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Comprehensive Review of the  
**Office of Law Enforcement**  
of the Commonwealth of Massachusetts  
Executive Office of the Environmental Affairs



**FINAL REPORT  
OCTOBER, 2004**

Conducted by the  
Management Assistance Team of the International  
Association of Fish and Wildlife Agencies

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but the Management Assistance Team would like to acknowledge  
the following individuals for their support and contribution:

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**Major Tom Rabbitt**

# EXECUTIVE SUMMARY

## Foreword

The following final report summarizes the process, findings and recommendations of an independent, comprehensive review of the Office of Law Enforcement (OLE) also referred to as Environmental Police Officers (EPOs) or the Massachusetts Environmental Police. The intent of the review report is to present an overview, highlighting where helpful, the strengths, weaknesses, constraints and opportunities for increasing the effectiveness of the OLE. The review did not attempt to examine the universe of components within the OLE. Rather, the review focused on identifying those areas which, when improved, would most likely leverage the return on investment for improving the effectiveness of the OLE overall.

Recommendations are distinguished in the report by a money icon  if it appears that additional funding will be required. It is premature to speculate on the degree of required budget increases until the OLE has completed the strategic improvement process outlined in Step One and Step Two of this report. The review proposal called for identifying expanded services facilitating a broader mission. Findings from constituent groups did not support any significant broadening of the OLE's mission.

Initiated at the request of the Secretary of the Executive Office of Environmental Affairs (for the Commonwealth of Massachusetts), the review was begun by the Management Assistance Team (MAT) in July 2004 and completed in October 2004.

MAT is a non-profit, organization development and training consultancy exclusively for state fish and wildlife agencies nationwide. MAT is funded by a Multi-State Conservation Grant to the International Association of Fish and Wildlife Agencies, thus there is no additional cost for MAT staff time, travel, or *per diem*. MAT was selected to conduct the review through a state request for response process.

The scope of the review included: (1) research and assemblage of historical information on the evolution of the OLE, (2) comparisons with five other state conservation law enforcement programs from throughout the United States, (3) an inventory of current OLE equipment and resources and (4) an assessment of OLE operations and service, including statutory responsibilities, policies and mission, budget, organizational structure and staffing, planning and management.

A review team of nine professionals (see Resources, page 53) collected input from focus groups, interviews, website comments, an electronic survey of stakeholders and a public meeting, producing data for quantitative and qualitative analysis. As a result, **fifty-seven (57)** recommendations considered by the MAT review team to be key points of leverage for improvement are submitted for consideration. The recommendations discussed in the *Findings and Recommendations* section of this report are discussed systemically, rather than discretely in lists, to facilitate the reader's understanding of interconnections. Important to keep in mind is that the recommendations are interconnected, each affecting the whole. The report herein may be most helpful if considered holistically rather than addressing each recommendation discretely.

The expression of a strong desire to improve by many loyal stakeholders both inside and outside the OLE enabled this review. The OLE is commended for its perseverance and candor in providing the reviewers with input and open dialogue from so many of the officers. Their cooperation facilitated the collection of the data. The Management Assistance Team offers a sincere thanks to all who had a part in this endeavor. Congratulations for taking this difficult yet critical first step in any improvement process!

Findings from constituent groups did not support any significant broadening of the OLE's mission.

The report herein may be most helpful if considered holistically rather than addressing each recommendation discretely.

## Background

The Environmental Police Officers are dedicated and hard working, possessing the well-documented fish and wildlife cultural characteristic of working with a “missionary-like zeal” for the resource. Increased legislative directives, budgetary constraints, the advent of new executive leadership, and broken organizational relationships – these are all important factors in the dynamic OLE context in which culture and infrastructure renewal must be seriously examined and changed where needed. Fundamental paradigms, as well as structural, cultural and strategic aspects of the organization must also be addressed if lasting improvements are to be achieved.

In general, Environmental Police Officers are dedicated and highly regarded as professionals by the public. They are unique and very specialized. The public doesn’t want them as part of the state police. They want “one-stop environmental law enforcement shopping”, but prioritized.

While protecting the precious natural resources of the Commonwealth of Massachusetts, Environmental Police Officers may put their life in harm’s way. The risks for them should be minimized. Their staffing appears inadequate, there is distribution of too many program responsibilities among too few staff, resulting in geographic distribution too broad for the most effective enforcement and backups.

Their resources are adequate in terms of equipment but grossly under-funded for staffing and programs. Effective leadership and management are critically needed. In addition, common concerns from most all data collected were regarding the three “R’s”: lack of resources (human), lack of respect and lack of recognition for OLE.

The backdrop for this review of OLE consists of an apparent well-meaning but at times contentious union, frustrated and somewhat disenfranchised departments within the EOEA, growing public demands, and a relatively new Secretary of the EOEA who is trying to figure out the whole Office of Law Enforcement conundrum – all within a highly political context.

The recommendations of this report are based on the OLE obtaining the full compliment of officers authorized by the legislature. Improvements are needed in several fundamental areas: inadequate staffing, poor supervision and accountability, weak leadership and management, and political “tinkering”. Improvements within these fundamental areas will most likely result in many other areas of needed improvement taking care of themselves.

Additional funding is obviously needed to appropriately staff the OLE to meet its core mission. However, funding alone will not suffice. There are numerous other improvements necessary for the OLE to meet its potential at any funding level.

Some officers ask “Why do we need to have another review?” or, “We’ve done this all before, why do we need to keep reinventing ourselves?” The answer is that effective agencies must diligently adapt in response to a changing context.

The review reported here is an attempt to help the EPOs attain that goal.

The public wants “one-stop environmental law enforcement shopping”, but prioritized.

The backdrop for this review of the OLE consists of an apparent well-meaning but at times contentious union, frustrated and somewhat disenfranchised departments within the EOEA, growing public demands, and a relatively new Secretary of the EOEA who is trying to figure out the whole Office of Law Enforcement conundrum – all within a highly political context.

## Recommendations

1. The new administration of the OLE needs to establish all changes up front and firmly require improvement and accountability.
2. Reconsider the salary for hiring a new OLE Director to include making it more commensurate with the level of responsibility for the position. 💰
3. Include job criteria for the OLE Director position to reflect *both* environmental/natural resource *and* law enforcement/criminal justice experience, as well as experience in relationship and trust building.
4. Include the OLE Director in the EOEAs Secretary's monthly meetings of Commissioners and the Secretary's Executive Office weekly meetings.
5. The new Director of the OLE needs to prioritize at the top of his/her agenda the rebuilding of relationships founded on mutual trust.
6. The new Director of the OLE needs to attend the Fish and Wildlife Board meetings in person as frequently as possible.
7. The core mission of the OLE should focus on: A) enforcement of laws related to natural resource protection including commercial marine fishing, recreational hunting, fishing and trapping; B) regulating boats and recreational vehicles and ensuring for safety in their use; C) protection of parks and other public lands; and D) investigation and enforcement of hazardous waste and environmental pollution related laws.
8. The OLE should engage in a formal mission development process with input from external and internal stakeholders to produce a succinct mission statement and accompanying broad goals and targeted objectives with follow-up communication and referencing.
9. The OLE should develop dynamic, priority issue plans with input from all officers and major constituents.
10. Have the OLE and all other departments and offices under the EOEAs specifically identify their needs for OLE services.
11. Exempt the OLE from the general state funding practice of capping the number of positions funded to the previous year's number of filled positions and implement a forecasting process which will enable the OLE to recruit new EPOs so they can maintain a targeted staffing level. 💰
12. Produce quarterly and annual spending reports; track spending against predefined goals and objectives; share financial information among all management.
13. Conduct a comprehensive financial audit of the OLE covering the last five years.
14. Give spending authority (to OLE program managers) for operations other than personnel.
15. Keep the OLE in its present location housed under the EOEAs with EOEAs support.
16. Examine the costs to benefits of converting the park rangers to EPOs.
17. Build parks enforcement into core work plans for EPOs who have parks in their patrol area.
18. Negotiate an agreement with State Parks for EPO environmental law enforcement services as part of the EPO regular workload and allocate funds from the Division of State Parks and Recreation to help pay for it. (EPOs must diligently document their time on parks enforcement.) Conduct a return on investment evaluation in one year. 💰

## STEP ONE: HIRE A NEW DIRECTOR

## STEP TWO: DEVELOP MISSION & PRIORITIZE WORK

### STEP THREE: HIRE ADDITIONAL STAFF

19. The Commonwealth should evaluate the State Police responsibility of providing enforcement on the Quabbin and Wachusett watersheds and examine the benefit of more effectively sharing the responsibility and resources with EPOs for environmental law enforcement on the watersheds.

20. Hire the complete requisite number of officers authorized by statute to fully meet staffing for the current enforcement needs. **\$**

21. To ensure sufficient and efficient supervision, define supervisory roles from the first line of supervision up through the top, then apply span of control ratios that work for the geographic and budget parameters.

22. Do a job-task analysis on every position when it becomes vacant and answer each time: "Is it in the right location?"; "Does it need to be a supervisor or a field officer?"; "Are there any other special needs?"

23. Establish two special investigator positions to be trained to provide on-the-ground environmental law enforcement investigative work. **\$**

24. Complete a review of the Deputy Program to determine the wisdom and practicality of using deputies as additional or supplemental staff.

25. Evaluate existing regional structure and redirect work via the work plans developed from each of the regions (see Recommendation #9).

26. Make OLE one operations unit having specific performance standards related to enforcement needs in each geographical area.

27. Conduct a return on investment assessment of the Bureau of Marine Theft to evaluate the costs against the benefits and the role of the Bureau against the core mission of the OLE.

28. Create pay and benefits parity between the OLE and the State Police. **\$**

29. Compare the advantages of providing the ability to earn overtime with the advantage of reclassifying captain, major and colonel positions so their salary scale is appropriate when compared to lieutenants and other officers.

30. Re-evaluate the exam questions and the frequency of giving the hiring exam based on input from a greater number of officers than currently obtained.

31. Hiring criteria for EPOs should require a biological/environmental/natural resources degree or criminal justice/law enforcement degree.

32. Examine the current OLE orientation and training process and identify where new recruits' cultural alignment with the EOEA can be strengthened before beginning the job.

33. Consider developing work incentives for recruitment and retention of EPOs on the coast. **\$**

34. Assess EPO professional development needs and establish an in-service training program where needed to meet those needs.

35. Develop professional development/career advancement opportunities for EPOs. **\$**

36. Hold all supervisors accountable for the accurate and efficient reporting of work time and activity.

37. When prioritizing plans, develop concise time/activity accounting forms that capture only the most important information required, i.e., information that is absolutely essential to be reported on.

38. Consistently adhere to the policies and processes agreed in contract between the OLE and its Union covering discipline and grievances; hold everyone accountable.

39. Outline in policy a notification and follow-up process for the investigators to follow regarding both the employee and the person filing the complaint.

40. Outline steps for progressive discipline in the Discipline Policy.

### STEP FOUR: INCREASE ACCOUNTABILITY



41. Make sure the Internal Affairs investigators, as defined in the Policy, are clearly in place and know what to do.
42. Provide all Internal Affairs Investigators with professional development training on conducting personnel investigations.
43. Include, under misconduct definitions in the current Internal Affairs Policy (#ADM-005), a reference to the Code of Conduct in the Unit 5 Labor Contract.
44. Investigate and acknowledge all complaints, no matter how minor, to establish an accountability base line for allegations and handling of misconduct.
45. Establish a tracking and filing system for all complaints filed against the OLE with **one** individual responsible for this system.
46. Establish an agency tracking and filing system to document the successes of the OLE.
47. Redirect utilization of Union/Management Committee in Article 22 of Unit 5 of the Collective Bargaining Agreement to increase effectiveness of continuing communication between the parties and promoting a climate of constructive employee relations.
48. The Union and OLE management should work together with the MA Office of Human Resources to improve the performance evaluation form and consistently use it for all OLE employees.
49. Use the resources provided in the Unit 5 Labor contract (Section F of Article 22) that calls for the Commonwealth to establish a fund of \$10,000 for training and materials for performance management.
50. All levels of supervision need to ensure that officers are fully aware of and working on priority issues before they address any other enforcement issues.
51. Provide all supervisory officers with continuing professional development in effective supervision and management.
52. Establish and clearly communicate where the first line of supervision is, then separate lieutenant supervisors in bargaining units from their field officer subordinates.
53. Increase overall EPO effectiveness and security by funding the technology project already underway for increasing officer safety, information retrieval and reporting. **§**
54. Explore the possibility of OLE's sharing the public outreach/public relations staff of the EOEA.
55. Include the successes and accomplishments of the OLE on the EOEA departmental websites (see Recommendation #54).
56. Produce an Annual OLE Report (see Recommendation #54).
57. Conduct a needs assessment among all the EPOs, to determine infrastructure needs and priorities, then provide the OLE with the facilities to accommodate impoundments, evidence storage, lock-ups, boat slips and storage of other seizure material. **§**

## STEP FIVE: | PUBLICIZE SUCCESSES |


## III. INFRASTRUCTURE |

# METHODOLOGY

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MAT's nine-member review team collected and analyzed data, then categorized it into common themes for the development of recommendations for the Office of Law Enforcement to use for improving their effectiveness. A guiding objective held by investigators during the review was to look for areas that could be leveraged for improvement rather than identifying every agency shortcoming.

The process used to comprehensively review the OLE was outlined in the contract by the Executive Office of Environmental Affairs and adhered to per agreement. However, MAT increased the data collection in both quantity and quality. Data was collected through a review of pertinent documents, focus groups, direct interviews, telephone interviews, website comments, a public hearing, and an on-line survey. Data summaries, survey instruments, interview qualitative analysis, and a response grid to website comments can be found on the data disk included with this report. A recent organizational chart and a breakdown of the activity report are also on this CD.

Recommendations are distinguished in the report by a money icon  if it appears that additional funding will be required.

## Data Collection

### Document Review

A number of key, official documents were reviewed including statutes, organizational charts, policies and procedures, plans, prior reviews and reports, and historical information.

### Focus Groups

Four facilitated focus groups were conducted consisting of approximately 15-20 participants per group with each roughly two hours in duration.

One focus group consisted of coastal Environmental Police Officers and a second group consisted of inland Environmental Police Officers. A third group consisted of stakeholders external to the OLE but within the Executive Office of Environmental Affairs. A fourth focus group consisted of stakeholders all external to the Executive Office of Environmental Affairs.

Each group was asked the same open-ended questions:

*“What is the OLE doing well?”*

*“What is the OLE not doing very well that could be an opportunity for improvement?”*

*“What are the constraints to effectiveness that may be holding back the OLE?”*

*“Where might there be other opportunities for improvement?”*

### Initial Open Interviews

Nine initial face-to-face interviews were conducted with the Secretary of the Executive Office of Environmental Affairs, the Directors of each of the three departments under the EOEA and the recently retired Director of the OLE among others.

### Interviews

Two organization development professionals from the Management Assistance Team and four nationally recognized law enforcement professionals conducted the interviews for this part of the data collection. Their expertise represented state fish and wildlife agency law enforcement programs, federal fish and wildlife law enforcement, and international wildlife law enforcement.

Forty-nine (49) two-hour, face-to-face interviews were conducted using open-ended questions. MAT increased the number of participants interviewed from what was outlined in the contract. All of the Review Panel members were interviewed plus most of the senior management within the Executive Office of Environmental Affairs, the OLE, the Department of Fish and Game, and the Division of Fisheries and Wildlife. In addition, a number of individuals from senior management of other EOE department served by the OLE were interviewed, either directly or via telephone, retired OLE directors and several other key stakeholders.

An additional, independent, qualitative analysis of the forty-nine (49) interviews was conducted by Dr. Gary Geroy, Colorado State University. The double analysis served as a check for bias, counteracting the potential for misinterpretation.

### **Website comments**

A web page was made available by MAT for obtaining input from employees and others who have a stake in the welfare of the OLE. Individuals electronically sent to MAT whatever they wanted to share, anonymously if so desired. MAT received a total of seventy-eight (78) separate transmissions through the website. A grid showing the thematic categories of this input can be found in the data CD.

### **Public hearing**

MAT suggested an “Open House Meeting” as an additional effective format to invite public comment and listen to external constituents voice their needs and concerns. The short turn-around time for the review prohibited trying a new public meeting format, but a public hearing was held in which eleven individuals gave testimony before the Review Panel.

### **On-line survey**

A quantitative survey of external constituents of the OLE was conducted via the Internet. The questions focused on service. Rigorous criteria were implemented to protect against duplicate submissions and any submissions from an unknown source. Such additional security precautions were believed to have constrained the user-friendliness of the survey for some participants.

E-mail addresses were supplied by the members of the Review Panel. Two hundred fifty-seven (257) names and e-mail addresses were supplied and invited to participate. Approximately nineteen (19) names had invalid e-mail addresses.

In total, there were eighty (80) responses to MAT’s on-line survey of external constituents of the OLE. Of these eighty responses, sixty-six (66) were verified according to the established criteria, representing a 28% response rate. The sixty-six responses were analyzed based on frequency of responses.

### **Law Enforcement Program Comparisons**

The review includes a comparison of the OLE with five other state fish and wildlife agency law enforcement programs that have “marine” in their responsibilities: New Jersey, South Carolina, Washington, Texas and Florida. Mission, structure, staffing, resources and innovations were compared by soliciting information from the states and conducting interviews as needed.

### **Confidentiality**

The confidentiality of those who shared their perspectives was held in utmost regard. All measures possible were taken to safeguard anonymity and confidentiality of contributors. All raw data from focus groups and face-to-face interviews, etc. was deleted and shredded. Group discussions were reported in aggregate form only.

## Findings

The various analyses and summaries were translated into recommendations for improvement. These recommendations are discussed under fifteen Key Issues that were identified as areas of concern (see *Findings and Recommendations, pages 13-45*). The recommendations are prioritized and presented in a suggested sequence that would most benefit the improvement implementation overall. They are also listed without discussion in the Executive Summary.

## THE HISTORY OF THE OFFICE OF LAW ENFORCEMENT

### 1919

In 1919, pursuant to a state reorganization by Governor Calvin Coolidge, the Department of Conservation was first established and consisted of the Division of Forestry, the Division of Fisheries and Game and the Division of Animal Industry. Each division was under the administration of a Director.<sup>1</sup> A Commissioner of the Department was established as the executive and administrative head and was charged with:

*“...the enforcement of all laws which it is the duty of the department to administer and enforce.”<sup>2</sup>*

This reorganization established a single agency to enforce fish and game laws.

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1919: The Department of Conservation (DOC) is first established.

### 1929

In 1929, the Bureau of Marine Fisheries was established within the Division of Fisheries and Game.<sup>3</sup> The Director of the Division of Fisheries and Game and the Supervisor of the Bureau of Marine Fisheries and their respective conservation officers, wardens and deputies were authorized to:

*“...exercise throughout the Commonwealth, for the enforcement of the laws relating to fish, birds, mammals, game and dogs, all the powers of constables, except the service of civil process, and the police officers.”<sup>4</sup>*

Although they were given “all the powers of constables, except the service of civil process, and the police officers;” this authority was only over environmental laws within the Department of Conservation. Lack of resources (officers, vessels, and vehicles) was cited as an issue in annual reports from the 1930’s.

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1929: The Bureau of Marine Fisheries is established within the Division of Fisheries and Game.

### 1933

In 1933, the name of the Division of Fisheries and Game was changed to the Division of Game and Inland Fisheries.<sup>5</sup>

### 1939

In 1939, the Marine Fisheries Bureau was separated from the Division of Game and Inland Fisheries as a result of the recommendations from a special commission appointed by Governor Leverett Saltonstall (H220, 20, 1939). In addition, the Division of Parks and Recreation, the Division of Wildlife Research, and the Division of Forestry were created, with each under the charge of a director.<sup>6</sup> The director of the Division of Marine Fisheries, subject to the approval of the commissioner, was given the authority to enforce the marine fisheries laws and to appoint coastal wardens and fish inspectors.<sup>7</sup> This same section empowered the director to appoint, again with the commissioner’s approval, coastal wardens who worked for a town but would act under the authority of the director. As the DOC expanded, law enforcement issues were being addressed internally within each division or bureau. Although each division had its own set of enforcement responsibilities, both divisions had the same level of authority.

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1933: The Division of Fisheries and Game changes its name to the Division of Game and Inland Fisheries.

1939: The Marine Fisheries Bureau is separated from the Division of Game and Inland Fisheries. The Div. of Parks and Rec, the Div. of Wildlife Research, and the Div. of Forestry are created.

### 1941

In 1941, a Bureau of Law Enforcement was created within the Division of Game and Inland Fisheries.<sup>8</sup> This bureau, charged with enforcing inland fish and game laws, came under the purview of a chief conservation officer appointed by the director of the division and had its own budget. In addition, a Bureau of Law Enforcement is established within the Division of Marine Fisheries. Two distinct enforcement units were thus created within the Department of Conservation: Coastal Wardens under the

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1941: A Bureau of Law Enforcement is created within the Division of Game and Inland Fisheries. A Bureau of Law Enforcement is created within the Division of Marine Fisheries.

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1948: The DOC reorganizes to include the Div. of Forestry, Div. of Marine Fisheries, Div. of Parks and Rec., Div. of Fisheries and Game, and the Division of Law Enforcement (DLE). Within the DLE, Conservation Officers enforce inland fish and game laws and Coastal Wardens enforce marine fisheries laws.

Division of Marine Fisheries charged with enforcing only marine fisheries laws, and Conservation Officers under the Division of Game and Inland Fisheries, Bureau of Law Enforcement, charged with enforcing only fish and game laws. There were no other enforcement units within the Department of Conservation at this time.

## 1948

In 1948, based on the recommendations of a special commission, the Department of Conservation was reorganized to include the Division of Forestry, the Division of Marine Fisheries, the Division of Parks and Recreation, the Division of Fisheries and Game, and, for the first time, the Division of Law Enforcement (DLE). The creation of the DLE was designed to increase efficiency, utilize personnel on a year-round basis, and centralize responsibility for compliance with Departmental laws and regulations under one head. The Director of the DLE was given the following authority:

*“Shall, under the control of the commissioner, have charge of, except as otherwise provided by law, the enforcement of all laws relative to the department including all laws relative to fish and game, and, except as otherwise provided by law, shall, under the control of the commissioner, have charge of the administration and enforcement of all laws which it is the duty of the department to administer and enforce, and shall direct all inspections, claims and investigations.”<sup>9</sup>*

The DLE was charged with enforcing the statutes and regulations of the department and its divisions, including the Division of Forestry and Division of Parks and Recreation. However, the new Director of the DLE was given the following direction:

*“Appoint for a term of five years a chief coastal warden and a chief conservation officer. The chief conservation officer shall have charge of the conservation officers, whose duty shall be the enforcement of chapter one hundred and thirty-one and all the provisions of law relative to inland fish, birds and mammals, including dogs, and the chief coastal warden shall have charge of coastal wardens, whose duty shall be the enforcement of chapter one hundred and thirty and all other provisions of law relative to marine fisheries and fish, in each of the above instances, under the control of the director of law enforcement.”<sup>10</sup>*

Although it appeared that the intent of the special commission was to create a single law enforcement agency within the Department of Conservation with officers enforcing all of the laws of the department and its divisions, this was not the result. Conservation Officers were to enforce inland fish and game laws and Coastal Wardens were to enforce the marine fisheries laws, with very little overlap, if any. The only difference was that they now were under a single unified command in the Department.

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1953: The DOC changes its name to the Department of Natural Resources (DNR). The Div. of Forestry and the Div. of Parks and Rec. combine into the Div. of Forest and Parks.

## 1953

In 1953, the name of the Department of Conservation was changed to the Department of Natural Resources. This name change also combined the Division of Forestry and the Division of Parks and Recreation into a single Division of Forest and Parks. A section of the new legislation provided that,

*“The enforcement officers of the Division of Law Enforcement of the department shall, within the limits of such forests, parks, or reservations, including roads and highways, except great ponds, have and exercise all the powers and duties of constables and of police officers except service of civil process.”<sup>11</sup>*

In addition, it referenced the duties of the DLE officers by stating,

*“It shall be the duty of the Division of Law Enforcement and its officers to enforce all penal laws which it is the duty of the Department to enforce, provisions of the general laws or any special laws to the contrary notwithstanding, including the laws relating to fish, birds, mammals, dogs, and fires,*

*and all rules and regulations made under the authority thereof.”<sup>12</sup>*

Enforcement officers of the Division of Law Enforcement now served the missions of three divisions: Forest and Parks, Fish and Game, and Marine Fisheries. They had the responsibility of enforcing the laws relating to the marine fisheries, inland fisheries, game, forest and parks, fire, dogs, and the responsibility of inspections, claims, and investigations pertaining to three divisions.

Also within this Act, which rewrote Chapter 21 of the General Laws, provisions were made relating to the badges and uniforms worn by division officers, the authority to appoint deputies, and the authority to pass over private property for enforcement purposes.<sup>13</sup> This change gave law enforcement officers a more uniform look and the appearance of enforcement authority. The new Chapter 21 also required the Coastal Wardens and Conservation Officers to be hired under the rules of the state Civil Service Commission.

## 1960

In 1960, the Division of Motorboats was created within the Registry of Motor Vehicles.<sup>15</sup> This was in response to the Federal Motor Boat Safety Act of 1959 which provided guidelines for boat registration numbering, safety, and laws relating to the operation of powerboats. The governor was now permitted to appoint a director of the Division of Motorboats who, subject to the approval of the Registrar of Motor Vehicles, could employ hearings officers and inspectors as needed. A new chapter to the General Laws, Chapter 90B, was also created. It is interesting to note that:

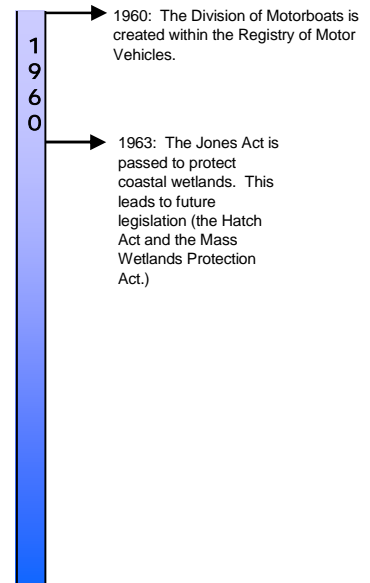
*“The provisions of this chapter and of all rules and regulations made under authority thereof shall be enforced by the director or his authorized agents, by harbor masters and assistant harbor masters and by police officers specifically assigned to harbor police, harbor patrol, river, lake or stream patrol and harbor master duties.”<sup>16</sup>*

Conservation Officers, Coastal Wardens and members of the State Police are not mentioned in the legislation. However, boating regulations will become a significant aspect of natural resource law enforcement in the future. At this time, officer positions within the Division of Motorboats were politically appointed.

## 1963

In 1963, the Jones Act was passed to protect coastal wetlands, and two years later the Hatch Act was passed to protect inland wetlands. These Acts expanded (1) areas for enforcement to include wetlands and wetland buffer zones and (2) responsibilities to include wetlands protection laws. Following the passage of these Acts, four Conservation Officers' positions were detailed to wetlands enforcement. Wetlands responsibilities eventually lead to involvement in hazardous waste laws. In 1972 the Jones Act and the Hatch Act were combined and revised to form the Massachusetts Wetlands Protection Act.<sup>17</sup>

Also, in 1963 the Attorney General provided an opinion clarifying the police authority of Natural Resource Officers. He explained that Section 6A of G.L. c. 21 limited the law enforcement responsibilities of the DLE to those laws which it is the duty of an agency within DNR to enforce. He further stated that Section 6B of G.L. c. 21 provided a narrow exception to this limitation in situations where DLE officers encountered violations of laws not within the scope of DNR authority incident to the execution of their primary DNR responsibilities. In those few situations, he stated, DLE officers may enforce laws not usually within their jurisdiction. However, they are not granted the authority to assume the general enforcement of regulation promulgated by an agency not within the DNR. Thus the scope of DLE enforcement powers was clarified as limited to situations falling within the reasonability of the DNR and its subdivisions. In addition, the grant of police powers contemplated by Section 6B was designed to facilitate the ability of the Conservation Officers and Coastal Wardens to



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1964: Law enforcement responsibilities of the Coastal Warden Force and the Conservation Officer Force are combined into one unit. Officers are now called Natural Resource Officers (NRO).

enforce their section 6A duties, giving them authority to act in situations that might arise incident to those duties.

In construing these powers the Attorney General said that it was “...clear from the general statutory scheme that the Legislature did not intend to create a second state police force, but intended to authorize the exercise of general police power only as an incident to the general responsibilities or functions of the DNR.”

### 1964

In 1964, law enforcement responsibilities of the Coastal Warden force and the Conservation Officer force were combined into one unit within the Division of Law Enforcement.<sup>18</sup> Their respective titles were changed from both “Coastal Warden” and “Conservation Officer” to *Natural Resource Officer*. In addition, the Chief Marine Officer became an Assistant Director and the Chief Inland Officer became an Assistant Director. Natural Resource Officers enforced both Inland Fish and Game Law (chapter 131) and Marine Fisheries Law (chapter 130). Beginning now there were a large number of coastal positions vacant (disproportionate to inland vacancies) due to the tremendous workload of coastal enforcement and the union’s impact on hiring. As a result, the Coastal Division lacked the strength needed to fully meet its enforcement potential.

### 1972

In 1972, Article 97 of the Amendments to the Constitution of Massachusetts was adopted by formal vote. This very broad article gave the people of Massachusetts the constitutional right to the natural and esthetic guarantee of the environment of the Commonwealth. The Department of Natural Resources was established as the steward and conservator of the Commonwealth’s natural heritage. Law enforcement was key to this stewardship because enforcing environmental regulations is key to environmental management. This Act created the benchmark for implementing current environmental standards.

### 1973

In 1973, the name of the Division of Motorboats was changed to the Division of Marine and Recreational Vehicles in a reconfiguration of the Department of Public Works.<sup>19</sup> The intent was to address the increase in land vehicle use, especially snowmobiles and all-terrain vehicles, and enforce registration, safety and operational laws similar to those that applied to motorboats.

### 1975

In 1975, the Department of Natural Resources was reorganized and became the Executive Office of Environmental Affairs (EOEA). Laws were recodified for the newly formed Departments and Divisions. Prior to the reorganization, there was conflict between the different agencies within the DNR because of its size. This reorganization was planned to help align all of the varying missions.

Regarding the Division of Law Enforcement the Secretary wrote in a special report preceding the reorganization:

*“In order to achieve consistency in law enforcement, it is further recommended that the uniformed officers of the division be transferred to the Division of Law Enforcement in the Secretary’s office and become a special unit of a state-wide complement of enforcement manpower. They should be empowered to enforce all laws of the Commonwealth and receive requisite training and compensation for such duties. In this fashion, the uniformed officers could be fully interchangeable and thus facilitate the assignment of the manpower required to service all units of the Executive Office of Environmental Affairs<sup>20</sup>.”*

Thus, the Division of Law Enforcement was elevated to the secretariat:

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1972: Article 97 is Adopted.

1973: The Div. of Motorboats changes its name to the Div. of Marine and Rec. Vehicles (DMRV).

1975: The DNR becomes the Exec. Office of Environmental Affairs (EOEA). DLE is elevated to the EOEA. The DMRV is transferred to the Dept of Fisheries Wildlife and Recreation Vehicles. DEM and DEQ are created. The MDC moves to EOEA.



*“It shall be the duty of the Division of Law Enforcement to enforce all penal laws which it is the duty of any agency within the Executive Office of Environmental Affairs to enforce, provisions of the general laws or any special laws to the contrary notwithstanding.”<sup>21</sup>*

DLE now served the enforcement needs of all of EOEA and was the only statewide enforcement agency with primary responsibility to patrol natural woodlands, waterways, and coastal territorial water to prevent violations of state environmental laws. This move clarified Law Enforcement’s responsibility to assist with all environmental law enforcement needs. It helped to achieve consistency in enforcement while it expanded DLE responsibility to one of a more comprehensive environmental focus. DLE officers now had broad responsibility for very large districts.

Some stakeholders developed perceptions around this time that the move to the Secretariat distanced DLE from their core constituents. People also began questioning if the force was large enough to accomplish such a broad scope of responsibility. In addition, it made the DLE more vulnerable to dramatic mission refocusing with each new administration’s changes in leadership.

At this same time, the Division of Marine and Recreation Vehicles (DMRV) transferred from the Registry of Motor Vehicles to the Department of Fisheries, Wildlife and Recreational Vehicles and, with this transfer, the authority to enforce G.L. Chapter 90B.<sup>22</sup> A new Department of Environmental Management was established, and the Division of Forest and Parks was inserted into that Department. A new Department of Environmental Quality Engineering was also created. With each creation of a new Department, the enforcement responsibilities of the DLE broadened.

Finally, during this reorganization, the former cabinet-level Metropolitan District Commission (MDC) became a division under the EOEA. The MDC police were retained as the primary enforcement agency for the MDC thus neither agency’s (MDC or DLE) enforcement authority was impacted by the change.

## 1978

In 1978, the Division of Law Enforcement signed a Memorandum of Understanding (MOU) with the National Marine Fisheries Agency regarding enforcement within the territorial limits of the Commonwealth of Massachusetts of the federal laws and regulations with regard to the marine fisheries industry. This followed the Magnuson Act of 1976 which increased international waters past 200 miles, expanding federal waters in need of patrolling from 3 miles out to 200 miles out. The Coast Guard looked to state enforcement agencies to assist them in this patrol task. To facilitate this assistance, DLE began to receive grant funding from the National Marine Fisheries Service/NOAA directed at coastal enforcement for marine fisheries. This work broadened the mission of the agency to include federal responsibilities and enhanced DLE’s ability to routinely patrol for state violations.

An updated MOU was signed with the U.S. Fish and Wildlife Service increasing the federal fisheries and wildlife protection acts that the agency had been enforcing through other MOUs. The federal acts that the Natural Resource Officers were now permitted to enforce were The Lacey Act Amendments of 1981,<sup>23</sup> Migratory Bird Treaty Act,<sup>24</sup> Migratory Bird Hunting and Conservation Stamp Act,<sup>25</sup> the Bald and Golden Eagle Protection Act,<sup>26</sup> Airborne Hunting Act,<sup>27</sup> National Wildlife Refuge Systems Administration Act,<sup>28</sup> Endangered Species Act of 1973,<sup>29</sup> Marine Mammal Protection Act,<sup>30</sup> and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).<sup>31</sup> Officers often encountered these types of violations of federal laws while performing regular duties; therefore the enforcement authority made sense.

Cooperative efforts between the state and the federal government, like those above, in the enforcement of marine fisheries laws and fish and wildlife laws have become a great benefit to all agencies involved.

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→ 1978: MOU’s regarding enforcement are signed. NRO’s are required to attend the Police Academy.

Also in 1978, legislation was passed requiring all full-time police officers, including NROs, to attend the police academy within the first six months of their employment. This requirement further professionalized the NROs and ensured all NROs received the necessary police training to help equip them to fulfill their broadening responsibilities. Some people were concerned that NROs would now have more of a police mentality than a conservation mentality.

## 1981

In 1981, the Division of Law Enforcement was transferred from the Executive Office of Environmental Affairs back to the Department of Fisheries, Wildlife and Recreational Vehicles.<sup>32</sup> This move placed both enforcement agencies (DLE and DMRV) under one directorship as DLE now reported to the Commissioner of the Department of Fisheries, Wildlife and Recreation Vehicles. This new reporting structure for the DLE improved interagency coordination between DLE and the Department and allowed the two groups to develop regulations together. Regulation setting and enforcement were now under the same reporting relationship. Their previous enforcement mandate (*to enforce all penal laws which it is the duty of any agency within the Executive Office of Environmental Affairs to enforce*) remained intact. Some people felt this move brought the DLE closer to their core constituents in that their enforcement activities primarily dealt with constituents in this division - boaters, fisherman, ATV users, hunters, etc.

Around this time the hazardous waste unit, called the Strike Force, was created and included three NROs who reported directly to the Attorney General's Office.

## 1985

In 1985, the Division of Law Enforcement and the Division of Marine and Recreational Vehicles merge.<sup>33</sup> (After the merger, the Department of Fisheries, Wildlife and Recreation Vehicles changed its name to the Department of Fisheries, Wildlife and Environmental Law Enforcement.) The merger permitted the consolidation of the two agencies (DLE and DMRV) to work together throughout the Commonwealth, enforcing all of the laws of all of the agencies under the Secretary of the Executive Office of Environmental Affairs. It streamlined two enforcement units into one, eliminating duplication of effort and manpower. It attempted to enable officers to better accomplish the many duties demanded by the agencies within the secretariat and the various constituency groups.

This unit was now called the Massachusetts Environmental Police (MEP) and officers were called Environmental Police Officers (EPOs). Changing the name of the Natural Resource Officer to Environmental Police Officer created confusion for some of the public as to who they were and what they did.

With this merger, the primary mission of the MEP again broadened. The merger created a coastal enforcement bureau, an inland enforcement bureau, a hazardous waste unit, a boating and recreational vehicle safety bureau (with the use of funds received from the Coast Guard), a hunter safety bureau, and eventually a marine theft bureau.

The merger augmented the MEP by adding equipment and officers, more than doubling the total number of officers. Redistricting took effect to accommodate additional staffing from the Division of Marine and Recreational Vehicles. Military rank was established which significantly enhanced promotional opportunities for EPOs. Initially, the increased size (manpower) of MEP provided more flexibility (the workload could now be shared between personnel), specialization (new specialized bureaus were created), and effectiveness (specialized bureaus were able to address the many changes in policy or law and better serve their diverse stakeholders). In addition, with police academy training, full police-empowerment, and authority to carry a firearm, officers were better equipped to handle marine and recreational vehicle violations, which had become more dangerous and included criminal activities.

At this time, EPOs were no longer required to live within the district they



1981: DLE is transferred from the EOEAA back to the Dept. of Fisheries, Wildlife and Rec. Vehicles. The haz. waste unit (Strike Force) is created.

1985: DLE and Division of Marine and Rec Vehicles merge. The unit is now called the Mass Environmental Police (MEP) and officers are called Environmental Police officers (EPO). The Division of Fisheries, Wildlife and Recreation Vehicles becomes the Division of Fisheries, Wildlife and Environmental Law Enforcement (DFWELE). The Garcia Decision regulating overtime becomes a significant issue.

patrolled, although most still did.

Also in 1985, the Fair Labor Standards Act—Garcia Decision, which regulated overtime, became a significant issue as a result of the determination that “overtime” provisions apply to state and local government employers. This had a negative impact on management’s ability to utilize staff because flexibility in scheduling was reduced.

## 1995

In 1995, the Massachusetts state police department absorbed the Metropolitan District Commission police department while the MDC itself remained in its position as a division under the EOE. The state police were now the primary enforcement agency for MDC.

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1995: The Mass State Police department absorbs the MDC police department while the MDC itself stays under the EOE.

## 2000

Beginning in 2000, the administration of the Hunter Education Program was transferred from the MEP to the Division of Wildlife and Fisheries. Since 2003, EPO involvement in hunter safety education has declined. While voluntary, their involvement in this program is an opportunity for officers to have a positive contact with young people and constituents. In addition, diminished public relations activities (such as the ‘Big E’) eliminated other opportunities for officers to interact with the community and build constituent awareness of the agency’s mission and responsibilities. As a result, people may now only see officers on routine stops or for violations rather than in the positive light of community educational venues.

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2000: Hunter Education administration is transferred from MEP to the Division of Wildlife and Fisheries.

2001: After September 11<sup>th</sup> the MEP begins receiving \$720,000 annually from the state’s general funds for homeland security.

2003: MEP is transferred back to the EOE. MDC and DEM both move under the Department of Conservation and Recreation.

## 2001

After September 11<sup>th</sup>, the Division began receiving \$720,000 annually from the state’s general fund for Homeland Security Patrols. These security patrols enhanced the primary mission of the Division because Homeland Security Patrols allowed officers to supplement routine patrols. However, at this same time the department’s budget for overtime was reduced from \$150,000 to \$50,000. Overtime patrols were now allocated primarily for homeland security (specific to certain places, times and activities) and thus restricted other types of overtime patrols.

## 2003

In 2003, the Massachusetts Environmental Police was transferred back to the Executive Office of Environmental Affairs.<sup>34</sup> Now called the Office of Law Enforcement (OLE), they reported directly to the Secretary. This enabled easier coordination with other agencies in the Secretariat as OLE serves the enforcement needs of all agencies within the EOE. Their duties, unchanged, were defined in this current Act as:

**“It shall be the duty of the office of law enforcement to enforce all penal laws which it is the duty of any agency within the executive office of environmental affairs to enforce, the General laws or any special laws to the contrary notwithstanding.”<sup>35</sup>**

At this same time, the Metropolitan District Commission (Urban Parks) and the Department of Environmental Management (Forests and State Parks) were both moved under the Department of Conservation and Recreation. With the movement of Urban Parks (which are enforced by the Massachusetts State Police) and the Division of Forest, Parks and Recreation (which are enforced by the OLE) under the same Department – the question emerged as to who should have law enforcement responsibilities in the new Department of Recreation and Conservation (DCR).

## 2004 Summary of Current Statutory Authority

Primary statutory authority for the Office of Law Enforcement may be found in the following key provisions: Chapter 21A Sections 10A-10E, Chapter 90B Sections 11-12, Chapter 130 Sections 8A, 9 and 15A and Chapter 131 Sections 87 and 88. Many revisions were passed in 2004 and took effect in that fiscal year beginning July 1, 2004.

**Chapter 21A Section 10A** - *The office of law enforcement shall be in the executive office of environmental affairs and shall be under the administrative supervision of a director who shall be called the director of law enforcement. The director shall be qualified by training, experience and executive ability and shall not be subject to chapter 31. The secretary shall appoint the director and may remove him. The director shall appoint and may remove with the approval of the secretary such deputy directors of enforcement and chiefs of enforcement as may be necessary to carry out the duties of the office; provided, however, that the chief of enforcement of the boating and recreation vehicle safety enforcement bureau shall be appointed and may be removed by the director with the approval of the boating and recreational vehicle safety advisory board established pursuant to section 11 of chapter 21A. Such positions shall not be subject to chapter 31. The deputy directors of enforcement, assisted by law enforcement coordinators, shall perform such enforcement and administrative duties as assigned by the director.*

*The director may with the approval of the secretary designate employees of the commonwealth and the United States as deputy environmental police officers.*

*The director may promulgate rules and regulations necessary for implementation of sections 10A to 10H, inclusive; provided, however, that no rule or regulation promulgated under this section shall take effect before the thirtieth day next following the date on which a copy of such rule or regulation has been filed with the joint committee on natural resources and agriculture.*

**Chapter 21A Section 10B** - *It shall be the duty of office of law enforcement to enforce all penal laws which it is the duty of any agency within the executive office of environmental affairs to enforce, provisions of the General Laws or any special laws to the contrary notwithstanding.*

*Nothing in this section shall be construed as divesting other officers or employees of the commonwealth of the duty to enforce laws as provided for in the General Laws or any special laws. It shall also direct all inspections, claims and investigations. All police agencies shall at once notify the office of law enforcement or an environmental police officer thereof of a person presumed to be lost in any of the woodlands of the commonwealth.*

**Chapter 21A Section 10C** - (Environmental Police Officers) *shall have and exercise throughout the commonwealth, subject to rules and regulations as the director, with approval of the secretary, may from time to time adopt, all the authority of police officers and constables, except the service of civil process...and any environmental police officer to have in their possession and carry a firearm, revolver, club, billy, handcuffs, twisters, or any other weapon or article required in the performance of official duty.*

**Chapter 21, Section 10F** - This provision provides legal authority for boat personnel to work up to 96 consecutive hours and off a similar number of hours per tour of duty. Land based personnel should be compensated for additional work in accordance with Chapter 149 Section 30C of Massachusetts General Laws.

**Chapter 21 Section 10E** - *The secretary, director, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers and deputy environmental police officers, may in the performance of their duties enter upon and pass through or over private property or lands whether or not covered by water, and may keep or dispose of sick, dead, injured, or helpless fish, birds or mammals that may come into their possession, subject to such rules and regulations as the director, with the approval of the secretary, may adopt.*

### Relevant Provisions (Summarized)

**Chapter 90B Section 12** - This provision gives EPOs and many other police entities (state police, harbor masters, local police, etc.) the authority to enforce the laws of chapter 90B. These officers may board vessels to check certificate numbers and operator identification.

**Chapter 90B Section 11** - This provision gives the director of OLE the authority

to administer and enforce the provisions of Chapter 90B. This is a complex provision that includes information on maintaining boating certificates, boating accident reports, etc. This provision authorizes maintenance of registration for snow vehicles and recreational vehicles. This provision instructs the director to send the registration information to town assessors.

This provision gives the Director authority to prescribe safety requirements for boats, establish speed limits in certain circumstances, investigate boating accidents, approve or disapprove ordinance or by-laws of any city or town which regulates the operation of vessels subject to provisions in Chapter 90B.

**Chapter 130 Section 8A** This provision gives police in cities or towns bordering on coastal waters the same authority granted to Environmental Police Officers with approval of the commissioner.

**Chapter 130 Section 9** This provision gives EPOs and state police the authority to search without a warrant, boats, vessels, storage and shipping containers, other than a dwelling or house when there is reasonable cause to believe there are illegally taken fish. This provision also provides authority for seizure of the fish, boat, vessel, etc. Any person violating any provision of chapter 130 may be arrested under authority of this provision.

**Chapter 130 Section 15A** This provision gives authority to conservation officers (EPO counterparts) from Rhode Island or New Hampshire - if empowered to enforce marine fishing laws - to pursue and arrest violators in Massachusetts coastal waters and take the violator back to their home state, provided the adjacent state has similar laws for Massachusetts EPOs.

**Chapter 131 Section 87** This provision gives EPOs the authority to make arrests without warrant, persons violating provisions of Chapter 131 or any other general or special law relating to fish, birds, mammals, or dogs. This provision also gives EPOs authority to enter and pass over private lands in the performance of their duties and to seize illegally taken fish and wildlife.

**Chapter 131 Section 88** This provision gives EPOs authority to request that anyone believed to be hunting, fishing, trapping, or believed to be unlawfully in possession of fish or wildlife to display the fish, wildlife, equipment or ammunition. The EPO may arrest anyone who does not comply.

**Chapter 251 Acts of 2004** - This provision provides special regulations in regards to oil tankers mentioning OLE's authority specifically.

## Summary

The legislative history of environmental law enforcement in the Commonwealth clearly shows that beginning in 1919 the origin of independent agencies with their own autonomous enforcement units slowly and gradually evolved to the present system of a single unified agency charged to enforce all environmental statutes and regulations of the Commonwealth. The legislative history also illuminates the administrative problems and legislative concerns with the earlier form of environmental law enforcement categorized by inconsistency of application, gaps in authority, duplication and overlap of effort, and lack of uniformity. Over time, a clear intent was to develop a uniformed, professionally trained, statewide complement of full-time environmental enforcement officers used in an interchangeable manner to service all of the enforcement needs of agencies within the Executive Office of Environmental Affairs.

With a better understanding of the natural environment as a whole, the agency's responsibilities have grown and evolved to include the enforcement of a much greater and broader variety of laws and regulations. Responsibilities have broadened, enforcement burdens have increased, and the OLE's jurisdiction has expanded.

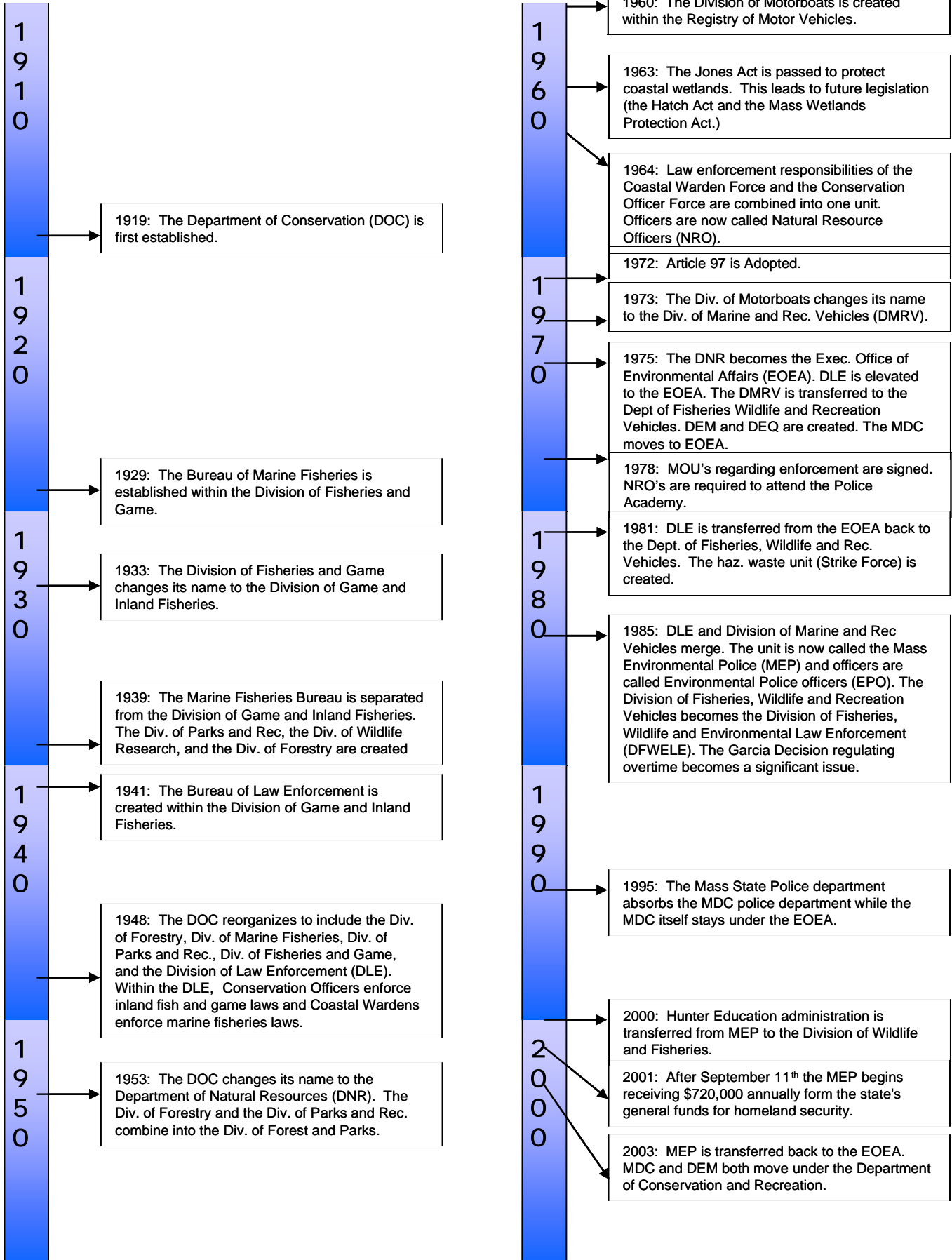
However, in recent years, the OLE has felt that their budget has limited the

agency's ability to entirely fulfill their expanded mission. Personnel vacancies from lack of funding have required officers to patrol larger territories while being pulled in many different directions. There are mixed perceptions today regarding their agency responsibilities, their level of impact on sportsmen's activities, and their ability to respond to violations.

The evolution of statutory authority has made the Office of Law Enforcement the primary environmental enforcement unit of the Executive Office. Today, the highly trained officers within the OLE fulfill many duties and enforce a broad range of natural resource and environmental laws and regulations conserving the natural heritage of Massachusetts for residents, visitors and future generations.

- 1 1919, Mass. Acts 350.
- 2 *ibid.* § 41.
- 3 1929, Mass. Acts 372.
- 4 *ibid.* § 4.
- 5 1933, Mass. Acts 320.
- 6 1939, Mass. Acts 491.
- 7 *ibid.* § 8.
- 8 1941, Mass. Acts 598.
- 9 1948, Mass. Acts 651.
- 10 *ibid.*
- 11 1953, Mass. Acts 631 §4A.
- 12 *ibid.* § 6A.
- 13 *ibid.*
- 14 1960, Mass. Acts 275 § 1.
- 15 Mass. Acts 90B § 12.
- 16 1972, Mass. Acts, 13.
- 17 1964, Mass. Acts, 524.
- 18 1973, Mass. Acts 821.
- 19 H. 5366, 43, 1975.
- 20 1975, Mass. Acts 706.
- 21 *ibid.*
- 22 16 U.S.C. 3371-3378.
- 23 16 U.S.C. 703-712.
- 24 16 U.S.C. 718-718h.
- 25 16 U.S.C. 668-668d.
- 26 16 U.S.C. 742h-1.
- 27 16 U.S.C. 668ddd-668eee.
- 28 16 U.S.C. 1531-1543.
- 29 16 U.S.C. 1361-1384, 1401-1407.
- 30 50 CFR 23
- 31 1981 Mass Acts, 760.
- 32 1985, Mass. Acts 231.
- 33 G.L. Ch. 21A § 10A
- 34 G.L. Ch. 21A § 10B.

# OLE Historical Timeline



# FINDINGS AND RECOMMENDATIONS

Data were translated into **fifty-seven (57)** recommendations for improving the Office of Law Enforcement. The review examined Present Operations (I), Infrastructure (II) and Service (III). The recommendations are presented in five steps prioritized into a sequence that would most benefit the improvements implementation overall. Service (part III) is discussed separately.

Prioritization is key to the improvement process. Overall, the reviewers recommend an improvement intervention strategy that acts on these fifty-seven recommendations through five prioritized steps leveraged throughout the process by continuous *strong leadership* and *relationship building*.

**Step 1: Hire a New Director.**

**Step 2: Develop Mission and Prioritize Work.**

**Step 3: Hire Additional Staff.**

**Step 4: Increase Accountability.**

**Step 5: Publicize Successes.**

## Overview

It is important for the reader to keep in mind that there is overwhelming stakeholder need, approval and support for the Environmental Police. The Environmental Police protect valuable natural and recreational resources and are a last line of defense in ensuring environmental compliance. The Environmental Police protect commercial and recreational fisheries that are among the most productive in the country. In addition, they investigate illegal dumping and hazardous waste situations and they make outdoor experiences safer across Massachusetts' diverse landscape. It is critical that the OLE obtain strong leadership, adhere to work priorities under a well-defined mission and provide meticulous accountability for the time and funds they require to accomplish their mission

The Environmental Police force has been steadily losing personnel over the last decade. Their mandates have increased; however, their main appropriation for 2005 dropped to \$9.7 million from a high in 2002 of \$10.7 million. The budget cuts are mostly attributed to reduced staffing levels resulting from an inability to replace officers that have left the force. The appropriations process is discussed in detail under *Key Issue: Budget*. The fishing, hunting and wildlife related recreation expenditures in the Commonwealth totaled \$992,851,000 in 2001.<sup>1</sup> By comparison the Motion Picture industry totaled \$339 million, nonmetallic minerals (except fuel) totaled \$97 million, and textile mill products totaled \$429 million.<sup>2</sup> The OLE is an economic as well as an environmental safeguard.

Apparently staffed far below their demand, as discussed in *Key Issue: Staffing*, in the long-term, many review participants felt that the future existence of the Office of Law Enforcement itself may be at stake. There have been legislative discussions about moving the OLE to the Executive Office of Public Safety.

The loss of the OLE would likely have far ranging, negative impacts on the EOEA departments they currently serve. The OLE by another name and/or housed in another agency could likely result in further loss of coordination and cooperation between environmental law enforcement and the EOEA departments that manage the Commonwealth's environmental resources.

Interviews revealed overwhelming agreement that the State Police are not properly equipped, trained, or predisposed to highly prioritize the **environmental** enforcement needs on EOEA managed properties. In essence, there is strong desire for increased EPO presence on all EOEA properties and there is widespread recognition of the EPOs capabilities to handle the enforcement situations more likely encountered on those properties.

Recommendations for improvements are prioritized and presented in five steps that would strategically benefit their implementation

It is important for the reader to keep in mind that there is overwhelming stakeholder need, approval, and support for the Environmental Police.

The OLE is an economic as well as an environmental safeguard for the Commonwealth.



Stakeholders highly preferred EPOs for environmental law enforcement.

An online survey showed stakeholders highly preferred EPOs for environmental law enforcement. When survey respondents were asked, “How well might a law enforcement entity other than the Environmental Police provide *environmental* law enforcement?,” seventy-three percent (73%) responded “poorly” or “very poorly.” In contrast only 11 percent responded “well” or very well.”.

## I. PRESENT OPERATIONS

### STEP ONE: HIRE A NEW DIRECTOR

#### Key Issue: Leadership

In order to implement the OLE mission and its goals, effective leadership is critical. Lack of effective leadership is a weakness of the OLE at this point in time. Trust between management and labor is poor. Many feel disenfranchised. Many fear that no one will be found who will possess the integrity, the courage or the stamina to step up and set things on course as their agency Chief. With these types of things weighing heavily on many minds, it is understandable if, as reported in multiple focus groups, many of the Environmental Police Officers are reinventing their identity around what they know best – law enforcement.

The MAT Review of the OLE could be a valuable template for the new Director in implementing and developing priorities and strategies and assigning available resources. The good news for the new Director of the OLE is that his or hers will be a new administration. The bad news is if the new OLE administrator takes over and continues business as usual, the end effect could result in no business at all.

**Recruitment for new OLE director.** At this writing, the position of Director for the OLE has been advertised with a salary range of \$52,700.44 to \$86,720.40. This salary range is inconsistent for what the job will require. It is very low to attract many well-qualified leaders to this challenging position. The current State Police Colonel (who has a Master’s degree) earns \$167,326.25. Offering a low salary range increases the difficulty of recruiting a quality applicant to the Director’s position. The offered salary range is below what some lower level managers now earn within the OLE. Comparisons with other states are not a good measure since each state has its own unique economy.

**Leadership criteria for the OLE director.** Currently, an environmental or natural resource background or education is required of applicants for the Director’s position. Some have suggested that there be an “either/or” option of a law enforcement background.

Since work priorities challenging the new Director will include: (1) guiding fresh, new recruits coming out of the state criminal justice academy back to the environmental paradigm AND (2) rebuilding relationships with other EOEA cohort agencies, having a natural resource background will be paramount. However, a law enforcement or criminal justice experience and/or education will also be critical for the responsibilities of this position. Considering the demands of the OLE Director position, either/or will not be sufficient; **BOTH are going to be needed.**

Among other professional and interpersonal skills that the new Director of OLE will need, the following are also suggested for consideration:

- The new Director will need to prove his/her leadership and unmitigated support for the officers. It will take trust.
- The new Director will need to effectively restore key relationships and collaborations – an area of significant need. It will take humility and interpersonal skills.
- The new Director will need to obtain the critical public and internal input for

#### Recommendation #1:

The new administration of the OLE needs to establish all changes up front and firmly require improvement and accountability.

#### Recommendation #2:

Reconsider the salary for hiring a new OLE Director to include making it more commensurate with the level of responsibility for the position. 💰

#### Recommendation #3:

Include job criteria for the OLE Director position to reflect *both* environmental/natural resource *and* law enforcement/criminal justice experience, as well as experience in relationship and trust building.

decision-making, both in letter and in spirit that the law requires. It will take openness and communication skills.

- The new Director will need to clearly and regularly articulate the mission and implement accountability from top to bottom. It will take courage.
- The new Director will need to personally bridge communication gaps and maintain an advocacy voice for the OLE with the Legislature and with the Secretary of the EOEAs as well as with other related boards. It will take integrity.

Relationship building is a key criterion for the job of the new Director of the OLE. It is as important as any other criteria listed for this position. To succeed, the new OLE Director will need skills in long-term relationship and trust building. The new Director must be able to repair inter-agency relationships.

It will be important for the new Director of OLE to have an open and honest relationship with the Union. He/she will need to demonstrably clarify that the Union does not run the OLE. Building up trust within the officer ranks will prevent the officers and the Union from becoming hard-line about issues, a hardening which can constrain success.

**Competency based interview.** It is further suggested that a competency based interview process be employed for filling this position and obtaining key job criteria. Such an interview establishes a list of priority job tasks for a particular position that are critical for a person to be successful in the position. The interview is then formed around those critical tasks. For example, rather than asking, "Are you good at budgeting?" or "Can you handle difficult relationships?", the interviewer might ask, "Describe where you were required to develop a performance based budget," or "Describe how you created win-win relationships from previously alienated potential partners or cooperators."

Competency-based interviews bring real, personal levels of experience out in the open as opposed to what they "might" do in the situation. Protocols for how to conduct competency based interviews are readily available.

## Key Issue: Governance

**Governance capacity.** Like most natural resources and conservation agencies across the country and their law enforcement programs, the OLE is weak in building capacity for governance. There is much that could be learned by looking at governance capacity building efforts of some state fish and wildlife agencies across the nation<sup>3</sup>.

For example, state wildlife policy and management are often characterized by divisive political conflict among competing stakeholders. When important stakeholders perceive state agency commissions, boards, or councils as biased, exclusive, or unrepresentative of stakeholder values, then unsatisfied interest groups may try to take decision-making authority away from the state fish and wildlife management agencies and give it to the public through the ballot initiative. Case examples are available from Alaska, Arizona, Colorado and Idaho among others.

As public constituents of government agencies are increasingly demanding to be heard, building the capacity of public agencies, stakeholder groups and the public to use collaborative strategies to improve policy outcomes is smart thinking. It involves more than a reliance on boards alone or the typical public hearing format.

**Role of boards.** With urgent needs such as funding, relationship mending and communication and cooperation, some suggest that the OLE have its own Advisory Board to provide public input and assist the new Director of the OLE. This is not a new idea. For example, in 1996 a reorganization plan to streamline the EOEAs was proposed which included an advisory board for environmental law enforcement. The proposed board included governor appointed positions and representatives from other boards. However, adding another board would most likely not produce the type of assistance needed right now. The OLE needs help in obtaining feedback from its constituents, and it needs support from the boards that already exist under the EOEAs umbrella.

The OLE is weak in building capacity for governance.

There are several boards that are related to the OLE:

- **The Boating and Recreation Vessel Advisory Board** is advisory only, having no regulatory authority. It is composed primarily of representatives from the marine trades who previously met every three months; however, the gubernatorial appointments for these individuals ran out two years ago and they haven't met as a group since. This board advises primarily on federal dollar spending, reviewing budget proposals for use of boating safety money.
- **The Fisheries and Wildlife Board** is an active board composed of representatives, appointed by the Governor, who have full regulation setting authority for the Division of Fisheries and Wildlife.
- **The Non-Game Advisory Board** within fisheries and wildlife is advisory only and focuses solely on non-game and threatened and endangered species issues.
- **The Marine Fisheries Commission** develops regulations related to marine commercial and recreational fishing.
- **The Public Access Board** had its law (the same law that relocated OLE under the EOEA) rewritten last year regarding the board's membership and reorganization. It calls for five members: Director of Division of Fisheries and Wildlife, Director of Marine Fisheries, Director of the Office of Law Enforcement, Director of Division of State Parks and the Director of Office of Waterways (part of DCR). The purpose of the board is to provide guidance on fishing and boating access areas for residents of Massachusetts.

**Role of the Executive Secretary.** The Executive Secretary of the EOEA, by virtue of the position, is the current advocate for the OLE. The Secretary will need to effectively communicate with legislators the needs of the OLE. In this review, a common concern voiced was the lack of support and advocacy for the OLE. The current transition of the OLE presents excellent opportunities for partnering with the Secretary. The Secretary's support coupled with a new, effective leader in the OLE Director's position and strong advocates from external constituents can effectively champion the OLE.

### Key Issue: Relationships

The issue of repairing and rebuilding relationships between the OLE and other stakeholders is a key finding of this review. While difficult to achieve, it is nonetheless considered paramount to the success of any change interventions that may follow. The difficulty is compounded because of the present low trust context within the OLE. Sufficient attention must be given to building relationships founded on trust and respect with the following:

1. Other agencies (including their boards) within the EOEA.
2. The Union. ARTICLE 25, MANAGERIAL RIGHTS/PRODUCTIVITY of the Unit 5, Collective Bargaining Agreement, gives the agency/admin the full scope to run the agency.
3. The state Personnel Office. The relationship between the Personnel Office and the OLE is an important one.
4. The State Police.

### Recommendation #4:

Include the OLE Director in the EOEA Secretary's monthly meetings of Commissioners and the Secretary's Executive Office weekly meetings.

### Recommendation #5:

The new Director of the OLE needs to prioritize at the top of his/her agenda the rebuilding of relationships founded on mutual trust.

### Recommendation #6:

The new Director of the OLE needs to attend the Fisheries and Wildlife Board meetings in person as frequently as possible.

## STEP TWO: DEVELOP MISSION & PRIORITIZE WORK

### Key Issue: Mission

The statutes are clear on the OLE authority (see section *History, Statutory Authority*). But there is no official, widely embraced mission for the OLE as a whole nor for any of its units. There are scattered, unofficial mission-like substitutes apparently developed on a *de facto* basis. Effective organizations value a well-thought, widely accepted, institutionalized mission statement as a critical component for all decision-making. Within a context characterized by the steady demands for OLE services, the reviewers observed that a generic, unofficial mission concept for the OLE has emerged - one that has grayed priorities and little to no direction that can serve as a compass for prioritizing work and making decisions.

The mission concept has grayed, no longer a compass for direction-setting.

While acknowledging that the demand for OLE services has ballooned, many officers report that their basic mission has remained the same over time. The question becomes: *How many extra duties can be added before the core mission becomes lost in a mosaic of "other" duties?* Some external stakeholders who are not Environmental Police Officers already perceive mission creep. They worry most that the amount and quality of law enforcement needed to protect the environment and conservation will be jeopardized as other demands for law enforcement compete for the attention of a limited work force.

For example, some see EPO work in the Homeland Security area as pulling away from their core mission. In reality, EPOs conduct Homeland Security as part of their routine patrols. Homeland Security is diligently watching, checking suspicious areas that an EPO frequently visits, boarding boats and validating identification, monitoring who is where, etc. In effect, it is piggybacking on core environmental police work. The EPOs involvement with Homeland Security is apparently misunderstood by many stakeholders. It is suggested that the Secretary's Executive Office of Environmental Affairs help the OLE to more effectively communicate to both the general public and the other EOE departments a better understanding of what Homeland Security/Defense activities for the OLE entail.

The EPOs involvement with Homeland Security is apparently misunderstood by many stakeholders.

### Key Contributing Factors to Perceived Mission Creep:

- **New Legislation.** The OLE has a growing demand for new services and a dwindling budget. Their duties have expanded in part from new legislative laws such as boating under the influence, problem animal control, threatened and endangered species, commercial fishing regulations and more. It has also grown because many of the other law enforcement entities simply do not want to do traditional conservation and environmental enforcement.
- **Pursuit of Funding.** In addition, the boundaries of the OLE mission have blurred in part from conflicting philosophies and lack of financial support resulting in pressure on the leadership of the OLE to pursue additional funding sources. Factor in real disparities in compensation and benefits between OLE and the State Police, and it's not surprising that the OLE union has pursued more police-oriented law enforcement.
- **Relationship Erosion.** Over the last ten years or more, relationships have apparently atrophied between the OLE and the other departments and divisions under the EOE. There is a widely held perception within the departments and divisions that the OLE is departing from their traditional conservation and environmental focus to that of more classic police enforcement. Many officers feel that there has been interference with the OLE by other units and/or their boards.

Discovering and clarifying what the mission is and paving the way to achieving it is a fundamental “pathfinding” role of effective top leadership. It is essential to prevent mission creep.

- **Lack of Leadership.** Since April 2004 a number of key positions have been vacated in the OLE such as Director, Deputy Director and Financial Director. It is clear, with recent changes in OLE leadership, extended vacancies and a reported pervasive lack of cooperation between middle managers, that confusion exists relevant to the mission and direction for the OLE.

Discovering and clarifying the mission and paving the way to achieving it is a fundamental “pathfinding” role of top leadership. It is essential to prevent mission creep.

Within the day-to-day world of the OLE, it is the individual officer who determines what work is to be done. Some officers may be pulled into mission creep within their local areas because they feel obligated to answer any complaint received from the public. Officers make decisions according to season, constituent demands and political pressures creating “knee jerk reactions” at the officer level. Coupled with lack of direction and planning by management, work prioritization is currently determined on an individual, moment-in-time basis.

In absence of clear, consistent, official direction, most officers are driven by a dedication to public service. A plan needs to be in place to provide officers with a work core, thus avoiding the potential for them to be drawn away from their funded core mission function, or to be perceived in that way.

- **Low Morale.** Morale is perceptibly and understandably low within the ranks. According to a survey of the Massachusetts Environmental Police conducted in 2001 by the Public Employees for Environmental Responsibility (PEER)<sup>4</sup> organization, a remarkable 85% of the EPOs who responded (55% responded to the survey) indicated that morale was poor or extremely poor.

Just as employees within any organization, officers who feel frustrated, under-valued, unappreciated, uncertain of future job security and untrusting of management are more likely to take on new responsibilities that appear more fulfilling. Lowered morale can also contribute to a lessening of commitment to initial mission and/or to the leadership. And, officers who work hard resent others who do very little work and get away with it.

**Leveraging OLE strengths.** Regardless of the original reasons for moving the OLE, the reality of its present location under the Secretary of the Executive Office of Environmental Affairs is a step toward recognizing, once again, that EPOs serve the entirety of environmental policing needs of the EOEA and in the Commonwealth. The next step will be to specifically define the boundaries of the OLE’s mission and then develop effective strategies to administer this broader mission.

One of the greatest strengths of the Environmental Police Officers is their ability to multi-task and accomplish their unique mission. General law enforcement officers are not specially trained or experienced to fulfill the uniqueness of the OLE’s environmental focus. It is important to note that traditional “game warden” activities are only part of the tasks required to sufficiently meet the needs of the state regarding environmental protection and safety. Data collected across all segments of constituents of the OLE showed common agreement that hunting, fishing, trapping, hazardous waste, parks, and other types of environmental enforcement were important roles for the EPOs.

**Constituent views.** Although understaffing was overwhelmingly seen as the most important issue facing the OLE, there was concurrence in the data from external constituents (non OLE personnel) that the current mission needs to be more adequately addressed. There are different views on what the mission should be. Given the current level of funding and staff, external constituents generally believe the focus should be on both the traditional core mission and any added statutorily mandated functions. Some constituents think domestic security should be part of the mission while others believe it should not.

Note: The OLE’s mission, therefore, should not be restricted to the enforcement of laws related only to hunting and fishing nor should there be any reduction of responsi-

bilities and service by Environmental Police Officers (EPOs) to the Department of Fish and Game, the Department of Environmental Protection and the Department of Conservation and Recreation.

**Mission clarification.** The perception of the OLE's mission remains clear for many EPOs. To them it has not changed for many, many years. For the most part, they see a fish and wildlife environmental law enforcement focus to the work they do. But for other officers and to many stakeholders, both internal and external, there are real concerns about vision and mission for the OLE. Effective organizations view their mission as more than a placard or a sloganistic statement or even a statute giving legal authority. Articulating the mission is at the heart of what they do and why they do it. It is the compass for strategic decision-making and success.

With the recent relocation to the EOEA and with an eminent new OLE Director, Deputy-Director, and Director of Finance, timing is excellent to revisit and clarify the mission. The involvement of all the employees of the OLE in a mission development process will be as important as the product produced. After redeveloping the mission of the OLE, it is imperative that attention be given to the crucial follow-up. That is, continuous referencing by the OLE leadership to the mission in all meetings, communications and decision-making.

An officially recognized OLE mission statement is not visible nor apparent in decision-making. A sincere effort is needed to develop a mission statement that can be used as a compass for all work plans and work decisions. Input from all OLE officers, sister agencies, other divisions and departments, legislators and other affected stakeholders will be necessary. In addition to a succinct mission statement, an effective mission will also include broad goals to give direction for mission implementation. Wide and deep input from stakeholders will greatly enhance the product of OLE's mission and goals development, and of equal importance, it will increase the buy-in essential for successful implementation.

**Other EOEA departments.** Mission clarity and priorities are discussed in detail throughout this document such as in *Key Issue: Mission*. However, it is vital to state the importance of the OLE's role in the success of other departments. The online stakeholder survey clearly indicates that enforcement of traditional hunting, fishing and trapping regulations should be a major priority of the OLE. Similarly, enforcement of environmental laws such as dumping and hazardous waste rate as a high priority (see discussion under *III. Service*). This fact is very straightforward, unambiguous and must be addressed in OLE workplans and agency-wide planning efforts.

## Key Issue: Work Prioritization and Planning

Public process is not part of the OLE's *modus operandi*. Consistent, regular input from the constituents of the OLE should become a critical part of its prioritization and planning process - a paradigm for doing business. Publics include both internal and external constituents. Interestingly twenty-four percent (24%) of those interviewed who represented *internal* constituents indicated that better prioritization, and even elimination, of some functions would help the OLE to better serve its publics/constituents. None of the *external* constituents interviewed made this suggestion.

Both internal and external constituents and all Environmental Police Officers, at all levels of the organization, should have input into the process of developing a prioritized list of issues requiring enforcement work. Examples of issues to be prioritized may be: enforcement of hunting regulations, illegal dumping, illegal fishing, etc. Leadership in the OLE can work with field officers and other constituents to refine issues at the local level. This prioritized list would include constituent expectations on results.

In a work prioritization process the leadership in the OLE would work with field officers to set guidelines and determine best strategies for achieving results on each priority issue. Examples of guidelines might include: "do not exceed "X" amount of over-

## Recommendation #7:

The core mission of the OLE should focus on:  
1) enforcement of laws related to natural resource protection including commercial marine fishing, recreational hunting, fishing and trapping; 2) regulating boats and recreational vehicles and ensuring for safety in their use; 3) protection of parks and other public lands; and 4) investigation and enforcement of hazardous waste and environmental pollution related laws.

## Recommendation #8:

The OLE should engage in a formal mission development process with input from external and internal stakeholders to produce a succinct mission statement and accompanying broad goals and targeted objectives with follow-up communication and referencing.

## Recommendation #9:

The OLE should develop dynamic, priority issue plans with input from all officers and major constituents.

time”, “responses to dispatches must be within “Y” amount of time”, etc. Examples of strategies might include: saturation patrols, special operations, undercover work, routine patrols, etc.

Based on these strategies and guidelines, officers would then submit annual work plans, as groups or as individuals, outlining specific enforcement activities that they will conduct, implementing the agreed upon strategies, and addressing priority issues for that year. These annual work plans should also include measurable outputs and, where possible, outcomes<sup>6</sup> for evaluation on an annual basis. Examples of outputs might include: number of patrols conducted, number of licenses checked, hours spent on surveillance, etc. Outcomes are much more difficult to measure but are the behavioral and attitudinal results intended by enforcement efforts. Examples might include: compliance rates to hunting or fishing regulations, satisfaction of constituents with OLE performance in providing assistance, etc.

After the OLE has prioritized their issues and workload, it is suggested that they postpone work on lower priority issues until funding is restored to support full staffing required. Postponements would require significant administrative support. As staffing and funding increase, lower priority issues could be better addressed.

### Key Issue: Budget

In spite of the fact that each of the constituent departments within the EOEAs expressed needs for Environmental Police services, there are no effective processes within the constituent departments to assess those needs. A process is needed to help the OLE and other departments and offices under the EOEAs to specifically identify their environmental law enforcement needs. It is part of the OLEs mission development work as well as closely tied to improving the budget process. If the OLE is essential to the EOEAs success, then the OLE should be funded accordingly. If they are not funded appropriately to meet the identified needs, the consequence will be a further inability of the OLE to meet the EOEAs broad demands (see discussion in *Overview*).

MAT requested budgets and actual spending reports to determine OLE under- or over-spending. The manner of response to this request also provided some insight into the ability of the OLE to respond to basic budget questions throughout the year. MAT requested, but never received, annual and quarterly fiscal reports if available.

It appears that the bulk of financial analysis is done directly in the MMARS online accounting system. The downside to this approach is that it requires a Director of Finance and staff who are readily capable of providing financial updates to the OLE decision makers. Again, successfully hiring a Director of Finance will enable the OLE to leverage better use of the electronic accounting system.

Solid time and financial accountability are prerequisites for maintaining and growing budgets and gaining budget support in EOEAs and the legislature. The interview process discovered a general perception that time accounting in particular is lax among EPOs. While other EOEAs agencies appear deeply interested in EPO services, it was observed that there may be a reluctance to support the EPOs in the budget process because the OLE is not currently able to dependably show how they are spending their time. The OLEs commanders must implement more robust time accounting and the EPOs must be meticulous in their reporting (See *Key Issue: Accountability*).

**Appropriations and spending.** Figure #1 shows Environmental Police appropriations expenditures for FY 2001-2005. These numbers were provided by the EOEAs, but MAT was unable to verify with confidence the figures in this table.

Please note that some appropriations line items give authorized funding levels but were not completely funded. One example is the Parks Overtime fund. In this example, overtime in parks may not exceed \$160,000, but this is contingent on DCR making the funds available through requests for OLE services.

There is also some confusion about special funding for Homeland Security. MAT con-

There are no effective processes within the constituent departments and divisions to assess their needs for environmental police services.

### Recommendation #10:

Have the OLE and all other departments and offices under the EOEAs specifically identify their needs for OLE services.

**Figure I. Environmental Police Appropriations and Expenditures 2001-2005**

<b>fiscal year</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>
<b>Appropriations</b>					
Main operating account	\$9,702,003	\$10,392,766	\$10,316,095	\$10,722,281	\$9,826,983
JEA NOAA/OLE	\$458,605	\$1,043,685	\$660,644		
Bullet proof vests					\$40,860
Blockgrants			\$20,000		
Overtime parks-etc	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000
Special details (private)	\$250,000	\$210,693	\$172,687	\$184,931	\$150,000
Fishery support services	\$45,500	\$4,100	\$44,757	\$87,636	\$86,745
JEA cooperative partnership	\$10,000	\$20,000	\$10,000		
Federal boating safety	\$934,890	\$956,299	\$916,679	\$882,962	\$860,140
<b>Total - non capital funding</b>	<b>\$11,560,998</b>	<b>\$12,787,543</b>	<b>\$12,300,862</b>	<b>\$12,037,810</b>	<b>\$11,124,728</b>

<b>fiscal year</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>
<b>Operating Expenditures</b>					
Payroll		\$9,016,301	\$8,774,941	\$8,764,880	\$7,894,764
Travel		\$94,157	\$109,934	\$154,695	\$107,593
Special employees		\$0	\$0	\$12,260	\$15,655
Employee ins-ret-unemployment etc		\$201,555	\$285,860	\$372,671	\$340,000
Office\tele\postage		\$374,028	\$449,213	\$377,610	\$387,214
Clothing\footware\cleaning		\$74,432	\$60,000	\$201,473	\$114,983
Rental\electric\gas\oil		\$250,966	\$282,263	\$270,689	\$284,237
Consultant services		\$4,606	\$39,009	\$40,717	\$19,793
Operational services		\$46,621	\$59,595	\$55,908	\$122,467
Equipment		\$19,752	\$9,961	\$52,871	\$66,487
Repairs\lease		\$185,625	\$192,078	\$344,848	\$26,866
Const\main of bldgs		\$0	\$1,997	\$1,196	\$9,872
State aid					\$24,953
<b>Subtotal - main operating</b>	<b>N/A</b>	<b>\$10,268,043</b>	<b>\$10,264,851</b>	<b>\$10,649,818</b>	<b>\$9,814,884</b>
<b>Operating Surplus</b>		<b>\$124,723</b>	<b>\$51,244</b>	<b>\$72,463</b>	<b>\$12,099</b>

*Main operating appropriation - operating expenditures*

**Expenditures from Other Accounts**

JEA NOAA/OLE		\$36,875	\$660,644		
Bullet proof vests					\$40,860
Block Grants			\$20,000		
Overtime Parks-etc		\$19,061	\$49,680	\$104,013	\$115,844
Special Details (private)		\$207,312	\$171,683	\$171,755	\$136,512
Fishery support services		\$4,100	\$44,757	\$87,636	\$86,746
JEA cooperative partnership		\$20,000	\$10,000		
Federal boating safety		\$956,299	\$916,679	\$882,962	\$860,140
"FINES,FORFEIT,TITLING"					
<b>Subtotal - other accounts</b>	<b>N/A</b>	<b>\$1,243,647</b>	<b>\$1,873,443</b>	<b>\$1,246,366</b>	<b>\$1,240,102</b>
<b>Total Expenditures - NON CAPITAL</b>		<b>\$11,511,690</b>	<b>\$12,138,294</b>	<b>\$11,896,184</b>	<b>\$1,1054,986</b>

<b>Surplus</b>		<b>\$1,275,853</b>	<b>\$162,568</b>	<b>\$141,626</b>	<b>\$69,742</b>
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**Figure 2. Capital Expenditures 2001-2005**

**FY05 Request**

	Request
Regional Hdq maintenance	150,000.00
CAD	274,000.00
Equipment	75,000.00
Boat	350,000.00
Trucks	200,000.00
	<b>1,049,000.00</b>

**FY04 Bond Cap for OLE**

*Approved FY04:*

Agency	Bureau	Status	Project Name	DFG FY04 Request	FY04	EOEA Spending Revision Adj. (+/-)
FWE	DLE	Approved	Computer aided dispatch system	469,000	469,000	
FWE	DLE	Approved	Enforcement equipment\snowbobiles\ ATV's etc	75,000	75,000	
			ATV Trailers	10,200	10,200	
FWE	DLE		Approved Rolling stock DLE	1,000,000	668,500	(220,000)
FWE	DLE		Approved Headquarter repairs	410,000	85,000	N Shore Hdq repairs only
<b>Subtotal</b>				<b>1,964,200</b>	<b>1,307,700</b>	

*Not approved FY04:*

FWE	DLE\DMF	Proposed DLE Replacement Patrol Boat	1,150,000
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**FY03 Request/Expenditure**

Project Name	FY2003 Spending Subject to Cap	Expended
Rolling stock (all Dvisions)	2,160,000	2,163,000
Enforcement equipment\snowbobiles\ ATV's etc	75,000	258,274
IT upgrades	70,180	70,180
DLE Taunton, Westboro, Hyannis, W Springfield	305,000	101,000
DLE Patrol Boat	15,000	15,000
PHH vehicle repairs	60,000	60,000
	<b>2,685,180</b>	<b>2,667,454</b>

**FY02 Request/Expenditure**

Computer Aided Dispatch system	450,000	450,000
CAP OFFERED TO LATE - Enforcement equipment	121,694	--
CAP OFFERED TO LATE - Rolling stock	800,000	--
DLE Taunton, Westboro, Hyannis, W. Springfield	489,000	489,000
	<b>1,860,694</b>	<b>939,000</b>

Why track Homeland Security when it's part of a regular patrol? If it ain't broke...

firmed from two sources that those funds are drawn from a reserve account but it is represented in the Main Operating account in the budget system. It appears that Homeland Security funds are used to pay overtime for EPOs and are generally not used to pay for regular EPO functions; there are probably exceptions to this. Use of Homeland Security funds to pay overtime is not inconsistent with agency core mission, and in fact may provide some benefit back to the core mission because officers can simultaneously perform traditional EPO work charged to Homeland Security funding (discussed in *Key Issue: Mission*).

It is suggested that Homeland Security (Defense) not be tracked as a separate activity. The value for tracking it as a separate activity is not apparent and very impractical to do. Rather, officers contribute to Homeland Security as a matter of course in their regular duties such as boating safety and Quabbin Reservoir patrols. If OLE can successfully argue and communicate that those activities qualify to receive Homeland Security funds, they would no longer create a misperception that EPOs are distracted from their core mission.

In general, the OLE appears adequately funded for current staffing levels; however a significant increase in funding is needed to staff the OLE to meet apparent levels of demand. A common theme in focus groups was that officers are appropriately equipped, having sufficient funds to pay mileage for patrols, maintain vehicles and boats, etc. An important but absent line item in the budget was for training.

The capital budget has become a valuable source of funding that has ensured officers have good vehicles, ATVs, boats and trailers (MAT was only able to obtain an oral accounting of trailer inventory). Many officers complained about facilities shortfalls (See discussion in Section II. Infrastructure). These may be areas to consider in future long-term budget planning. (See *Figure 1 Environmental Police Appropriations and Expenditures 2001-2005*, previous page.)

**Budgeting and the “What If” game.** The RFR required recommendations based on various levels of funding and staffing increases. However, the review finds that the OLE is so grossly understaffed that while any funding increase will move the OLE that much closer to effectively meeting its core mission, the understaffing is so significant that recommendations are inappropriate at this time for most program additions outside the core mission. Funding alone will not fix the long-term OLE organizational needs. But increased funding is a prerequisite for their success.


**Budgeting process.** The understaffing in the Office of Law Enforcement is related to the Commonwealth’s budgeting process. According to interviews, all Massachusetts state appropriations are generally derived from the past year’s budget with very little consideration of evolving need. Certainly, as with other state government agencies, the OLE feels the pressure from the on-going government-wide funding problems, but the OLE appears very susceptible to unfavorable budget treatment.

As an example, the OLE is very small compared to the State Police who have considerably more lobbying power. There is significant speculation that the OLE does not get fair consideration from the Legislature on issues such as salary and benefits. Furthermore, the practice of funding the personnel line item based on actual staffing levels at an arbitrary point in the appropriations process, instead of on a priority basis, has created the significant OLE staffing shortfalls discussed in *Key Issue: Staffing*.

**Budgeting for personnel.** Because funding for personnel is based on the actual staffing and active recruitments, when the appropriations are finalized, the OLE is funded at that previous year’s level minus any FTEs that have left the agency. The result has been a long-term inability to fill vacancies because every year, for many years, their personnel funding has been chiseled away by the appropriations process. Because personnel levels are already at or near crisis lows, personnel funding may be the single biggest threat to the OLE’s ability to serve the Commonwealth’s need for environmental law enforcement.

**Funding sources.** The OLE has taken advantage of appropriate funding opportunities to maintain operations. For example, through Joint Enforcement Agreements (JEAs) they are cross-deputized with federal agencies, thus bringing in federal dollars.

## Recommendation #11:

Exempt the OLE from the general state funding practice of capping the number of positions funded to the previous year’s number of filled positions and implement a forecasting process which will enable the OLE to recruit new EPOs so they can maintain a targeted staffing level. 

Those grants are especially valuable to all parties. For example, EPOs can readily tell legitimate commercial fishermen from those who may be posing as fishermen to conduct criminal activities. The key is to ensure that grant based projects enhance the OLE mission, not divert officers from it.

The EOEA is exploring other licensing opportunities such as a recreational saltwater fishing license and licensing non-motorized boats. Establishing a saltwater fishing license was discussed in many interviews, and there was significant support for allocating portions from this new revenue source for environmental law enforcement. As these funding opportunities are explored at the EOEA level, it is vital that law enforcement needs be considered as part of the resulting services package to be delivered.

**Budget planning and reporting.** All of the budget information in the OLE remains only with the Director and the Deputy Directors. MAT found no evidence that financial reporting is shared among other management. The OLE has nearly 90% of its appropriations directed to personnel, thus leadership may feel that they lack any real discretionary spending. Because many may see personnel expenses as not under their control, they may not see the need for detailed reporting.

There is, however, a real need to develop spending plans and monitor spending to best ensure that available funds are closely tied to the OLE's objectives. There do not appear to be formal mechanisms in the OLE to identify spending priorities in advance. Rather, leadership seeks money where they can find it. This in turn may dictate operational priorities.

Good business management practice includes financial audits. An OLE financial audit is overdue. The last audit for the OLE was conducted approximately eight years ago and focused on titling and registration. There is an ongoing audit of the online licensing and registration system that is not yet complete. The financial and time accounting proved difficult to understand and track. There remain some questions about the quality of the OLE's financial data. A comprehensive financial audit of the OLE would be very helpful to the OLE's incoming Deputy Director of Finance.

**Spending authority.** Majors and captains appear to have no discretionary spending authority. Managers go to senior leadership for all purchases. While this spending model allows very tight budget control, it does not promote workforce effectiveness. For example, because majors have no discretionary budget, they never develop ownership over their spending.

Alternatively, giving program managers spending authority is likely to promote creativity and program ownership. Each program manager will need to make sure they are getting the most from their resources. Furthermore, this will free senior management to focus on setting OLE-wide direction and vision instead of focusing on operational details. A well-thought out and disciplined financial reporting system is a pre-requisite to this suggested spending model. Each program manager will require monthly spending reports and quarterly detail.

## Key Issue: OLE Location


There has been a long history of where the Environmental Police best fit organizationally. There have been threats of mergers. The most recent attempt to obtain urgently needed support and staffing was the Environmental Police Union's push for a restructure. The restructure would have moved the Division of Law Enforcement from the Department of Fisheries, Wildlife and Environmental Law Enforcement of the Executive Office of Environmental Affairs to the Executive Office of Public Safety, but as a separate, discrete agency from the State Police. This restructuring did not take place. In 2003, the Division of Law Enforcement was moved from division status within the, at that time, Department of Fisheries, Wildlife and Environmental Law Enforcement to an autonomous "Office of Law Enforcement" under the Secretary of the Executive Office of Environmental Affairs.

The current location of the OLE within the Executive Office of Environmental

## Recommendation #12:

Produce quarterly and annual spending reports; track spending against predefined goals and objectives; share financial information among all management.

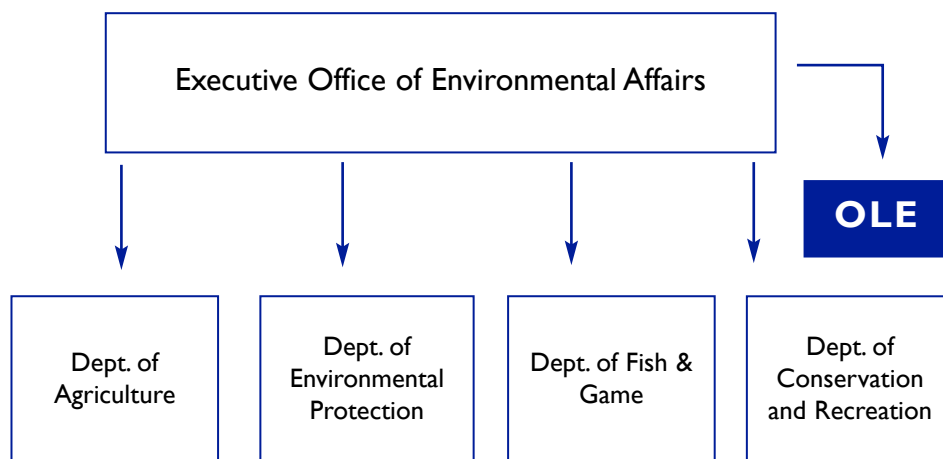
## Recommendation #13:

Conduct a comprehensive financial audit of the OLE covering the last five years. 

## Recommendation #14:

Give spending authority (to OLE program managers) for operations other than personnel.

FIGURE 3. CURRENT LOCATION OF THE OLE



Affairs requires it to become more in line with the broader needs of the entire EOE, in other words, a full service environmental police force serving Conservation and Recreation, Environmental Protection and Fish and Game (Marine Fisheries is part of Fish and Game). The Department of Agriculture did not emerge in the data collection as a focus area of OLE issues.

Some participants within the focus groups expressed concerns over the realities of the OLE's most recent structural move - the OLE is a small agency within a larger bureaucracy where some top leadership expressed that they themselves have little to no background in law enforcement.

There was overwhelming agreement found in responses to interview questions that there have been no perceptible changes to the EPO's job following the relocation of the OLE. It is reasonable to conclude that there has not been enough time since the move to accurately evaluate its impact.

Some feel that officers should have only traditional "game warden" duties. But interviews with constituents and stakeholders revealed a common theme: that the most effective officer in the field is one that can manage a wide variety of "environmental" enforcement situations. One individual portrayed the officers as "Renaissance Officers", or someone that the public can rely on for full environmental police service.

### Key Issue: The Department of Conservation and Recreation (DCR)

The issue of inadequate staffing is particularly problematic relative to the expectations and needs of the other departments within the EOE. Most visible perhaps are the law enforcement needs of the parks.

The Department of Conservation and Recreation (DCR) is an extremely large land holding agency within the EOE with diverse enforcement needs that span the state parks, urban parks and watersheds. These lands generally receive significant recreational use, and the variety of recreational activities, proximity to population centers, and land use priorities poses significant law enforcement challenges.

The need for *environmental law* enforcement in state parks is certain. State parks are heavily used, and many situations require the skill and specialized training of an EPO. Examples include illegal ATV use, shooting, search and rescue, boating enforcement and enforcement of fishing and hunting laws. A specific needs analysis should be conducted to ascertain exactly the level and location of service needed by State Parks for environmental law enforcement.

### Recommendation #15:

Keep the OLE in its present location housed under the EOE with EOE support.

Both the OLE and the State Police have significant roles on DCR lands, and the roles vary depending on the DCR division responsible for managing those lands. In general, the EPOs have responsibility in State Parks, and State Police have responsibility in Urban Parks and watershed protection, although it varies depending on the situation. The Environmental Police Officers are responsible for enforcement in the state parks as part of their regular duties. EPOs are compensated for overtime through “details”, and EPOs have union-given first right of refusal when detail opportunities emerge for work in the State Parks.

Those in DCR leadership interviewed during the review process were unanimous in their frustration over the number of law enforcement inadequacies on DCR properties, expressing the need for more EPO attention to these lands and facilities. The picture is further complicated because the Department of Conservation and Recreation have park rangers who carry no firearms, have no policing authorization, and no law enforcement training through the state’s Criminal Justice Academy.

Urban Parks were historically patrolled by the Metropolitan Police Force that was integrated into the State Police in 1991. Currently, the DCR management perceives a reasonable State Police presence on the urban parks, but they also expressed concern that the State Police are more focused on highway and criminal enforcement than environmental enforcement. Many of those interviewed within the EOEAs expressed that State Police lack training or interest in dealing with park enforcement issues that are not on the main roads. There was wide agreement among the DCR managers that EPOs possess the training and skills to fully address their environmental issues.

As a counterpoint, there was a general recognition that some park enforcement situations, especially in urban areas, may require training and experience better suited to State Police and local enforcement. For example, Urban Parks operate several public pools, and some pools have a history and increasing incidence of gang activity. Local police are experienced and best trained in handling gang activity. It is noteworthy that the EPOs training prepares them to be able to effectively function as “first responders” when public safety situations require it. Then local, state or federal authorities can be called on to complete the task. This is a good fit in function.

Coordination among the entities responsible for urban parks enforcement is paramount. While State Police are responsible for Urban Parks enforcement, parks managers need to make sure that they have access to EPOs when the situation demands the EPOs unique capabilities. Improved coordination may require regular meetings among responsible agencies and formal agreements to provide proper law enforcement coverage.

**EPO parks overtime.** Funding allocated by the Division of State Parks and Recreation for overtime details actually may limit EPO presence in state parks. According to both parks personnel and EPOs, EPOs do not generally patrol state parks unless called for a specific complaint or when overtime dollars are allocated for a work detail. In essence, there is no incentive for EPOs to maintain a presence in the state parks because their absence creates an enforcement vacuum that can only be filled through overtime details to which the EPOs have negotiated the right of first refusal. It also creates a significant fiscal inefficiency whereby the state parks pay “time and a half” for each officer hour of park enforcement.

In essence, it makes more sense to simply allocate funding to pay for straight time for EPOs with a formal agreement such as an MOU guaranteeing an appropriate level of parks enforcement by the EPOs. The EPOs would also need to diligently document their time on parks patrols as discussed in *Key Issue: Accountability*.

Through the fiscal year ending June 30, 2004, the Division of State Parks and Recreation had spending authority of up to \$160,000 to pay for EPO overtime details, although they spent less - only about \$19,000 in FY 2004 - due to other funding priorities within DCR. Because of the apparent chronic understaffing of OLE, these funds could be allocated to hiring and equipping officers. These officers would not be

## Recommendation #16:

Examine the costs to benefits of converting the park rangers to EPOs.

## Recommendation #17:

Build parks enforcement into core work plans for EPOs who have parks in their patrol area.

## Recommendation #18:

Negotiate an agreement with State Parks for EPO environmental law enforcement services as part of the EPO regular workload and allocate funds from the Division of State Parks and Recreation to help pay for it. (EPOs must diligently document their time on parks enforcement.) Conduct a return on investment evaluation in one year. 💰

dedicated to parks enforcement, rather the parks enforcement workload would be distributed among all Inland and Coastal Bureaus.

As discussed in this document under the heading *Mission Clarification*, EPOs have a responsibility to enforce all of the environmental laws of the Commonwealth. EPOs do not have the discretion to deliberately ignore parks enforcement in lieu of overtime. A negotiated agreement is needed between the Division of State Parks and Recreation and the OLE to make parks enforcement a core work component of Inland Bureau EPOs, in addition to the Coastal Bureau.

### **Watershed Protection**

“The Department of Conservation and Recreation Division of Water Supply Protection manages and protects the drinking water supply watersheds for nearly 2.2 million residents of Massachusetts, primarily in Greater Boston. The Quabbin Reservoir, Ware River, and Wachusett Reservoir watersheds are the sources of drinking water for distribution by the Massachusetts Water Resources Authority.”

— From the MWRA website

The watersheds feeding these water bodies cover large, undeveloped land areas that are open to certain recreational activities such as fishing and hunting, but are closed to other activities such as ATVs. Because these areas supply drinking water for large populations, it is vital to keep the areas safe from illegal dumping and other activities that may threaten safe and clean drinking water for Boston and surrounding areas.

The Quabbin and Wachusett Reservoirs are currently patrolled by the State Police. According to the DCR Division of Watershed Protection there are slightly more than 20 State Police officers assigned full-time to the barracks at Quabbin Reservoir, and a single trooper is assigned each shift, seven days per week to patrol Wachusett.

The police force at Quabbin is directly descended from the Metropolitan Police. Some of the State Police officers assigned to the barracks at Quabbin are former Metropolitan Police. Before the merger of the Metropolitan Police with the State Police, the Metro Police had exclusive law enforcement authority by statute over the watersheds. The DCR Division of Watershed Protection asserts that statutes were changed at the time of the merger. However, it was observed that some officers assigned to Quabbin may feel they still have exclusive authority.

A general concern expressed by some stakeholders was that the State Police are less focused on the environmental laws inherent in watershed protection such as stream bank issues, wetlands, etc. In spite of this concern, it is unlikely that the State Police assigned to Quabbin or the full responsibilities for patrolling the watersheds could convert to the EOEAs in spite of a better alignment of EPO mission, training and experience with most watershed enforcement needs. It is critical that both organizations make every effort to coordinate their efforts, making sure that adequate resource protection is provided in terms of public safety, environmental law enforcement and homeland security.

There is evidence that the EPOs and State Police cooperate on some enforcement needs at Quabbin such as boating enforcement and hunter training and enforcement during the regulated deer hunts that occur on the watershed. The State Police and EPOs also coordinated their efforts on the Quabbin and Wachusett following the 9/11 terrorist attacks. Even this commendable level of coordination was met with an unfair labor practices action filed against the EPOs alleged to have had an unfair access to overtime for patrolling the Quabbin following 9/11.

One recurring theme from the interviews was a common misconception that the MWRA was directly paying for the State Police presence on the Quabbin. There are several reasons for this rumor that are tied to the history of the Metropolitan Police merger. While the MWRA does pay for a portion of the radio system shared by DCR rangers and State Police at the Quabbin, the Division of Watershed Protection states that there is

## **Recommendation #19:**

The Commonwealth should evaluate the State Police responsibility of providing enforcement on the Quabbin and Wachusett watersheds and examine the benefit of more effectively sharing the responsibility and resources with EPOs for environmental law enforcement on the watersheds.

no agreement between MWRA and State Police for watershed enforcement.

## STEP THREE: HIRE ADDITIONAL STAFF

Hiring additional staff follows hiring a new director and determining clearly the mission, goals and work prioritization needed. The right number of staff needed should only be determined at this point in the improvement sequence. The new Director should work with his staff and use field input to determine appropriate staffing levels.

### Key Issue: Staffing

**Inadequate staffing.** Inadequate staffing was voiced as the primary concern in all of the data collected from focus groups, interviews and comments. For example, eighty-two percent (82%) of stakeholders responding to the electronic survey indicated that the OLE was either “slightly” or “extremely” understaffed. The OLE is well below its fully authorized complement of officers. This reality has probably contributed most significantly to the program becoming more reactionary in nature. It has also likely contributed to a significant morale problem within the ranks. See discussion under *Key Issue: Budgeting, Budgeting for personnel.*

Level of staffing appears seriously inadequate for the demand and public need. Of the 130 full-time, sworn, Environmental Police positions, including the command staff, 105 positions are currently filled. Whenever any organization has inadequate staffing, there is stress and pressure on others to take up the slack. Maintaining staffing levels in the OLE should be a priority of the Commonwealth. To under-staff this agency makes the risks too great...to the environment, to the public, and to the officers themselves.

A 2001 OLE Law Enforcement Staffing Plan states that the OLE had one less officer in 2001 than it had ten years previous. Written in the wake of 9/11, this report had the safety and emergency potentials very much in mind when it recommended the hiring of 100 new officers. Revisiting this report is strongly suggested.


In addition, since April 2004, all top management positions in the OLE have been vacated. They are Director, Deputy Director, and Deputy Director of Administration (Finance). Plans are to proceed with hiring a new Deputy Director (Lieutenant Colonel) as soon as the final decision for hiring a new Director has been made. The notice for hiring a Deputy Director of Finance, a civilian position, is already in process as of this writing. The OLE received hiring authorization this summer and is planning to hire five new officers by November 2004. This is the first time the OLE has been able to hire new officers in almost five years.

The OLE is in serious need to fill its vacancies. It cannot be done under current budget constraints. These positions require newly appropriated funds. To try to increase payroll without additional funds would most likely require tapping into equipment, training and maintenance accounts. It is critical that these accounts remain funded appropriately to equip and train the new hires.

It was observed that one of the off-shore live-on patrol boats is in-the-ready for surplus. This may offer one opportunity for leveraging staff. Replacing this boat with a smaller, non-live-on patrol boat could enable EPOs to be assigned a regular work schedule freeing up more “field” officer coverage. The Acting Director has indicated that this presents an opportunity to redirect staff to higher priority needs.

**Large numbers of vacancies.** The OLE staffing structure consists of one Colonel, one Lieutenant Colonel, two majors and six captains. Each of the two majors has three captains (three inland and two on the coast plus special operations). However, the Coastal Bureau has operated with only two Captains for some time now. This is most likely a staffing inadequacy in need of correction. Because of existing vacancies in the command structure, Acting Director Hanlon is wisely taking steps to realign the command structure to accommodate the vacancies. His efforts are applauded.

### Recommendation #20:

Hire the complete requisite number of officers authorized by statute to fully meet staffing for the current enforcement needs. 

### Recommendation #21:


To ensure sufficient and efficient supervision, define supervisory roles from the first line of supervision up through the top, then apply span of control ratios that work for the geographic and budget parameters.



**Recommendation #22:**

Do a job task analysis on every position when it becomes vacant and answer each time: “Is it in the right location?”; “Does it need to be a supervisor or a field officer?”; “Are there any other special needs?”

**Recommendation #23:**

Establish two special investigator positions to be trained to provide on-the-ground environmental law enforcement investigative work. 

**Recommendation #24:**

Complete a review of the Deputy Program to determine the wisdom and practicality of using deputies as additional or supplemental staff.

**Span of control.** The span of control, or the number of direct reports, for the supervisors is a critical piece for effective supervision. Span of control affects the ability of a supervisor to maintain communication up and down the chain of command. Such communication is critical to establishing direction, purpose, agency mission, policies and procedures. Internal expectations are met with job knowledge, adequate supervision and direction. The effect of good supervision is improved morale, confidence and positive public interaction and perception.

Sergeant positions are not properly utilized and may constitute a redundant level of bureaucracy. For example, ratios of supervisors to field officers run from 1:1 to 1:7. The span of control for sergeants to lieutenants is 1:1, again, due in part to high numbers of vacancies. It needs to be corrected based on approved positions needed and not in relation to vacancies.

**Job task analysis.** The OLE does not appear to have a coherent protocol for filling each vacant position according to pre-identified, prioritized needs. For example, “What is the best way to staff offshore patrol boats?” If only one is needed, the remaining officers can be shifted to higher priority duties. Another example is determining if the sergeant is needed to be supervisory or a lead worker. The rank of sergeant in the existing OLE command structure is not always necessary for providing needed span of control.

Filling all the positions in the OLE (Recommendation #20) and conducting a task/job analysis to align positions with work needs (Recommendation #22) will help balance the workload and improve effectiveness within the OLE.

**Field investigators.** There are no formal, field investigator positions within the OLE. There are investigators (three sergeants) for boating safety accidents and fatalities. Bureau of Marine Theft currently has a captain, one sergeant and two officer investigators and a lieutenant. Two additional field officer positions are authorized, but unfunded positions. There are three officers on the environmental strike force for illegal dumping investigations. But there are no investigators in the field for other illegal environmental activities such as bear poaching rings, harvesting and sale of endangered species or other similar illegal activities that arise. Such special investigators are needed for an effective force to be equipped and positioned for such challenges. They would need to be provided with the appropriate training in conducting special investigations.

**The deputy program.** Environmental Police Officers are cross-deputized by certain federal agencies such as the National Marine Fisheries Service, the U.S. Fish and Wildlife Service and the U.S. Customs Service. The joint enforcement programs with these agencies utilize the deputy arrangement well.

Prior to the 1985 inland/marine merger, the Environmental Police Officers had utilized state employees of the Department of Forests & Parks or the Department of Fish and Wildlife as deputies. A weakness of this arrangement was that it put the Environmental Police Officers who have full policing authority in a work situation with unarmed deputies having no policing authority. After the merger, the Deputy Program was largely abandoned by neglect, but still exists legislatively. (See *History - Chapter 21A, Section 10A*)

Because the program had not been used for more than ten years and was long past due for an updating, the active status for those deputies still on the books was suspended in the Spring 2004 and all deputy badges recalled. The only badges that were re-issued were those needed by a few fish and wildlife biologists to equip them when responding to large animal calls such as, for example, a “moose on the loose”.

An evaluative review of the Deputy Program is needed to help in making decisions regarding the wisdom and practicality of using deputies as an additional staffing source for Environmental Police.

**Key Issue: Structure and Organization**

**Organization in general.** The OLE consists of six bureaus: Coastal Enforcement, Inland Enforcement, Marine Theft, Hazardous Waste, Registration & Titling, and Boating

& Recreational Vehicle Education/Safety.

**Regional structure.** Massachusetts is geographically and demographically diverse. The OLE currently has the state categorized by “regions” under each of the marine and inland bureaus. The regional structure existing within the state needs to be evaluated with input from all stakeholders, internal and external, to see if it is the most effective way to implement the strategies for accomplishing the mission. The resulting evaluative information can then be used to develop a set of considerations for sorting out regional differences related to environmental policing needs. Such a process would further define the role of the field officers.

A subsequent step will be to review the structure, systems, processes and culture for alignment with the mission. If they do not support implementation of the mission’s strategies, then they are probably constraining them.

**Cultural dichotomy.** Somewhat of a cultural dichotomy exists within the OLE – “inland” and “coastal”. It is somewhat institutionalized through the organization’s structure, i.e. the Inland Enforcement Bureau and Coastal Enforcement Bureau. There may also be some remaining perceptions that the Environmental Police inherited “left over politically-appointed management” resulting from the 1985 merger of Marine & Recreational Vehicles into the Division of Law Enforcement (also referred to at that time as the Natural Resources Officers). While not prevalent, nor strong, such perceptions are today only a factor in exacerbating the cultural dichotomy within the OLE. It has been close to twenty years since the merger and today’s management weaknesses within the OLE can no longer be attributed to the world in 1985.

**Bureau of Marine Theft.** In Massachusetts, there are more boats than ATVs, but more ATVs are stolen. Stealing ATVs is easier than stealing boats. The majority of the work of the OLE’s Marine Theft Bureau focuses on recovery of stolen ATVs.

The Marine Theft Bureau may be misaligned with the current core mission of the OLE. The review found no direct statutory responsibility for the OLE to conduct marine and ATV theft investigations. Besides a captain, one sergeant and two field investigators who currently staff this bureau, it has three other positions (one lieutenant and two field officer investigators) that are unfilled at this time. Could these valuable human resources better be used for core mission investigations of illegal activities related to commercialization of fish and/or wildlife resources or hazardous waste investigation and illegal ATV use?

The work of this bureau is split three ways: (1) inland investigations have approximately 90% of their effort focused on stolen ATVs, (2) coastal work has 100% of their efforts on boats, and (3) New Bedford area investigations are more a 50/50 split between stolen boats and ATVs.

Marine theft is considered a “luxury” service by many other state conservation law enforcement agencies. Often, when such services are needed, the insurance industry will request and provide the funding for these types of services. In such special, compensated cases, this type of enforcement activity might be permitted by the OLE if time allowed.

When staffing, particularly on the coast, is spread so thin, the reality of The Marine Theft Bureau spending such a significant amount of its time finding lost ATVs begs the question, “Is this the best expenditure of OLE’s limited human resources?” The excellent investigative skills and knowledge of the Marine Theft officers could likely better be used elsewhere in the OLE for addressing core mission work.

## Key Issue: Personnel

The Union typically addresses personnel issues for non-supervisory officers; however, there are a number of issues that need immediate attention by all parties involved.

### **Salary and benefits disparity with state police.**

The perception of a compensation disparity between the EPOs and the State Police is widely held among employees of the OLE. It may be a principle, causative issue for many

## Recommendation #25:

Evaluate existing regional structure and redirect work via the work plans developed from each of the regions (see Rec. 9).


## Recommendation #26:

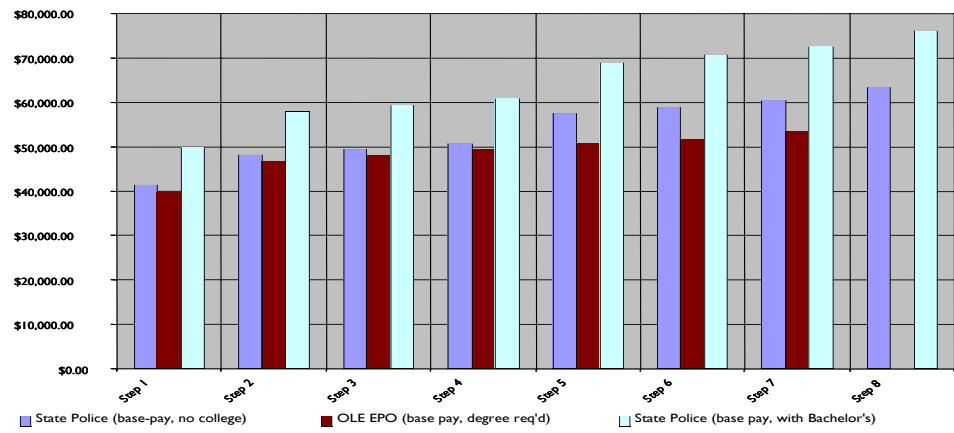
Make OLE one operations unit having specific performance standards related to enforcement needs in each geographical area.

## Recommendation #27:

Conduct a return on investment assessment of the Bureau of Marine Theft to evaluate the costs against the benefits and role of the Bureau against the core mission of the OLE.

## Recommendation #28:

Create pay and benefits parity between the OLE and the State Police .

**FIGURE 4. STATE POLICE TROOPER/TROOPER FC VS. ENVIRONMENTAL POLICE OFFICERS**

other more symptomatic problems. In most organizations, salary and benefits, recognition, and worker's compensation are typical examples of areas where fairness can become an issue. In the United States, some of our strongest reactions are produced when people perceive things to be unfair. Following are some points to consider:

1. The entry level advertised compensation for the new OLE Director is 59% less than the entry salary for the Director of the Massachusetts State Police.
2. There is approximately a 20-26% difference in salary for OLE officers compared to comparable levels within the State Police. (See Figure # 4 showing a 2002 Annual Salary Comparison Between State Police and OLE officers.) Current salary comparisons reflect a greater disparity than the 2002 figures. The reviewers were unable to obtain 2004 figures from the State Police because of the time required for them to comply to a public information request.
3. State Police have significant benefits that EPOs do not have. For example, heart and lung insurance, limb loss insurance and Quinn<sup>6</sup> educational compensation and consequential salary raises for obtaining educational degrees. In Massachusetts, local and State Police qualify for compensation for pursuing educational degrees through the Quinn Bill. Most EPOs already have a college degree when he/she's hired. Should an EPO desire to pursue an advanced degree in a criminal justice or law enforcement-related track or in environmental sciences, he/she is compensated at a much reduced rate by contract. All these factors exacerbate the disparity.
4. Some are convinced that the current compensation and benefits disparity between the OLE and the State Police evolved as a result of the police union being a voice of thousands of members versus the OLE Union's smaller voice of one hundred members. If the OLE Union, OLE management, and the state Human Resources Office work together, that smaller voice may be enough to accomplish much more and benefit all parties.
5. Some review observations were that compared to State Police, the EPOs work more independently, currently are required to have a college degree when hired, have fully authorized police powers plus the environmental and natural resources enforcement training and expertise, work in a greater geographical range, and have broader job responsibilities, i.e., cross-deputized with feds, etc.

#### **Disincentives.**

- While Organization Behavior research has proven that salary is not what motivates high performance, issues of unfairness or disparity in pay serve as major disincentives or de-motivators for work performance.
- There is a salary disparity between officers who are supervisors and those who are not. For example, when overtime is added to the calculations, the current Acting Director, a Captain, is compensated less than some lieutenants, although the base

### **Recommendation #29:**

Compare the advantages of providing the ability to earn overtime with the advantage of reclassifying captain, major and colonel positions so their salary scale is appropriate when compared to lieutenants and other officers.

pay for Acting Director is higher than lieutenants. With all things being equal (length of tenure, etc.), the salaries for the OLE positions of captains, majors and colonels are only slightly more than that for OLE lieutenants.

- Focus groups reported that a major disincentive for officers to apply for promotions to supervisory positions is that they will receive less pay as supervisors.
- The apparent “we/they” cultural paradigm between the EOEA departments and the OLE is a constraint to effectiveness. The win/lose mentality needs to stop and all parties work together to help the EPOs improve – a win/win.

**Hiring Exam.** A common theme in all of the focus groups was that the civil service hiring exam is a constraint to the OLE effectiveness. Concerns centered on both the composition of and infrequency in giving the exam. Law enforcement programs in other state fish and wildlife agencies often use committees of their officers rather than one or two individuals to re-evaluate and develop exam questions. In addition, committees can be a valuable way to field test newly formatted examinations.

**Hiring criteria.** One of the most controversial issues within the OLE at this time is over how best to recruit the kind of officer that is needed. The controversy includes the type of college degree required. But success in hiring an effective EPO does not rest alone on the type of college degree the individual has. Outdoor skills, passion and experience for the outdoors and wildlife and strong desire to be an **Environmental Police Officer** are all extremely important.

The selection criteria and hiring requirements need to reflect the desired outcome of an Environmental Police force that is highly professional, motivated and appropriately aligned with its mission. Pigeon-holing EPOs to a particular degree will not accomplish this. **A red flag is the use of language in the position hiring criteria such as “or equivalent experience.” Such ambiguous wording can take the hiring process into a gray area and become a constraint to hiring the sought after quality candidate.**

The criteria for the job of an Environmental Police Officer needs to reflect either (1) an environmental/biological/wildlife degree **OR** (2) a criminal justice/law enforcement degree. Having a more biological- or environmental-based degree will not ensure the end result desired by many stakeholders – that the Environmental Police will be committed to protecting the environment and fish and wildlife of Massachusetts. However, an effective interview process will help, and an effective orientation and training process will help significantly.

It is important to note that the process for hiring a new EPO and the hiring criteria required are discrete parts, but can be designed to leverage one another to get to the final objective. An **effective interview process** will serve to further select those individuals who have sufficient interest, skills, knowledge and aptitude in natural resources or environmental law enforcement. An effective interview process can be a fairly good predictor of the new recruit’s retention and commitment down the road. A modified **training experience for the new recruit can be equally important** (See Discussion in this section under New Recruit Training Model).

Data collected from focus groups, interviews and web site comments consistently revealed a common theme of EPOs needing to first provide the traditional environmental policing needs; that is, the traditional hunting, fishing, trapping and outdoor related recreation involving ATV’s and boating safety. New recruits who possess the environmental techniques and background may find it easier to become established in the cultural fit of the agency and the environmental paradigm for performing the job.

**A new recruit training model.** Whether a new recruit comes with environmental/biological knowledge when he/she’s hired or whether they get it afterwards, the bottom line is that they will need such knowledge. When a new recruit successfully makes it through the hiring process, their next step is to attend the Criminal Justice Academy and then spend approximately six weeks in an in-house fish and wildlife academy before their final field-training segment.

### Recommendation #30:

Reevaluate the exam questions and the frequency of giving the hiring exam based on input from a greater number of officers than currently obtained.


### Recommendation #31:

Hiring criteria for EPOs should require either a biological/environmental/natural resources degree or criminal justice/law enforcement degree.

### Recommendation #32:

Examine the current OLE orientation and training process and identify where new recruits’ cultural alignment with the EOEA can be strengthened before beginning the job.


**Recommendation #33:**

Consider developing work incentives for recruitment and retention of EPOs on the coast, on boats, and with the marine industry .

**Recommendation #34:**

Assess EPO professional development needs and adjust the in-service training program where needed to meet those needs.

**Recommendation #35:**

Develop professional development/career advancement opportunities for EPOs .

**Recommendation #36:**

Hold all supervisors accountable for the accurate and efficient reporting of work time and activity.

The reviewers propose a new training model for new hires. The model strengthens an important element of the hiring process, a **strong organization and mission orientation** to the training.

The new model would provide training and orientation via a sandwich approach, requiring an environmental/natural resource orientation first, then the Criminal Justice Academy training, followed by post-orientation with field-training last. The new recruits, both individually and in a group, would become acquainted with the culture, needs, heroes of the OLE and the other EOEAs departments through an up-close-and-personal orientation for several weeks. It would provide a crucial element of cultural imprinting on new recruits. They would have a mentor guide them through this orientation.

**Lack of incentives.** Among EPOs there was general agreement that coastal work is more demanding and often harder. Yet, there are no incentives for attracting and retaining officers to work as an EPO on the coast.

**Lack of professional development opportunities.** Focus groups expressed concerns that professional development opportunities/career advancement opportunities within the OLE were limited. Noteworthy is the distinction between career advancement opportunities and, simply, vacant positions. According to the state Office of Human Resources there are approximately twenty retirements forecast for the OLE within the next five years. A vacant position may or may not be perceived by an officer as an opportunity for he/she to advance, depending, among other factors, on their preparedness for advancement. Career advancement opportunities are broader, encompassing both position vacancies as well as facilitative preparation to advance such as training, job sharing, leadership development, career tracking and planning, etc.

As reported earlier in this document, the lack of salary differences between supervisors and non-supervisors is viewed by many officers as a disincentive for them to seek management or supervisory positions. Coupled with an ill-preparedness to move up, many officers may view career advancement opportunities in the OLE as bleak.

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## STEP FOUR: INCREASE ACCOUNTABILITY

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**Key Issue: Accountability**

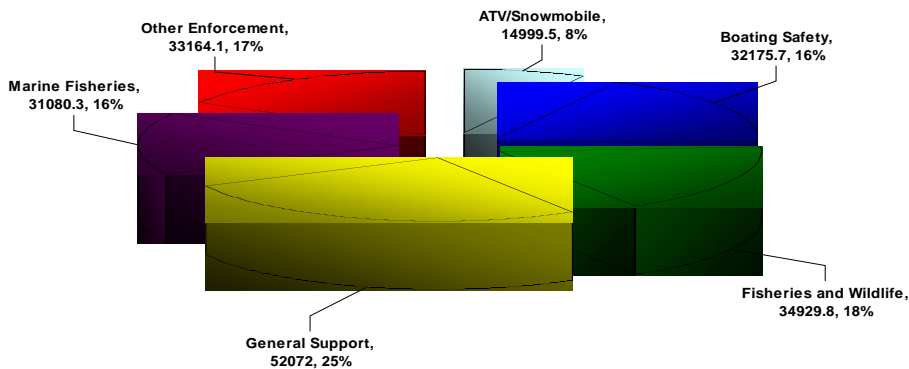
In general, there is weak accountability within the OLE. During the interviews with EPOs, when asked to comment on accountability within the OLE, seventy-two percent (72%) of the officers responded that the biggest issue is that "Leadership is either not at all or only minimally accountable to officers." There are systems and procedures in place but they are either not being used or used inconsistently at all levels throughout the OLE. While there is always some degree of interpretation and latitude within a policy, deliberate choice to not use the policies in place, or to defy or disregard them is unacceptable. In any organization, toleration of such disregard for accountability policies produces a snowball effect. Insufficient accountability becomes an even greater constraint to effectiveness..

**Time/activity accounting.** The OLE has problems with time and activity reporting, but it is essentially as much a people problem as a systems problem. The problems center around a supervisory weakness because few are being held accountable for filling out the activity reports as intended.

Some officers are very frustrated with the reporting of time and activity. For example, one officer characterized reporting as, "'creative report writing'. It doesn't accurately capture what we do." Figure 5 (next page) shows time and activity for law enforcement personnel for 2003. Time and accounting activity for 2004 was not available.

The "Other Enforcement" category includes Homeland Defense, Hazardous Waste, Forest and Park, etc. The "General Support" category includes Administration, training, dead/nuisance animal, etc. A detailed breakdown can be found on the included data CD.

**FIGURE 5. OLE ANNUAL ACTIVITY SUMMARY  
(IN HOURS): CY-2003  
(LAW ENFORCEMENT PERSONNEL ONLY)**



In order to obtain accurate time and activity accounting and reporting, the process for EPO reporting needs to be reworked. For the last two years, the officers have written their time and activity reports followed by staff who enter them into the Computer Aided Dispatch (CAD) system. In the future, once the CAD system is fully operational and all officers have computers, the EPOs will be able to directly enter their reports into the CAD system (See discussion in *Key Issue: Technology*).

The reporting codes for the various work activities of the EPOs are not adequate for the different types of work that the officers are doing and some categories are probably not necessary. When there is no appropriate category in which to code activities, officers are forced to resort to lumping various specific work activities under one, broad code. This results in an inaccurate picture of what the officers are doing while on duty. Therefore, some improvement on the reporting system would be beneficial.

For example, over half the "Other Enforcement" category is reported as Homeland Defense. Since Homeland Defense is a by-product of routine environmental enforcement work, the time might be better reported under the category that is the primary work activity and purpose.

Some law enforcement programs across the country have Forms Committees to look at their forms and reporting codes and suggest improvements where needed. For example, when the Division of Law Enforcement for the Florida Fish and Wildlife Conservation Commission looked at their more than 2,000 different activity codes, they elected to drastically simplify. Working with their biologists and others, they changed their reporting forms to track only those codes that were considered absolutely critical to know.

**Activity and time reporting accuracy is critically needed to make compelling, defensible arguments when attempting to solicit additional funding and obtain support for increased hiring.** It is also critical for managing public expectations to be able to know why officers may not always be available. It presents a significant opportunity for an electronic solution as well, facilitated by the Computer Aided Dispatch discussed in *Key Issue: Technology*.

**Discipline policy & process.** A general perception by Environmental Police Officers is that the OLE disciplinary process is ineffective. Some of the reasons given included poor process standardization, lack of statewide oversight, insufficient training and lack of

### Recommendation #37:

When prioritizing planning, develop concise time/activity accounting forms that capture only the most important information required, i.e., information that is absolutely essential to be reported on.

### Recommendation #38:

Consistently adhere to the policies and processes (covering discipline and grievances) agreed to in contract between the OLE and its Union; hold everyone accountable.

**Recommendation #39:**

Outline in policy a notification and follow-up process for the investigators to follow regarding both the employee and the person filing the complaint.

**Recommendation #40:**

Outline steps for progressive discipline in the Discipline Policy.

**Recommendation #41:**

Make sure the Internal Affairs investigators, as defined in the Policy, are clearly in place and know what to do.

**Recommendation #42:**

Provide all Internal Affairs Investigators with professional development training on conducting personnel investigations.

**Recommendation #43:**

Include under misconduct definitions in the current Internal Affairs Policy (#ADM-005), a reference to the Code of Conduct in the Unit 5 Labor Contract.

**Recommendation #44:**

Investigate and acknowledge all complaints, no matter how minor, to establish an accountability base line for allegations and handling of misconduct.

**Recommendation #45:**

Establish a tracking and filing system for all complaints filed against the OLE with one individual responsible for this system.

**Recommendation #46:**

Establish an agency tracking and filing system to document the successes of the OLE.

consistent discipline fairness. The review found that the policies and processes are in place but are not always effectively or consistently used. Accountability of supervisors to follow policies and procedures is THE KEY to the success of any effective discipline process.

Several additional suggestions may help to further strengthen the discipline policy:

1. **Improving process consistency on both the front end and back end of the discipline process is suggested. On the front end, let employees know what to expect and provide process direction to the supervisors for minor misconduct; on the back end, provide the Internal Affairs Investigators with greater detail in dealing with more serious matters.**
2. **Outline the steps for progressive discipline (Ex. Oral Reprimand, Written Reprimand, Suspension, Demotion, Dismissal) in the Discipline Policy. Since the contract does not include such steps, it may lend itself well to adding something in the Policy, as long as it complies with any direction provided in the civil service laws. This would provide better notice to employees and direction for supervisors. There also should be a reference to the hearing process in the contract before any discipline is implemented.**

**Internal Affairs Policy.** The policy regarding designation of Internal Affairs Investigators to handle serious misconduct cases must be clearly in place. The policy designates one captain from each the Coastal, Inland and Special Operations Bureaus. They need to know who they are, what they are expected to do, how they will do it, and how they will know if what they have done was effective. In addition, the captains that have been designated by policy as investigators need professional development training on how to conduct an objective, impartial and confidential personnel investigation. Essentially, there has been no training for those officers tasked with internal investigations. The OLE needs to follow the process they have in policy or start over and develop a new one to follow.

**Complaint policy and process in place.** Overall, the OLE Manual of Rules and Regulations, the Unit 5 Collective Bargaining Contract and the Internal Affairs Policy is straightforward and, if consistently and comprehensively implemented, can adequately provide employees with a strong sense of expectation when it comes to conduct.

For example, if misconduct by any employee is found, then Article 23, Arbitration of Disciplinary Action of the Unit 5 Labor Contract, cites in Section 23.2 and 23.3 that a hearing must be provided to the employee prior to any implementation of discipline. If a hearing is not provided, then the grievance process in the Union contract can be implemented by the employee. The grievance process would also be part of any disagreement over level of discipline by the administration after a hearing is provided.

The grievance process is a fact of life in all personnel matters and is common in most law enforcement organizations that have collective bargaining agreements. Using a process enabling officers to grieve allegations helps in holding everyone accountable. It also allows for compromise on the small things and arbitration on the bigger ones.

**Complaint tracking process.** The OLE, like other conservation law enforcement programs, requires an effective complaint tracking process and the designation of a specific individual who has the job responsibility to up-date information collected and to see that investigations are completed in a timely manner. This does not require a sworn officer and can be a confidential clerical position.

Important also is documenting agency successes. The same system could mirror tracking compliments extended to the officers, ensuring they receive knowledge that the good work they do is recognized.

The following policies are already in place for Environmental Police Officers and are found to be excellent for holding employees accountable:

1. **The Conduct and Activities of officers, Section 1.0 of the Massachusetts Environmental Police Manual of Rules and Regulations is very inclusive on expectations of conduct by officers. The OLE may want to identify how well and frequently it is used.**
2. **Article 21-A, Performance Evaluation, of the Unit 5 Collective Bargaining Agreement provides excellent direction for holding all levels of officers accountable for conduct, particularly when combined with Article 22 Union/Management Committee which calls for providing a good forum to sort out misunderstandings and smaller problems that occur in the field. Such a process is good business protocol.**

The most common mistake in organizations in general is the failing of supervisors to meet with their subordinates at or near the midpoint of the evaluation period to discuss just how things are going. Midpoint discussions avoid surprises at the end and give employees a chance to correct themselves. Article 22 specifically allows for a labor/management committee to discuss performance evaluation issues.

There is lack of agreement between the officers and upper management as to how well the midpoint and end-of-year performance evaluations are handled. It is important to determine to what degree this may be a problem. If performance evaluations are found to be perfunctory or inconsistent then everyone should be redirected in regard to contract Article 22.

**Performance evaluations.** Performance evaluations for management are done by the State Office of Human Resources and those for officers below management are governed by the Union. The performance evaluations are inconsistently done when done at all. For example, staff in the OLE Administration (finance, licensing, etc) have not had a performance evaluation for the last four to five years.

Over the years there have been a number of unsuccessful efforts to get a different performance evaluation form in place. One example is a form with a more adjustable format that could be used for all employees of the OLE. The composition of a performance evaluation needs to make sense. It needs to be able to help employees develop and perform better. It needs to be fair. When 75% of the officers get “exceeds” on their performance evaluations there may be a problem in either, or both, the evaluation form and/or the evaluators. A “pass/fail” type of performance evaluation may not be sufficient to help the employee identify what area and to what degree they need to improve.

Supervisors need to be trained on how to effectively conduct a performance evaluation and the importance of mid year discussions with their subordinates. Supervisors need to be held accountable for this supervisory job responsibility. In addition, the Union is believed by many to be so thoroughly enmeshed in performance evaluations that it is a constraint to asking anything that might be used to criticize an employee.

**Implementing change.** Contract and policies regarding discipline have significant relevance to *past practice* issues important to consider for a new administration attempting to make needed changes. New administration and supervisors will need to work together to establish, early on, a staunch commitment to any new changes for improvement. When officers, and especially supervisors, clearly know what things are changing, weak past practice issues will be easier to correct. Ignoring this and continuing business as usual will jeopardize the OLE.

### Key Issue: Supervision

**Lack of involvement in operations.** OLE officers in leadership positions need to become more involved with the day-to-day operations at all levels. Currently, there is limited oversight of daily field operations. Officers have insufficient direction and because of

### Recommendation #47:

Redirect utilization of Union/Management Committee in Article 22 of Unit 5 of the Collective Bargaining Agreement to increase effectiveness of continuing communication between the parties and promoting a climate of constructive employee relations.

### Recommendation #48:

The OLE Union and Management work together with the MA Office of Human Resources to develop a performance evaluation form and consistently use it for all within the OLE.

### Recommendation #49:

Use the resources provided in the contract (Section F of Article 22) that call for the Commonwealth to establish a fund of \$10,000 for training and materials for performance management.



**Recommendation #50:**

All levels of supervision need to ensure that officers are fully aware of and working on priority issues before they address any other enforcement issues.

**Recommendation #51:**

Provide all officers who are in a supervisory role with continuing professional development in effective supervision and management.

**Recommendation #52:**

Establish and clearly communicate where the first line of supervision is, then separate lieutenant supervisors in bargaining units from their field officer subordinates.

this many feel disillusioned, frustrated and demoralized as they address whatever hot issue emerges in their patrol areas. They rarely receive feedback from supervisors and there are no formal plans in place to direct their general patrol priorities. Many officers expressed to the reviewers that evaluations are often based on personal relationships and not actual performance. There has not been an all-agency business meeting of the Environmental Police Officers in five or six years. Such meetings are valuable for obtaining buy-in, providing recognition, strategizing and developing *esprit d'corps*.

Because officers do not have a framework from their supervisors to prioritize work the potential for mission creep exists. Within their local areas EPOS feel obligated to answer any complaint received from the public. They are driven by a dedication to public service and a missionary-like zeal for protecting the resource. If there were a plan in place, then the officers would have institutionalized protection to enhance their ability to remain focused on their highest priorities.

**Training needed.** Typically in any organization when employees move into supervisory or management roles without adequate training or direction, their management style is often manifested in behaviors such as disengagement with others, a coercive management style, filtering of information and/or micro-management. Focus groups identified perceptions that this is happening within the OLE.

There are some perceptions that supervisors receive no training in management. However, every person who is promoted to sergeant and all existing lieutenants, captains and above have graduated from the New England Institute of Law Enforcement Management. This training is 90 class hours that earns each graduate six credits under the auspices of the School of Executive Education at Babson College. But, to be effective over the long-term, training in management needs to be reinforced on a continuing professional development basis.

**Tightened supervision needed.** Among the officers, there are widely held perceptions that the OLE local supervisors seem to be disengaged from both their subordinates and their supervisors. How effectively information flows up and down the chain-of-command is a concern to some officers. Analysis of interviews showed seventy-eight percent (78%) indicated "fair" or "poor" flow of information **up** the chain-of-command and one hundred percent (100%) indicated "fair" or "poor" **down** the chain-of-command. Such responses indicate that improvement is warranted, but it is not a critical concern. Some believe that information is filtered and altered with the intent of controlling information. This is a typical symptom of a low trust culture. Subordinates also report they are not provided adequate direction for patrol priorities by their supervisors.

**Command structure.** Currently, lieutenants, sergeants and officers in the OLE are represented by the same collective bargaining unit (Unit 5 of the Coalition of Public Safety Union). This constitutes an organizational constraint to effectiveness for supervision where lieutenants who are primarily first line supervisors would be participating in grievance processes with subordinate officers, with all parties involved represented under the collective bargaining agreement. This current situation requires effective discipline to come from the rank of captain, again, constraining the effectiveness of the position of lieutenant.

The lumping of all supervisory personnel into the same bargaining unit with everyone else is a constraint to OLE's effectiveness that has been ignored for almost twenty years. It may be a residual organizational handicap left over from the 1985 merger. It is time now to look at the command structure and help them by addressing any systems constraints.

**Key Issue: Technology**

Innovative work began in 2000 to provide environmental law enforcement with increased efficiencies and effectiveness in data networking and reporting as well as officer safety. Full implementation is planned by 2006 requiring additional OLE budgeting in the amount of \$1,000 per officer per year. Such technological systems for communication are absolutely imperative for any law enforcement program and perhaps even more critical when the officer, such as an EPO, must often travel off the beaten track. Many law enforcement entities throughout the country are implementing similar systems.

The project, referred to as the *Law Enforcement Information System*, is a highly advanced hardware, software and secure network package. The core of the system resides in Boston but reaches out to every part of Massachusetts including its coastal and federal waters. The purpose of the system is to provide EPOs with critical information where and when they need it. EPOs collect information which is immediately available to other EPOs and Administrators.

Software for this project includes four components:

1. **Computer Aided Dispatch and Record Keeping**
2. **Geographical Information Viewing and Data Collection**
3. **Local, State, National and International Law Enforcement Look-ups**
4. **Officer Location and Asset Management**

**The computer-aided dispatch and record-keeping application (CAD)** is provided by Information Management Corporation of Grafton Massachusetts (IMC). This application allows Dispatchers to keep track of officers and deploy them to incidents throughout Massachusetts. Officers enter incident citations, investigations, arrest reports, accident reports, images, maps, etc. into the system to keep track of the individuals that he/she has contact with. It will facilitate greatly needed tracking of complaints. Images can also be entered such as photographs of seized materials or evidence. Maps can be shown of arrest sites. Officers can do their paperwork through CAD to facilitate a more efficient process of arrest reporting. Administrators can keep track of training, inventory, schedule information and use stored data for statistical purposes.

**Geographical information viewing and data collection** is comprised of two applications. First is AreaNav created for the Environmental Police by the Department of Fish & Game, GIS Division. Officers can view topographic maps, color orthographic maps, NOAA charts and a wide array of geographic features of interest such as the boundaries of state forests, hazardous waste sites, OLE office locations, public boat access sites, CAD incident locations, etc., in Massachusetts. Officers enter the locations of activities that are later used in court or for statistical analysis.


The second application is Street Atlas created by Delorme. It is used to assist the officer in getting to an incident or activity. Both applications work with the officer's hand-held GPS that is installed in his/her cruiser. It also functions in ATV's, helicopters and rescue boats by disconnecting the hand-held and taking it into the field. The officer is no longer tethered to their car.

**Law Enforcement LOOK-UPS** are obtained through a software module connected to the CAD application that *retrieves an individual's personal information* from the Criminal Justice Information System (CJIS). CJIS is managed by the Criminal History Service Board (CHSB) in Massachusetts and is the gateway to an extensive state, national and international law enforcement network. Additional information about an individual comes from databases accessed through the Internet such as the MassOutdoors Registration and Licensing system, Coast Guard documented vessel system, National Crime Insurance Bureau and other state, federal and international public sites.

Through LOOK-UPS an officer can *immediately* access registration and licensing information such as, for example, lobster permits, ATV registration, commercial fisheries licenses and permits and Coast Guard documented vessels for inspections and boardings. Other information is also available such as Massachusetts General Laws, weather forecasts, etc. Another new product/tool for officers in the field is through the WEB EOC that provides information during a large event to everybody in law enforcement as to what other officers working the event are doing; an instant messaging system.

**Vehicle/Officer Location and Asset Management** features a signal and maps showing where officers are at all times. While this feature is not included in the overall proj-

### Recommendation #53:

Increase overall EPO effectiveness and security by funding the technology project already underway for increasing officer safety, information retrieval and reporting .

With this new technology the officer will no longer be tethered to their car.

ect design, it is suggested that it be added. Such documentation would facilitate greater accountability and could serve to further justify funding to meet EPO needs. It will also feature encryption for security purposes.

**Bottom line:** To complete the above project, a one-time funding from the EOEAs Capitol Budget is required in the amount of \$455,000 for the infrastructure and hardware to get the system completed and implemented, and an additional \$190,000 annually for the telecommunications, supplies and maintenance to run the project. This project appears to be well worth the investment.

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## STEP FIVE: PUBLICIZE SUCCESSES

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### Key Issue: Public Relations

**Communication diligence.** In both the focus groups and the interviews, improving the OLE's public relations was identified as an issue as it pertains to internal and external publics. This is a delicate balancing act. It is not suggested here that the OLE set its agenda apart from the other departments and divisions of the EOEAs. The public will benefit from learning about the services the OLE provides, and all parties stand to gain from a more public understanding of the OLE function, dilemmas, and funding and staffing requirements to meet the changing realities and increasing demands/needs placed on them. Our world is a different world since 9/11. All facets of law enforcement have been impacted, environmental protection and recreational safety not withstanding. Once again, an effective partnership developed with the Secretary of the EOEAs will be crucial in this endeavor.

A continuous, concerted effort is needed to keep the legislature informed. There is a different demographic in the woods today for the EPOs than there was twenty years ago. The EPOs' outdoor work environment is no longer a stereotypical scene of the past featuring the hunter without a permit or the angler taking home too small a fish. Working in the outdoors today, along with traditional hunters and anglers, EPOs frequently encounter a diversity of recreational users such as urbanites on snowmobiles, cross-country skiers in neon parkas, gangs, corporate polluters and heavy-duty, networked criminals on land or on the water.

Internal/external public relations also includes passing media coverage about the OLE out to all EPOs, particularly in remote areas, relaying internal issues for EPO input, creating a greater sense of *esprit d'corps* while overcoming immense geography. An electronic newsletter is an inexpensive way to get the word out, if the agency has the staff to put it together. Ensuring the consistency of any OLE messages that go out to the public is a critical part of building the EPOs "brand identity", i.e., EPOs are greatly needed, highly dedicated, highly competent environmental law enforcement professionals. There was agreement between those internal and external constituents interviewed that better outreach and public relations could help the OLE to better serve its publics/constituents.

### RECOMMENDATION #54:

Explore the possibility of OLE's sharing the public outreach/public relations staff of the EOEAs.

### RECOMMENDATION #55:

Include successes and accomplishments of the OLE on the EOEAs departmental websites (see Recommendation #54).

### RECOMMENDATION #56:

Produce an Annual OLE Report (see Washington State's as an example; see Recommendation #54).

## II. INFRASTRUCTURE

### Storage

A consistent theme in both law enforcement focus groups was a lack of infrastructure to provide needed facilities for impoundments, evidence storage, lock-ups, boat slips and storage of other seizure material.

### Inventory

Following is an inventory summary of the OLE's equipment presented in the categories of Firearms, Vehicles, Trailers, Computer Equipment, Snowmobiles, ATVs and Watercraft. Detailed inventories and the available conditions of equipment are listed on the companion data CD.

<b>Firearms</b>		<b>Computer Equipment</b>	
Division Issued Handguns:	109	Flat Panel Display:	9
Division Issued Rifles:	28	Color Printers:	8
Honor Guard Rifle:	1	Color Scanners:	3
Division Issued Shotguns:	107	Digital Cameras:	88
Tranquilizer Guns:	6	Routers:	2
Dart Pistols:	2	HP Laserjet 1300 Printers:	6
<b>Total:</b>	<b>253</b>	PDA's (Palm and Pocket PC):	14
		Monitors:	63
		Multi-function FAX / Printer:	3
		Personal Navigators:	49
		Portable Printers:	1
		Printers:	20
		Computer Projectors:	4
		Sub-meter GPS:	1
		Vehicle Printers:	16
		Network Printers:	23
		Network Servers:	12
		Computer Workstations:	65
		Computers Itronix (CAD):	35
		<b>Snowmobiles:</b>	<b>25</b>
		<b>ATVs:</b>	<b>55</b>
		<b>Watercraft</b>	
		Boats under 40 feet:	63
		Boats over 40 feet: (one listed as surplus, one off-shore, one day patrol boat)	3
		Canoes:	6
		Personal Watercraft:	12
		Rafts:	1

### Vehicles

Minivans:	1
Sedans:	6
SUVs:	44
Pickup Trucks:	58
<b>Total:</b>	<b>109</b>

### Trailers

Inventory for trailers not available. Oral inventory provided by Major Roger Arduini, Sept. 04.	
Boat Trailers:	63
(Each boat, except those over 40 feet, have their own trailer.)	
ATVs:	55
(Each ATV has its own trailer with ramps)	
Snowmobiles:	25
(Each snowmobile has a tilt trailer)	
Utility Trailers:	5
(with ramps)	

### Recommendation #57:

Conduct a needs assessment among all the EPOs to determine infrastructure needs and priorities, then provide the OLE facilities to accommodate impoundments, evidence storage, lock-ups, boat slips and storage of other seizure material.

## INLAND BUREAU PROPERTY LOCATIONS

1. **Inland Bureau Head Quarters** located at: 183 Milk Street, Westboro, MA. A large residential home converted to office space, including a two-car garage. Property owned by the Office of Law Enforcement.
2. **Western Regional Head Quarters for Regions 1, 2, & 3** located at: 316 Turner's Falls Road, Montague, MA. A small eight-room residential home converted to office space, including a one-car garage for storage. Property and house owned by the Division of Fisheries and Wildlife located at the Bitzer Fish Hatchery in Montague, MA.
3. **Central South Regional Head Quarters for Regions 5 & 7** located at: 11 Hawkes Avenue, Hanson, MA. A large six-room residential home converted to office space, including a two-car garage and a large storage building. Property and buildings owned by the Division of Fisheries and Wildlife at Burrage Wildlife Management area in Hanson, MA.
4. **New Braintree Region 5 Head Quarters** located at: Site of the MA State Police Academy. A six-room residential home converted to office space with a one-car garage for storage. Property and home owned by the MA State Police.
5. **Topsfield Police Department:** A one room office for Region 6 inland. Property and building owned by the Town of Topsfield.
6. **Chicopee State Police Special Operations Unit** located at: The Westover Municipal Airport. A one-room office provided by the MA State Police for Officers in Region 2 Inland. This location has outside storage space for equipment.
7. **Greenfield Storage Facility** located at: The intersection of Rt. 91 and Rt. 2 in Greenfield, MA. Property owned by MA Highway and is used for storage including a two-car garage and a large shed used for storing boats, ATV's and trailers.

## COASTAL BUREAU PROPERTY LOCATIONS

1. **Gloucester Office for Region 1** located at: 2 State Fish Pier, Gloucester, MA. A six-room (office space), one room for storage, one classroom, 100 feet of dock space. Property owned by DCR.
2. **Scituate Office for Region 3** located at: 175 Edward Foster Road, Scituate, MA. Three rooms (office space), a 50-foot float and boat house. This is the building of Stellwagon Bank National Marine Sanctuary. (Former U.S. Coast Guard Building)
3. **Hingham Coastal Bureau Headquarters** located at: Hewitt's Cove, 349 Lincoln Street, Hingham, MA. 1 office, use of the Conference Room for training and meetings. The space is neither secure nor private and is inadequate for many types of training. Needed is private space for supervisors to meet with subordinates confidentially. Includes boat mechanic's garage and 30 feet of dock space. Use of parking lot for storage of spare law enforcement vehicles. Property owned by DCR.
4. **Ellisville (Plymouth) for Regions 4, 5 and 6** located at: 1852 State Road, Plymouth, MA. Cottage with three small rooms used for offices, one garage used to store ATVs and DCR Property. Facility is in disrepair; space inadequate. This is the South Coastal Deputy Chief's Headquarters (a captain).
5. **New Bedford State Pier for Region 4** located at: 93 State Pier, New Bedford, MA. One room/office in a building. Property managed by DCR.
6. **Fall River** located at: State Pier, Water Street, Fall River, MA. Two rooms in the state pier building. One room is used by Marine Theft. Property owned by DCR.
7. **Nantucket Island for Region 6 Sergeant** located at: Nantucket, MA. Four rooms used as housing and as an office on Nantucket Island, one-car garage. Building is leased by the U.S. Coast Guard.
8. **Martha's Vineyard for Region 5 Sergeant** located at: 50 Shirley Avenue, Oaks Bluff, MA. 1 Office. This is a Division of Marine Fisheries facility. Two DMF employees work out of this building. The OLE has a desk in one of the two rooms shared by DMF.



## III. SERVICE

Stakeholder input collected during the review and presented in this section of the report offer helpful clues regarding the areas of needed improvement in service. The following discussion is a summary of findings related to OLE service.

**Overall satisfaction with service.** One common theme found across most data collected from external stakeholders of the OLE (non EPOs) was a fairly healthy satisfaction with the services provided by the Environmental Police. An on-line survey of sixty-six (66) external OLE constituents found overwhelmingly more satisfied customers than dissatisfied ones. Sixty percent (60%) of respondents responded they were satisfied, either somewhat or extremely, with the services they received from the Environmental Police. This is in contrast to roughly twenty-three percent (23%) who indicated some level of dissatisfaction with services they received.

Most OLE constituents feel the quality of service they receive is pretty good.

Web site comments and focus group responses strongly supported this finding.

**Quality of service.** The on-line survey echoed a common theme found from the web page comments and in the focus groups, that is, most OLE constituents feel the quality of service they receive from the EPOs is pretty good. About eighty percent (80%) of respondents on the on-line survey indicated some level of satisfactory quality in the service they received from EPOs, fifty-one percent (51%) indicating the quality of service was high to extremely high. Nineteen percent (19%) indicated quality was low at some level for the services they received.

**Level of service.** Similar to the external stakeholders' perceptions of quality were the perceptions of the level of service being provided. When constituents were asked via the on-line survey to rate the level of service provided them by the EPOs, an overwhelming seventy-three (73%) responded that the level of service they received was satisfactory. Twenty-seven percent (27%) felt the level of service was low.

An interesting finding from the on-line survey was that the high number of middle-of-the road responses to both the quality and level of service questions asked via the on-line survey. Twenty-eight percent (28%) indicated service quality was "satisfactory" and thirty-six percent (36%) indicated "satisfactory" for level of service they are provided. It begs the question, "Why were there so many individuals who responded so middle-of-the-road on quality and level of service?" (1) Is it because they haven't had any direct interaction with the EPOs that would enable them to respond to this question? or (2) Is it because they haven't read or heard about achievements and successes of the OLE in quite some time? It is reasonable to speculate either (1) or (2) may be the case especially in light of the apparent understaffing within the OLE.

An apparent contradiction was found between those interviewed and those surveyed online regarding the adequacy of the OLE serving its constituency. There was strong consensus found from both the internal (64%) and external (65%) constituents interviewed face-to-face that the OLE is not adequately serving its constituents. But those surveyed online indicated a strong 73% satisfaction with the level of service they received. Those interviewed represented groups and/or organizations, departments or agencies. Those surveyed may have responded more personally, as an individual. The differences in their answers suggest a more exhaustive survey will be required in the future to conclusively answer this question.

An opportunity may exist for the OLE to significantly increase public perceptions of quality of service through much needed public relations and education outreach efforts. (See discussion under Key Issue: Public Relations).

**Future level of service.** Sixty-eight percent (68%) of the on-line survey respondents forecasted they would need an increase in environmental law enforcement services within the next several years! And of those predicting their increased need for environmental law enforcement, forty-five percent (45.5%) anticipated their increased need would be sig-



nificant!

**Professionalism.** EPOs are viewed as professional. Ninety-five percent (95%) of the on-line survey respondents rated the professionalism of the EPOs as “satisfactory” to “extremely professional”! While the on-line survey represents a relatively limited sample of constituents, there is no reason to believe that professionalism is an issue that requires improvement intervention and additional measurement. In addition, an informal survey of constituents giving testimony at the public hearing rated the professionalism of EPOs an average of “8.3” with “1” being the lowest and “10” being the highest.

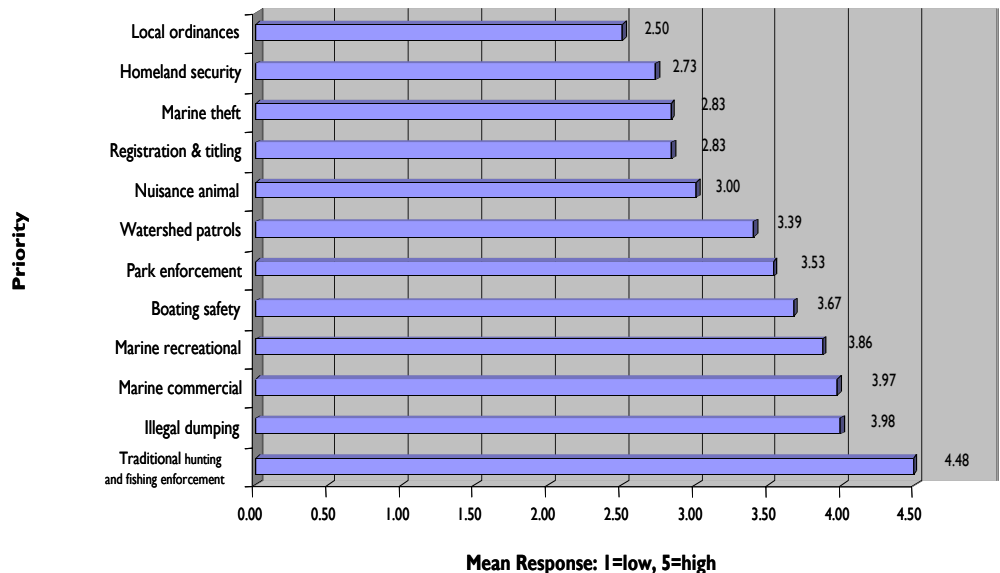
**Responsiveness.** When on-line constituents were asked “How responsive are the Environmental Police to your environmental law enforcement needs?”, seventy-six percent (76%) responded some level of satisfaction; forty-two percent (42%) responded “extremely responsive” and six percent (6%) responded “somewhat responsive”. Twenty-four percent (24%) indicated that the EPOs were unresponsive to them on some level.

**Range of service.** The greatest percentage, fifty-four percent (54%), of constituents surveyed on-line indicated that the current range of work of the Environmental Police was “somewhat” to “too broad”. This is interesting information when compared to the categories of EPO work that the same respondents were asked to prioritize. Focus groups and website comments support this finding that the EPOs are currently expected to provide too broad a range of services for the staffing currently available.

On-line survey constituents were asked to prioritize a list of environmental law enforcement services. The following graph illustrates the prioritization responses. Note that ATVs and off-road vehicles were unintentionally omitted from the survey list; however, a common theme from the website comments and the focus groups was that ATV/off-road vehicle patrols is an area of concern and increased need of EPO services.

What is presented in this report is a first blush picture of perceptions. It is recommended that the OLE engage in a broad-based, random survey of the public along with

**Figure 5. Key Priority (N=66)**



a series of focus groups with targeted stakeholders as part of the missioning process recommended in Findings and Recommendations. This would provide clearer prioritization break points between the categories of EPO services than could be ascertained in the small sample size used in this report.

**Areas of Increased Service Needed.** The review proposal called for identifying expanded services facilitating a broader mission. Findings from constituent groups did not support any significant broadening of the OLE’s mission. Four major areas of

increased service from the EPOs are indicated: **Marine patrols including boating safety and marine recreation and commercial, ATVs/off-road vehicles, Watersheds and Parks, and Support to Hunter Education Program.**

A discussion of environmental law enforcement in the parks and watershed areas can be found in the *Present Operations* section of this report.

- **Marine.** This is an area that needs to be looked at further. It needs to have a broad, public survey conducted as well as a series of focus groups with stakeholders who need EPO services related to the coast and its waters.
- **ATVs.** Off-road vehicles including dirt bikes and ATVs are reportedly an environmental problem. A common theme in the input received from web site comments for this review focused on issues related to off-road vehicles on dams and public lands, both state and federal. Risks to public safety as well as increasing damage to natural resources were cited as concerns. The New Jersey Department of Environmental Protection has experienced similar challenges to environmental law enforcement stemming from off-road vehicles. In 2003, they took a “zero tolerance” stance for dealing with illegal off-road vehicle operators who threaten public safety and natural resources.

Increased enforcement of unregistered snowmobilers of both the state registered system and the trail pass system is needed. With this enforcement some see an increase in more informed riders to the trail systems in Massachusetts, i.e., safer trails and safer riders. The Snowmobile Association of Massachusetts, for example, suggested working with the OLE to establish a statewide mandatory safety program for youth and new riders. It was also suggested to establish a snowmobile emergency response using club volunteers and their sleds for search and rescue assistance.

The OLE should pursue partnering with organized groups where feasible.

- **Hunter Education Program.** The program management of the Hunter Education Program surfaced in the data collected only as a minor issue. However, it is revisited here because it was a finding in another recent review, “A 2002 Peer Review of the Hunter Education Program”. The report of the 2002 review stated that after the historical program management of the Hunter Education Program was moved from the Division of Law Enforcement to the Division of Fisheries and Wildlife there was some natural turf stress, but they found that “*field staff of both agencies (Division of Fisheries and Wildlife and the OLE) were eager to maintain and enhance the relationship; however, it appears that middle management of the Division of Environmental Law Enforcement did not see the value of continuing the relationship*” (page 12 of the 2002 Peer Review Report of the Hunter Education Program).

Importantly, this report further stated “*the involvement of the Environmental Police in assisting in the delivery and serving as a resource to the hunter education program is essential and needs to be maintained. The leadership of the Environmental Police should understand that regardless of who manages the program, it is a golden opportunity for them to maintain positive visibility within the community, especially among sportsmen and other outdoor enthusiasts. It further provides a platform where enforcement issues can be addressed proactively, contacts can be established, and is a positive connection with the public as opposed to a punitive interaction with violators.*” (page 17 of the 2002 Peer Review Report of the Hunter Education Program).

- **Fish and Wildlife.** The area of fish and wildlife enforcement received the highest agreement among all respondents who participated in the on-line survey. It was seen as the number one service priority for environmental law enforcement.



## New Jersey

### Division of Fish and Wildlife

### Bureau of Law Enforcement

**Mission:** *“The Bureau of Law Enforcement, acting as the enforcement arm of the division, is charged with the responsibility to enforce statutes, codes and regulations relative to the protection and perpetuation of the wildlife resources of New Jersey.”*

*Active enforcement by Conservation Officers educates and redirects actions of those utilizing the resource to insure compliance within guidelines previously established through the codification of specific season, size and bag limit restrictions. Harvest regulations are designed with input from the Bureau of Law Enforcement to best manage the renewable wildlife resources of New Jersey, while providing maximum man-days of recreation to the license-buying public.*

*Responsibility to the public of New Jersey beyond law enforcement and management recommendations stems from the CO's Position as the division's most visible field representative. Through contact with thousands of citizens yearly, the CO must be depended upon to communicate the goals, policies and activities of the department and division in a positive manner, which is easily understood by the sporting, commercial and non-sporting populace concerned with resource management and protection in New Jersey.”*

#### Goals:

- Provide professional enforcement of the laws, codes and regulations that protect and regulate the wildlife resources of New Jersey; Cooperate with other agencies involved in the management and protection of the natural resources of New Jersey; Endeavor to gain public support and cooperation in the programs and objectives of the Division of Fish and Wildlife, and assist in carrying out these programs.

#### Recent or Desired Innovative Efforts:

- **Special Investigations Unit** has been one or two officers in the past, working in a covert status full-time. Presently, functioning only on a part-time basis. Hopefully, in the future it will be a larger full-time unit consisting of 4 field officers and one lieutenant.
- **Canine Unit** has been one full-time officer and one deputy in the past. This effort was voluntary and not funded. Associated costs for the dogs and their care, feeding, equipment, etc. were at the handler's expense. Bloodhounds were used for man trailing and hunting breeds were used for firearm and ammunition detection. Presently, only the deputy remains active on a very limited basis. I would like to see a handler in each region if funding and staffing levels permit in the future.
- Remove residency requirement at time of application and remove the one year experience requirement –these are two biggest constraints.
- Deputy Program— 200 volunteer deputies, train their own who carry weapons and provide enforcement for fish and wildlife only, ride-alongs with their supervisor.

#### Program Areas:

- No longer do Hunter Ed. or Boating Safety (state police), no ATVS
- No wildlife control, no deer pickups, no Homeland Security, no SAR
- **Solely do field patrol, very specialized in resource side**, some I&E Marine Police Unit within State Police

Contact Information: Mark Dobelbower, Deputy Chief, 609-292-9431.

**South Carolina**  
**Department of Natural Resources**  
**Law Enforcement Division**



**Mission:** No separate mission for law enforcement; Law enforcement uses the mission of the South Carolina Department of Natural Resources: *"The South Carolina Department of Natural Resources is the advocate of and steward for the state's natural resources."*

**Programs:**

- Victims Assistance Program – successful, valuable asset to our officers and the victims of hunting or boating accidents.
- BSAF- Boating Safety Action Force –a select team of officers provide additional boating under the influence patrols and enforcement in areas of high boating activity.
- The A.I.R. (Aquatic Investigations and Recovery) "Dive Team" – which began in the late 1970s to assist with recovery of drowning victims, now invaluable in providing related underwater investigations of boating accidents and other water related accidents and crimes.
- Joint Enforcement Agreements—with National Marine Fisheries and other Federal Agencies to provide for more unified enforcement of coastal fisheries resources along the Atlantic seaway.
- Coast Watch – modeled after Operation Game Thief, Coast Watch provides a toll free number to report resource violations in the coastal areas; it also provides for rewards for reporting violations leading to arrests – similar to other police departments and "Crime Watcher's Programs".

**Recent/Desired Innovative Efforts:**

- Grants Writer – one officer now assigned to seek and write grant proposals; reportedly working well.
- CAD – implemented computer-aided dispatch

**Goals**

- To have 5 officers in each county

**Contact Information:** Jessica Clements, 803-734-3607.



## Washington

### Department of Fish and Wildlife Enforcement Program

**Mission:** *“To serve Washington’s citizens by achieving compliance with fish and wildlife related laws, responsive public service, prompt resolution of conflicts between humans and wildlife, and by forming partnerships with public and other agencies to benefit fish and wildlife.”*

#### Recent Innovative Efforts:

- Currently pursuing full accreditation with Commission on Accreditation for Law Enforcement Agencies; recognition status in 2002.
- Merged three enforcement detachments in 2001 and one in 2002 to create a Statewide Marine Division for uniformity in enforcement priorities, coordination of patrols, and consistent policy implementation; 18 officers, one captain, four sergeants enforce all fish and wildlife laws within the 3,026 miles of Puget Sound and coastal marine waters from Canada to the Columbia River; Division fleet consists of a variety of vessels from 27-foot rigid hull inflatables to a 56-foot patrol vessel.
- Legislation in 2002 which changed enforcement program officers from the Public Employees Retirement System to the Law Enforcement and Fire Fighters Retirement System offering better benefits and a reduced minimum retirement age.
- Wireless computers and web-based applications
- Institutionalize what general law enforcement calls “community policing”, or what we refer to as Resource Oriented Enforcement. An officer in the field works within their community as a partner with local government and local constituents to solve problems at the local level. To implement will require officers in more of our communities.
- Finalize Enforcement Strategic Plan that has been developed by working closely with stakeholders and will become a budget development tool.

#### Program Areas:

- Enforcement of recreational and commercial harvest regulations
- Ensuring compliance with fish passage/diversion standards and hydroelectric project requirements
- Responding to dangerous bear and cougar complaints
- Preventing unsanitary shellfish from entering the marketplace
- Enforcing boating rules and regulations and all criminal laws
- Assessing and responding to commercial agricultural crop damage
- Ensuring legal harvest of forest products
- Providing hunter education
- Working with local communities

Contact Information: Bruce Bjork, Chief, 360-902-2936.

## Texas

### Parks and Wildlife Law Enforcement



**Mission:** No separate mission; Law Enforcement Division uses the mission of the Texas Parks and Wildlife Department: *“To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing, and outdoor recreational opportunities for the use and enjoyment of present and future generations. Our role in this mission is to provide a comprehensive statewide law enforcement program to protect Texas’ natural resources and environment and provide safe boating and recreational water safety on public waters by ensuring compliance with applicable state laws and regulations.”*

#### Recent/Desired Innovative Efforts:

- Addition of special crimes investigators using a pro-active patrol to try to catch on-going violations before the evidence of a massive fish kill is evident.
- Boat theft investigators
- Deer breeding patrols
- Standardizing safety equipment on patrol vehicles this year; upgraded mini-14 rifles to the M-16’s along border regions
- Added Homeland Security patrols and pro-actively patrol ship channels and areas of high security risk such as energy and chemical plants, dams, bridges.
- Recently requiring all vessels operating in Texas waters to be registered with the state, no longer exempting USCG documented vessels.

#### Program Areas:

- Wildlife, Fisheries, & Water Safety
- Special Operations (Environmental Crime, Covert, Boat Theft, and Wildlife Crimes)
- Game Warden Academy

#### Demographics:

- Wide range of operational parameters from the piney woods of East Texas which resembles much of the Southern U.S. to 800 miles of Gulf Coast with law enforcement jurisdiction out to nine nautical miles, high plains of the panhandle to the far west which is desert and mountains, metropolitan environment.

**Note:** All Majors have operational discretion to meet their mission within established Division policies and procedures.

**Contact Information:** Lieutenant Colonel Peter Flores, 512/389-4845.



## Florida Fish and Wildlife Conservation Commission Division of Law Enforcement

**Mission:** "To protect Florida's Natural Resources and People Through Law Enforcement."

*Motto is "Patrol, Protect, Preserve".*

### **Recent/Desired Innovative Efforts:**

- COPS Philosophy: Community Oriented Policing as focal point for reaching specific constituent groups and user groups in need of information and education; emphasizes forming partnerships and getting down to community level; included as a component in all work plans.
- Special Operations Group: SOG TEAMS, Six 14-member teams trained/prepared as first responders to natural disasters, civil disturbances, terrorist threats & other significant events requiring specialized law enforcement.

### **Program Areas -**

- Investigations – Both overt (uniform) and covert (plainclothes) investigations can target hard-core commercial violators by conducting long-term undercover investigations; unit also provides direct support to the field personnel and has primary responsibility for the investigation of serious and fatal boating and hunting accidents.
- K-9: 13 K-9 teams distributed throughout the state, specially trained in man tracking, wildlife detection and evidence recovery (no aggression training, valuable in public relations)
- Wildlife Inspections: targeting multi-million dollar captive wildlife trade and inspections of fish and wildlife shipments at Florida's ports of entry.
- Off-Shore Patrol: Four large, off-shore patrol vessels concentrating on off-shore fisheries (much work involves federal fisheries enforcement).
- Aviation: 11 helicopters and 7 airplanes, especially valuable in enforcement efforts related to illegal taking of wildlife at night, limitation or the use of nets, promoting boating safety, and search and rescue.

### **Demographics:**

- Recent overall agency merger of marine with inland; marine and inland law enforcement units housed within one office; 34,647,040 acres of land, 12,000 miles of rivers and streams, 3 million acres of lakes and ponds, 11,000 miles of canal and 8,400 miles of tidal coastline including state waters that extend 3 miles out on the Atlantic and 9 miles out in the Gulf. Law enforcement protects fish and wildlife, their habitat, including T&E, game, non-game, furbearers, 672 species of wildlife, 208 species of freshwater fish and over 500 species of saltwater fish; all manner of powered watercraft is used, most patrol vehicles are four wheel drive trucks supplemented with ATVs or swamp buggies.

### **Method used to obtain 27 new positions:**

- The FL Legislature provided 27 new positions in 2003 to be implemented over a 5-year period, funded through marina fuel tax dollars, and filling needs of boating and marine resources. FL created a matrix that factored the three highest priority statewide issues affecting marine enforcement environment re boating safety, boating related manatee mortality, and illegal net fishing. Next, FL created a list of counties having the highest occurrence of boating accidents, boating related mortality, and illegal net cases. The counties were ranked from one to ten in each of the categories and allocations based on how many categories the counties appeared in. Process guided decisions for hiring along with knowledge of the areas and anecdotal information. Since issues are fluid we agreed to make the plan flexible enough to address any new information.

**Contact Information:** Lt. Colonel Don Holway, 850-488-9924.

# RESOURCES

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1 U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, U.S. Census Bureau. 2001 National Survey of Fishing, Hunting and Wildlife-Associated Recreation.

2 Bennett, Tom (President of the International Association of Fish and Wildlife Agencies.) Keynote presentation at 2003 IAFWA Annual Meeting in Madison, Wisconsin.

3 Center for Collaborative Policy, a joint program of California State University, Sacramento and the McGeorge School of Law, University of the Pacific.

4 The 2002 PEER report on the Massachusetts Environmental Police may be found at [http://www.peer.org/publications/srvy\\_01macops.html](http://www.peer.org/publications/srvy_01macops.html). A total of 55% of EPOs responded to the survey.

5 Osborne, D. and T. Gaebler. 1992. Reinventing government. Addison-Wesley Publ. Co. Inc. NY, NY. 405pp., Page 161.

6 The Quinn Bill, Police Career Incentive Pay Program (PCIPP), 1976, state bill grants compensation on a point value for college credits earned by local and State Police.

## **MAT Review Team:**

The Management Assistance Team has three senior level project managers all of whom have extensive state fish and wildlife agency experience and skills in problem-solving, process management, and organizational change. All three are nationally recognized in their field and are experienced in conducting state fish and wildlife agency and programmatic reviews. To assist with the data collection, MAT added individuals from across the country who have expertise in the area of law enforcement.

**Dr. Sally Guynn** has a Ph.D. in organization and human resources development from Colorado State University and has been a consultant/trainer with the Management Assistance Team for almost twelve years, helping fish and wildlife agencies across the country with a myriad of agency organization development needs. Before joining the MAT, Sally was Chief of Education for five years with the Virginia Department of Game and Inland Fisheries. Sally headed the MAT team that reviewed Maine's Inland Fisheries Management Program in 2003 and a 2004 comprehensive review of the Maine Department of Inland Fisheries & Wildlife. Sally also headed the MAT team that conducted a scoping review of the Maryland Department of Natural Resources last year along with a review for the Delaware Division of Fish and Wildlife, Ommelanden Shooting and Hunter Education Range. She headed up the MAT review team of the comprehensive review of the Pennsylvania Game Commission in 2001 and in 1999. Sally has dozens of publications and is a popular speaker at national fish and wildlife meetings. Her specialty is fish and wildlife organizational culture.

**Dr. Dwight Guynn** worked for ten years as an administrative officer for the Montana Department of Fish, Wildlife and Parks, leading Montana through comprehensive agency changes. Dwight is well known for his nationally recognized work, successfully pulling together major conflicting constituency groups in Montana into a cohesive advocacy group for Montana fish and wildlife. Dwight has a Ph.D. in wildlife management and has been a senior project leader with MAT for the past seven years. He was a member of the review team for MAT's work with Maine, Maryland, Pennsylvania and Delaware. He also helped conduct the nationally recognized benchmarking work of the MAT/Virginia Tech Management Effectiveness Study that assessed 16 states in 1990.

**Jacob Faibisch** is a project manager with the Management Assistance Team, bringing a rich toolbox of skills and experience to the MAT Team mix. No stranger to state fish and wildlife agencies, Jake came to MAT after serving two years in the IAFWA Washington Office working as a liaison between states and the USGS to better address the data management needs of fish and wildlife managers. Jake's background is in wildlife biology but his career has focused on effective communication, marketing and effective use of information technology. Jake has worked on Internet and communications projects for states and other conservation organizations as a private contractor, and he worked for the Utah Division of Wildlife Resources for four years as an information and education manager in northern Utah. He was a member of the review team for MAT's work with Maine and Delaware. Jake holds a degree in wildlife biology from the University of Vermont.



**Colonel Julie Jones** is the Director of the Division of Law Enforcement for the Florida Fish and Wildlife Conservation Commission. As Director, she is responsible for a division that includes 891 employees, 735 of whom are sworn law enforcement officers, and has a budget of approximately \$73 million, making it the largest resource enforcement agency in the nation.

Julie has a master's degree in ecology from Florida Atlantic University and began her career as a biologist working on the Kissimmee River Project. The Division of Law Enforcement recruited her in 1983, and she worked her way through four of the five geographical regions and achieved the rank of Captain before being promoted to Regional Director in Lake City in 1997. As Regional Director, she worked directly for the Executive Director's office and was charged with the oversight of all of the various divisions within the region, as well as serving as a legislative liaison and agency advocate. During her tenure as Regional Director, she maintained her law enforcement standards and attended all of the training offered to the officers of the Division of Law Enforcement. On September 6, 2003, Colonel Jones was named Fish and Wildlife Officer of the Year by the Florida Wildlife Federation. Julie was part of MAT's 2004 review team for the Warden Service portion of the comprehensive review for the Maine Department of Inland Fisheries and Wildlife.

**Dr. Gary Geroy** is head of the Human Capital and Economic Development Department at Colorado State University. He has extensive experience in organizations, their management and administration. His work experience includes three years as a law and conservation officer for the Ohio Parks and Wildlife Commission in Columbus, Ohio, and four years as an employee of the U.S. Environmental Protection Agency. In addition, he has four years experience as a budget analyst for Ohio State University. Dr. Geroy assisted in the qualitative analysis of the final, structured interviews. Dr. Geroy provided qualitative analysis for data collected in MAT's reviews of Maine's Inland Fisheries Management Program, the most recent comprehensive review of the Maine Department of Inland Fisheries and Wildlife, and the MAT review of the Pennsylvania Game Commission. Dr. Geroy has developed models for this type of analysis and has a passion for improving fish and wildlife agency effectiveness.

**John Gavitt** has been working as a consultant for WildAid since November of 2000. His responsibilities have included conducting wildlife law enforcement training and/or developing in-depth enforcement assessments in Cambodia, Thailand, Ecuador, the Galapagos Islands and areas of Micronesia. He has also developed a training manual on investigations for enforcement officers in developing countries and assisted WildAid with its organizational and policy development. John began his career in wildlife law enforcement in 1973, as a Wildlife Officer with the State of Florida (USA). In 1976, he was hired as a Special Agent for the U.S. Fish and Wildlife Service, Division of Law Enforcement. His early duty stations included the Eastern Shore of Maryland and Iowa. He then joined the Division's Branch of Special Operations and worked undercover for almost five years on investigations involving illegal wildlife commercialization. In 1985, John was appointed as Agent in Charge of that elite undercover unit. He directed undercover operations until 1990 when he accepted a special appointment to the CITES Secretariat in Geneva, Switzerland. John traveled throughout the world on CITES enforcement matters until 1995 when he returned to the Fish and Wildlife Service. He directed Service law enforcement operations in Alaska until his retirement in September 2000.

**Lieutenant Colonel Don Holway** works for the Florida Fish and Wildlife Conservation Commission (FWC) in the position of Deputy Director of Law Enforcement. Don has worked in the conservation law enforcement field since July 1975 when he started as an officer with the Florida Game and Fish Commission, working in the Everglades.

He has worked in many positions through the years including: sergeant in the Inspections Bureau specializing in the enforcement of laws pertaining to captive wildlife and the commercialization of fish and wildlife; field lieutenant; field captain; field major; headquarters bureau chief; Deputy Director of Law Enforcement and interim Director of Law Enforcement. The different positions have allowed Don to gain experience from the first line supervisor's responsibilities up to the coordination of statewide law enforcement operations, including experience in training, resource allocation, budget and planning.

Don has a Bachelors degree in biology from Hartwick College, in New York State. He is a graduate of the Florida Criminal Justice Executive Institute's Senior Leadership Program and Chief's Executive Seminar. He has a law enforcement-teaching certificate from the Florida Department of Law Enforcement. Don holds a 100-ton US Coast Guard, Captains License.

During the merger that formed the FWC, Don served on several committees that steered the new agency's vision. He was the chair of the committee that selected the new agency uniforms and vehicle/vessel marking schemes. Currently Don is leading an issue team formed to formalize the community oriented police philosophy into the culture of the FWC. Current duties include oversight of south field operations, statewide investigations and inspections, and liaison for domestic security issues. Don Holway, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian Street, Tallahassee, FL 32399-1600, Tel.850-488-9924, don.holway@fwc.state.fl.us

**Juliette Wilson** is currently an information management specialist under contract to the U.S. Geological Survey where she writes web features, science articles, and research briefs, and edits everything from journal manuscripts to strategic plans. Juliette's writing and editing experience spans 27 years in both public and private settings, including her own business, Castaway Communications. She has written and edited reports, journal and other technical manuscripts, agency reviews, handbook chapters, Web features, training manuals, video scripts, press releases, and pieces for the popular press for federal and state fish and wildlife agencies. Previous employers and clients have included the National Park Service, U.S. Fish and Wildlife Service Region 3, Management Assistance Team, USDA Forest Service, National Park Service, Bureau of Land Management, Oklahoma Department of Wildlife Conservation, New Hampshire Fish and Game Department, and Wyoming Game and Fish Department. Juliette recently completed researching and writing select bird life histories for Wyoming Game & Fish Department. Juliette has two graduate degrees in education from Indiana University.

**Colonel Tim Peabody** has served the state of Maine as a law enforcement officer for over twenty years and has served as Chief of the Warden Service, consisting of 127 sworn law enforcement officers, for the Maine Department of Inland Fisheries and Wildlife for the last six years. Tim's awards are numerous. He received the Conservation Law Enforcement Award, International Association of Fish and Wildlife Agencies in 2001, the Fish and Wildlife Law Enforcement Award, Northeast Association of Conservation Law Enforcement Chiefs 1994, and the Warden Of The Year, Maine Warden Service in 1993. He is an active member of the National Association of Conservation Law Enforcement Chiefs.

Tim currently teaches law enforcement at Unity College and is actively engaged in developing for them a new comprehensive law enforcement curriculum. Tim holds a Bachelor of Science degree in Environmental Science from Unity College.

**Melissa McCormick** serves as a research associate on the MAT team. Melissa brings a wide and diverse background of skills. Her past experience as a legal assistant and her abilities in accounting and knowledge management are valuable assets to the team. Besides being the quintessential problem solver, Melissa conducts research, editing, formatting and graphics production for all of the consulting and training projects which the Management Assistance Team conducts for state fish and wildlife agencies. Melissa recently began a course of study which will earn her a Master's Degree in Organization Development and Leadership.