

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**LAW ENFORCEMENT  
SPECIAL EVALUATION**



LAW ENFORCEMENT IN THE CALIFORNIA DESERT



"Nothing in this section shall prevent the Secretary from promptly establishing a uniformed desert ranger force in the California Desert Conservation Area pursuant to section 601 of this Act for the purpose of enforcing Federal laws and regulations relating to the public lands and resources managed by him in such area." - FLPMA, 43 U.S.C. 1733 (d)

"...to provide for the public use of such lands in an orderly and reasonable manner such as through the development of campgrounds and visitor centers, and to provide for a uniformed desert ranger force." - FLPMA, 43 U.S.C. 1781(e)

"...including a program of law enforcement in accordance with applicable authorities to protect the archeological and other values of the California Desert Conservation Area and adjacent lands,..." - FLPMA, 43 U. S. C. 1781 (h)

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# LAW ENFORCEMENT SPECIAL EVALUATION

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Date: February 20, 2000

Report Title: CDD Interagency  
Review

Type of Evaluation: Special

## INTRODUCTION

During the Thanksgiving Holiday Weekend of 1999, three incidents occurred that may be indicators of significant law enforcement issues that may need to be addressed. In these instances, beer cans were thrown at officers and their vehicles. Some of the crowd were yelling, "Kill the Cops." Reports and correspondence related to the incidents have generated interest and raised questions about the safety of the officers who were involved. A letter from the President of Local 2152 of the National Federation of Federal Employees (NFFE) made the following allegations:

- Gross mismanagement by the primary managers for BLM in California and possibly Washington, DC.
- BLM employees are openly subjected to life-threatening situations.
- Basic lawless behavior occurs at certain sites in the Imperial Sand Dunes Recreation Area.
- People are out of control, and there are not enough law enforcement or emergency medical technicians to manage the situations.
- The BLM radio system in the California Desert is twenty years old and cannot handle the needs of regular traffic, much less holiday weekends.
- Law enforcement rangers do not have specialized equipment or training for crowd control.
- A long-range planning effort has never been developed, which includes the filling of law enforcement vacancies as they develop.
- A Technical Review Team is inappropriately making decisions on how Federal fee collection revenues will be expended.

The NFFE President also made a similar report to the Department of the Interior, Office of Inspector General (OIG). The OIG consequently forwarded the complaint to the BLM National Law Enforcement Office (NLEO) for review and appropriate action.

A letter received from the Federal Law Enforcement Officers Association (FLEOA) President expressed the following:

- The public lands have become unsafe for family recreation activity due to the use of drugs and alcohol, and the problems of lawlessness that occur with such use.
- Officers' requests concerning specific training, manpower, and equipment with the challenges presented to them did not receive concurrence from management.
- Management staff was not providing a debriefing of the law enforcement officers (LEOs) involved in the operation.
- The present law enforcement radio system is lacking current technology to provide for officer safety and receives interference from unauthorized radio traffic from inside Mexico.

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- BLM has ignored the knowledge and insight of LEOs and instead has relied on the guidance of managers who do not possess specific law enforcement knowledge, training or personal experience.

In response to these allegations and concerns, the BLM Director initiated this interagency review of the California Desert District (CDD) law enforcement program.

### PURPOSE

The purpose of the review is to function in a "fact-finding" manner and determine the true nature of the allegations and concerns in the form of evaluation findings and subsequent recommendations for improving the CDD law enforcement program.

### APPROACH

The approach of the review was information gathering. There appears to be a diversity of opinions and information about the incidents and law enforcement issues in the CDD. The approach was one of "fact finding" rather than one that would create the appearance of "fault finding." The information gathered was done in three distinct phases: (1) reports and background documents were collected and reviewed; (2) "listening sessions" and interviews were conducted with 13 LEOs, 5 managers, 4 recreation employees, and 3 Sheriff's Office officials; and (3) law enforcement activities and responses in the field setting during a heavy use weekend were observed. Although the primary impetus for commencing this review was the incidents at the ISDRA, a broader scope was necessary in evaluating the identified issues. The team evaluated the direct relationship of these issues to the overall CDD law enforcement program. The following issues were evaluated:

- Adequacy of law enforcement ranger staffing
- Appropriate safety equipment
- Adequacy of training
- Program leadership
- Budget and funding
- Electronic communications system
- Land management goals, objectives and planning
- Tactics and techniques

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## BACKGROUND

The importance of the CDD law enforcement program cannot be understated. The program is specifically mentioned and provided for by Federal law in the Federal Land Management and Policy Act of 1976 (FLMPA) in the following sections:

"Nothing in this section shall prevent the Secretary from promptly establishing a uniformed desert ranger force in the California Desert Conservation Area (CDCA) pursuant to section 601 of this Act for the purpose of enforcing Federal laws and regulations relating to the public lands and resources managed by him in such area." - FLPMA, 43 U.S.C. 1733 (d)

"...to provide for the public use of such lands in an orderly and reasonable manner such as through the development of campgrounds and visitor centers, and to provide for a uniformed desert ranger force." - FLPMA, 43 U.S.C. 1781(e)

"...including a program of law enforcement in accordance with applicable authorities to protect the archeological and other values of the California Desert Conservation Area and adjacent lands,..." - FLPMA, 43 U. S. C. 1781 (h)

From these sections can be derived the basic responsibilities of the California Desert law enforcement program. Those specific responsibilities are to implement a "desert ranger force" that "enforces Federal laws and regulations" to provide for "orderly and reasonable use" and to "protect the archeological and other values" in the California Desert Conservation Area (CDCA). The Thanksgiving Weekend 1999 incidents raised questions on how well the BLM may be fulfilling these important responsibilities and whether we are prepared to meet the challenges of emerging law enforcement issues.

The CDD law enforcement program started out with 17 rangers in 1978 and eventually reached a peak number of 52 rangers in 1990. Currently there are 29 delegated law enforcement rangers assigned to the CDD. The annual visitation to the public lands of the CDD was estimated to be 4,273,963 in 1999. The El Centro Field Office estimated a visitation level of 1,516,211 of that total, most of which occurred within the ISDRA. In 1999, the CDD rangers handled a total of 1,958 incidents (see Appendix 1 for a detailed report of types of offenses with action and closure data). In 1999, 918 Federal and 266 State citations were issued, and 76 arrests were made. The CDD law enforcement program is very important for successful implementation of the California Desert Conservation Area (CDCA) Plan and its subsequent activity plans. Today, the CDD law enforcement program remains the largest and busiest law enforcement unit in the BLM.

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The CDD law enforcement program is organized on the concept of law enforcement supervision by the Field Office Manager. A District Manager manages and supervises the CDD, which is divided into five different field offices. Each Field Office has a Field Office Manager who is responsible for the overall operation within their respective Field Office including supervision of the law enforcement function. Each Field Office Manager has a Chief Ranger on staff who supervises all of the law enforcement rangers on the Field Office staff. Historically, there has been a District Ranger position that was responsible for program leadership, oversight, and coordination duties related to the entire CDD law enforcement program. This was a key position in the early implementation of the CDD law enforcement program to establish a consistent "uniformed desert ranger" force and to effectively use the small force (17) in a strategic manner in implementing early off-road vehicle closures and restrictions. Examples of the strategic use of this force was the closure of the north side of highway 78 in the ISDRA and the enforcement actions related to the un-permitted "Barstow-to-Las Vegas" Motorcycle Race. The District Ranger position has been vacant for over a year. KCCCC

Historically, substantial dollars have been received that were originally appropriated by Congress for providing law enforcement services within the CDCA. Approximately \$1 million was received in 1988 in various BLM budget subactivities for adding 20 additional ranger positions. In 1990, another \$500,000 was received in the law enforcement subactivity to add ten additional ranger positions. These were added to base funding from a variety of sources to ultimately provide the peak number of 54 rangers. A declining budget picture since 1992, as would be expected, has led to a general decline in number of total BLM employees. Consequently, it seems this has also translated into a decline in the number of rangers in the CDD. It cannot be determined from the budget documents submitted exactly how much is currently expended on the CDD law enforcement program. However, a reasonable estimate would be at least \$1 million to support the salary of the 29 incumbent positions. The budget documents also reveal that \$241,000 is the planned expenditure in the law enforcement subactivity, which is substantially below the more than \$500,000 that was historically authorized.

The most current approved CDD Law Enforcement Plan is dated October 17, 1996. This 1996 plan identified a need for a total of 46 rangers, with 34 being field rangers and 12 supervisory rangers one of which is the District Ranger position. Further, the plan identifies the two main objectives of the CDD ranger program as enforcement of laws and regulations pertaining to the management, use, and protection of public lands; and maintaining the safety of public land users. The plan presents a reasonable approach to providing for a uniformed desert ranger force under current conditions. However, static budget levels, changing priorities, and transfers of incumbent rangers have led to a decline in the number of delegated rangers to 29.

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There currently are approximately 266 incumbent employees in the CDD. The 29 law enforcement rangers represent approximately 11% of this total CDD workforce. An analysis using standard OPM occupational groups of the incumbent workforce is as follows:

GS-0000, Miscellaneous -	46
GS-0200, Personnel management -	1
GS-0300, General administrative -	59
GS-0400, Biological sciences -	54
GS-0500, Budget -	6
GS-0800, Engineering -	4
GS-0900, Legal -	1
GS-1000, Information -	13
GS-1100, Business -	16
GS-1300, Physical science -	10
GS-1800, Investigation -	32 (29 delegated law enforcement rangers)
GS-2000, Supply -	1
GS-4700, General maintenance -	7
GS-5000, Animal work -	1
GS-5700, Transportation -	15

The ISDRA is one of several Off-Highway Vehicle (OHV) recreation areas located within the CDD. While visitation to the CDCA is rather widespread, the ISDRA often receives a large portion of that visitation during highly concentrated periods. On some holiday weekends, this visitation often exceeds 50,000, and on Thanksgiving Weekend 1999 it was estimated to be 100,000. In order to address the law enforcement workload that is apparent with managing such large groups of people, the Field Office resorts to requesting the assistance of BLM LEOs from other field offices to augment their incumbent staff and they have a reimbursable agreement for obtaining assistance from the Imperial County Sheriff's Office. As an example, on Thanksgiving Weekend, the El Centro Field Office law enforcement staff of 5 rangers was augmented by 25 LEOs from other BLM Field Offices. These LEOs appear to have done an admirable job at meeting the objectives of their operational plan for the weekend. The weekend operation resulted in 584 citations and 36 arrests.

The team observed BLM operations on Presidents' Day Weekend 2000. On that weekend, at least 40 law enforcement officers were present, including 4 Imperial County Sheriff's Deputies. There were approximately 35,000 visitors; 400 citations were issued; and 15 arrests made.

The team was informed that typical use levels at the ISDRA for non-holiday weekends are often as high as 10,000 visitors. The team was also informed of significant visitation levels at other high-use areas throughout the CDD.



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**OVERVIEW OF MAJOR FINDINGS**

**SUMMARY OF ALLEGATIONS FINDINGS:**

**NFFE LETTER:**

Gross mismanagement by the primary managers for BLM in California and possibly Washington, DC. The review team did not find this to be true. Due to static budget levels and changing priorities, California managers had to use discretion in determining where to place available funding. This is a normal managerial responsibility. Unfortunately, this resulted in not being able to fill law enforcement ranger vacancies and law enforcement vehicles being surplus out of the CDD vehicle fleet. Washington, DC managers would not normally be involved in such decisions.

BLM employees are openly subjected to life-threatening situations. The review team found this to be somewhat true. Life-threatening situations are more or less expected to occur when LEOs go about their duties. In fact, this is recognized in the physical demands paragraph of LEO position descriptions, and the arduous nature of these assignments are further recognized through coverage under the special law enforcement retirement provisions. LEOs are issued certain equipment and weapons and trained in their use in order to defend themselves and others. The review team observed LEOs in action dealing with threatening situations to themselves, and observed them rendering assistance to other BLM employees and the public in defending against threats to personal safety.

Basic lawless behavior occurs at certain sites in the Imperial Sand Dunes Recreation Area. The review team found this to be true. The review team obtained information from LEOs, managers, other BLM employees, and members of the public that all indicated that lawless behavior has been occurring. It appears that a certain lawless element has begun to appear within the last 2 to 3 years. Further, that this lawless behavior is being committed by groups and individuals not associated with the traditional off-road vehicle recreation visitors. However, it is clear that the BLM is not ignoring this problem, the El Centro Field Office has initiated actions that are aimed at confronting this lawlessness in order to maintain a more safe environment for the legitimate recreational pursuits in the ISDRA. The BLM has widespread support from interest groups, constituencies, and the general public for these law enforcement actions.

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People are out of control, and there is not enough law enforcement or emergency medical technicians to manage the situations. The review team did not find this to be true during the President's holiday weekend. The management discretionary decisions mentioned above began to be made about 2 years ago, which coincides with the rise in lawless behavior. The unfortunate decline in the number of available law enforcement rangers within the CDD has led to an inadequate number to deal with such intensive activity. CDD managers and LEOs have done much to make up for this shortage. The review team observed over 36 BLM LEOs from every State but Alaska and Wyoming present to work assignments at the ISDRA on President's weekend. In addition, there were at least 3 or 4 Imperial County Sheriff's deputies present and one Border Patrol Agent. Further, there was an adequate force of visitor services personnel to respond to requests for medical aid. However, the borrowing of LEOs from other BLM Field Offices places a tremendous drain of law enforcement resources on the affected field offices. For example, the 36 LEOs represent 18% of the entire BLM law enforcement workforce, all working in one place at the same time. Despite this temporary solution, the CDD will still need to restore their law enforcement workforce to basic capabilities, as well as explore additional partnerships with other responsible agencies.

The BLM radio system in the California Desert is twenty years old and cannot handle the needs of regular traffic, much less holiday weekends. The review team found this to be true. The information gathered from field employees was virtually unanimous in their plea for a BLM-owned and BLM-operated radio system and a dispatch service that is responsive to their needs. In addition, team members observed and experienced difficulties in radio communications. Some innovation has taken place with links to the Riverside County Sheriff's Office for handling law enforcement traffic at ISDRA. However, this should be viewed as a stop-gap method to deal with an immediate need. Also, other BLM employees (non-law enforcement) are not authorized to use those law enforcement frequencies.

Law enforcement rangers do not have specialized equipment or training for crowd control. The review team found this to be somewhat true. However, law enforcement rangers in Barstow had been issued police-style helmets a few years ago when confronted by "rave parties" and other crowd situations. It appears that diminishing funds available for law enforcement operations has been the limiting factor in the purchase of such items. All LEOs did have chemical agents in the form of "pepper spray" available for their use as well as the BLM authorized impact weapons. However, LEOs did not have individually-issued riot batons and gas masks. Crowd control training has not occurred, but is planned for the 2000 National in-service training.

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A long-range planning effort has never been developed, which includes the filling of law enforcement vacancies as they develop. The use of the word "never" renders this statement to be untrue. The CDD completed a law enforcement plan in 1996 that calls for the staffing of 46 law enforcement rangers district-wide. However, there are only about 29 incumbent law enforcement rangers fully delegated with law enforcement authority. There are approximately 3 entry-level rangers awaiting training and 4 more awaiting background investigation clearance. Also, an NLEO initiative is planned for recruiting an additional 5 rangers by June 2000. All of these efforts would bring the total to 41. The law enforcement plan does need to be updated, especially in light of the emerging unruly behavior workload. A higher priority should be placed on filling law enforcement ranger vacancies in the future as well.

A Technical Review Team (TRT) is inappropriately making decisions on how Federal fee collection revenues will be expended. The review team did not find this to be true. Information gathered from managers, resource specialists and a member of the TRT indicates that the TRT functions only as an advisory body. In fact, the TRT has advised the BLM that there is strong support among ISDRA recreation visitors to expend fee collection dollars on law enforcement operations; and management, on several occasions, has done so. Once such recommendations are made, BLM management is responsible for the final decision.

**FLEOA LETTER:**

The public lands have become unsafe for family recreation activity due to the use of drugs and alcohol, and the problems of lawlessness that occur with such use. The review team found this to be true. In fact, this was supported by information provided by several members of the public and observed by the review team. However, as pointed out above, this situation is not being ignored by the BLM and several positive steps have taken place to combat such lawless behavior.

Officers' requests concerning specific training, manpower, and equipment with the challenges presented to them did not receive concurrence from management. The review team did not find that there was any deliberate indifference to requests from CDD LEOs for training, manpower, or equipment. As pointed out above, some equipment has been acquired and some specialized training is planned. Funding and staffing of ISDRA on President's weekend also indicates a willingness to solve manpower requests in the short term. The review team learned of other planned actions for the future, such as the Imperial County Sheriff's proposal for an interagency coalition, to solve the long-term needs.

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Management staff was not providing a debriefing of the LEOs involved in the operation. If this is in reference to the Critical Incident Debriefing (CID) requirement of BLM Law Enforcement General Order 13, then this is somewhat true. The review team determined that such a debriefing did not take place. The "near riot" situations of Thanksgiving Weekend 1999 most likely meet the requirements for mandatory CID under GO 13 IV. C. 5. Also, any involved employee can request a CID. It was not known to the team if any employee requested a CID.

The present law enforcement radio system is lacking current technology to provide for officer safety and receives interference from unauthorized radio traffic from inside Mexico. As pointed out above, the review team found this to be true.

BLM has ignored the knowledge and insight of LEOs and instead has relied on the guidance of managers who do not possess specific law enforcement knowledge, training or personal experience. The review team did not find that there was any deliberate indifference to the knowledge and insight offered by CDD LEOs to management. Rather, many circumstances appear to have contributed to a decline in CDD law enforcement capabilities. CDD managers appear to be actively working on solutions to several law enforcement issues. However, LEOs continue to experience frustration over losses to the law enforcement workforce, the surplus of vehicles from the law enforcement fleet, and the dysfunction and disrepair of the BLM-owned radio system.

## GENERAL IMPRESSIONS

The review team found that the CDD law enforcement program is in decline. This decline appeared to be occurring for a variety of reasons. The BLM budgetary method of funding law enforcement ranger operations out of many different subactivities appears to be part of the problem. Funding that was once specifically appropriated to support the CDD law enforcement program has been reallocated to other purposes directly related to the individual benefitting subactivities. This shift has occurred in response to changing management priorities and emerging non-law enforcement workloads in other areas, as well as static budget levels. It seems to have led to long-term vacancies in the law enforcement ranger positions. Further, vehicles previously acquired for law enforcement purposes have subsequently been diverted to non-law enforcement purposes as a cost-saving measure. Also, the absence of an incumbent District Ranger has led to a lack of coordination, consistency, and support to the CDD law enforcement program at the district level. However, much is being done to overcome these circumstances and restore the CDD law enforcement program. For example, see the *Management Perspective of the Imperial Sand Dunes*. (Appendix 2).