

1998 PEER Survey of USFWS Special Agents

Response Rate = 61.3 %

I. RESOURCES & PRIORITIES

1. Expenditures and staffing in the LE program have kept pace with the growth in other FWS programs.
0% strongly agree 0% agree 1% don't know 20% disagree 79% strongly disagree
2. Expenditures and staffing in the LE program have kept pace with the needs of wildlife protection.
0% strongly agree 0% agree 2% don't know 34% disagree 64% strongly disagree
3. The LE program is sufficiently staffed to fulfill its wildlife protection mission.
0% strongly agree 3% agree 2% don't know 24% disagree 71% strongly disagree
4. FWS investigative priorities match enforcement needs.
1% strongly agree 24% agree 10% don't know 47% disagree 18% strongly disagree
5. I feel that FWS leadership adequately supports the LE program.
0% strongly agree 10% agree 13% don't know 39% disagree 38% strongly disagree
6. Hunting groups exercise disproportionate influence over FWS leadership in setting policy and priorities.
31% strongly agree 43% agree 16% don't know 9% disagree 1% strongly disagree
7. The agency's effectiveness in conserving, protecting and enhancing fish and wildlife resources is:
3% very strong 26% strong 12% don't know 48% weak 11% very weak

II. ORGANIZATION & LEADERSHIP

8. Increasingly, FWS regional managers overseeing law enforcement operations lack field experience.
37% strongly agree 43% agree 9% don't know 10% disagree 1% strongly disagree
9. I have confidence in the leadership of law enforcement managers to whom I report.
4% strongly agree 34% agree 8% don't know 35% disagree 19% strongly disagree
10. I feel that my LE management would back me up in a "tough case."
4% strongly agree 21% agree 28% don't know 28% disagree 19% strongly disagree
11. FWS executive managers place wildlife protection over self-protection in making decisions.
0% strongly agree 6% agree 15% don't know 42% disagree 37% strongly disagree
12. Overall, I feel that the FWS law enforcement program is--
5% Improving 21% Staying the same 74% Getting worse

13. I think that the Law Enforcement Division should be removed from the FWS and instead become part of the Federal Bureau of Investigation or a separate agency unto itself.

51% yes 16% don't know 33% no

III. INFLUENCE OVER INVESTIGATIONS

14. Non-law enforcement managers overseeing investigations often inject political considerations into what should be strictly law enforcement decisions.

38% strongly agree 43% agree 9% don't know 9% disagree 1% strongly disagree

15. In my experience, law enforcement managers have, for political reasons, interfered with an investigation in order to protect a prominent individual or a powerful group.

52% yes 27% don't know 21% no

16. FWS managers have compromised ongoing investigations by contacting the target or their representatives in order to reach an agreement limiting or excusing liability.

33% yes 47% don't know 20% no

17. In my experience, the Department of Interior's Solicitors Office has put political considerations ahead of the legal merits in making decisions concerning the disposition of civil cases.

47% yes 45% don't know 8% no

IV. MORALE

18. Morale within the Law Enforcement Division is--

0% excellent 9% good 27% fair 51% poor 13% extremely poor

19. Chief Kevin Adams is providing able leadership to the Law Enforcement Division.

6% strongly agree 22% agree 40% don't know 18% disagree 14% strongly disagree

20. I fear job-related retaliation for raising concerns about the conduct of the Law Enforcement program.

19% strongly agree 42% agree 18% don't know 18% disagree 3% strongly disagree

V. THE MIGRATORY BIRD TREATY ACT (MBTA)

21. The proposed rule changes affecting the MBTA would clarify and simplify anti-baiting regulations.

0% strongly agree 3% agree 7% don't know 19% disagree 71% strongly disagree

22. The net impact of the proposed rule changes would benefit the resource (i.e., migratory game birds).

1% strongly agree 2% agree 4% don't know 12% disagree 81% strongly disagree

23. The proposed rule changes would greatly weaken anti-baiting enforcement.

73% strongly agree 18% agree 2% don't know 5% disagree 2% strongly disagree

24. The FWS proposed the regulatory rule changes in order to appease special-interest groups, rather than for legitimate resource management reasons.

73% strongly agree 19% agree 6% don't know 1% disagree 1% strongly disagree

25. The FWS sought my professional input about changes to the MBTA anti-baiting provisions.

0% strongly agree 16% agree 7% don't know 20% disagree 57% strongly disagree

26. Replacing "strict liability" with a "scienter" standard would weaken anti-baiting enforcement, protecting hunters who bait and potentially jeopardizing migratory game bird populations.

79% strongly agree 13% agree 4% don't know 3% disagree 1% strongly disagree

27. I have felt intimidated by FWS managers about writing or speaking out against proposed regulatory and legislative changes to the MBTA anti-baiting provisions.

35% strongly agree 30% agree 12% don't know 19% disagree 4% strongly disagree

Responses to question #28:

In my opinion, the biggest challenge facing FWS law enforcement is...

I. ENFORCEMENT PRIORITIES & ORGANIZATION

"Political meddling by non-LE personnel (i.e. regional) into criminal investigations."

"Developing a plan regarding law enforcement priorities. In my 21+ years none has ever been established."

"Protection of our resources is not as important as pleasing special groups. Our biologist and refuge managers are too scared to speak out. We have sold out."

"The 1990 Law Enforcement Advisory Commission said that FWS' failure to integrate LE was like flying a jetliner without a rudder."

"Smaller budgets require a smaller priority list. If we are not examining certain illegal activities that do not fall under the priority list we may be missing a lot of the illegal activity. The resource suffers."

"Keeping FWS Law Enforcement at the grass roots level. Strong but basic law enforcement needs to return to the Agency. Too much administrative BS that doesn't apply to investigations."

"Field agents are given suspensions from work for speaking out on the truth of the resource issues. Good agents are given poor performance reviews, isolated from assignments, force transferred, and other administrative sanctions are used by this current management. This division has gone from agents who believe in protecting the resource to agents protecting themselves. Law enforcement needs to be taken from the regions to a central or national supervision in its own division. Much like the USFS LE Program."

"Bringing the division together as one unit. Currently we are eight different regions administered eight different ways. We could again become the strong, productive, and influential world leader in wildlife law enforcement if we were a separate organization with a budget the American People would expect us to have!"

"The biggest challenge for the Division is to survive the external and internal pressure and maintain itself as a credible law enforcement entity into the 21st Century. Division will soon experience (next several years) the loss of a large number of experienced offices to retirement. With present budgetary constraints, low morale, etc. the outlook is pretty bleak. Too few trying to do too much with too little."

"There are too many influential hunting clubs and/or organizations putting pressure on LE issues. FWS/LE should become part of Dept. of Justice Environmental Crimes, or something to that nature. We need as strong law enforcement mentality and decision making process."

"The FWS-LE reached a high point under Chief Clark Bovin's leadership - its been on a logarithmic decline ever since."

"Being managed/supervised at the higher levels of management by non-law enforcement personnel. One challenge that should be undertaken and accomplished is for the Director to give LE 'line authority'."

"Our technological branch, computer information system has been and still is a joke and almost completely ineffective, while more and more day to day administrative duties are placed upon the agents who, instead of buying office supplies and typing — should be conducting investigations."

"What are the real priorities?"

"Effectively enforcing national and international wildlife laws with only 225 Special Agents for a country of about 250 million people."

II. PROFESSIONALISM

"The future: incompetent managers, the 'good old boys system', not speaking the truth because of retaliation, being managed by individuals who have not conducted investigations or know our laws, no money to conduct complex investigations, watching agents get promoted that have not conducted complex case work."

"Hiring and keeping good quality Special Agents who can be used to fill upcoming vacancies. Many Agents I have spoken with are dissatisfied with the rice and the way they treat their employees. These Agents are looking elsewhere to more employee friendly agencies for a better job."

"The FWS law enforcement needs to promote good leadership from it's own ranks, the current leadership is weak especially the Washington Office and Regional ARD/LEs. This agency has well qualified people that show good leadership traits, but anyone that does, is put down by the current management. All current ARD/LEs have no field experience and do not get information from their field agents, only Senior Resident Agents (SRA) ."

"Upgrading the field experience level of the Regional Managers. The so called WO experience requirement is largely to blame for FWS LE problems. Only 'climbers' and 'yes men' make decisions now. Actual experience in the field count or nothing toward leadership and direction of newer, less experienced officers."

"Re-establishing camaraderie within the Division of LE! We spend too much time complaining about funding and support and forget that we can still do great things with the budget and manpower we have."

"Insuring that the law enforcement supervisors in the Service are promoted as a result of a competitive process."

"Maintain at operating levels consistent to other LE agencies -- the level of competence to deal with complex investigations."

"Most top leaders in the LE section are not, or were not, successful field Agents. Many DARDs and ARDs in LE have never obtained a felony conviction and do not know how to function in the Federal Court System. The policy that agents must "do time" in Washington, DC before promotion to ARD severely limits the equality of Agents competing for ARD positions. Screw up -- move up."

III. LACK OF ORGANIZATIONAL SUPPORT FOR LAW ENFORCEMENT

"I love my job and the personal rewards it brings. However, I despise the agency I work for. They see no benefit of law enforcement and make no effort to seek out the benefits of law enforcement."

"Obtaining supervisors that will stand behind the field agents in tough cases. There is a very good possibility that an agent will be seriously hurt or killed because of hesitation to control a potentially life threatening situation, because all of the agents know that they would not have any support from the people that should be standing behind them. Officer safety is not as important as being politically correct."

"The overwhelming lack of support for the professional expertise and important role of FWS special agents. FWS fails to support LE consistently, but is happy to participate when the news captures one of our significant cases."

"Total lack of understanding and support from the directorate level (historically)."

"To remain relevant in the face of grossly inadequate staffing and funding, weak from non-law enforcement upper managers, a largely ineffective Washington LE Office and state fish and wildlife agencies who increasingly, do not want or need our help."

"LE Agents are considered a necessary evil."

"Increasingly, we look the other way at violations as we realize that nothing will be done by our supervisors to help us in doing our jobs in enforcing the law. It is not worth throwing away a 10-18 year

career when you do the right thing and your supervisor has you transferred for enforcing the law as it was intended due to political pressure."

"The current Regional Directorate has shown they will not support the agents when they are Right in enforcing the law. They would rather punish the agent - when the agent has done nothing wrong - than face the political pressure put on by special interest groups and tell them they must comply with the law. We no longer do law enforcement, but cater to special interest groups desires."

"The political aspect of wildlife management is getting involved in the day to day work of the Special Agent. It is increasing the danger to agents as we attempt to enforce the law, but know that if anything goes wrong - we will have no support from above."

"The agency has treated LE as the bastard stepchild for too long. The Director is pumping \$ into areas other than LE, creating bigger administrative teams (PARDS, GARDS, etc.)."

IV. WEAK SERVICE LEADERSHIP

"As an Agent told me, 'The difference between the FWS and the Boy Scouts, is that the Boy Scouts have adult leadership!' Don't ever ask me if I wrote this -- I like my job."

"Kevin Adams as Chief is a real problem. He caves in to political pressure, and sells the agents and resource out."

"Lack of good solid leadership. Leaders who are able to face the tough issues and do what's best for wildlife and habitat."

"Replacing the present weak leadership with leaders who sincerely care about our natural resources. Present leaders are politically oriented."

"Politics and politicians like D. Young, H. Chenoweth, B. Cubin and weak leadership."

"Overcoming political pressure — to permit us to enforce federal wildlife laws in a way to best allow us to protect the resource. The pressures on wildlife populations should dictate our priorities, not bureaucrats."

V. INADEQUATE FUNDING

"Over the past 30 years the Service has grown by leaps and bounds while the Div. of LE has remained the same size. 'Big cases Big problems, Little cases Little problems, No cases No problems' is the thought process of current Service administrators."

"Budgetary restrictions which fail to address attrition of experienced agents who have recently retired or will soon be retiring in large numbers."

"Lack of funding. We are starting to fall way behind partner state agencies. Their training, equipment and manpower is starting to exceed ours."

"In 20 years LE has slipped from 7% of the budget to less than 2% of the budget."

"We are facing massive retirement without replacement. In two years we will see about 150 agents in the field. Funding does not allow transfers, promotions or responses to needs."

"It's a sad situation when, 'most advanced wildlife law enforcement agency in the world' can't afford to put gas in vehicles or agents on the road."

"Funding. FWS has grown geometrically with people and money while funding for agents has gone down. Secondly, all other agents with other departments like FBI, DEA, EPA, US Customs, IRS, etc. Can go to GS-13 Senior Agents w/o supervising responsibility. We are the only agency that can't due to FWS personnel even though our cases are just as complex. We are losing agents as a result."

"The LE program is weak and lacks serious funding, field agents still borrow equipment from other agencies to follow through with investigations. LE Offices need, their own recording devices, tape recorders, video recorders, copy machines, night vision, GPS systems, undercover training, etc. FWS/LE needs management that is strictly law enforcement oriented all the way from first line supervisors to Washington, DC."

"Agents shouldn't be put on restrictions, such as, 'You can only fill your gas tank twice a month because the Region has no money'."

"Finding enough money to meet our operational needs. If we had a Branch of Special Operations with 25 Special Agents we could make a serious dent in wildlife crime."

"In short, without the people, money, equipment and interest from Congress, the United States will lose the battle to protect and save our wildlife."

VI. COMMENTS ABOUT BAITING

"I personally have watched 'sportsmen' place 500 lbs of bait in murky water, then waited submerged until I was 'accidentally' shot at, just to cite the hunter for bait that even they could not find once they had dumped it in the brackish water. In many years of migratory bird enforcement, only three times have I witnessed the placement of bait, and two of those times I feared for my life just attempting to collect a sample, from drug-dealing hunters to Congressional hunting clubs."

"The recent FWS position of regulatory changes of MBTA as being necessary and succumbing to political pressure from those bent on diminishing the long standing deterrence associated with the strict liability doctrine and the negative effect this will have on the morale of a large number of agents who have spent years, day and night assuring that this deterrence is maintained in the best interests of the migratory bird resource."

"Proposed changes to loop hole MBTA will increase the use of bait, resulting in less prosecutions and the final decimation/demise of the Wild Duck Population. If the change requires officers to prove 'guilty knowledge' this will discourage the hunter from 'seeking knowledge', thus be irresponsible."

