



## The Maryland Legislative Sportsmen's Caucus

*The Sportsmen's Best Friend in Annapolis*

### Maryland's Conservation Law Enforcement Dilemma

#### PERSPECTIVE

March 12, 2009

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No longer are the dark clouds approaching... the storm is upon us. Did we heed the forecast is no longer the question. How we find shelter and safeguard against its fury demand our attention. This is a metaphor about Maryland's prevailing conservation law enforcement dilemma. Declining law enforcement personnel, lack of state-of-the-art surveillance tools and a seemingly apathetic judiciary represent the 100-year storm that has engulfed Maryland. What do we do about it? The Maryland Legislative Sportsmen's Caucus – the bi-partisan voice for sportsmen within the General Assembly – has heard the plea from the sportsmen of Maryland. The Caucus responds by advancing this perspective in order to stimulate a full-scale policy response, culminating in a call upon the Maryland Legislative Sportsmen's Foundation to host a Conservation Law Enforcement Summit in Fall 2009.

Our resolve will be tested; our response will be our legacy. As America's "First" conservationists and a powerful economic engine, it is incumbent upon sportsmen to right the conservation wrong that threatens everything we hold true.

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THE FOCUS OF THIS PERSPECTIVE IS 3-FOLD:

**Declining Law Enforcement Work Force**  
**Lack of Enforcement Tools**  
**A Purported Complacent Judiciary**

#### **DECLINING CONSERVATION LAW ENFORCEMENT WORK FORCE**

Symptomatic of the conservation law enforcement dilemma facing us is the introduction of Senate Bill 765 during the 2009 Session of the Maryland General Assembly. Honored with the prestigious *2007 Sportsmen's Best Friend of the Year* by the Maryland Legislative Sportsmen's Foundation and Caucus Member, Senator Roy Dyson is the sponsor. The bill proposes to address Maryland's declining conservation law enforcement workforce by ensuring "the authorized number of natural resources police officer positions may not be reduced below 480."

The following excerpt from the bill's Preamble delineates its intent:

***“WHEREAS, The number of authorized law enforcement positions within the Natural Resources Police Force has been reduced to a level that prevents the Natural Resources Police Force from effectively discharging the responsibilities mandated by the General Assembly.”***

The Caucus realizes the State lacks the funds to ensure a natural resources police force of 480; but, strongly believes we must proceed in this direction with due regards to the dictates of fiscal practicality, meaning this is a most worthy goal.

Consequences for failure to bolster Maryland’s conservation law enforcement work force? Look no further than today’s front page headlines decrying fish poaching, resulting in federal intervention. The Caucus is not assigning blame...but, noting reality as we see it today and calling for a bold, aggressive strategy for tomorrow.

From another standpoint, consider the investments made to date in the Chesapeake Bay recovery efforts. Hundreds of millions of taxpayer dollars have been spent and are projected to be spent – via the *Chesapeake 2000 Agreement*, the *2007 Forest Conservation Initiative*, the *Governor’s Commission on Climate Change*, etc. – to mitigate the impact of a failing watershed caused by an ever-increasing, pollutant population. The perceived natural resource beneficiary of this historic investment is a healthy, productive and sustainable ecosystem like no other in North America...to us anyway.

What can we say to those outside the Chesapeake Bay watershed, who financially help underwrite our water quality initiatives, and future generations of Marylanders when – on our watch – we idly witnessed the pillage and decline of our coveted natural resources? It is our duty to reward the law abiding citizenry by prosecuting those who violate the public trust through unbridled poaching of the very resources we are desperately trying to protect. Absent deterrents – the eyes of the law and a punitive court system – how can anyone realistically expect a behavioral transformation?

## **LACK OF ENFORCEMENT TOOLS**

Of particular outrage to the sportsmen’s community of Maryland has been the recent grounding of the airborne law enforcement services of the Natural Resources Police. Citing reduced revenues and economy of scale savings, the Executive Branch of Maryland State Government issued a MEMORANDUM OF UNDERSTANDING between the Department of State Police and the Department of Natural Resources/Natural Resources Police on February 18, 2009. The intent of this MOU is to coordinate airborne law enforcement services, among other things, through a combined use of the State’s 11 twin engine helicopters, based at eight locations across the State.

Only time will tell whether or not the envisioned MOU strategy will prove effective in combating fisheries and wildlife violations. However, the sportsmen’s community is not optimistic and believes conflicting uses of these 11 twin engine helicopters – primarily medical transport related – will render a well-intended airborne law enforcement strategy ineffective and to the detriment of our natural resources laws. Again, the Caucus is not agreeing with this assertion, but is merely citing herein.

Moreover, the Caucus is not promoting a multi-million dollar investment in new helicopters and fixed-winged aircraft to apprehend violators of Maryland’s conservation laws; but, the Caucus does believe that accountability – consistent with and responsive to the intent of the MOU – must be ensured through legislative oversight. Specifically, the Caucus recommends that annual reporting by both law enforcement agencies on the effectiveness of this combined airborne law enforcement strategy be made. Ideally, the budget committees could direct such legislative oversight through the Budget Bill.

The Caucus also recognizes the Natural Resources Police are in dire need of new and upgraded state-of-the-art equipment – independent of airborne surveillance – to fulfill its statutory mission. It is important for everyone to realize that Maryland has over 3,000 miles of shoreline and its forests encompass 2.6 million acres, equivalent to 44% of Maryland’s total land base. In the simplest of terms, if we can put a man on the moon, surely we can equip our conservation law enforcement personnel with the gear they need to catch the bad guys.

Noteworthy is the January 21, 2009 Report from the Task Force on Fishery Management (created by Chapter 217, Acts of 2007) per the section entitled, *Enforcement of Fisheries Laws*. The following findings/recommendations were noted this day before the Senate Education, Health and Environmental Affairs Committee and the House Environmental Matters Committee:

- The Natural Resources Police (NRP) are understaffed at almost half the recommended positions;
- Set a minimum threshold of Law Enforcement Officer positions at 400, with a target of 435 positions;
- Adjust boating fees to provide the needed funding for NRP equipment;
- Improve prosecution of natural resources violations, with special training for judges and prosecutors; and
- Provide more training for NRP officers in fisheries laws and regulations.

Clearly a keener understanding of the dilemma faced by our conservation law enforcement personnel manifests itself whenever observed by outside parties. The Caucus commends the work of the Task Force on Fishery Management.

### **A PURPORTED COMPLACENT JUDICIARY**

Reports are common within the sportsmen’s community the court system is lenient on violators of Maryland’s conservation laws. Whether or not this is attributable to existing statutory penalties, insufficient evidence or nature of the allegation itself is unknown. And, the Caucus does not want to appear critical of Maryland’s court system. However, the Caucus does feel it has an obligation to share the sportsmen’s concerns with the officials in all 3 branches of Maryland State Government.

The Caucus respectfully asks the Attorney General and others within the Judicial Branch of Maryland State Government to be sensitive to the concerns of Maryland sportsmen when it comes to violations of our natural resources laws. For all the reasons noted herein – and more – the Caucus is most hopeful that such future allegations about court rulings can be mitigated through alternative strategies inclusive of increased penalties or sentencing guidelines. In short, the penalty for violating Maryland’s coveted conservation laws cannot be viewed by perpetrators as less onerous than the profits to be realized by poaching.

IN THE FINAL ANALYSIS, the Caucus stands prepared to work with the Governor, its colleagues within the Maryland General Assembly and representatives of the Judicial Branch of government and others, in developing strategies for (1) bolstering conservation law enforcement’s presence afield; (2) securing state-of-the art technological equipment for surveillance purposes; (3) monitoring the success of the February 18, 2009 Memorandum of Understanding between the Department of State Police and the Natural Resources Police pursuant to airborne law enforcement services; and (4) affording the Judiciary requisite statutory tools necessary to impose proven-deterrent punishment in order to help reduce crimes against nature...crimes against the “public trust” bestowed by the Magna Carta.

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The Maryland Legislative Sportsmen’s Caucus calls upon the Maryland Legislative Sportsmen’s Foundation – its non-profit, non-partisan affiliate organization -- to hold a Conservation Law Enforcement Summit in the Fall of 2009. Participants will include representatives from all three branches of Maryland State Government, the sportsmen’s community and the environmental community of Maryland. The intent will be to fully air the concerns expressed herein for purposes of developing policy-related strategies for consideration by the Governor and 2010 Maryland General Assembly.

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