evidence was the only way of convicting a violator. Our *prima facie* laws should be used to convict violators. After all, the goal for the end of good law enforcement practices is better hunting and fishing for our sportsmen. The arrests and convictions of those persons who violate fish and game laws serve to reassure those who are not violators that effective measures are being taken to insure them a better supply of fish and game to hunt and fish after the season is open. Public attitude in supporting wildlife law enforcement is growing stronger. More and more sportsmen are realizing that the restrictions of game and fish laws are necessary to insure the pleasures of hunting and fishing to the increasing population which is forced to seek hunting and fishing in more confined areas. We will always have violators as long as we have people and game and fish.

The game and fish are regarded as property of the state, and the taking of game or fish illegally by people is merely cheating the state rather than stealing from fellow sportsmen. Disrespect of one law leads to disregard for other laws. The percentage of hunters and fishermen who abide by our laws because of a sense of moral convictions is small. A larger percentage abides by our game and fish laws because they recognize the necessity of these laws in order to afford more equal opportunities to hunt and fish due to declining areas and the increasing number of sportsmen. Fear of getting caught and conviction are factors in a large percentage of our people who abide by game and fish laws.

The Law Enforcement Division has been busy training, upgrading and equipping Law Enforcement personnel in order that they can operate at full capacity. There is no learning process quite as effective for violators as a day in court. Some of our most respected citizens will violate game and fish laws and the law enforcement officer should never draw any lines. Every person caught violating should be prosecuted regardless of race, wealth, or social position. A majority of the people caught violating will lie in court in an attempt to avoid conviction. Good *prima facie* evidence will help to convict these violators.

ENFORCEMENT OF LITTER LAWS BY CONSERVATION OFFICERS

By JAMES L. BAILEY

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Missouri Department of Conservation

HI-YA! LOOK-KI! LOOK-KI! IT'S THE OLD MONEY GAME!
THE OLD HUCKELY-BUCK, THE OLD CHUCK ON WHEELS!
STEP RIGHT THIS WAY FOLKS, A WINNER EACH AND
EVERY TIME!

HI-YA! LOOK-KI! LOOK-KI!

Now that's one helluva way to start a speech! My reason for doing so was simply to emphasize a point I want to make in this paper relevant to some of the newer problems that we, as conservation law enforcement officers, are facing throughout this land of ours.