

# ADVANCING A CONSERVATION LAW ENFORCEMENT STRATEGY FOR THE 21<sup>ST</sup> CENTURY

“Wildlife cannot speak for itself...so we must and we will.”

President Theodore Roosevelt

Sportsmen can no longer tolerate a Wild West mentality when it comes to enforcement of Maryland’s conservation laws – laws designed to protect our coveted fisheries and wildlife from the over-consumptive malice of a seemingly insular few. These non-conservation-minded sportsmen need a wake-up call...and that call, *The Conservation Law Enforcement Act of 2010*. This Act, among other things, declares a zero tolerance for violations of our conservation laws. Maryland lawmakers will be asked to give this statutory proposal serious consideration during the 2010 Session – an Act consistent with the conservation spirit of America’s premiere conservationist, President Theodore Roosevelt, and one intended to provide law enforcement with the proper laws and resources necessary to fulfill their statutory mandate.

This stage was set on March 17, 2009 when the Co-Chairs of the bi-partisan Maryland Legislative Sportsmen’s Caucus (Senator John Astle and Delegate Wendell Beitzel) issued an OPEN LETTER TO THE SPORTSMEN’S COMMUNITY OF MARYLAND (accompanied by a “Perspective” prepared by the non-partisan Maryland Legislative Foundation entitled, *Maryland’s Conservation Law Enforcement Dilemma: Perspective – see below*) which concluded as follows:

“As America’s ‘First’ conservationists and a group which contributes in excess of one billion dollars annually to Maryland’s economy, sportsmen represent the first line of defense when it comes to upholding and underwriting our natural resources laws. They are intolerant to those who deliberately and willfully violate the very laws they helped persuade lawmakers to enact. As President Theodore Roosevelt once said, “Wildlife cannot speak for itself...so we must and we will.” Please share with us any related thoughts, ideas and suggestions as we move forward together to develop a 21<sup>st</sup> Century Conservation Law Enforcement Strategy worthy of national emulation.”

## **MARYLAND’S CONSERVATION LAW ENFORCEMENT DILEMMA: PERSPECTIVE**

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 was expressed in 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 was the sponsor. The bill proposed 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 failed 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 currently lacks sufficient funds to ensure a natural resources police force of 480; but, believes the State should proceed in this direction with due regards to the dictates of fiscal practicality, meaning this is a most worthy goal and fiscal compliance may take time.

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 seen today and calling for a responsive strategy.

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* – 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.

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 annual 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. How can the public expect the NRP – with statewide statutory police powers equivalent to the Maryland State Police – to patrol such a vast inland/waterway area, meet its Homeland Security responsibilities and assist other State/local law enforcement personnel when basic resources are unavailable to them? It's a scary thought.

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: (1) the Natural Resources Police (NRP) are understaffed at almost half the recommended positions; (2) set a minimum threshold of Law Enforcement Officer positions at 400, with a target of 435 positions; (3) adjust boating fees to provide the needed funding for NRP equipment; and (4) improve prosecution of natural resources violations, with special training for judges and prosecutors, inclusive of a responsive judicial framework amongst the counties

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.

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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 Maryland's sportsmen, in developing strategies for (1) bolstering conservation law enforcement's presence afield and on the waterways; (2) securing state-of-the art technological equipment for surveillance purposes, inclusive of replacing its aging vehicular and watercraft fleet; (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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On December 5, 2009 the envisioned Conservation Law Enforcement Summit was held. Emanating from the Summit is the ***Conservation Law Enforcement Act of 2010***. This Act represents a defining moment in Maryland's history. Will lawmakers agree with Theodore Roosevelt by enacting the bill?

*Maryland FOP Lodge 8 is one of four Lodges serving the law enforcement officers of the Maryland Department of Natural Resources ([www.mdfo8.com](http://www.mdfo8.com)). Md. Lodge 8 represents our Southern region, which encompasses Calvert, St. Mary's, Charles, Anne Arundel and Prince George's Counties (Mike Dyson, President). William R. Miles, author.*