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## Transferring Enforcement of Fish, Boat, and Game Laws to a Single Executive Branch Agency

A Feasibility Study  
Conducted Pursuant to  
House Resolution 222 of 2003

March 2004

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# Report Summary

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## Background

In adopting House Resolution No. 222 of 2003 (HR 222), the House of Representatives noted that the Commonwealth currently employs various types of officers with overlapping jurisdictions to enforce state laws pertaining to wildlife and natural resources. These include Wildlife Conservation Officers in the Pennsylvania Game Commission (PGC), Waterways Conservation Officers in the Fish and Boat Commission (PFBC), and Department of Conservation and Natural Resources (DCNR) Rangers who patrol the State Parks and State Forests.

As of early 2004, Pennsylvania had a force of 284 full-time staff involved in the enforcement of state laws, rules, and regulations pertaining to fishing, boating, game, and wildlife matters and State Park and State Forest Operations.<sup>1</sup> This number included 135 Game Commission Wildlife Conservation Officers, 80 Fish and Boat Commission Waterways Conservation Officers, and 69 DCNR Rangers. The efforts of these full-time officers are supplemented by 206 seasonal wage Rangers in DCNR and a combined volunteer deputy force of 765 within the PGC and PFBC. We estimate that in FY 2002-03, the combined expenditures of these three agencies for conservation law enforcement approximated \$28.0 million.

Because these groups of officers have overlapping jurisdiction and enforcement authority, HR 222 directs the Legislative Budget and Finance Committee (LB&FC) to study the feasibility of transferring the conservation law enforcement functions of the PGC and PFBC to a new Bureau of Law Enforcement in the DCNR or another state agency. Among the questions posed by the resolution is how such a transfer would affect the budgets of the involved agencies and the General Fund.

## Study Conclusions

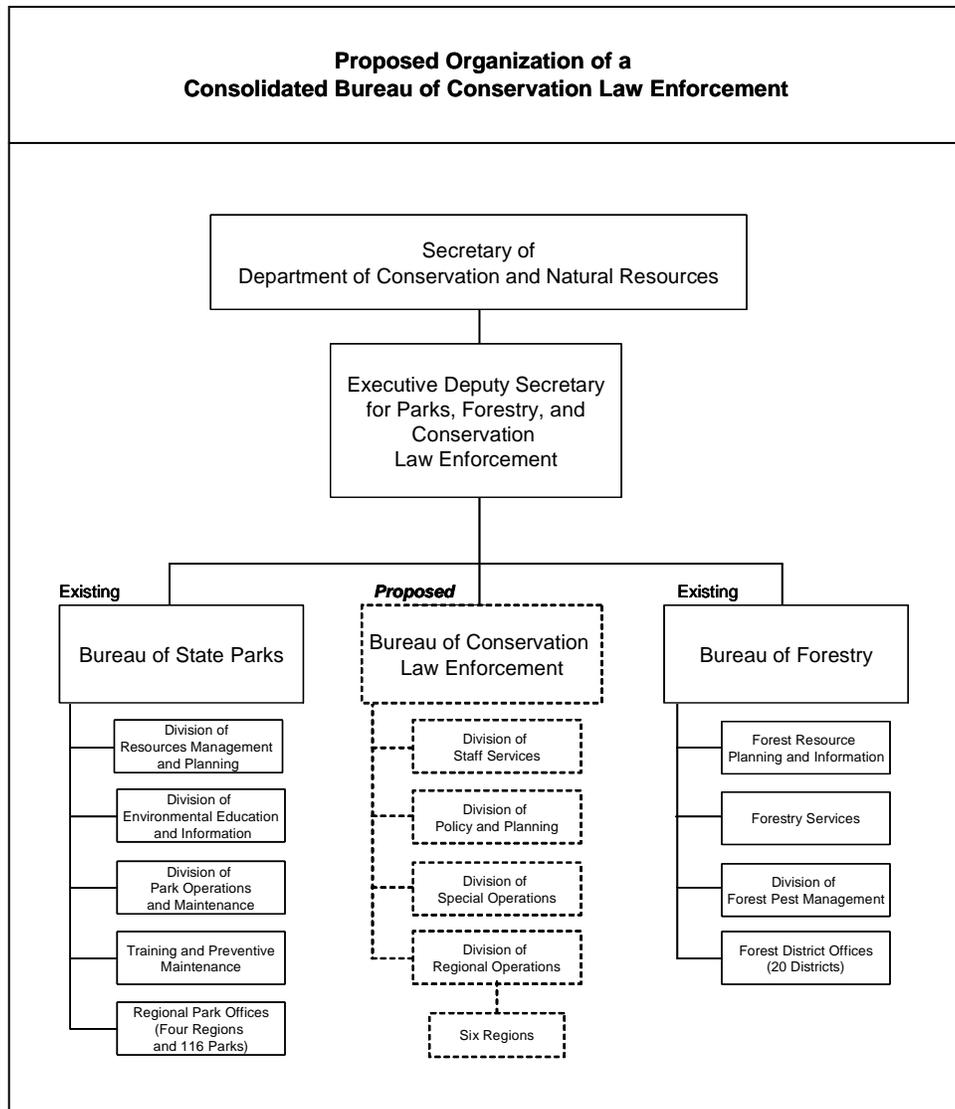
We conclude that the consolidation of the conservation law enforcement personnel and functions as currently performed by the PGC, the PFBC, and DCNR into a single conservation law enforcement unit is feasible and could potentially enhance field coverage through improved officer deployment. However, such a consolidation would be more costly—we estimate approximately \$5.8 million more—than under the existing structure, primarily because we did not consider it feasible to continue the Commissions' deputy programs in a new DCNR bureau. While we considered the possible placement of these functions in the Pennsylvania State Police or Department of Environmental Protection, DCNR appears to be the agency in which

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<sup>1</sup>As used in this report, the term “conservation law enforcement” refers collectively to state law enforcement activities related to enforcing the provisions of the Game and Wildlife Code, the Fish and Boat Code, and state laws, rules, and regulations pertaining to State Parks and State Forests.

conservation law enforcement duties would most appropriately be placed if such a change were to occur.

The transfer of fish, boat, and game and wildlife law enforcement duties to DCNR would require the creation of a new bureau and regional office structure and the establishment of a new “conservation law enforcement officer (CO)” job classification. We believe a newly created Bureau of Conservation Law Enforcement in DCNR would be most appropriately placed under the executive deputate currently responsible for State Parks and State Forests. This deputate presently houses the Bureau of State Parks and the Bureau of Forestry and the DCNR Rangers assigned to those bureaus. The new Bureau of Conservation Law Enforcement would be organizationally housed both at DCNR headquarters and at six regional offices. The new bureau would be structured into four divisions as shown below.



As stated in the Department’s mission statement, DCNR is the “state’s lead conservation and outdoor recreation agency and advocate for the wise management of natural resources on both public and private lands.” The addition of responsibility for enforcing fish, game, wildlife, and waterways laws and regulations would be consistent with this mission.

Although DCNR does not currently have a strong law enforcement orientation or a designated law enforcement bureau, it does employ Rangers who have a patrol and enforcement function at the State Parks and State Forests. This provides a base upon which an expanded conservation law enforcement unit could be built.

The assignment of such functions to a DCNR-type agency is common among the states. Fish, game, and boat law enforcement responsibilities are organizationally assigned to departments of natural resources or departments of conservation and recreation in 27 other states. In the remaining 22 states, fish and wildlife functions are carried out within an independent department or commission. In all but two of these states, conservation law enforcement is conducted within the fish and wildlife department or commission. In these two states, Alaska and Oregon, conservation law enforcement is the responsibility of the state police.

In order to operate a new consolidated Bureau of Conservation Law Enforcement and maintain field coverage levels currently in effect in the PGC, PFBC, and DCNR, we estimate that the new bureau would require a total staff complement of 565, including 465 full-time salaried positions and 100 seasonal wage employees. As shown below, a bureau headquarters located in Harrisburg would have an initial staff complement of 22, and a total of 543 positions (443 full-time and 100 seasonal positions) would be assigned to the six regions.

<b>Staff Size of the Proposed DCNR Bureau of Conservation Law Enforcement</b>	
<u>Staff Complement</u>	<u>Estimated Number</u>
Bureau Headquarters Staff .....	22
Conservation Officers – Permanent.....	390
Conservation Officers – Seasonal.....	100
Conservation Officer Supervisors .....	47
Regional Support Staff .....	<u>6</u>
Bureau Total.....	565

This newly created bureau would be staffed by present PGC and PFBC Bureau of Law Enforcement staff as well as staff from DCNR, and if needed, new employee hires. The complement would include (1) all 135 PGC Wildlife Conservation Officers and the 80 PFBC Waterways Conservation Officers would become “Conservation Officers” assigned to the new Bureau of Conservation Law Enforcement, plus

47 supervisory and administrative staff, and (2) all 275 Rangers currently on the DCNR complement (69 full-time and 206 part-time seasonal positions). However, in the new Bureau, 106 of the Rangers who are employed on a part-time seasonal basis would be converted to full-time status to compensate for the absence of a deputy officer force in the new bureau. Thus, the number of DCNR officers going to the new Bureau would be 175 full-time salaried and 100 seasonal wage, plus 27 supervisory and administrative staff.

While all COs who would patrol the State Game Lands, Waterways, and State Forests would primarily be engaged in law enforcement functions, the COs assigned to the State Parks would have to play a somewhat different role. The Rangers who work in State Parks currently spend relatively little time actively engaged in law enforcement activities; their role is primarily to ensure park visitors have a safe and enjoyable experience while in the park. Under the structure envisioned in this report, while State Park Rangers would have greater law enforcement responsibilities than they presently have (e.g., they would be expected to fully enforce all fish, boat, game, wildlife, and forest and park laws and regulations), they would also need to retain many aspects of their current public relations functions. To avoid confusion about their role and responsibilities, a written memorandum of understanding would need to be developed between the new Bureau of Conservation Law Enforcement and the Bureau of State Parks to enumerate and clarify these expectations.

We estimate that the first year costs to operate a new consolidated Bureau of Conservation Law Enforcement in DCNR would be approximately \$33.8 million. The cost estimate for the new Bureau of Conservation Law Enforcement in DCNR is summarized below:

<b>Estimated Annual Cost to Operate a Consolidated Bureau of Conservation Law Enforcement in DCNR</b>	
	<u>Estimated Costs</u>
<u>Personnel Costs:</u>	
Conservation Officers (Full-Time and Part-Time).....	\$23,683,885
Conservation Officer Supervisors.....	3,706,970
Bureau Headquarters and Regional Support Staff.....	1,735,619
Estimated Costs of Personnel Administrative Services .....	<u>142,764</u>
Subtotal – Personnel Costs.....	\$29,269,238
<u>Operating Costs</u> (e.g., recertification training, office operating costs, and uniform allowances):	
Subtotal – Operating Costs .....	\$ 2,289,629
<u>Fixed Assets</u> (e.g., maintenance expenses and annualized vehicle and boat replacement costs):	
Subtotal – Fixed Assets.....	<u>\$ 2,207,282</u>
Estimated Bureau Total .....	<b>\$33,766,149</b>

The creation of a consolidated Bureau of Conservation Law Enforcement would require a number of statutory, regulatory, and administrative actions. Steps would also need to be taken to address issues of funding, cross-training of staff, and inter-agency communication and coordination. The report addresses each of these topics.

The issue of funding the new agency is of particular significance. HR 222 requested an estimate of how much revenue the PGC and PFBC would save under this structure and how the budgets of the two Commissions as well as the General Fund would be affected by a consolidation.

The answer to these questions depends on the method that would be chosen to fund the new bureau. Under one possible funding scenario, the full costs of operating the new Bureau of Conservation Law Enforcement would be paid through the DCNR's General Fund appropriation. This appears to be at least the implied intent of HR 222. By asking "how much revenue the PGC and the PFBC would save if a consolidated Bureau of Law Enforcement were created under DCNR," the language in HR 222 suggests that Game, Fish, and Boat Fund monies would not be used to fund the new bureau. Such an approach would recognize that the new conservation law enforcement bureau would be contributing to the protection and conservation of the Commonwealth's natural resources for all Pennsylvania citizens, functions for which the use of general state revenues could be justified.

We estimate that if the law enforcement functions of the PGC and the PFBC were absorbed by the General Fund, it would reduce the PGC's costs by approximately \$10.1 million annually and lower PFBC costs by approximately \$7.3 million annually. (These reductions are itemized in the table on the next page.)

Under a second option, the costs of operating the new bureau could be split between the General Fund and the PGC's and PFBC's special funds on a designated basis, e.g., 60 percent from the General Fund, 20 percent from the Game Fund, and 20 percent from the Fish and Boat Funds.

Another possible option would be similar to the approach adopted when the Pennsylvania State Police assumed responsibility for liquor law enforcement from the Pennsylvania Liquor Control Board. While the PSP assumed responsibility for enforcing liquor laws, funding to do so continued to come from the State Stores Fund. Using a similar approach for a new Bureau of Conservation Law Enforcement in DCNR, funding would continue to come from the Game Fund and the Fish and Boat Funds along with a calculated portion from the General Fund to account for that portion of bureau operations related to State Parks and State Forests.

The report also suggests that fines and penalties derived from conservation law enforcement be earmarked for the new Bureau of Conservation Law Enforcement (which, however, would reduce revenue to the PGC and PFBC) and discusses the possible use of a special additional sales tax on hunting, fishing, and wildlife-watching equipment. A similar tax is imposed in Virginia to help defray the costs of conservation law enforcement.

<b>Estimated Cost Reductions That Could Potentially Be Realized by the PGC and PFBC</b> (Under Option 1—Full Funding From General Fund) <sup>a</sup>		
	<b>Annual Cost Reductions</b>	
	<b><u>PGC</u></b>	<b><u>PFBC</u></b>
<b><u>Personnel Costs:</u></b>		
Salaries and Benefits of WCOs .....	\$ 5,444,267	\$ 3,984,866
Salaries and Benefits of Bureau Staff .....	876,826	295,978
Salaries and Benefits of Regional Staff .....	391,524	1,247,843
Deputy WCO Stipends .....	1,120,000	378,820
Reduction in Personnel Administrative Costs .....	<u>71,382</u>	<u>71,382</u>
Subtotal Personnel Cost Reductions .....	\$ 7,903,999	\$ 5,978,888
<b><u>Operating Costs:</u></b>		
Uniform Allowance .....	\$ 112,800	\$ 76,000
Office Operating Costs .....	359,550	242,250
Recertification Training .....	<u>695,204</u>	<u>114,000</u>
Subtotal Operating Cost Reductions .....	\$ 1,167,554	\$ 432,250
<b><u>Fixed Assets:</u></b>		
Vehicle Maintenance Expenses .....	\$ 255,350	\$ 172,044
Vehicle Annualized Replacement Costs .....	459,634	309,683
Boat, ATV, Snowmobile Maintenance Expenses .....	5,700	60,000
Boat, ATV, Snowmobile Annualized Replacement Costs .....	0	250,000
Radio System Annual Maintenance .....	<u>300,000</u>	<u>50,000</u>
Subtotal Fixed Asset Cost Reductions .....	<u>\$ 1,020,684</u>	<u>\$ 841,727</u>
Total Annual Cost Reductions <sup>b</sup> .....	\$10,092,237	\$7,252,865
<p><sup>a</sup>The figures listed are estimates of the amounts by which PGC and PFBC annual costs could potentially be reduced if the law enforcement functions currently performed by the two agencies are transferred to DCNR and the General Fund assumes full funding responsibility for the new law enforcement bureau. The line items listed are those that could be identified and quantified at the time of this study.</p> <p><sup>b</sup>The total annual cost reductions would be offset by a loss of income from fines and penalties if such revenue is also transferred to DCNR as is discussed in Section V. Based on the five-year average for the period FY 1998-99 through FY 2002-03, the PGC received \$1,323,212 in fines and penalty income, and the PFBC received \$570,786 from fines and penalties. If these revenues are transferred to DCNR, the net effect of the law enforcement transfer on the Game Fund would be a reduction of \$8,769,025; the net reduction for the Fish and Boat Funds would be \$6,682,079.</p>		



# **I. Introduction**

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House Resolution 222 (HR 222), adopted on June 4, 2003, by a vote of 195-0, directs the Legislative Budget and Finance Committee (LB&FC) to study the feasibility of transferring the law enforcement functions of both the Pennsylvania Game Commission (PGC) and the Pennsylvania Fish and Boat Commission (PFBC) to a new Bureau of Law Enforcement within the Department of Conservation and Natural Resources (DCNR) or another department of state government.

## **Study Objectives**

1. To examine the existing structure and staffing of the law enforcement functions of the PGC, the PFBC, and DCNR; and, to assess the feasibility of transferring the PGC and PFBC functions to a consolidated wildlife/conservation law enforcement bureau in DCNR or another state agency.
2. To determine the potential costs and overall financial impacts of consolidating all PGC and PFBC law enforcement functions under one directorate in the DCNR or another state agency.
3. To develop a hypothetical model(s) for a consolidated law enforcement bureau in DCNR or another state agency, including a proposed regional structure and an assessment of the necessary number, training, and deployment of state wildlife/conservation law enforcement officers.
4. To analyze issues of communication and coordination in a consolidated wildlife/conservation law enforcement structure, including the relationship between a new consolidated DCNR bureau or another state agency and the PGC and PFBC.

## **Methodology**

This study focused on the concept of consolidating the existing law enforcement functions and staff of the PGC, the PFBC, and the DCNR into a single Bureau of Conservation Law Enforcement within DCNR or another state agency. As directed by HR 222, the study included consideration of agencies other than DCNR into which conservation law enforcement functions could be consolidated. The other agencies we considered were the Department of Environmental Protection (DEP) and the Pennsylvania State Police (PSP).

Although it is conceivable that conservation law enforcement functions could be performed out of either DEP or the PSP, we identified a number of factors that point to DCNR as the most logical placement choice if a decision is made to remove these duties from the PGC and PFBC. These factors and the reasons for focusing this study on placement of a conservation law enforcement model in DCNR are discussed in Section III.

HR 222 poses a series of questions pertaining to the establishment of a single conservation law enforcement bureau. To answer these questions, we examined law enforcement personnel information, job descriptions, salary and benefit schedules, and financial and operating data from all three agencies: PGC, PFBC, and DCNR. We also considered the operation of the deputy programs in both the PGC and the PFBC and what role deputies might play if law enforcement would be removed from the two Commissions.

Wherever possible, we used law enforcement data and analysis (e.g., “time and activity” reports) developed in conjunction with the LB&FC’s recent House Resolution 15 (HR 15) study, in which we conducted an update on the feasibility of merging the PGC and PFBC into a single commission. Our report pursuant to HR 15 was released in November 2003 and contained a detailed analysis of both PGC and PFBC law enforcement work hours. We also conducted meetings and interviews with various officials and staff at both the Harrisburg Headquarters Offices and various field locations to discuss the powers, duties, functions, and responsibilities of the Wildlife Conservation Officers (PGC WCO), the Waterways Conservation Officers (PFBC WCO), and the DCNR Rangers. This included visits to State Parks and State Forest Offices as well as meetings with officials of the DCNR Bureau of State Parks and Bureau of Forestry. These meetings and visits supplemented the tours of the PGC and PFBC headquarters, training facilities, and regional offices that we conducted during 2003 for purposes of our work related to HR 15.

To determine the potential fiscal impact of a consolidation of conservation law enforcement functions, we structured and estimated the first-year operating costs of a new Bureau of Conservation Law Enforcement that would be created in DCNR. In this process, we estimated the potential financial impact of such a consolidation on the Game Fund, the Fish Fund, and the Boat Fund. The extent to which costs to these funds would be reduced varies based on the option chosen to fund the consolidated bureau. The funding analysis also considered the disposition of revenues from fines and penalties imposed for conservation law violations and the possibility of generating a new funding stream for conservation law enforcement through the addition of a state sales tax on hunting, fishing, and wildlife-watching equipment.

The study also included consideration of various statutory and other actions that would be required to carry out a consolidation of conservation law enforcement

functions and associated impacts in areas such as office space, vehicles, training, information technology services, logos, and radio communications. The study also took into account the organizational placement and structures used to enforce conservation laws in other states. To a large degree, information of this type was drawn from Volume II of the Committee's HR 15 merger study report.

We provided a copy of this study report in confidential draft form to the PGC, PFBC, and DCNR for review and comment prior to its public release. The responses submitted by the PGC and PFBC are included in Appendix F in this report. DCNR did not submit written comments in response to the report.

### **Acknowledgements**

LB&FC staff gratefully acknowledges the excellent cooperation and assistance provided by officials and staff of the PGC, the PFBC, and DCNR during this study. We thank PGC Executive Director Vernon R. Ross and Deputy Executive Director Michael W. Schmit; PFBC Executive Director Dr. Douglas J. Austen; former PFBC Deputy Executive Director Dennis T. Guise; and DCNR Secretary Michael DiBerardinis and Deputy Secretary for Parks and Forestry John Plonski for supporting the completion of this study. We also recognize and acknowledge the assistance provided by the many other officials, bureau directors, regional directors, park and forest managers, and other staff of the PGC, the PFBC, and DCNR who participated in this study.

### **Important Note**

*This report was developed by Legislative Budget and Finance Committee staff. The release of this report should not be construed as an indication that the Committee or its individual members necessarily concur with the report's findings and recommendations.*

*Any questions or comments regarding the contents of this report should be directed to Philip R. Durgin, Executive Director, Legislative Budget and Finance Committee, P.O. Box 8737, Harrisburg, Pennsylvania 17105-8737.*

## II. Background Information on Conservation Law Enforcement in Pennsylvania

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As used in this report, the term “conservation law enforcement” refers collectively to state law enforcement activities related to enforcing the provisions of the Game and Wildlife Code, the Fish and Boat Code, and state laws, rules, and regulations pertaining to State Parks and State Forests. The enforcement of environmental laws and regulations is not included in this definition. This section provides background information on the conservation law enforcement function in the PGC, PFBC, and DCNR.

### Pennsylvania Game Commission

The PGC is generally empowered at 34 Pa. C.S.A. §322 “to protect, propagate, manage and preserve the game or wildlife of the Commonwealth and to enforce, by proper actions and proceedings, the laws of this Commonwealth relating thereto.” The Department is granted a broad ability to take all actions necessary to enforce the game laws and can appoint enforcement officers as well as deputies to do so. Deputies possess (except as provided) the same rights and powers given to Game Commission officers.

**General Law Enforcement Powers.** Specifically, the Game and Wildlife Code gives WCOs the following powers and duties:

- Enforce all laws of the Commonwealth relating to game or wildlife.
- Arrest any person who has violated any of the provisions of this title while in pursuit of that person immediately following the violation.
- Stop and inspect or search, at any time the WCO is acting within the scope of his employment, any means of transportation within the Commonwealth.
- Inspect and examine or search, at any time or place the WCO is acting within the scope of his employment, any person or means of transportation or its attachment or occupants, or any clothing worn by any person, or any bag, clothing or container.
- Inspect and examine or search, at any time the WCO is acting within the scope of his employment, any camp, tent, cabin, trailer.
- Secure and execute all warrants and search warrants for violations of this title.
- Conduct consensual searches.
- Seize and take possession of all game or wildlife or parts of game or wildlife which have been taken, caught, killed, had or held in possession, and seize all firearms, shooting or hunting paraphernalia, vehicles, boats,

conveyances, traps, dogs, decoys, automotive equipment, records, papers, permits, licenses and all contraband or any unlawful device, implement or other appliance used in violation of any of the laws relating to game or wildlife.

- Go upon any land or water outside of buildings, posted or otherwise, in the performance of the officer's duty.

**Related Enforcement Powers.** In addition to the above general law enforcement powers, the PGC WCOs have authority to do the following in support of their law enforcement powers:

- Serve subpoenas issued under the provisions of this title.
- Carry firearms or other weapons, concealed or otherwise, in the performance of the officer's duties.
- Administer any oaths required by the provisions of this title.
- Operate or move any vehicle, permanently or temporarily equipped with a type of flashing or rotating red light or lights or audible device or both.
- Demand and secure assistance when the officer deems it necessary.
- Demand and secure identification from any person.

**Agency-Specific Powers.** In addition to the general enforcement powers set forth above, the PGC WCOs have several powers and duties specific to its role as a game enforcement agency. These are:

- Purchase and resell game or wildlife, or any part thereof, for securing evidence.
- Enforce all the laws of the Commonwealth and regulations promulgated thereunder relating to fish, boats, parks and forestry and other environmental matters, under the direction of those agencies charged with the administration of these laws.

**Crimes Code and DUI-Specific Powers and Duties.** No DUI-specific powers are granted; however, when acting within the scope of the officer's employment, he/she may pursue, apprehend, or arrest any individual suspected of violating any provision of Title 18 (relating to crimes and offenses) or any other offense classified as a misdemeanor or felony.

**Reciprocal Powers.** 71 P.S. §766 states that "It shall be the duty of every game-protector, deputy game-protector, or special deputy game-protector, commissioned in the Commonwealth, to enforce all the laws relating to fish, game, and forestry under the direction of that department or commission into whose special care the interests of these several subjects have been entrusted."

As of June 30, 2003, the PGC Bureau of Law Enforcement had a staff complement of 160 including 135 Wildlife Conservation Officers (WCOs). WCOs, while assigned to one of the six PGC Regional Offices, work out of their homes. Table 1 provides a breakdown of the law enforcement staff of PGC at the time of this study.

Table 1

<b>PGC Law Enforcement Staffing</b>	
(As of June 30, 2003)	
<u>Office</u>	<u>Number of Employees</u>
Bureau of Law Enforcement:	
Bureau Director's Office.....	3
Special Operations Division.....	5
Enforcement Division.....	2
Administration Division.....	3
Support Services Division.....	2
Technical Services Division.....	2
Communications Division.....	<u>2</u>
Total Bureau of Law Enforcement.....	19
Field Staff:	
Northeast Region:	
WCO.....	25
WCO Supervisor.....	1
Southeast Region:	
WCO.....	24
WCO Supervisor.....	1
Northcentral Region:	
WCO.....	24
WCO Supervisor.....	1
Southcentral Region:	
WCO.....	20
WCO Supervisor.....	1
Northwest Region:	
WCO.....	22
WCO Supervisor.....	1
Southwest Region:	
WCO.....	20
WCO Supervisor.....	<u>1</u>
Total Field Staff.....	<u>141</u>
Total Law Enforcement Staff at PGC.....	160

Source: Developed by LB&FC staff using information obtained from PGC personnel complement reports.

The Commission supplements its WCO resources with volunteer deputy law enforcement officers.<sup>1</sup> Deputies have essentially the same powers and duties as Wildlife Conservation Officers. PGC deputies do not, however, have authority to

<sup>1</sup>While the deputy position is considered to be voluntary, both the PFBC and the PGC pay deputies a stipend of \$65 a day to help them offset their expenses.

issue citations under the Pennsylvania Crimes Code. In addition to law enforcement duties, deputies carry out public relations and other functions. These include, but are not limited to, collecting and preserving evidence, testifying in court, stocking fish and game, dead animal removal, landowner contacts, public speaking engagements, and safety programs. At the time of this study, the PGC had 540 Deputy Wildlife Conservation Officers.

During FY 2002-03, the PGC's Bureau of Law Enforcement expended a total of \$13.4 million, about 20 percent of the PGC's total budget.

## **Pennsylvania Fish and Boat Commission**

At 30 Pa. C.S.A. §321, the PFBC is generally given the authority to administer and enforce the Fish and Boat Code and other laws of this Commonwealth relating to: (1) the encouragement, promotion and development of the fishery interests; (2) the protection, propagation, and distribution of fish; (3) the management of boating and the operation of boats; and (4) the encouragement, promotion, and development of recreational boating. The Department is granted the authority to appoint Waterways Conservation Officers (WCOs) as well as Deputy WCOs. Powers and duties of WCOs are subject to any limitations the Executive Director may prescribe. The Department may authorize Deputy WCOs to exercise the same duties and powers as WCOs except they cannot be given the WCOs' Title 18 power (regarding enforcement of the Crimes Code).

**General Law Enforcement Powers.** Specifically, the PFBC Waterways Conservation Officers have the following powers and duties pursuant to Section 901 of the Fish and Boat Code:

- Enforce all laws of the Commonwealth relating to fish and watercraft.
- Arrest with or without warrant any person violating this title.
- Stop vehicles or boats and search or inspect, where probable cause exists that a violation of this title has occurred, any boat, basket, conveyance, vehicle, fish-box, bag, coat, boot, or other receptacle, when enforcing this title.
- Stop and board any boat subject to this title for the purpose of inspection for compliance with Part III (relating to boats and boating) and the rules and regulations promulgated thereunder.
- Enter upon any land or water in the performance of their duties.
- Seize and take possession of any and all fish which may have been caught, taken, or killed at any time, in any manner or for any purpose, or had in possession or under control, or have been shipped or about to be shipped contrary to the laws of the Commonwealth.

- Seize all rods, reels, nets or other fishing devices of any description, fishing or boating paraphernalia, bait, boats, or any unlawful device, implement, or appliance used in violation of this title.
- Execute all warrants and search warrants for violations of this title.

**Related Enforcement Powers.** In addition to the above general law enforcement powers, the PFBC WCOs have authority to do the following in support of their law enforcement powers:

- Serve subpoenas issued for the examination, investigation, and trial of all offenses under this title.
- Carry firearms or other weapons in the performance of their duties.
- Operate a Commonwealth-owned and marked vehicle, permanently or temporarily equipped with a type of flashing or rotating red light or lights or audible device, or both, upon any street or highway within the Commonwealth when performing duties within the scope of employment.
- Demand and secure proper assistance in case of emergency.
- Request a person apprehended or stopped for any offense under this title to produce positive identification or to require such person to write his or her name in the presence of the officer in order to show identity.

**Agency-Specific Powers.** In addition to the general enforcement powers set forth above, the WCOs have several powers and duties specific to the PFBC's role as a fish and boat enforcement agency. These are:

- Purchase fish for securing evidence.
- When in the performance of their duties, take fish and operate watercraft or vehicles in manners necessary to carry out enforcement duties, subject to such limitations as the executive director may prescribe.

**Crimes Code and DUI-Specific Powers and Duties.** PFBC WCOs may have the following powers and duties in relation to DUI-related activities and enforcement of the PA Crimes Code:

- Arrange for the administration of chemical tests of breath, blood, or urine to persons operating or in actual physical control of watercraft for the purpose of determining the alcoholic content of blood or the presence of a controlled substance under section 5125 (relating to chemical testing to determine amount of alcohol or controlled substance), by qualified personnel of a state or local police department, qualified waterways patrolmen, or qualified personnel.
- A waterways patrolman may administer chemical tests if he is qualified and the Executive Director designates him to do so.

- When acting within the scope of their employment, to pursue, apprehend or arrest any individual suspected of violating any provision of Title 18 (relating to crimes and offenses) or any other offense classified as a misdemeanor or felony.

**Reciprocal Powers.** 71 P.S. §766 states that “It shall be the duty of every fish-warden or deputy fish-warden, commissioned in this Commonwealth, to enforce all the laws relating to game, fish, and forestry . . . under the direction of that department or commission into whose special care the interests of these several subjects have been entrusted.”

As of June 30, 2003, the PFBC’s Bureau of Law Enforcement had a staff complement of 101, including 80 WCOs. WCOs are assigned to one of six PFBC Regional Offices but work out of their homes. Table 2 provides a breakdown of the law enforcement staff at the time of this study.

The PFBC also supplements its WCO resources with volunteer deputy law enforcement officers. Deputies have essentially the same powers and duties as Waterways Conservation Officers, except they cannot issue citations under the Pennsylvania Crimes Code. However, they may issue citations for summary violations in accordance with the PA Rules of Criminal Procedure. At the time of this study, the PFBC had a total of 225 Deputy Waterways Conservation Officers.

During FY 2002-03, the PFBC’s Bureau of Law Enforcement expended a total of \$8.5 million, or about 23 percent of the PFBC’s total budget.

## **Department of Conservation and Natural Resources**

The DCNR enabling law generally speaks separately about state parks and state forests and sets forth powers and duties specifically and separately regarding each. Specifically, the Department has the authority “To supervise, maintain, improve, regulate, police and preserve all parks belonging to the Commonwealth [and] . . . [t]o protect state forests and timber lands.” The law envisions the employment of forest rangers as well as the appointment and commissioning of state park rangers.<sup>2</sup> While there is no specific reference to the appointment of deputy personnel, such appears implicit in the Department’s power to appoint and commission enforcement personnel.

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<sup>2</sup>While the pertinent laws speak separately of Forest Rangers and Park Rangers, in 1999 DCNR took action to combine these positions into one job classification called “DCNR Ranger.”

Table 2

**PFBC Law Enforcement Staffing**

(As of June 30, 2003)

<u>Office</u>	<u>Number of Employees</u>
Bureau of Law Enforcement:	
Bureau Director's Office.....	3
Assistant Director (acting as Legislative Liaison) .....	1
Assistant Director.....	1
Training Coordinator .....	1
Total Bureau of Law Enforcement .....	6
Field Staff:	
Northeast Region:	
WCO .....	12
WCO Assistant Supervisor .....	1
WCO Supervisor .....	1
Southeast Region:	
WCO .....	16
WCO Assistant Supervisor .....	2
WCO Supervisor .....	1
Northcentral Region:	
WCO .....	12
WCO Assistant Supervisor .....	1
WCO Supervisor .....	1
Southcentral Region:	
WCO .....	12
WCO Assistant Supervisor .....	1
WCO Supervisor .....	1
Northwest Region:	
WCO .....	13
WCO Assistant Supervisor .....	2
WCO Supervisor .....	1
Southwest Region:	
WCO .....	15
WCO Assistant Supervisor .....	2
WCO Supervisor .....	1
Total Field Staff.....	<u>95</u>
Total Law Enforcement Staff at PFBC.....	101

Source: Developed by LB&FC staff using information obtained from PFBC personnel complement reports.

**General Law Enforcement Powers.** Specifically, the DCNR Forest Rangers and Park Rangers are given the following powers and duties:

71 P.S. §1340.303(a)(7) (Park Rangers)

- To have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class.
- To have all the powers and prerogatives conferred by law upon constables of the Commonwealth.

- To preserve order in the state parks.
- To make arrests without warrant for all violations of the law which they may witness and to serve and execute warrants issued by the proper authorities. However, in cases of offenses for violation of any of the provisions of 75 Pa.C.S. (relating to vehicles), the power to make arrests without warrant shall be limited to cases where the offense is designated a felony or a misdemeanor or in cases causing or contributing to an accident resulting in injury or death to any person.

71 P.S. §1340.302(c) (Forest Rangers)

- The powers conferred in this subsection upon forest officers shall extend only to the case of offenses committed upon the state forests and lands adjacent thereto.
- To arrest on view, without first procuring a warrant therefore, persons detected by them in the act of trespassing upon any forest or timber land within the Commonwealth, under such circumstances as to warrant the reasonable suspicion that such person or persons have committed, are committing or are about to commit any offense or offenses against any of the laws now enacted or hereafter to be enacted for the protection of forests and timber lands.
- The officers shall likewise be vested with similar powers of arrest in the case of offenses against the laws or rules and regulations enacted or established, or to be enacted or established, for the protection of the state forests or for the protection of the fish and game contained therein.
- The officers shall further be empowered and it shall be their duty immediately upon any such arrest to take and convey the offender or offenders before a justice of the peace or other magistrate having jurisdiction, for hearing and trial or other due process of law.

***Related Enforcement Powers.*** In addition to the above general law enforcement powers, DCNR Rangers have authority to do the following in support of their law enforcement powers:

- To serve subpoenas issued for any examination, investigation or trial under any law of the Commonwealth.
- None other are specified; however, it should be noted that Rangers are given all powers and duties as are given to police in first class cities and to constables.

***Agency-Specific Powers.*** Unlike PGC and PFBC, the DCNR Rangers do not have any law enforcement powers and duties unique to the agency's role as a conservation and natural resources regulatory entity.

**Crimes Code and DUI- Specific Powers and Duties.** None specified.

**Reciprocal Powers.**

- (Forest Rangers) The department may at the discretion of the secretary or his designee specially commission certain forest officers to preserve order in the state parks and state forests, with all of the powers conferred on park officers by section 303(a)(7).
- (Park Rangers) When authorized by the secretary or his designee, to exercise all of the foregoing powers on state forest lands or in other areas administered by the department.
- 71 P.S. §766 states that “It shall be the duty of each forester and forest ranger in this Commonwealth to enforce all the laws relating to forestry, fish, and game . . . under the direction of that department or commission into whose special care the interests of these several subjects have been entrusted.”

There is no Bureau of Law Enforcement within the DCNR. Rather, law enforcement activities are the responsibility of the Division of Park Operations and Maintenance in the Bureau of State Parks and the Division of Operations and Recreation in the Bureau of Forestry. DCNR Rangers are assigned to each bureau to carry out the law enforcement function. These officers work from the Park Offices and the District Forest Offices. As of July 1, 2003, DCNR had a total of 302 Rangers (including 27 supervisors) on its complement.

Because most outdoor recreation occurs during the summer at State Parks and State Forests, DCNR uses a large contingent of seasonal wage employees to supplement the work of their permanent, salaried Ranger staff.<sup>3</sup> Table 3 provides a breakdown of salary and seasonal wage staff for the DCNR law enforcement function. The DCNR does not use a volunteer deputy force as is done in the PGC and PFBC. Appendix B provides a listing of staff by State Park and State Forest District.

Because the Rangers are a part of the Department’s Bureau of State Parks and Bureau of Forestry, it is not possible to cite a specific law enforcement expenditure figure for DCNR. However, in FY 2002-03, \$10.7 million was expended on Ranger salary and benefit costs as well as related office operations and fixed asset costs.

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<sup>3</sup>These seasonal Rangers should not be confused with the Ranger I job classification that serves in the capacity of public relations staff.

Table 3

**DCNR Law Enforcement Staff<sup>a</sup>**

(As of July 1, 2003)

	<u>Total Staff</u>	<u>Salaried Staff</u>	<u>Wage Staff</u>
DCNR Headquarters:			
DCNR Ranger Operations Specialist .....	1	1	0
State Parks:			
Region 1:			
DCNR Rangers.....	18	2	16
Region 2:			
DCNR Rangers.....	64	17	47
DCNR Ranger Supervisors .....	7	7	0
Region 3:			
DCNR Rangers.....	47	9	38
DCNR Ranger Supervisors .....	2	2	0
Region 4:			
DCNR Rangers.....	83	6	77
DCNR Ranger Supervisors .....	<u>12</u>	<u>12</u>	<u>0</u>
Total State Parks .....	233	55	178
State Forest Districts:			
DCNR Rangers.....	63	35	28
DCNR Ranger Supervisors.....	<u>5</u>	<u>5</u>	<u>0</u>
Total State Forests .....	<u>68</u>	<u>40</u>	<u>28</u>
Total Law Enforcement Staff .....	302	96	206

<sup>a</sup>This table does not include staff in the DCNR Ranger I classification that serve as public relations officials in parks and forests.

Source: Developed by LB&FC staff.

### **III. Consideration of Other State Agencies to Which Fish, Boat, and Game Law Enforcement Could Be Transferred**

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In examining the feasibility of consolidating fish, boat, and game law enforcement responsibilities into a single state agency pursuant to HR 222, we considered the Department of Conservation and Natural Resources (DCNR), the Department of Environmental Protection (DEP), and the Pennsylvania State Police (PSP). This section discusses these potential organizational placements for conservation law enforcement.

#### **A. To the Department of Conservation and Natural Resources**

If a consolidation of conservation law enforcement functions were to occur as envisioned in HR 222, we concluded that DCNR is the agency in which such functions could most appropriately be placed. As stated in the Department's mission statement, DCNR is the "state's lead conservation and outdoor recreation agency and advocate for the wise management of natural resources on both public and private lands." The addition of responsibility for enforcing fish, wildlife, and waterways laws and regulations would be consistent with this mission.

The assignment of such functions to a DCNR-type agency is common among other states. Fish, game, and boat law enforcement responsibilities are organizationally assigned to departments of natural resources or departments of conservation and recreation in 27 states, along with the boat, fish, and wildlife management functions.<sup>1</sup> (See Appendix C.)

In the remaining 22 states, fish and wildlife functions are carried out within an independent department or commission. In all but two of these states, conservation law enforcement is conducted within the fish and wildlife department or commission. In these two states, Alaska and Oregon, conservation law enforcement is the responsibility of the state police.

Although DCNR does not currently have a strong law enforcement orientation nor a designated law enforcement bureau, it does employ 275 Rangers who patrol the State Parks and State Forests. In addition to enforcing laws, rules, and regulations pertaining to State Parks and State Forests, these officers are empowered to enforce provisions of the Game and Wildlife and Fish and Boat Codes. This provides a base upon which an expanded conservation law enforcement bureau could be built.

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<sup>1</sup>In some states, the boat titling and registration function is assigned to a department of motor vehicles.

## **B. To Another State Agency**

As directed by HR 222, we also considered the possibility of transferring the state's fish, boat, and game law enforcement functions to an agency other than DCNR. From the executive branch agencies, we identified the Department of Environmental Protection (DEP) and the Pennsylvania State Police (PSP) as potential candidates.

While it is conceivable that conservation law enforcement responsibilities could be assigned to the DEP (e.g., such functions are assigned to the New Jersey Department of Environmental Protection along with game and fish management responsibilities), it does not appear to be a good fit for Pennsylvania. DEP's mission is to protect the Commonwealth's air, land, and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. This focus, while certainly contributing to and safeguarding the state's fish, wildlife, and boating resources, differs from the overall missions of the DCNR or the PGC and PFBC.

This difference in mission and the need for specialized environmental focus was one of the precipitating factors in the decision to split the former Department of Environmental Resources into two agencies, DEP and DCNR. Further, while DEP seeks compliance with environment regulations, they do not employ a law enforcement staff for such efforts. Rather, DEP employs field investigators who specialize in air, water, and land management to respond to environmental complaints and violations. It does not appear that the DEP's organizational structure would be readily adaptable to also enforcing fish, boat, and game laws. Given a choice between the two agencies, DCNR appears the more appropriate placement.

We also considered the possibility of establishing a conservation law enforcement component in the Pennsylvania State Police. The PSP is a full-service law enforcement agency that has a broad mandate to administer and enforce all Commonwealth laws. As precedent, we noted that several years ago the PSP assumed responsibility for liquor law enforcement from the Pennsylvania Liquor Control Board and now performs these functions through its Bureau of Liquor Control Enforcement. Additionally, two states, Alaska and Oregon, have delegated fish and wildlife law enforcement responsibilities to their state police agencies.

The PSP was open to discussing this option and provided full cooperation in its consideration. We did not, however, pursue this option beyond preliminary discussions with PSP officials for several reasons. As demonstrated in other states, conservation law enforcement is almost always placed in a natural resources agency which has a conservation orientation and knowledge of resource management issues. Also, the officers who currently enforce fish, game, and boat laws, for the most part, work out of their homes and have a great deal of flexibility in scheduling and establishing patrol areas. These characteristics, which we envision being

continued, would be difficult to adapt to the PSP's patrol zones, 81 field station structure, and para-military standard operating procedures.

We were also concerned that numerous new duties have been assigned to the PSP in recent years, and the issues of terrorism and homeland security have resulted in substantial additional demands being placed on the agency. While a proposal to transfer conservation law enforcement duties to the PSP would not have assigned the actual performance of such duties to State Troopers, it would inevitably require the diversion of some Trooper personnel and PSP resources to monitor and manage the new unit. For example, as is the case with the liquor law enforcement function, State Troopers direct and provide staff support to the Bureau of Liquor Law Enforcement and provide overall direction and span of control for the operation of state liquor law enforcement officers in the field. A similar situation could be anticipated if responsibility for fish, boat, and game laws were transferred to a PSP "Bureau of Conservation Law Enforcement." Given existing concerns about PSP force strength and the need for the State Police to focus State Trooper resources in other critical areas, such as homeland security, traffic patrol, and criminal investigation, we were reluctant to pursue placing conservation law enforcement within the PSP.

Another consideration relates to the ongoing discussion of a possible PGC/PFBC/DCNR merger. If the Fish and Boat and Game Commissions were ever merged into the Department of Conservation and Natural Resources, as has been discussed by various groups and individuals, the Commonwealth could be faced with having to move the conservation law enforcement officers twice—first to another state agency (e.g., the State Police) and then, perhaps only several years later, a second time to DCNR in an effort to consolidate the Commonwealth's conservation and natural resources programs. To the extent that such a consolidation appears possible, it would argue against placing the conservation law enforcement function in any agency other than DCNR.

## IV. Consolidating Conservation Law Enforcement in the Department of Conservation and Natural Resources

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As discussed previously, DCNR law enforcement functions are performed by DCNR Rangers working out of the Department's Bureau of State Parks and Bureau of Forestry. These DCNR bureaus and the DCNR Rangers assigned to them report to the Department's Executive Deputy Secretary for Parks and Forestry. The transfer of fish, boat, and game law enforcement duties to DCNR would require the creation of a new bureau and a regional office structure.

### A. Overview of the Proposed Bureau of Conservation Law Enforcement

A newly created Bureau of Conservation Law Enforcement in DCNR would be placed under the executive depute currently responsible for State Parks and State Forests. This depute presently houses the Bureau of State Parks and the Bureau of Forestry and the DCNR Rangers assigned to those bureaus. Under a consolidation, the name of the depute would change to "Executive Deputy for Parks, Forestry, and Conservation Law Enforcement."

The new Bureau of Conservation Law Enforcement would be organizationally housed both at DCNR headquarters and at six regional offices. The new bureau would be structured into the following four divisions. (See Exhibit 1.)

*Division of Staff Services.* This division would be responsible for providing administrative support for the law enforcement function. Duties assigned to this division would include the processing of prosecutions, license revocations, and time payments on penalties. This division would also be responsible for uniforms, radios, and other equipment as well as for law enforcement officer training.

*Division of Policy and Planning.* This division would be responsible for Bureau policy and planning functions including coordination of law enforcement activities with the policy and management direction of the natural resource agencies (i.e., PGC, PFBC, the DCNR Bureau of State Parks, and the Bureau of Forestry). Division staff would interface with the proposed "Law Enforcement Liaison" positions<sup>1</sup> in the PGC and the PFBC.

*Division of Special Operations.* This division would need to continue the work of the present Special Operations Division within the PGC. The division would focus on undercover work related to the commercialization of wildlife.

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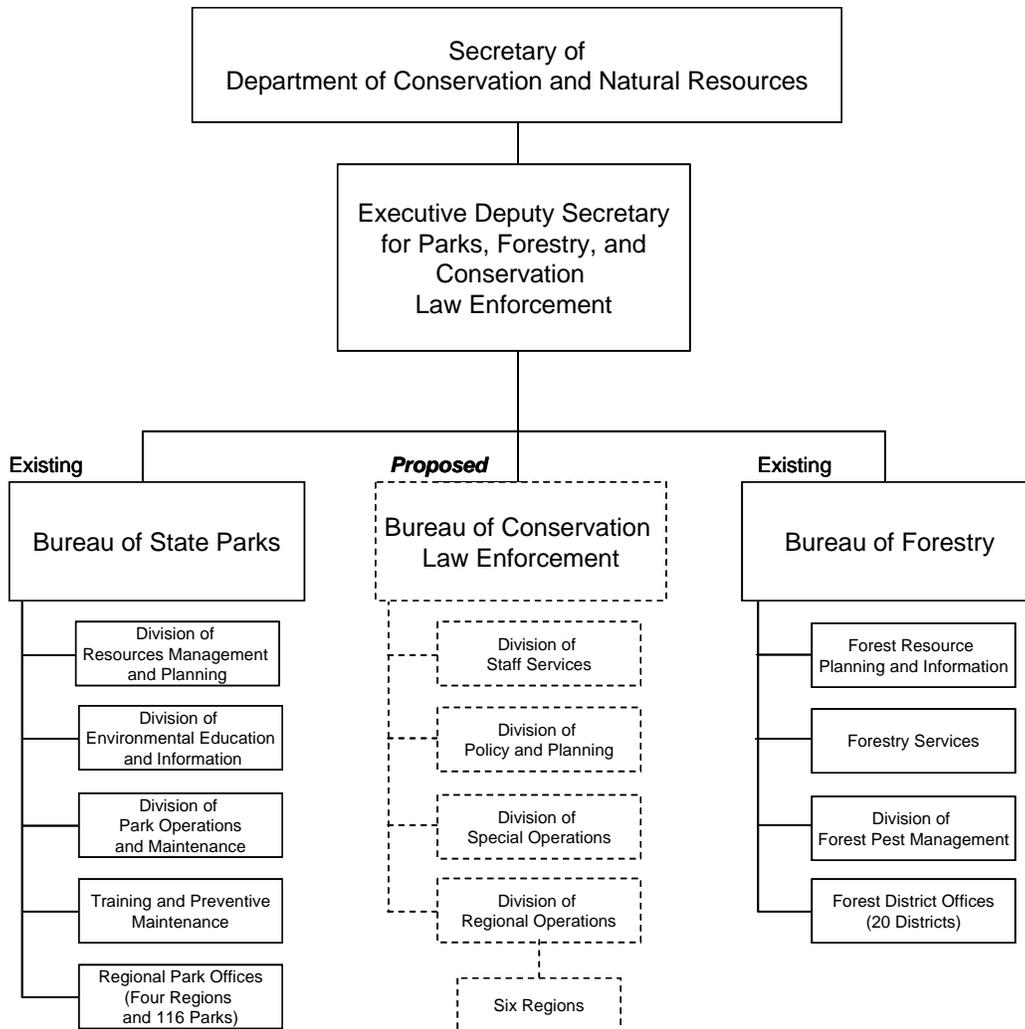
<sup>1</sup>These positions are discussed further on page 24.

Because the commercialization of wildlife is a prevalent and growing concern of wildlife agencies throughout the nation, continuation of a special operations program would be necessary in a consolidated law enforcement bureau.

*Division of Regional Operations.* This division would be responsible for coordinating all law enforcement activities with the six regional offices. It would assure that all policy decisions made by bureau managers are communicated to the regional offices and carried out by the conservation law enforcement officers. The Regional Managers would report to this division.

Exhibit 1

**Proposed Organization of a New Bureau of Conservation Law Enforcement Within DCNR**



Source: Developed by LB&FC staff.

In order to operate a consolidated conservation law enforcement function and maintain field coverage levels currently in effect in the PGC, PFBC, and DCNR, we estimate that the new bureau would require a total staff complement of 565, including 465 full-time salaried positions and 100 seasonal wage employees. As shown on Table 4, a bureau headquarters located in Harrisburg would have an initial staff complement of 22, and a total of 543 positions would be assigned to the six regions.

Table 4

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**Staff Size of the Proposed DCNR Bureau of Conservation Law Enforcement**

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<u>Staff Complement</u>	<u>Estimated Number</u>
Conservation Officers – Permanent.....	390
Conservation Officers – Seasonal.....	100
Conservation Officer Supervisors .....	47
Bureau Headquarters Staff .....	22
Regional Support Staff .....	<u>6</u>
Bureau Total.....	565

Source: Developed by LB&FC staff.

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This newly created bureau would be staffed by present PGC and PFBC Bureau of Law Enforcement staff as well as staff from DCNR, and if needed, new employee hires.

**B. Structuring and Staffing the New Bureau**

**The Conservation Law Enforcement Officer Position**

**Existing Structure:**

As shown in Section II, three groups of officers have overlapping jurisdiction and enforcement authority under the existing conservation law enforcement structure. The PGC’s Wildlife Conservation Officers have the authority to enforce the Game and Wildlife Code. These officers are empowered at 34 Pa. C.S.A. §322 “to protect, propagate, manage, and preserve the game or wildlife of the Commonwealth and to enforce, by proper actions and proceedings, the laws of the Commonwealth relating thereto.”

The Fish and Boat Commission’s Waterways Conservation Officers have the authority to enforce the Fish and Boat Code. These officers are empowered at 30 Pa. C.S.A. §321 “to administer and enforce this title and other laws of the Commonwealth relating to: (1) the encouragement, promotion, and development of the fishery interest; (2) the protection, propagation, and distribution of fish; (3) the

management of boating and the operation of boats; and (4) the encouragement, promotion, and development of recreational boating.”

DCNR Rangers are empowered at 71 P.S. §1340.303(a)(7) “to supervise, maintain, improve, regulate, police, and preserve all parks belonging to the Commonwealth.” They are also empowered at 71 P.S. §1340.302(c) “to protect state forests and timber lands.” DCNR Rangers have all the powers and prerogatives conferred by law upon members of the police force of cities of the first class and upon constables of the Commonwealth.

When acting within the scope of their employment, the Wildlife Conservation Officers and the Waterways Conservation Officers are empowered to pursue, apprehend, or arrest any individual suspected of violation of any provision of Title 18 (relating to the Crimes Code) or any other offense classified as a misdemeanor or felony. While the DCNR Rangers are not specifically given Title 18 powers, they do have all the powers and duties as police officers in first class cities.

Reciprocal duties are granted at 71 P.S. §766, which provides that Wildlife and Waterways Conservation Officers as well as DCNR Rangers have the duty to enforce all the laws relating to forestry, fish, and game. Moreover, the interconnecting nature of the three agencies’ law enforcement jurisdiction is underscored by provisions in the State Administrative Code that require each PGC WCO, PFBC WCO, and DCNR Ranger to enforce all laws relating to fish, game, and forestry under each other’s direction.

The Wildlife and Waterways Conservation Officers perform more than just law enforcement duties. The day-to-day activities of both agency’s WCOs can be classified as law enforcement activities, information and education, functional support, leave, assistance to the “sister agency,” and other. (See Exhibit 2.) Similarly, the workload of the DCNR Rangers in state parks and forests can be broken into the categories shown on Exhibit 3.

As currently conducted, conservation law enforcement, in which three separate groups of conservation law officers (PGC WCOs, PFBC WCOs, and Rangers) are on patrol, is inherently inefficient. Although these law enforcement groups have reciprocal powers and duties to enforce all laws relating to fishing, boating, game and wildlife, and parks and forestry, by tradition and out of “professional courtesy,” these respective groups of officers typically do not issue citations for violations outside their immediate areas of statutory authority (i.e., for violations not relating to their agency). For example, a Fish and Boat Commission WCO who comes upon a Game and Wildlife Code violator generally records the pertinent information related to the alleged violation and refers this information to a Game Commission WCO for action. The same would apply, for example, if a DCNR Ranger detected a Game and Wildlife Code or Fish and Boat Code violation. Both law enforcement supervisors and officers in the field described this as standard practice in dealing with violators.

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## **Classification of the Activities Performed by PGC Wildlife Conservation Officers and PFBC Waterways Conservation Officers**

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The activities of both the Waterways Conservation Officers and Wildlife Conservation Officers can be classified into the following categories:

- **Law Enforcement.** This includes fish, boat, game, and wildlife law enforcement, which is all general and specific patrols via vehicle, boat, aircraft, or foot to enforce all laws and regulations relating to fish, fishing, boats, boating, game, wildlife, and hunting. It also includes investigating accidents and/or search and rescue operations, as well as posting of water areas. For the PFBC, this category also includes the investigation of all types of water pollution and waterways disturbances, as well as the time spent negotiating settlements. Office work related to law enforcement activities is also included in this activity category. Office work includes, but is not limited to, telephone calls, and processing reports, such as field acknowledgements, citations, settlement agreements, criminal complaints, and warrant transmittals. Court time is also captured in this category. This includes all time spent in federal, state, county, or local courts as a prosecutor, witness, or other role. It also includes time spent on the delivery and pickup of citations, complaints, and warrants.
- **Information and Education.** Includes all public relations and educational programs, such as government meetings, fairs, sport shows, schools, media appearances, and speaking engagements. For the PGC, this also includes attendance at Youth Field Days, Becoming an Outdoors Woman (BOW) Programs, and Hunter-Trapper Education courses. For the PGC, this also includes times spent on writing Field Notes for the *PA Game News* monthly publication.
- **Functional Support.** In the PFBC, these activities include fisheries surveys, cooperative nurseries, stocking and fish salvage operations, landowner contacts, and monitoring of stream and road conditions. It also includes field investigations of various applications, such as stream encroachments, mine drainage, and activities related to stream improvement. At the PGC, these activities include primarily wildlife research statistical survey support, but also include Game Farm Operations, such as pheasant stocking and propagation activities. For the PGC, this also includes responding to animal damage complaints, crop damage wildlife removal, accidentally killed wildlife disposal, and special permits management.
- **Leave.** This includes all days off, including holidays, annual leave, sick leave, compensatory leave, administrative leave, civil leave, military leave, and work-related disability leave.
- **Assist Sister Agency.** For the PFBC this includes all time spent assisting the PA Game Commission, and for the PGC, this includes all time spent assisting the PA Fish and Boat Commission.
- **Other.** Time spent on equipment maintenance is recorded in this category. It includes all time spent on care and maintenance of equipment, including vehicles, boats, and radios. Assistance to agencies outside of the PGC and the PFBC is also recorded here. These agencies include the Department of Environmental Protection, the Department of Conservation and Natural Resources, state or local police, and/or other federal, state, or local agencies. Time spent on training is recorded in "Other." This includes attending in-service and out-service training, as well as time spent training Deputy officers. For the PGC, this category also includes land management activities, primarily contact with participants in public access programs, but also includes game lands construction and maintenance and shooting range construction and maintenance.

Source: Developed by LB&FC staff from PGC and PFBC "Time and Activity Reports."

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## Classification of DCNR Ranger Activities

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Public Relations. The DCNR Rangers' primary responsibility is to promote recreation in state parks and forests. Rangers are expected to meet with the public to answer questions regarding park and forest facilities and resources, recreational schedules, history, and environmental features. Rangers also check grounds, buildings, and waterways for vandalism, safety hazards, and cleanliness.

Law Enforcement. DCNR Rangers have law enforcement powers and authority and are expected to patrol state park and state forest property to ensure compliance with the laws, rules, and regulations related to parks and forests. The Rangers also have the authority to issue citations, file complaints, and present cases involving violations of Commonwealth law and state park and forest laws, rules, and regulations.

Information and Education. This includes all public relations and educational programs, such as government meetings, fairs, sport shows, schools, media appearances, and speaking engagements.

Leave. This includes all days off, including holidays, annual leave, sick leave, compensatory leave, administrative leave, civil leave, military leave, and work-related disability leave.

Other. Time spent on equipment maintenance is recorded in this category. It includes all time spent on care and maintenance of equipment, including vehicles, boats, and radios. Assistance to other agencies, such as the PA Game Commission, the PA Fish and Boat Commission, the Department of Environmental Protection, state or local police, and/or other federal, state, or local agencies is also recorded here. All time spent on training is included in this category.

Source: Developed by LB&FC staff using information obtained from DCNR.

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Relatively little statistical data is available on the extent to which such referrals occur. Data available from DCNR shows that during 2002, Rangers assigned to State Parks recorded 408 "incidents for fish, game, and boat laws," or 2.9 percent of their total incidents for the year. In this case, an "incident" is not necessarily a citation; it could simply be a referral of a violation to the PGC or PFBC for follow-up action. PFBC data for 2002 shows that of the 7,382 citations written, only three were for State Park violations. Neither the PGC nor PFBC maintains statistical data on the number of inter-agency referrals that occur.

### Consolidated Structure:

The transfer and consolidation of all fish, boat, and game law enforcement responsibilities with DCNR's State Park and State Forest law enforcement responsibilities would involve the creation of a new single "conservation law enforcement officer" position classification. In our model, this position is referred to as a "Conservation Officer" or CO. This position title is commonly used in other state fish and wildlife agencies and connotes the broad scope of authority inherent in the position.

The new CO position in DCNR would be responsible for all law enforcement functions and duties currently performed by PGC WCOs, PFBC WCOs, and DCNR Rangers. This means that each CO would have the authority, training, and responsibility to directly enforce (i.e., issue a citation) all violations of the Game and Wildlife Code, the Fish and Boat Code, and State Park and State Forestry laws, rules, and regulations which they detect. Unlike the current operating procedure, violations would no longer be referred between and among different law enforcement officers (i.e., Waterways Conservation Officers, Wildlife Conservation Officers, and Rangers).

As is the case currently for Fish and Boat Commission and Game Commission WCOs, COs would also, when acting within the scope of their employment, be empowered to pursue, apprehend, or arrest any individual suspected of violating any provision of Title 18 (relating to the Crimes Code) or any other offense classified as a misdemeanor or felony.

Under a new Bureau of Conservation Law Enforcement, each new officer would receive the same training, including on-the-job field training, in all focus areas of conservation law enforcement (i.e., game and wildlife, fishing and boating, state parks, and state forests). Upon completion of training, the officer would be proficient in all areas of conservation law enforcement and would be able to assume an assignment in any area of the state where he/she is needed. Regional Managers would be responsible for assigning COs to various geographic areas based on seasonal and staffing needs. COs would be expected to enforce all conservation laws regardless of area of field assignment.

While they would also spend their time on training, equipment maintenance, and other activities that are a direct result of law enforcement responsibilities (e.g., court time and administrative paperwork associated with violations and arrests), COs would no longer be expected to routinely perform information and education tasks or wildlife and fisheries activities such as surveys and stocking and animal damage complaints. These are activities that would remain with the PGC and PFBC and be assigned to non-law enforcement personnel, or to members of a modified deputy force as discussed later in this section.

While the COs who would patrol the State Game Lands, Waterways, and State Forests would primarily be engaged in law enforcement functions, the COs assigned to the State Parks would have to play a somewhat different role. The Rangers who work in State Parks currently spend relatively little time actively engaged in law enforcement activities; their primary role is to ensure park visitors have a safe and enjoyable experience while in the park. Rangers are also expected to interact with the public to answer questions regarding park facilities, recreational schedules, and park history. Under the structure envisioned in this report, while State Park Rangers would have greater law enforcement responsibilities than they presently have (e.g., they would be expected to fully enforce all fish, boat, and

game laws and regulations), they would also need to retain many aspects of the public relations function.

## **Bureau Headquarters**

### **Existing Structure:**

Presently, the PGC's Bureau of Law Enforcement employs 19 persons at the headquarters level. The Bureau staff are responsible for law enforcement administration; special operations; prosecutions, revocations, and time payments on violations; uniforms and equipment; radio operations; bear damage complaints; special permits; and elk and deer deterrent fencing. In the PFBC's Bureau of Law Enforcement in Harrisburg, six persons are responsible for law enforcement administration, prosecutions and payments on violations, uniforms and equipment, and special permits. In DCNR, the Rangers are assigned to divisions within the Bureau of State Parks and the Bureau of Forestry.

### **Consolidated Structure:**

As shown on Exhibit 1 on page 18, the proposed headquarters operation of the new Bureau of Conservation Law Enforcement would include four divisions. To staff these four divisions at the headquarters level, we estimate that a complement of at least 22 positions would be needed.

The majority of these positions would be filled with existing staff from the PGC's Bureau of Law Enforcement and the PFBC's Bureau of Law Enforcement.

- 14 positions from the PGC's Bureau of Law Enforcement. The PGC's Bureau currently has a staff of 19 full-time positions. For purposes of the model, we assumed the transfer to DCNR of 14 of the 19 headquarters law enforcement positions. While most PGC law enforcement functions would transfer to the new bureau, some associated functions would need to remain with the PGC, including special permits administration, bear damage claims, and the deer and elk deterrent fencing program. Four persons currently employed in the PGC Bureau of Law Enforcement would need to remain with the agency to handle these functions. Another position currently on the PGC's law enforcement complement would be retained to fill a new position entitled "Law Enforcement Liaison." This position would be responsible for providing a liaison function with the new DCNR Bureau of Conservation Law Enforcement.
- 4 positions from the PFBC's Bureau of Law Enforcement. The PFBC's Bureau of Law Enforcement has a complement of six. In a consolidated Bureau of Conservation Law Enforcement, all but the function of special permits administration would be transferred to DCNR. To handle special permits, one current employee would need to remain with the agency

along with one other staff person who would serve in a newly created position of “Law Enforcement Liaison.”

- 4 positions from existing DCNR staff and/or new hires. One of these positions would be drawn from a DCNR Ranger Operations Specialist who currently is assigned to the Bureau of State Parks. Three additional slots would need to be filled through reclassifications, transfers, or new hires.

## **Regional Offices**

### **Existing Structure:**

Currently, both the PGC and the PFBC use a regional office structure. In the PGC, WCOs are assigned to one of six regional offices but actually work out of their homes. The WCOs report to a WCO Supervisor, who in turn reports to the Regional Manager. In this structure, neither the WCO Supervisors nor the Regional Managers report to the Bureau of Law Enforcement at the PGC Harrisburg Headquarters Office, as this chain of command structure does not exist at PGC. In the PGC structure, several other staff functions are performed at the regional office level.

At the PFBC, the WCOs are also assigned to one of six regional offices, and they also work from their homes. The WCOs report to a WCO Assistant Supervisor, who in turn reports to the WCO Supervisor. The WCO Supervisors serve as the Regional Managers. In this structure, the WCO Supervisors/Regional Managers report to the Bureau of Law Enforcement at the PFBC Harrisburg Headquarters Office. No other staff functions are assigned to the PFBC regional offices.

DCNR does not have a law enforcement regional office structure. In DCNR, the Rangers who are assigned to patrol State Parks work out of the Park Office, and the Rangers who are assigned to patrol State Forests work out of a Forest District Office. These Rangers report to the Park Manager and District Forester, respectively, not to a Law Enforcement Supervisor.

At the regional level, both the PGC and the PFBC use deputy law enforcement officers. These deputies, who are essentially a citizen volunteer force, support the efforts and duties of Wildlife and Waterways Conservation Officers in carrying out and administering the law enforcement program for the agencies.

Deputy law enforcement officers have essentially the same powers and duties as Wildlife and Waterways Conservation Officers. The deputies have authority to enforce the Game and Wildlife Code, the Fish and Boat Code, and State Park and Forestry Laws throughout the entire Commonwealth pursuant to administrative regulations. The deputies do not, however, have authority to enforce the PA Crimes Code. Deputy Waterways Conservation Officers are empowered to issue citations for summary violations in accordance with the PA Rules of Criminal Procedure. The Deputy Wildlife Conservation Officers do not have the authority to issue citations.

In addition to law enforcement duties, deputies carry out public relations and other functions. These include, but are not limited to, providing educational programs to students, teaching hunter-trapper education courses, stocking fish and game, disposing of accidentally killed wildlife, contacting landowners, and participating public speaking engagements and safety programs.

At the time of this study, the PFBC had 225 Deputy Waterways Conservation Officers, and the PGC had 540 Deputy Wildlife Conservation Officers. The Department of Conservation and Natural Resources does not utilize deputy law enforcement officers.

### **Consolidated Structure:**

The model proposed in this report would utilize a six-office regional structure to organize and deploy 490 Conservation Officers who would staff the new Bureau, plus 47 Conservation Officer Supervisors and Assistant Supervisors.

Because the PGC's regional office buildings house several non-law enforcement staff positions and functions in addition to law enforcement, these buildings would need to be maintained for those functions. However, two of PFBC's regional offices house only law enforcement staff, thus making them available to be used as regional offices for a consolidated bureau. If the remaining four regional PFBC offices could not house the regional staff for the consolidated bureau, space would have to be found at an existing Bureau of State Forestry or Bureau of State Parks facility. If not possible, space would have to be purchased or leased, but we did not include such costs in our projections.

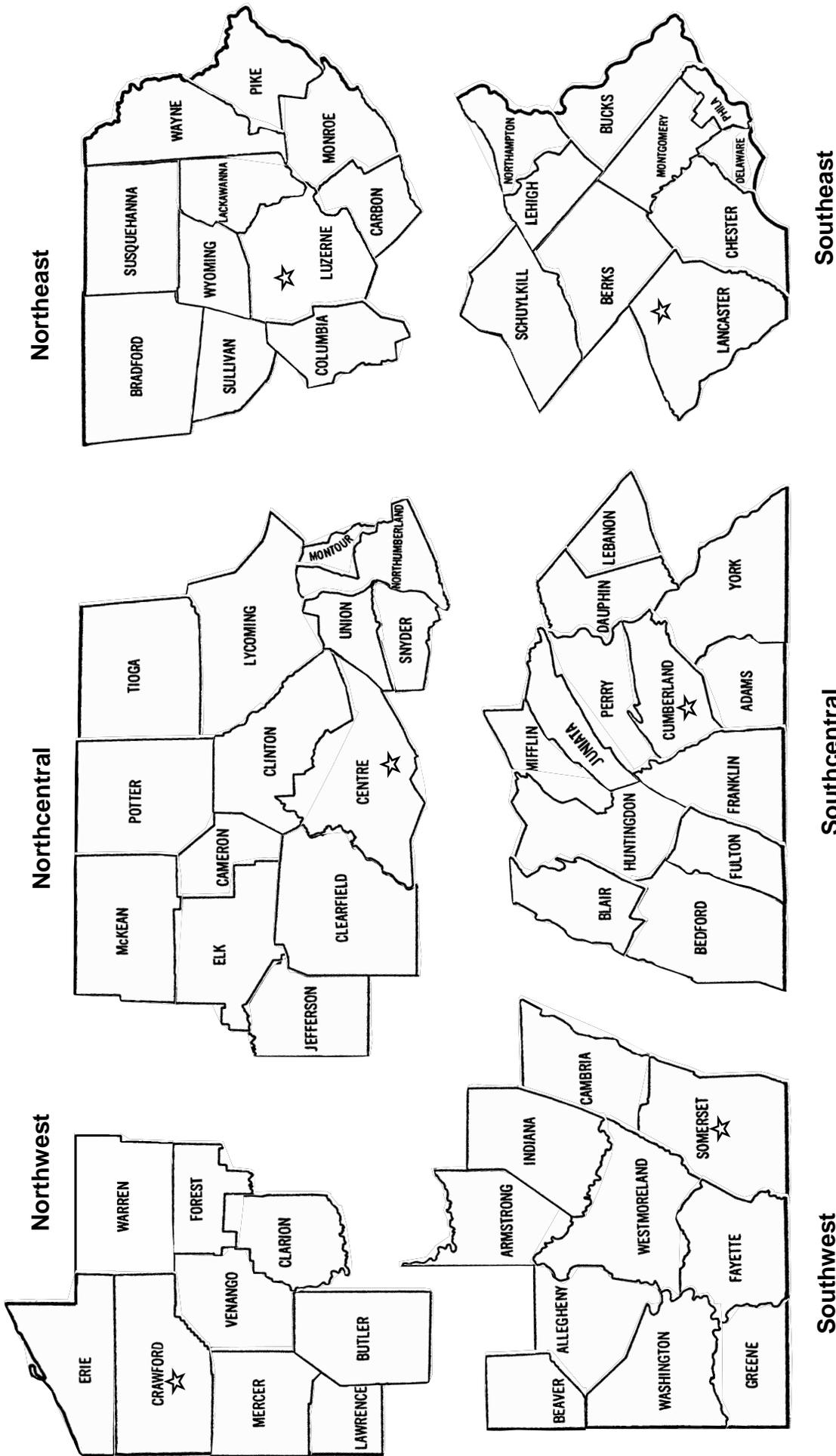
Under a consolidated structure, a determination would need to be made on county/regional alignment. For the purposes of this analysis, LB&FC staff used the current law enforcement regional structure used by the PFBC. (See Exhibit 4.)

Each of the six regional offices would be similarly staffed. In this regional office structure, the CO Supervisors and the CO Assistant Supervisors would be law enforcement officers, as would the Regional Managers. The Regional Managers would report to the Division of Regional Operations within the Bureau of Conservation Law Enforcement at the DCNR Harrisburg Headquarters Office.

While six regional offices would be established, they would act primarily as law enforcement stations for DCNR, and only the Regional Managers, CO Supervisors, and CO Assistant Supervisors would be housed in these buildings. The Conservation Officers could continue to operate from various locations throughout the state, such as their homes, the Park Offices, and the District Forest Offices.

**Conservation Officer Calculation.** Presently, the PGC, the PFBC, and DCNR employ a combined total of 490 officers, including 206 seasonal wage

# Proposed Regional Structure for a Combined DCNR Bureau of Conservation Law Enforcement\*



☆ - Regional Office

\*This is the current PA Fish and Boat Commission Regional Office Structure for law enforcement.

Source: Pennsylvania Fish and Boat Commission.

(part-time) DCNR Rangers. We estimate that the same number, 490 Conservation Officers, would be needed in the event a new Conservation Bureau of Law Enforcement is created. Of this number, 390 would need to be full-time salaried officers, while 100 would remain as part-time seasonal wage employees. We believe such a mix of full-time and part-time employees is necessary to maintain current levels of law enforcement coverage in all areas (i.e., game, wildlife, fishing, boating, parks, and forests). Table 5 provides a breakdown on the 490 officers in the existing and consolidated structures.

Table 5

**Breakdown of Conservation Law Enforcement Officer Staffing in Existing and Consolidated Structures**

<u>Agency-Officer</u>	<u>Existing Structure</u>	<u>Agency – Officer</u>	<u>Consolidated Structure</u>
PGC WCOs.....	135	PGC COs.....	135
PFBC WCOs.....	80	PFBC COs.....	80
DCNR Rangers (Full-Time).....	69	DCNR COs (Full-Time) .....	175
DCNR Rangers (Part-Time) .....	<u>206</u>	DCNR COs (Part-Time).....	<u>100</u>
Total Officers.....	490 <sup>a</sup>	Total Officers.....	490 <sup>a</sup>

<sup>a</sup>Does not include supervisory staff.

Source: Developed by LB&FC staff.

*Part I of Calculation (PGC and PFBC Transfers).* At the time of this study, the PGC had 135 Wildlife Conservation Officers and the PFBC had 80 Waterways Conservation Officers. While these numbers may vary slightly from time to time due to retirements and resignations, these levels are fairly consistent. As discussed earlier, the WCOs from both Commissions also perform certain activities of a non-law enforcement nature. Because the Conservation Officer position in the new DCNR Conservation Bureau of Law Enforcement would be dedicated primarily to law enforcement functions, these other activities (e.g., information and education, wildlife surveys, and fish and pheasant stocking) are functions that would remain with the PGC and PFBC.

To quantify the number of current Game Commission WCOs and Fish and Boat Commission WCOs that would need to be transferred to the new DCNR bureau, we calculated the number of WCOs from both Commissions that would be needed to maintain current “dedicated” law enforcement service levels. Using PGC and PFBC “time and activity” reports, we calculated that Game Commission WCOs spend 79.6 percent<sup>2</sup> of their time on “dedicated” law enforcement activities and that Fish and Boat Commission WCOs spend

<sup>2</sup>The PGC believes that adjustments should be made to the data from its “time and activity” reporting system to reduce this figure to 42.4 percent. Because we could not reconcile the differences in calculating this percentage with PGC, we averaged the two percentages and, for staffing estimation purposes, used 61.1 percent.

89.0 percent of their time on law enforcement work. (These percentages are based on the “time and activity” reports maintained by WCOs in both the PGC and PFBC.)

On this basis, we made an initial calculation of the number of WCOs to be transferred to DCNR. As shown on Table 6, we calculated that 83 of the 135 Game Commission WCOs and 72 of the 80 Fish and Boat Commission WCOs would be needed.

Table 6

<b>Calculation of the Number of WCOs to Transfer to the New DCNR Bureau</b>					
	<u>Current Number of Officers</u>		<u>Time Spent on Dedicated Law Enforcement</u>		<u>Number of Officers Needed to Transfer for Dedicated Law Enforcement</u>
PGC.....	135	X	61.1% <sup>a</sup>	=	83
PFBC.....	80	X	89.0%	=	<u>72</u>
Total to Transfer.....					155

<sup>a</sup>Based on PGC “Time and Activity Reports,” we calculated that 79.6 percent of WCO time is spent on law enforcement activities. The PGC believes adjustments should be made to the data from the time and activity reports to reduce this figure to 42.4 percent. Because we could not reconcile the differences in calculating this percentage with the PGC, we averaged the two percentages and, for staffing estimation purposes, used 61.1 percent.

Source: Developed by LB&FC staff.

*Part II of Calculation (Deputy Equivalency).* The above calculation, however, does not take into consideration the assumption that, under this model, the existing volunteer deputy law enforcement officer forces that exist in both the PGC and PFBC would not be a part of the new DCNR Bureau of Conservation Law Enforcement. DCNR already has a relatively large pool of seasonal Rangers that have been fully trained in Act 120 requirements that could be utilized on a full-time basis to assist in the law enforcement function.

Additionally, the nature of the deputy program (that is, a group of volunteers who are paid a stipend) is not a staffing method typically used in an executive branch agency and would be cumbersome in a bureau that already employs both salaried and wage officers. The transfer of a volunteer deputy force would also precipitate union and collective bargaining issues that might make a consolidation unworkable.

In developing a staffing estimate for the new DCNR bureau it is, therefore, necessary to account for the current law enforcement effort of the Deputy WCOs. We worked with staff of both the PGC and the PFBC to estimate the number of full-time equivalent officer positions that would be needed in the new bureau to perform the same level of services now being performed by deputies in the PGC and PFBC. We used PFBC time and activity reports for

their deputies and PGC stipend payments made to their deputies in FY 2002-03 to make the full-time equivalent calculations shown in Table 7.

Table 7

<b>Estimated Number of Full-Time Officers Needed to Compensate for Law Enforcement Hours Worked by Deputy WCOs</b>	
<u>Game Commission</u>	
Total Stipend Paid to Deputies for Law Enforcement in FY 2002-03	\$1,120,000 /
Divide by the Daily Stipend Amount .....	<u>\$65</u>
Number of Days Deputies Were Paid for Work.....	17,231
Multiply by Number of Hours in a Workday .....	<u>x 8</u>
Total Hours Deputies Were Paid for Work .....	137,848 /
Divide by the Number of Hours a WCO Works Annually .....	1,744
Full-Time Law Enforcement Equivalent for Deputies .....	79 WCOs Annually
<u>Fish and Boat Commission</u>	
Total Annual Law Enforcement Hours of Deputies .....	58,285 /
Divide by the Number of Hours a WCO Works Annually .....	1,736
Full-Time Law Enforcement Equivalent for Deputies .....	34
Total Law Enforcement Officer Equivalent .....	113 WCOs Annually

Source: Developed by LB&FC staff using PFBC time and activity reports and PGC stipend payment records.

Table 7 shows that the law enforcement work effort (i.e., excluding non-law enforcement activities) of current deputy WCO forces represent the full-time equivalent of 113 WCOs. The full-time equivalent for deputies in the PGC is 79 WCOs, and the full-time equivalent for deputies in the PFBC is 34 WCOs. Thus, because a deputy force would not be a part of the new consolidated bureau, additional WCOs would have to be transferred from the PGC and the PFBC to maintain current levels of game, wildlife, fishing, and boating law enforcement coverage. However, as shown below on Table 8, while 113 additional WCOs would be needed to provide the existing level of coverage for fish, boat, and game functions, only 60 remain after the initial calculation shown in Table 6.

Table 8

<b>Calculation of Officer Positions Needed to Fully Maintain Present Levels of Fish, Boat, and Game Law Enforcement Coverage</b>			
	<u>PGC</u>	<u>PFBC</u>	<u>Total</u>
Total Number of Officers Available to Transfer.....	135	80	215
Number Needed for Dedicated Law Enforcement.....	<u>83</u>	<u>72</u>	<u>155</u>
Number of Officers Remaining.....	52	8	60
Number of Officers Needed for Loss of Deputies .....	<u>79</u>	<u>34</u>	<u>113</u>
Additional Officers Still Needed .....	27	26	53

Source: Developed by LB&FC staff.

*Part III of Calculation (DCNR Staff).* To fill the remaining 53 officer positions needed to maintain the current level of coverage for the Fish and Boat Commission and Game Commission, full-time job opportunities would be offered to interested and qualified members of DCNR's existing seasonal (part-time) Ranger force. The opportunity to apply for these positions could also be opened up to former PGC and PFBC deputies if they successfully complete all necessary law enforcement training requirements.

The WCOs transferred from the PGC and PFBC would combine with the DCNR's 275 Ranger staff to complete the complement of the new bureau. Of the 275 Rangers, 69 are presently full-time salaried officers and 206 are seasonal wage staff. In order to meet the requirement for a total of 390 full-time COs (see Table 5 on page 28), our model assumes that some seasonal (part-time) wage Rangers would be converted to full-time salaried status.

According to DCNR records, seasonal Rangers work anywhere from three to nine months of the year. For purposes of analysis, we assumed the average seasonal Ranger works, on average, six months per year. Therefore, in order for there to be a total of 390 full-time officers on the complement and to compensate for the loss of the deputies, 106 of the seasonal positions would need to be converted to full-time positions. This raises the number of permanent full-time salaried staff from DCNR to 175 COs and leaves 100 officers to serve in a seasonal wage capacity. We believe such a staffing ratio would maintain current levels of conservation law enforcement coverage throughout the Commonwealth.

***Deployment of Conservation Officers.*** All assumptions and estimates associated with this model assume a continuation of the field coverage levels in effect at the PGC, the PFBC, and the DCNR at the time of the study. We did not attempt to determine the number of COs that should be assigned to each region. These staffing and deployment decisions would be best made through a collaborative effort of the law enforcement supervisors and natural resource managers based on the agencies' respective resource and recreation policies, goals, and objectives. Initially, we foresee no reductions in staffing levels as a result of the consolidation. However, given the expanded responsibility of the new CO position to enforce all conservation laws and regulations, efficiencies may be achieved which may at sometime in the future, allow for a reduction in the complement level. Such a reduction, if warranted, could be accomplished through attrition.

***Future Role of Deputy Forces.*** While our proposed model assumes that a volunteer deputy force would not be part of the new conservation law enforcement bureau, the PGC and the PFBC would continue to have a need for deputy services. Presently, in addition to law enforcement functions, both PGC and PFBC deputies carry out a variety of non-law enforcement activities. For example, deputies

conduct school educational programs, teach hunter-trapper education courses, stock fish and game, dispose of accidentally killed wildlife, and carry out a variety of other public relation activities.

Under the proposed transfer of WCOs to a new Bureau of Conservation Law Enforcement in DCNR, deputies could be used to assist other PGC personnel who may need to be hired to carry out non-law enforcement work previously done by WCOs, such as information and education tasks as well as wildlife management tasks, including wildlife surveys, animal nuisance complaints, and fish and pheasant stocking.

Because individuals who serve as deputies are already trained, skilled, and experienced in these areas, the PGC and the PFBC may want to continue the volunteer program with a stipend payment and change the name of these volunteers from deputies to “Conservation Associates.” Another option would be for the two commissions to hire a specified number of these persons as seasonal wage employees.

Under such a program, individuals could volunteer for the tasks that most interest them or suit their talents. It is also possible that additional persons would volunteer to assist the commissions if they do not have to have law enforcement training or bear the considerable expense of purchasing their own firearms and radios and use their own vehicles.

### **C. Estimated Cost to Operate a Consolidated Bureau of Conservation Law Enforcement**

#### **Existing Structure:**

Separately the PGC, the PFBC, and DCNR expended at least \$28.0 million on “conservation law enforcement” in FY 2002-03. Table 9 shows the amount each agency spent under the current independent three-agency structure.

Table 9

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#### **Expenditures for Conservation Law Enforcement Under the Current Three-Agency Structure**

<u>Agency</u>	<u>Amount</u>
Game Commission .....	\$10,092,237
Fish Commission .....	7,252,865
DCNR .....	<u>10,669,997</u>
Total.....	\$28,015,099

Source: Developed by LB&FC staff.

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## **Consolidated Structure:**

As itemized on Table 10, we estimate that the first year costs to operate a new consolidated Bureau of Conservation Law Enforcement in DCNR would, at a minimum, approximate \$33.8 million. The cost estimate for the new Bureau of Conservation Law Enforcement in DCNR is made up of the following components:

- the salary, benefit, and associated costs of current PGC and PFBC officers and staff transferred to DCNR;
- additional PGC and PFBC operating and fixed asset costs transferred to the new Bureau;
- additional salary and benefits costs involved in reclassifying DCNR Rangers to Conservation Officers and converting a specified number of DCNR Rangers from seasonal (part-time) wage to salaried (full-time) status.

It is important to note that the items listed in Table 10 are those that could be identified and quantified at the time of the study. In the event of a consolidation, there could be additional factors that arise that would alter the cost figures presented here, such as information technology system needs, retirements, and resignations.

Table 10

**Estimated Annual Cost to Operate a Consolidated  
Bureau of Conservation Law Enforcement in DCNR**

**Personnel Costs:**

Full-Time Conservation Officers (390):

83 Officers (To Account for Former PGC Law Enforcement Only Hours) .....	\$ 4,769,429
72 Officers (To Account for Former PFBC Law Enforcement Only Hours).....	3,892,176
113 Officers (To Account for Former Deputy Law Enforcement WCO Hours) .....	6,285,604
122 Officers (To Maintain Current DCNR Effort).....	<u>6,595,076</u>
Subtotal - Full-Time Conservation Officers .....	\$21,542,285

Part-Time Conservation Officers (100):

100 Officers (To Maintain Current Efforts) .....	\$ 2,141,600
Subtotal - Part-Time Conservation Officers.....	\$ 2,141,600

Conservation Officer Supervisors and Assistant Supervisors (47):

6 Supervisors (To Account for Former PGC Law Enforcement Supervisors).....	\$ 490,017
6 Supervisors (To Account for Former PFBC Law Enforcement Supervisors).....	489,989
9 Assistant Supervisors (To Account for Former PFBC Law Enforcement Assistant Supervisors) .....	603,700
26 Supervisors (To Maintain Current DCNR Effort).....	<u>2,123,264</u>
Subtotal - Conservation Officer Supervisors and Assistant Supervisors .....	\$ 3,706,970

Bureau Headquarters and Regional Support Staff (28):

22 Positions for Bureau Headquarters .....	\$ 1,476,472
6 Clerks for Regions .....	<u>259,147</u>
Subtotal - Bureau and Regional Support Staff .....	\$ 1,735,619

Estimated Costs of Personnel Administrative Services .....

.....	<u>142,764</u>
Subtotal - Personnel Costs.....	\$29,269,238

**Operating Costs:**

Recertification Training (490 Officers, 47 Supervisors).....	\$ 1,170,404
Office Operating Costs (490 Officers, 47 Supervisors) .....	917,850
Uniform Allowance for Current DCNR Rangers .....	112,875
Uniform Allowance for Transferred Officers and Supervisors .....	<u>88,500</u>
Subtotal - Operating Costs .....	\$ 2,289,629

**Fixed Assets:**

Annualized Replacement Costs for Vehicles From PGC .....	\$ 459,660
Additional Radio Maintenance Costs .....	350,000
Annualized Replacement Costs for Vehicles From PFBC .....	309,700
Maintenance Expense for Vehicles Transferred From PGC .....	255,350
Annualized Replacement Costs for Boats From PFBC.....	250,000
Maintenance Expense for Vehicles Transferred From PFBC .....	172,044
Maintenance Expenses for Boats Transferred From PFBC.....	60,000
Maintenance Expenses for Boats, ATVs & Snowmobiles From PGC .....	5,700
Estimated Vehicle Costs for Current DCNR Ranger Staff .....	<u>344,828</u>
Subtotal - Fixed Assets.....	\$ 2,207,282

**Estimated Bureau Total .....** **\$33,766,149**

Source: Developed by LB&FC staff using information obtained from the PGC, PFBC, and DCNR.

## V. Matters to Be Addressed in Creating a New Bureau of Conservation Law Enforcement

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The creation of a consolidated Bureau of Conservation Law Enforcement within the Department of Conservation and Natural Resources (DCNR) would require a number of statutory, regulatory, and administrative actions. Steps would also need to be taken to address issues of funding, cross-training of staff, and inter-agency communication and coordination.

### A. Statutory and Regulatory Actions

The statutory authority to enforce the Game and Wildlife Code and the Fish and Boat Code is currently vested in the PA Game Commission (PGC) and in the PA Fish and Boat Commission (PFBC), respectively. The creation of a new Bureau of Conservation Law Enforcement in DCNR would require a statutory transfer of this enforcement authority from the PGC and PFBC to DCNR. Such an action was undertaken in 1995 when powers and duties of the former Department of Environmental Resources were transferred to the newly created DCNR. Such action also occurred in 1996 with the transfer of authority from the old Department of Community Affairs to the renamed Department of Community and Economic Development.

It would not be necessary, however, for the law enforcement provisions currently in the Game and Wildlife and Fish and Boat Codes to be restated in their entirety in the transfer legislation. The provisions could simply be transferred by reference to their locations in the two Codes. For example, the transfer legislation could read that “The law enforcement functions of the Game Commission set forth at 34 Pa.C.S.A. §§322<sup>1</sup> and 901, and of the Fish and Boat Commission set forth at 30 Pa.C.S.A. §§321 and 901 are transferred to the Department of Conservation and Natural Resources.” A disadvantage of this is that DCNR’s law enforcement authority would then be scattered among DCNR’s enabling law, the Game and Wildlife Code, and the Fish and Boat Code.

Another option would be for the General Assembly to enact a totally new law that would consolidate the conservation law enforcement provisions covering game,

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<sup>1</sup>Section 322 of the Game Code and similarly Section 321 of the Fish and Boat Code are general grants of powers and authority to the Game Commission and the Fish & Boat Commission, respectively. The Game Commission is given the broad authority “to protect, propagate, manage and preserve the game or wildlife of the Commonwealth and to enforce, by proper actions and proceedings, the laws of this Commonwealth relating thereto . . . [and] to take all actions necessary for the administration and enforcement of this title.” The Fish & Boat Commission is given the authority “to administer and enforce this title and other laws of this Commonwealth relating to [fish and boats].” Possibly the transfer legislation should be made clearer that what is being transferred under these sections is limited to law enforcement functions. Or, possibly better, the transfer legislation should include an express grant of authority to DCNR to enforce the laws of the Commonwealth relating to game, wildlife, fish, and boats and then a transfer of the specific enforcement provisions of Sections 901 of the two Codes.

wildlife, fish, boats, parks, and forests at one statutory location. To establish an entirely new code would, however, require the repeal of the current laws along with decisions as to where to place the new code. To the extent that the substantive powers and duties to be given to the enforcement agents under the new DCNR law enforcement bureau would be changed, the enforcement powers and duties would need to be set forth in the transfer legislation and the enforcement sections of the Game and Wildlife and Fish and Boat Codes would then need to be expressly repealed.

Once the authority to enforce the Game and Wildlife and Fish and Boat Code laws is transferred to DCNR, the issue to be addressed would be organizing DCNR to accommodate these new powers and duties. The choices would be to allow DCNR to do this on its own (with input from and in conjunction with PGC and PFBC officials and the House and Senate Game and Fisheries Committees), or to direct how it is done through legislation.

Section 212 of the Administrative Code provides that “the heads of the several administrative departments . . . shall, subject to the approval of the Executive Board, establish such bureaus or divisions in their respective departments . . . as may be required for the proper conduct of the work of such departments . . . .” Therefore, under this section of the Administrative Code, DCNR has the power to establish a new bureau to handle the new law enforcement powers that are to be transferred from the PGC and the PFBC, subject to approval by the Executive Board.

## **Transfer of Administrative Provisions**

In addition to the transfer of the substantive enforcement authority, the General Assembly would need to include in its legislation certain administrative transfer provisions, as was done with DCNR in 1995. For example, this would cover the transfer to DCNR of items, such as:

- All bureaus, organizations, and divisions in the PGC and the PFBC responsible for the conservation law enforcement function.
- All personnel, equipment, files, records, contracts, agreements, obligations, and other materials which are used, employed, or expended by the PGC and PFBC in connection with the conservation law enforcement function in the first instance and as if these contracts, agreements, and obligations had been incurred or entered into by the DCNR.

Additionally, the transfer legislation should be clear that the transfers made do not affect the civil service status of employees of either the PGC or PFBC.

## Regulatory Authority

The General Assembly would need to specifically grant to DCNR the power to issue those regulations relating to law enforcement functions that would be needed in implementing the statutory authority transferred. While it may fall within DCNR's general regulatory authority to issue such new regulations, it would be clearer to simply state this in the transfer legislation. Moreover, any existing PGC and PFBC regulations relating to law enforcement that are needed should be expressly continued in effect under the authority of DCNR. This grant of regulatory power is not intended to extend to substantive policy-making regulations that will remain within the purview of PGC and PFBC, but only to that level of regulatory authority that may be needed to address administrative matters involved in effectively implementing the enforcement authority being transferred. Both the grant of regulatory authority and the transfer of existing regulations, as needed, were done in 1996 with the creation of the Department of Community and Economic Development and the transfer of Department of Community Affairs powers to the new department. Language used in the legislation could be as follows:

*Authorization. The Department of Conservation and Natural Resources shall have the power and duty to promulgate regulations to administer the respective functions transferred to it under this chapter.*

*Continuation. The regulations of the PA Game Commission and of the PA Fish and Boat Commission for the administration of the functions transferred under this chapter shall remain in effect until such time as new regulations are promulgated under the above subsection.*

A similar provision covering other types of the Commissions' orders relating to law enforcement should be included in the legislation. For example, this could read:

*All orders, permits, decisions, and other actions of the PA Game Commission and the PA Fish and Boat Commission related to the functions transferred to the Department of Conservation and Natural Resources shall remain in full force and effect until modified, repealed, suspended, superseded, or otherwise changed by appropriate action of the Department of Conservation and Natural Resources.*

## Repealing Other Laws

This most likely falls in the category of "boilerplate action" when transferring the powers and duties of one agency to another or merging agency powers, but there should be a provision in the transfer legislation providing that all other acts and parts of acts are repealed insofar as they are inconsistent with this transfer legislation. Also, references to the existing PGC and PFBC conservation officers

appear in several other places in law. The transfer legislation should include language conforming these other references to the newly created DCNR Conservation Officers.

## B. Funding Options

The transfer of responsibility for fish, boat, and game law enforcement to DCNR carries with it the essential question of how the new bureau would be funded. If such a transfer were to occur, a number of funding options would need to be considered:

**Option 1: Transfer Full Funding Responsibility to the General Fund.** Under this funding scenario, the full costs of operating the new Bureau of Conservation Law Enforcement would be paid through the DCNR's General Fund appropriation. This appears to be at least the implied intent of HR 222. By asking "how much revenue the PGC and the PFBC would save if a consolidated Bureau of Law Enforcement were created under DCNR," the language in HR 222 suggests that Game, Fish, and Boat Fund monies would not be used to fund the new bureau.

A basis for asserting that the General Fund should cover the costs of a new DCNR Bureau of Conservation Law Enforcement is found at Article 1, Section 27 of the Pennsylvania Constitution which states that:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

Arguably, the Conservation Officers who would staff a new conservation law enforcement bureau would be contributing to the protection and conservation of the Commonwealth's natural resources for all Pennsylvania citizens, functions for which the use of general state revenues could be justified.

**Option 2: Split the Funding of the New Bureau's Budget Between the General Fund and the Fish, Boat, and Game Funds.** Under this option, the costs of operating the new bureau would be split between the General Fund and the PGC's and PFBC's special funds on a designated basis, e.g., 60 percent from the General Fund, 20 percent from the Game Fund, and 20 percent from the Fish and Boat Funds.

**Option 3: Fund the New Bureau's Budget Primarily From the Fish, Boat and Game Funds.** This funding option is similar to the approach used when the Pennsylvania State Police assumed responsibility for liquor law enforcement from the Pennsylvania Liquor Control Board. While the PSP assumed responsibility for enforcing liquor laws, funding to do so continued to come from the State Stores Fund. In the case of a new Bureau of Conservation Law Enforcement in DCNR, however, a calculated portion of funding would need to be provided by the General Fund to account for that portion of bureau operations related to State Parks and State Forests.

## **Impact on Agency Budgets**

HR 222 includes the following questions pertaining to funding of a new bureau: (1) How would the budgets of the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission, and the Department of Conservation and Natural Resources, as well as the General Fund be affected by consolidating the law enforcement responsibilities under one directorate in DCNR? and (2) How much revenue would the Commissions save under this structure?

The answer to these questions is dependent upon the option that the General Assembly would choose to fund the new bureau.

If Option 1 were chosen (General Fund fully responsible), the financial demands on the Fish, Boat, and Game Funds would be reduced by a combined total of \$17.4 million, a \$10.1 million annual reduction for the Game Fund and a combined \$7.3 annual reduction for the Fish and Boat Funds. (See Table 11.)

As Table 11 shows, the bulk of the cost reductions the PGC and the PFBC would realize would result from the transfer of personnel and associated personnel costs to DCNR. We estimate that salary and benefit cost reductions for the PGC would be \$7.9 million and \$6.0 million for the PFBC. Additional savings would be realized because the Commissions would transfer certain fixed assets, such as vehicles, boats, ATVs, and snowmobiles to DCNR, and therefore would not incur the maintenance and replacement costs associated with these assets. Other reductions would also occur because the Commissions would no longer have to provide uniforms, equipment, and training to the officers.

Under funding Option 2, the amount of cost reductions potentially available to the two Commissions would be reduced based on the General Fund/Special Funds split that is agreed upon. If a split of General Fund (60 percent), Game Fund (20 percent), and combined Fish and Boat Funds (20 percent) were used, cost reductions to the Game Fund would approximate \$5.5 million and \$2.7 million combined for the Fish and Boat Funds.

Table 11

**Estimated Cost Reductions That Could Potentially  
Be Realized by the PGC and PFBC**  
(Under Option 1—Full Funding From General Fund)<sup>a</sup>

	Estimated Cost Reductions	
	<u>PGC</u>	<u>PFBC</u>
<b>Personnel Costs:</b>		
Salaries and Benefits of WCOs .....	\$ 5,444,267	\$ 3,984,866
Salaries and Benefits of Bureau Staff.....	876,826	295,978
Salaries and Benefits of Regional Staff .....	391,524	1,247,843
Deputy WCOs Stipends.....	1,120,000	378,820
Reduction in Personnel Administrative Costs .....	<u>71,382</u>	<u>71,382</u>
Subtotal Personnel Cost Reductions.....	\$ 7,903,999	\$ 5,978,888
<b>Operating Costs:</b>		
Uniform Allowance.....	\$ 112,800	\$ 76,000
Office Operating Costs .....	359,550	242,250
Recertification Training.....	<u>695,204</u>	<u>114,000</u>
Subtotal Operating Cost Reductions .....	\$ 1,167,554	\$ 432,250
<b>Fixed Assets:</b>		
Vehicle Maintenance Expenses .....	\$ 255,350	\$ 172,044
Vehicle Annualized Replacement Costs.....	459,634	309,683
Boat, ATV, Snowmobile Maintenance Expenses .....	5,700	60,000
Boat, ATV, Snowmobile Annualized .....		
Replacement Costs .....	0	250,000
Radio System Annual Maintenance .....	<u>300,000</u>	<u>50,000</u>
Subtotal Fixed Asset Cost Reductions .....	<u>\$ 1,020,684</u>	<u>\$ 841,727</u>
Total Annual Cost Reductions <sup>b</sup> .....	\$10,092,237	\$7,252,865

<sup>a</sup>The figures listed are estimates of the amounts by which PGC and PFBC annual costs could potentially be reduced if the law enforcement functions currently performed by the two agencies are transferred to DCNR and the General Fund assumes full funding responsibility for the new law enforcement bureau. The line items listed are those that could be identified and quantified at the time of this study.

<sup>b</sup>The total annual cost reductions would be offset by a loss of income from fines and penalties if such revenue is also transferred to DCNR as is discussed in Section V. Based on the five-year average for the period FY 1998-99 through FY 2002-03, the PGC received \$1,323,212 in fines and penalty income, and the PFBC received \$570,786 from fines and penalties. If these revenues are transferred to DCNR, the net effect of the law enforcement transfer on the Game Fund would be a reduction of \$8,769,025; the net reduction for the Fish and Boat Funds would be \$6,682,079.

Source: Developed by LB&FC staff.

Funding Option #3, which would continue to fund the fish, boat, and game law enforcement functions from each of the respective Commissions, would provide little or no cost reduction opportunities for the Game Fund and Fish and Boat Funds and would thus appear to be contrary to the intent of HR 222.

While Option #1 (General Fund responsible) would clearly be of most financial benefit to the Game Fund, Fish Fund, and Boat Fund, it would pose a significant problem for DCNR and the General Fund. DCNR officials expressed serious concerns about how a new Bureau of Conservation Law Enforcement would be funded if it were to be established in their agency. On several occasions, these officials stressed that this plan would only be possible if funding from the Game Fund, Fish Fund, and Boat Fund followed the WCOs transferred to DCNR from the Game Commission and Fish and Boat Commission.

It is clear that current General Fund appropriations for “State Park Operations” and “State Forest Operations” would not be sufficient to absorb the costs of a new Bureau of Conservation Law Enforcement. State park and forest operations are funded through a combination of a General Fund appropriation, user fees for parks, and the sale of timber from State Forests. Table 12 shows that the level of General Fund support to park and forest operations declined in FY 2003-04 over the prior year level. While General Fund support to these programs is budgeted to increase in FY 2004-05, this support does not return to the funding level for FY 2002-03.

Table 12

<b>Funding of State Parks and State Forest Operations</b>						
(\$000)						
<b>State Parks</b>						
<u>Fiscal Year</u>	<u>General Fund Appropriation</u>		<u>User Fees</u>		<u>Total</u>	
	<u>Amount</u>	<u>%</u>	<u>Amount</u>	<u>%</u>	<u>Amount</u>	<u>%</u>
2002-03 .....	\$60,559	73.8%	\$15,000	18.3%	\$82,026	100%
2003-04 (Available) .....	51,207	71.1	16,010	22.2	72,032	100
2004-05 (Budget) .....	55,244	74.4	14,210	19.1	74,269	100
<b>State Forests</b>						
<u>Fiscal Year</u>	<u>General Fund Appropriation</u>		<u>Timber Sales</u>		<u>Total</u>	
	<u>Amount</u>	<u>%</u>	<u>Amount</u>	<u>%</u>	<u>Amount</u>	<u>%</u>
2002-03 .....	\$15,275	31.6%	\$30,000	62.0%	\$48,393	100%
2003-04 (Available) .....	14,318	27.8	34,131	66.3	51,509	100
2004-05 (Budget) .....	15,025	28.5	34,131	64.8	52,666	100

Source: Developed by LB&FC&FC staff from the FY 2004-05 Governor’s Executive Budget.

Therefore, funding of a new Bureau of Conservation Law Enforcement in DCNR under Option 1 would require a substantial additional commitment from the General Fund. We estimate that in the first year of operation, the amount of this additional commitment would need to be approximately \$23.1 million.

## Other Potential Funding Sources

The amount required from general revenues could, however, be somewhat reduced if (a) revenues from fines and penalties for citations written by COs were earmarked for conservation law enforcement purposes and (b) consideration were given by the General Assembly to imposing a state sales tax on hunting, fishing, and wildlife-watching equipment as is done in some other states.

**Fines and Penalties.** At the present time, the PGC and the PFBC receive revenues from fines and penalties for violations of the Game and Wildlife Code and the Fish and Boat Code, respectively. These revenues are deposited into the Game Fund, Fish Fund, and Boat Fund, as appropriate, and are available to fund agency operations.

Fine and penalty revenues collected during FY 2002-03 by the two Commissions totaled \$2.1 million. Over the five-year period, FY 1998-99 through FY 2002-03, the average was \$1.9 million. Because these revenues are generated as a result of law enforcement activities, it would be appropriate for them to also be transferred to DCNR.

**State Sales Tax on Outdoor Recreation Equipment.** Another potential means of covering a portion of the costs of a new Bureau of Conservation Law Enforcement would be to establish an additional sales tax levy on hunting, fishing, and wildlife-watching equipment. Such a tax would be similar in concept to the excise taxes currently imposed on hunting, fishing, and boating equipment under the Pittman-Robertson and Dingell-Johnson/Wallop-Breaux programs at the federal level. The Commonwealth of Virginia's Department of Game and Inland Fisheries uses the proceeds of such a tax to fund its fish and wildlife law enforcement program.<sup>2</sup>

The concept and feasibility of such a tax for Pennsylvania received some attention and discussion during meetings and hearings held in relation to the HR 15 merger study. The PGC also identified this as a possible alternative funding source, and the PGC's Executive Director has publicly expressed support for such a levy on several occasions.

For discussion purposes, in the context of funding conservation law enforcement, we developed an estimate of the amount of revenue such a tax might generate if imposed in Pennsylvania. Based on data compiled by the U.S. Fish and Wildlife Service (USFWS), nearly \$900 million in hunting, fishing, and wildlife-watching

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<sup>2</sup>In Virginia, there is a 2 percent sales and use tax collected from the sale of hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment. Up to \$13 million of these funds is to be paid into the Game Protection Fund annually and is to be used to defray the cost of law enforcement.

equipment was purchased in Pennsylvania in 2003. (See Table 13.) If an additional 1 percent sales tax were imposed on these items, \$8.9 million could be generated for game, fish, and wildlife purposes, including conservation law enforcement. A tax rate of 1.5 percent would generate approximately \$13.3 million, and an additional 2 percent sales tax would produce approximately \$17.8 million annually, assuming the new tax did not affect sales in Pennsylvania.

These estimates are based on making all equipment items identified by the U.S. Fish and Wildlife Service subject to taxation. (See list in Appendix E.) We included the entire list because they are all items that are used while pursuing recreational activities on State Game Lands, on waterways, in State Parks, and in State Forests. If such a tax were to be considered, the General Assembly would need to decide which items to make subject to the tax.

Additionally, however, in Pennsylvania taxes must comply with the uniformity clause set forth in Article VIII, Section 1 of the state constitution. The “uniformity clause” requires all taxes be uniform upon the same class of subjects. The uniformity required by this clause does not call for absolute equality in a taxing scheme or among classes of subject, but if the result of a taxing scheme is the imposition of substantially unequal tax burdens on persons otherwise similarly situated within the same class of subjects, the tax is unconstitutional. Classes of property may be selected for taxation with different classes of property taxed at different rates. Therefore, the General Assembly has discretion to create different classes of subjects for taxing purposes but must make sure there is uniformity within each classification that is set up. The limitation on the legislature’s ability to create classifications is that the classifications must be reasonable and not arbitrary or capricious. Moreover, there is no constitutional prohibition against double taxation as long as the double taxes do not violate the constitutional requirement of uniformity.

Given this, the General Assembly would need to address this issue if it sought to enact an additional state sales tax on hunting, fishing, and wildlife equipment. The General Assembly would not necessarily be precluded from creating a separate tax classification for such equipment and from imposing an additional tax on this classification. In doing this, significant care would have to be taken to develop, set forth, and support clear reasons why creating this distinction in placing an additional tax on hunting, fishing, and wildlife equipment is reasonable, non-arbitrary, just, and supported by legitimate public policy concerns.

### **C. Training Requirements**

While Game Commission WCOs, Fish and Boat Commission WCOs, and DCNR Rangers receive some training on similar subjects, a substantial amount of cross-training would be required if a consolidated conservation law enforcement bureau were established. In the case of some officers, however, it is likely that they

Table 13

**Amounts Spent in Pennsylvania for Hunting, Fishing, and  
Wildlife-Watching Equipment Items\***

(As Determined by the U.S. Fish and Wildlife Service)

<b><u>Taxable Items:</u></b>	PA 2001 <u>Expenditures</u>	PA 2003 <u>Expenditures<sup>a</sup></u>
<b>Fishing Equipment</b>		
Reels, Rods, and Rod Making Components.....	\$ 50,353,000	\$ 52,541,140
Lines, Hooks, Sinkers, etc. ....	21,451,000	22,383,175
Artificial Lures and Flies.....	23,074,000	24,076,704
Creels, Stringers, Fish Bags, Landing Nets, and Gaff Hooks.....	2,617,000	2,730,724
Minnow Seines, Traps, and Bait Containers.....	1,277,000	1,332,493
Other Fishing Equipment .....	<u>13,942,000</u>	<u>14,547,864</u>
<i>Total Fishing Equipment</i> .....	\$112,714,000	\$117,612,100
<b>Hunting Equipment</b>		
Guns and Rifles .....	\$112,548,000	\$117,438,886
Ammunition .....	28,299,000	29,528,761
Other Hunting Equipment .....	<u>93,590,000</u>	<u>97,657,047</u>
<i>Total Hunting Equipment</i> .....	\$234,437,000	\$244,624,694
<b>Auxiliary Equipment (Tents, Sleeping Bags, etc.)</b>		
Auxiliary Fishing Equipment.....	\$ 20,293,000	\$ 21,174,853
Auxiliary Hunting Equipment.....	<u>79,119,000</u>	<u>82,557,195</u>
<i>Total Auxiliary Equipment for Fishing and Hunting</i> .....	\$ 99,412,000	\$103,732,048
<b>Wildlife-Watching Equipment</b>		
Binoculars, Spotting Scopes, Telescopes .....	\$ 10,084,000	\$ 10,522,210
Cameras, Special Lenses, Video Cameras, and Other Photo. Equip. ...	131,755,000	137,480,545
Film and Developing .....	44,509,000	46,443,183
Bird Food.....	114,256,000	119,221,109
Food for Other Wildlife .....	14,537,000	15,168,720
Nest Boxes, Bird Houses, Bird Feeders, and Bird Baths .....	27,997,000	29,213,638
Day Packs, Carrying Cases, and Special Clothing.....	13,626,000	14,218,131
Other Equipment (Including Field Guides).....	<u>2,681,000</u>	<u>2,797,506</u>
<i>Total Wildlife-Watching Equipment</i> .....	\$359,445,000	\$375,065,042
<b>Auxiliary Wildlife-Watching Equipment</b>		
Auxiliary Wildlife-Watching Equipment .....	<u>\$ 44,851,000</u>	<u>\$ 46,800,045</u>
<b>Total All Equipment</b> .....	\$850,859,000	\$887,833,929

\*See Appendix E for a full list of taxable items as summarized here.

<sup>a</sup>Adjusted 2001 expenditures based on the Consumer Price Index. A 2.4 percentage change was reported for 2002, and a 1.9 percentage change was reported for 2003.

Source: Developed by LB&FC staff using information obtained from the U.S. Fish and Wildlife Service.

could be exempted from certain areas of training (especially in those areas listed under “other” on Tables 14, 15, and 16) based on their prior experience. A cross-training program would, therefore, need to take this into account and provide for a means of enabling some officers to “test-out” of certain training areas or receive an exemption based on experience and years of service.

Presently, each agency administers its own training program for law enforcement staff. While there are some differences among the training programs, the law enforcement officers are trained in many similar topics, including self-defense, laws and regulations, and law enforcement techniques and procedures. Further, both the DCNR Rangers and the Waterways Conservation Officers attend Act 120 Training as offered by the Pennsylvania State Police. Each agency’s current law enforcement training program is discussed below.

***Fish and Boat Commission.*** Waterways Conservation Officer Trainees undergo a 52-week training program, which consists of three distinct segments.

The first segment of the training program is a 20-week session conducted at the Pennsylvania State Police Municipal Police Officer Training School. This session meets the standards of Act 120, the Municipal Police Education and Training Law, and covers the following topics:

- Introduction to the Law
- Physical and Emotional Readiness
- Law and Procedures
- Defensive Tactics
- Motor Vehicle Collision Investigation
- Patrol Procedures and Operations
- Principles of Criminal Investigations
- Human Relations
- Motor Vehicle Law Enforcement and Accident Investigations
- Crisis Management
- Families in Crisis
- Basic Firearms
- Operation of a Patrol Vehicle
- Case Presentation
- First Aid and CPR
- Handling Arrested Persons
- Report Writing

The second portion of the Waterways Conservation Officer training program is conducted at the Fish and Boat Commission’s H. R. Stackhouse School of Fish Conservation and Watercraft Safety in Centre County. This is also a 20-week session, at which the following courses are taught:

- Boat Operation and Boat Law Enforcement
- Environmental Law Enforcement
- Communications Skills
- Officer Safety Skills
- Conservation Officer Skills
- Conservation Law Enforcement

The final phase of Waterways Conservation Officer training is a 12-week supervised field training session. For approximately half of this session each trainee is assigned to an experienced officer and works closely with this officer on law enforcement duties and responsibilities. For the second half of this field training, the trainee takes the lead with law enforcement assignments while supervised by the experienced officer. This provides trainees with on-the-job training and experience.

**Game Commission.** Wildlife Conservation Officer Trainees must complete a 50-week training program that consists of two sessions.

The first segment of this training program is a 40-week session conducted at the Game Commission's Ross Leffler School of Conservation in Harrisburg. Training is provided along the lines of bureau operations and includes the following topics:

- Executive Office
- Training Division
- Automated Technology Services
- Information and Education
- Land Management
- Wildlife Management
- Related Enforcement Agencies and Their Laws
- Laws, Regulations, and Procedures
- Law Enforcement Techniques
- Officer Safety
- Wildlife Damage Complaints and Control
- Hunting and Trapping Methods
- Law Enforcement Administration

The second phase of the Wildlife Conservation Officer training program is a 10-week supervised field training session. During this session, the trainee works under the close supervision of at least four experienced officers. Each day the trainee performs law enforcement field work in a closely supervised environment to receive on-the-job training and experience.

**Department of Conservation and Natural Resources.** DCNR Ranger Trainees have a 21-week training program that consists of two sessions.

The first segment of the training program is the 20-week session conducted at the Pennsylvania State Police Municipal Police Officer Training School. This session meets the standards of Act 120, the Municipal Police Education and Training Law, and covers the topics as listed above for the PA Fish and Boat Commission.

Upon completion of Act 120 training, DCNR Rangers attend a one-week training session sponsored by DCNR, but located at rented facilities, such as college and university classrooms. In the first four days of this one-week training course, the use of firearms, batons, and pepper spray is covered. The final day of this training session is devoted to the rules and regulations of the State Parks and State Forests.

No formal supervised field training session is provided to DCNR Rangers as is the case for Wildlife and Waterways Conservation Officers. Rangers begin to work in the field once they complete their Act 120 training session, however, they are often assigned to work closely with another Ranger to gain field experience.

Cross training among the three groups of conservation law enforcement staff will be necessary in a consolidated law enforcement structure, as current conservation officers would need to become fully familiar with applicable laws from the Fish and Boat Code, the Game and Wildlife Code, and those relating to state parks and state forests in order to adequately enforce the respective laws.

***Suggested Procedure for Cross-Training Law Enforcement Officers.*** It would not be practical to cross-train all three agencies' law enforcement officers at one time. To do so would reduce the coverage of staff in the field and overburden training facilities and staff. We therefore assumed that during the transition period, officers would be cross-trained on a rotating basis.

Both the Ross Leffler School of Conservation in Harrisburg and the H. R. Stackhouse School could be used for law enforcement cross-training to expedite the training process. Given that all three agencies already have law enforcement training instructors on staff, existing training staff can be used for this cross-training.

No significant additional costs are anticipated with the cross-training of law enforcement staff as it could be conducted in-house with existing staff. (How these costs would be split among the agencies would, however, have to be negotiated.) And because employees can be cross-trained on a staggered basis, field coverage could be maintained as management can schedule cross-training to assure that staffing level remain adequate while others attend training.

***Content of Cross-Training Program for Law Enforcement Officers.*** In a consolidated law enforcement bureau the Conservation Officers would be dedicated to law enforcement duties. The officers, therefore, would not need to be cross-trained in every aspect of the sister agencies' present training programs. Only those topics specifically related to dedicated law enforcement activities would need to be covered, at least in the initial cross-training sessions. It is also possible that current WCOs and Rangers could be tested in certain areas (e.g., wildlife management) and, if they pass the test, be exempted from that portion of the cross-training program. To be conservative, however, we did not reduce the potential cross-training effort to reflect this possibility.

A review of the training curriculum shows that to become a Conservation Officer, the WCOs from the Game Commission would need cross-training in the areas listed in Table 14.

Table 14

**Cross-Training Needed by Current Wildlife Conservation Officers**

<u>Area of Study</u>	<u>Hours</u>
<u>High Priority:</u>	
Boat Operation and Boat Law Enforcement .....	127.5
Environmental Law Enforcement.....	58.0
Fish and Boat Code .....	36.5
State Parks and Forest Rules and Regulations.....	<u>8.0</u>
Subtotal.....	230.0
<u>Other Areas:</u>	
Amphibians and Reptiles .....	20.0
Fish Management .....	19.0
Aquatic Ecology .....	18.0
Fishing Skills and Education.....	<u>17.0</u>
Subtotal.....	<u>74.0</u>
Total Hours .....	304.0

Source: Developed by LB&FC staff from an examination of current PGC, PFBC, and DCNR training programs.

In the areas of Boat Operation and Boat Law Enforcement, a Waterways Conservation Officer attends 147.5 hours of instruction. However, only 127.5 hours of cross-training in this area would be needed because the Wildlife Conservation Officer already receives 20 hours of this training while attending the Ross Leffler School of Conservation.

As for Environmental Law Enforcement training, a Waterways Conservation Officer receives a total of 75 hours of training in this area. However, only 58 hours of cross-training in this area would be needed because a Wildlife Conservation Officer already receives 17 hours of this training in becoming a WCO. An additional 8 hours would be required in training on State Park and Forest rules and regulations.

Finally, in the topic area “Fish and Boat Code,” a Waterways Conservation Officer receives a total of 48.5 hours of training in this area. However, only 36.5 hours of cross-training in this area would be needed because Wildlife Conservation Officer training already includes 12 hours of training on the Fish and Boat Code.

The total hours of cross-training that a Wildlife Conservation Officer would need to become a Conservation Officer is 304. However, of this number, 230 hours can be considered high priority. This would include training for boat operation and boat law enforcement, environmental law enforcement, the Fish and Boat Code, and laws, rules, and regulations related to state parks and forests. The other areas of needed cross-training could be addressed as time allows. Using the standard 40-hour work week for law enforcement officers, 304 hours of cross-training converts to

7.6 weeks of training for these officers, and 230 hours converts to 5.8 weeks of training.

Training in the areas cited on Table 15 would be needed in order for Fish and Boat Commission WCOs to become Conservation Officers.

Table 15

**Cross-Training Needed by Current Waterways Conservation Officers**

<u>Area of Study</u>	<u>Hours</u>
<u>High Priority:</u>	
Land Management Programs .....	34
Game and Wildlife Code .....	12
ATV Training .....	8
State Parks and Forest Rules and Regulations.....	<u>8</u>
Subtotal.....	62
<u>Other Areas:</u>	
Principles of Wildlife Management.....	44
Bird Ecology and Identification .....	30
Hunting and Trapping Methods .....	24
Mammal Ecology and Identification.....	24
Wildlife Diseases.....	<u>8</u>
Subtotal.....	<u>130</u>
Total Hours .....	192

Source: Developed by LB&FC staff from an examination of current PGC, PFBC, and DCNR training programs.

In terms of training on enforcing the provisions of the Game and Wildlife Code, a Wildlife Conservation Officer attends 30 hours of such training. However, only 12 hours of cross-training in this area would be needed because a Waterways Conservation Officer already receives 18 hours of such training while attending the H. R. Stackhouse School.

The total hours of cross-training that a present Waterways Conservation Officer would need to become a Conservation Officer is 192. Of this amount, 62 hours can be considered high priority areas. This would include training for ATV operations, land management programs, Game and Wildlife Code, and laws, rules, and regulations relating to state parks and forests. The other areas of needed cross-training could be addressed as time allows. Using the standard 40-hour work week for law enforcement officers, 192 hours of cross-training converts to 4.8 weeks of additional training for these officers, while 62 hours converts to 1.6 weeks of training.

As for the Rangers assigned to parks and forests in the Department of Conservation and Natural Resources, a review of the training curriculum shows that to

become a Conservation Officer, cross-training in the areas outlined in Table 16 would be required.

Table 16

**Cross-Training Needed by Current DCNR Rangers**

<u>Area of Study</u>	<u>Hours</u>
<u>High Priority:</u>	
Boat Operation and Boat Law Enforcement .....	147.5
Environmental Law Enforcement.....	75.0
Fish and Boat Code .....	48.5
Land Management Programs .....	34.0
Game and Wildlife Code .....	30.0
ATV Training .....	<u>8.0</u>
Subtotal.....	343.0
<u>Other Areas:</u>	
Principles of Wildlife Management.....	44.0
Bird Ecology and Identification .....	30.0
Hunting and Trapping Methods .....	24.0
Mammal Ecology and Identification .....	24.0
Amphibians and Reptiles .....	20.0
Fish Management .....	19.0
Aquatic Ecology .....	18.0
Fishing Skills and Education.....	17.0
Wildlife Diseases.....	<u>8.0</u>
Subtotal.....	<u>204.0</u>
Total Hours .....	547.0

Source: Developed by LB&FC staff from an examination of current PGC, PFBC, and DCNR training programs.

We calculate that the total number of hours of cross-training that a present DCNR Ranger would need to become a Conservation Officer is 547. Of this number, 343 hours are in areas that should be considered high priority. This includes training for ATV operations, land management programs, Game and Wildlife Code, boat operation and boat law enforcement, environmental law enforcement, and the Fish and Boat Code. The other areas of needed cross-training could be addressed as time allows. Using the standard 40-hour work week for law enforcement officers, 547 hours of cross-training converts to 13.7 weeks of additional training for these officers, while 343 hours converts to 8.6 weeks of training.

**Firearms Cross-Training.** Presently, the Waterways Conservation Officers, the Wildlife Conservation Officers, and the DCNR Rangers receive different firearms training. They also use different firearm models in the performance of their job duties.

In a consolidated conservation law enforcement bureau, immediate cross-training in the area of firearms would not be necessary. Each officer could retain

the firearm presently owned. As firearms need to be replaced, the same model could be purchased so that eventually all Conservation Officers would use the same firearm.

**Training of Future Recreation and Conservation Officer Classes.** As new classes of Conservation Officers are needed, a new training curriculum will need to be developed. New Conservation Officers would need to be trained in all areas of conservation law enforcement, including the Game and Wildlife Code, the Fish and Boat Code, and laws, rules, and regulations relating to state parks and state forests. At a minimum, the suggested training curriculum would need to contain the courses listed in Table 17. However, this does not include the required Act 120 training that would also be necessary for new officers to attend.

Based on an examination of the current training programs of the three agencies, we identified areas of training that would be needed for new candidates for the DCNR Conservation Officer law enforcement position. This includes 555 hours of training to prepare an individual to enforce game, fish, and boat laws and regulations as well as those statutory and regulatory provisions applicable to State Parks and State Forests.

Table 17

<b>Proposed Training Hours Needed for New DCNR Conservation Officers</b>	
<u>Area of Study</u>	<u>Hours</u>
<u>Law Enforcement:</u>	
Boat Operation and Boat Law Enforcement.....	147.5
Environmental Law Enforcement .....	75.0
Fish and Boat Code.....	48.5
Land Management Programs.....	34.0
Game and Wildlife Code .....	30.0
ATV Training.....	8.0
State Parks and Forest Rules and Regulations ...	<u>8.0</u>
Subtotal .....	351.0
<u>Other Areas:</u>	
Principles of Wildlife Management .....	44.0
Bird Ecology and Identification .....	30.0
Hunting and Trapping Methods .....	24.0
Mammal Ecology and Identification .....	24.0
Amphibians and Reptiles.....	20.0
Fish Management.....	19.0
Aquatic Ecology.....	18.0
Fishing Skills and Education .....	17.0
Wildlife Diseases .....	<u>8.0</u>
Subtotal .....	<u>204.0</u>
Total Hours .....	555.0

Source: Developed by LB&FC staff.

A final component of training for new Conservation Officers would be field training as presently offered by both Commissions. In this training segment, a trainee would be paired with an experienced officer and work closely with that officer on law enforcement duties and responsibilities. With a consolidated Bureau of Conservation Law Enforcement, a CO's field training would need to encompass a rotational schedule that would include on-the-job experience on State Game Lands, waterways, State Parks, and State Forests. This training should last no longer than one year.

#### **D. Communication Among Resource Agencies**

If a new consolidated Bureau of Conservation Law Enforcement is established in DCNR, a direct line of communication would need to be established between the new Bureau and the PGC, the PFBC, and the DCNR Bureau of State Parks and Bureau of Forestry. Because the two Commissions and the Bureau of State Parks and Bureau of Forestry offices will be making policy and program decisions regarding natural resource and recreational activities, they will need to communicate frequently with the Bureau of Conservation Law Enforcement on law enforcement matters and resource goals and priorities.

Upon creation of this bureau, the DCNR would need to meet with PGC and PFBC to discuss and decide on the means of communication to be used. This could take the form of informal communications, as are presently used among the agencies, or it could be formalized in memoranda of understanding.

At the DCNR level, responsibility for ensuring open and ongoing communications would rest in the Division of Policy and Planning in the new Bureau of Conservation Law Enforcement. This Division could maintain communications with PGC and PFBC through newly created "Law Enforcement Liaison" positions in each Commission. These Liaison Officers would communicate with the Division of Policy and Planning on a continuing basis on statutory, regulatory, and policy matters related to game, wildlife, fishing, and boating and how law enforcement activities impact these areas.

A model for communication between a resource agency and conservation law enforcement agency is found in the structure used in Oregon. In Oregon the conservation law enforcement function is housed within the Oregon State Police, while the management of fish and game are the responsibility of the Oregon Department of Fish and Wildlife.

The primary mission of the Fish and Wildlife Division within the Oregon State Police is to ensure compliance with the laws and regulations that protect and enhance the long-term health and equitable use of Oregon's fish and wildlife resources and the habitats upon which they depend. This Division is the single

enforcement entity designated by law to protect fish and wildlife resources in Oregon. They also enforce the state boating laws and enforce environmental regulations.

The Oregon Department of Fish and Wildlife has formed a partnership with the Superintendent of the Oregon State Police through “Cooperative Enforcement Planning” so that the enforcement efforts of the law enforcement division are directed toward the Department of Fish and Wildlife’s priorities and management goals. The Oregon Department of Fish and Wildlife sets fish and wildlife resource management goals, and with Oregon State Police input, develops regulations to achieve the management goals. The law enforcement officers assure compliance with the regulations to achieve resource management goals.

Under the “Cooperative Enforcement Planning” partnership, conservation law enforcement officers meet annually with local biologists to set enforcement priorities by species and to discuss concerns for social issues, seasons, areas, and local issues. Officers then develop tactical plans to address priority issues and gain desired compliance levels to protect resources and meet management goals.

The results of each tactical plan are quantified and discussed with the biologists. The compliance level obtained through the tactical plan is compared to the compliance level considered necessary to meet management goals. If necessary, tactical plans are adjusted to make the best use of manpower and equipment resources to achieve the goals.

We believe an approach that is similar to Oregon’s would help ensure that an adequate level of communication occurs between DCNR and the PGC and the PFBC while helping to balance the demands of resource management with law enforcement through cooperative planning.

## **E. Coordination With Other Law Enforcement Agencies**

Presently, PGC Wildlife Conservation Officers, PFBC Waterways Conservation Officers, and DCNR Rangers interact with one another and coordinate with other law enforcement agencies on an as-needed basis. These officers assist other agencies and at times may seek assistance from agencies, such as the Pennsylvania State Police (PSP), the Pennsylvania Emergency Management Agency (PEMA), the Department of Environmental Protection, and other state agencies as well as federal and local law enforcement agencies.

Under the current structure, such coordination is informal and would be expected to continue under a consolidated Bureau of Conservation Law Enforcement. DCNR may choose to establish interagency coordination policies and formalize them through memoranda of understanding.

One expected benefit of a consolidated Bureau of Conservation Law Enforcement would be realized by other law enforcement agencies when they require assistance from a Conservation Officer. For example, at present, it may be possible that a State Trooper needs assistance in matters related to wildlife, but only a DCNR Ranger is immediately available to provide such assistance. Under the current structure, this Ranger has limited knowledge and experience with wildlife issues and may not be as helpful to the PSP as would be a fully trained Conservation Officer working out of a Bureau of Conservation Law Enforcement. Also, with a consolidated structure, other agencies, such as PSP and PEMA, will need to coordinate with only one agency. The same would also be true for coordination with federal authorities.

## **F. Other Administrative and Operational Matters**

### **Logos and Uniforms**

In the event of a consolidation, the new DCNR Bureau of Conservation Law Enforcement would need to establish a visual public identity. This identity would involve the design of a new conservation law enforcement logo. The change to a new logo would require new patches, signs, stationery, and other supplies bearing the bureau name and logo. A consolidation would also require that the new bureau's Conservation Officers wear a standard uniform.

It would not be necessary, however, to undertake an immediate change of all these items. For example, initially, patches with the newly designed logo could be placed on existing uniforms until they need to be replaced. To minimize costs, such items could be acquired on a phased basis corresponding, to the greatest extent possible, to normal replacement schedules.

A phased transition of this kind is currently underway in DCNR with logos, uniforms, and equipment used by Rangers. In 1999, the Forest Ranger and State Park Ranger job classifications were eliminated and a new combined DCNR Ranger job classification was created.

### **Firearms**

Currently, PGC WCOs use a different firearm than do PFBC WCOs and DCNR Rangers.<sup>3</sup> Although a new common firearm could be specified at some point, each officer in the new bureau could retain the firearm he/she is presently issued. The selection of the Bureau's standard firearm should, however, probably occur prior to the start of the first class of new Conservation Officers so that the new

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<sup>3</sup>Wildlife Conservation Officers use a revolver; Waterways Conservation Officers and the DCNR Rangers use a semiautomatic weapon similar to the State Police and other law enforcement agencies.

common firearm can be issued to Officers upon their graduation from the training program.

## **Radio System**

Currently, the PGC, the PFBC, and DCNR each have their own radio systems. While these systems are independent, law enforcement personnel have the ability to share channels between the systems. The Office of Administration has been working to develop a new state-wide public safety radio system. This system, when completed, will provide a framework for shared communication among emergency and law enforcement agencies across the state. This system, however, is reportedly still a few years from providing full coverage of the state.

Once this system is completed, DCNR should migrate its radio systems to the new Commonwealth system to take advantage of expanded and enhanced communication capabilities with the State Police and other law enforcement agencies.

## **Vehicles**

The PGC, the PFBC, and DCNR, as do all state government agencies, follow Management Directive 615.9, *Permanent Assignment of Commonwealth Automotive Fleet Vehicles*, in assigning vehicles to staff. Within the PGC and the PFBC, a vehicle is permanently assigned to each Wildlife Conservation Officer and Waterways Conservation Officer. Within DCNR, those Rangers responsible for forest patrols have a permanently assigned vehicle while Rangers assigned to State Parks patrols share vehicles with other park employees.

If the WCOs of PGC and PFBC were to transfer to a new Bureau of Conservation Law Enforcement in DCNR, we assumed their vehicles would remain with them. DCNR would need to work with the Department of General Services (DGS) to accomplish this transfer. DCNR would then become responsible for all maintenance and replacement costs for the vehicles used by the Conservation Officers, except those working in State Parks (DCNR Rangers working in State Parks are not assigned their own vehicles). At least some of the boats, ATVs, and snowmobiles presently used by the law enforcement officers of PGC and PFBC would also need to be transferred to DCNR.

## **Information Technology**

Currently, PGC Wildlife Conservation Officers have dial-up access to PGC technology resources from computers used in their homes, and the PFBC is reportedly working on establishing dialup access to its information technology (IT) resources for their Waterway Conservation Officers. DCNR Rangers primarily utilize IT resources from Park Offices or from Forest District headquarters.

In the event of a consolidation of law enforcement functions, a transition plan for the utilization of IT resources would need to be developed. At a minimum, this plan would need to address how internal legacy applications which support each agency's law enforcement function could be merged. This could be a complicated process as some of these applications, especially at the PGC, are mainframe-based and somewhat antiquated. Thus, it may be necessary to continue each agency's current law enforcement IT function independent of each other until a thorough review of all law enforcement business functions within the new Bureau of Conservation Law Enforcement is completed. Ultimately, a combined law enforcement database would need to be created which would track violators, as well as all other complaints, whether on State Game Lands, waterways, parks, or forests. Such a system would be beneficial as it would ensure that information is shared between all officers and that cases do not fall through the cracks.

A consolidated law enforcement bureau would likely create a strain on existing IT resources within DCNR; thus, it would be critical to ensure that these resources are not compromised. Hardware, software, as well as additional support personnel would likely be needed to support the consolidated Bureau. The exact nature of these costs cannot be easily quantified in the absence of a thorough IT inventory among the agencies and the development of an appropriate business process model. While it can be expected that some costs would be incurred in this area, they should not be of a magnitude that would present a substantial impediment to a consolidation. Such costs could be viewed as an investment which could ultimately lead to efficiencies and improved law enforcement services to constituencies over time.

## **Labor Agreements**

A significant difference exists between bargaining provisions granted to Wildlife Conservation Officers through their AFSCME labor agreements and those provided to the Waterways Conservation Officers and the DCNR Rangers. Officials from both Commissions and the DCNR have emphasized this difference, stating that it will need to be addressed in the event of a consolidation.

Although all three groups of law enforcement officers have their labor agreements through AFSCME, the PGC officers are covered by Act 111 bargaining provisions while the PFBC officers and the DCNR Rangers are covered by Act 195 bargaining provisions. Act 111 prohibits a strike and provides for binding arbitration proceedings if a contract cannot be negotiated. Conversely, Act 195 does not provide for binding arbitration but permits a labor strike.

In the event of a consolidation, the new Conservation Officers would be one classification of employees, and as such, it would be necessary for them to be covered under the same union bargaining provisions. Considerable negotiating with

the involved unions would be necessary to resolve these issues; however, we identified no issues that appeared to be insurmountable.

## **Salary Schedules**

PFBC officers follow “Standard Pay Schedule—Schedule S” of the Commonwealth payroll system. This is the pay schedule the majority of state employees follow. The PGC officers are classified under “Conservation Officer Pay Schedule—Schedule Y.” For the year starting July 1, 2002, the minimum annual salary for either WCO group (PGC or PFBC) for an 80 hour pay period was \$34,905. However, the maximum annual salary for a Waterways Conservation Officer for an 80 hour pay period was \$53,036, while it was \$55,436 for a Wildlife Conservation Officer. The PGC pay schedule allows for step increases beyond 20 years of service whereas the PFBC pay scale stops at the 20<sup>th</sup> step.

DCNR Rangers are classified under “Park Officers Pay Schedule—Schedule W.” For the year starting July 1, 2002, the minimum annual salary for a DCNR Ranger for an 80 hour pay period was \$26,894, and the maximum annual salary for a DCNR Ranger was \$47,048. The DCNR pay schedule is the same as that of the PFBC in that it does not allow for a step increase beyond 20 years of service.

Compensation to the three groups also differs in the area of overtime due to the difference in the labor agreements. For example, Waterways Conservation Officers may be assigned up to ten hours of work per day before overtime is paid, whereas Wildlife Conservation Officers and DCNR Rangers are paid overtime compensation for any time worked over eight hours in one day.

In the event a new Bureau of Conservation Law Enforcement is created in DCNR, the Conservation Officers would comprise one classification and would need to follow one common pay schedule. DCNR management would need to work with the Office of Administration and the designated union for these officers to develop a new salary plan. Given the increase in responsibilities and expanded training, it would be reasonable to expect that some upward salary adjustments would be warranted for the DCNR Rangers.

## **Retirement Schedules**

The PFBC Waterways Conservation Officers and DCNR Rangers follow a standard law enforcement retirement schedule under which officers are able to retire at age 50 with 20 years of service without the imposition of any penalty provisions. Wildlife Conservation Officers are currently the only law enforcement officers in the state that are not eligible for the standard law enforcement retirement benefits. Rather, PGC Officers fall under the standard state employee retirement

schedule of 35 years of service or 60 years of age. If PGC WCOs choose to retire at age 50, early retirement penalties are imposed upon their benefits.

If a consolidated Bureau of Conservation Law Enforcement is established, the Conservation Officers would be one classification of employees, and as such, it would be necessary for them to be covered under the same retirement provisions. Because the new Conservation Officers would be dedicated law enforcement officers, we assumed that they would be given the same retirement provisions as all other law enforcement personnel. Under this scenario, current Game Commission WCOs would receive additional retirement benefits to bring them in line with all other law enforcement officers.

### **Relocation Activities**

In the event of a consolidation, relocation of staff and equipment would also be necessary. As discussed elsewhere in this report, the PGC and PFBC Bureaus of Law Enforcement would be eliminated and most of their staffs would be transferred to the new Bureau of Conservation Law Enforcement in DCNR. Office space adequate to house at least 22 persons would need to be secured to house the new bureau in Harrisburg, preferably at the DCNR's headquarters in the Rachel Carson Office Building. Once the space is identified, some equipment may need to be relocated from the PGC and PFBC buildings to the new DCNR location.

Further, if the present PFBC Regional Offices are used for field locations, additional staff and equipment relocations to these building would be necessary. However, because these buildings are already fully equipped, relocation efforts should be limited to officers moving their possessions from one office to another. Because Park Offices and District Forest Office already accommodate law enforcement personnel, there should be no major relocation activities required at these facilities.

## **VI. Appendices**

# APPENDIX A

## House Resolution 222 of 2003

PRIOR PRINTER'S NO. 1435

PRINTER'S NO. 1943

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### THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE RESOLUTION

## No. 222 Session of 2003

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INTRODUCED BY STABACK, BEBKO-JONES, CAPPELLI, COY, DeLUCA,  
GERGELY, GODSHALL, GRUCELA, HORSEY, JAMES, LAUGHLIN,  
LEVDANSKY, LEWIS, MCGEEHAN, PETRARCA, PHILLIPS, PISTELLA,  
READSHAW, SCRIMENTI, SHANER, SOLOBAY, SURRA, THOMAS, TIGUE,  
WALKO, WANSACZ, WASHINGTON, WHEATLEY, YOUNGBLOOD AND GOODMAN,  
APRIL 21, 2003

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AS AMENDED, HOUSE OF REPRESENTATIVES, JUNE 4, 2003

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#### A RESOLUTION

1 Directing the Joint State Government Commission\* to study the  
2 feasibility of transferring the law enforcement functions of  
3 both the Pennsylvania Game Commission and the Pennsylvania  
4 Fish and Boat Commission to a new Bureau of Law Enforcement  
5 within the Department of Conservation and Natural Resources  
6 OR OTHER DEPARTMENT. <--

7 WHEREAS, The Commonwealth currently utilizes at least four  
8 different types of officers to enforce State laws pertaining to  
9 wildlife and natural resources: State park rangers, State forest  
10 rangers, wildlife conservation officers and waterways  
11 conservation officers; and

12 WHEREAS, The overlapping jurisdictions of these officers begs  
13 the question of whether it would make sense to combine these  
14 officers under one directorate; therefore be it

15 RESOLVED, That the House of Representatives direct the Joint  
16 State Government Commission to study the feasibility of  
17 transferring the law enforcement functions of both the  
18 Pennsylvania Game Commission and the Pennsylvania Fish and Boat

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\*As originally drafted, HR 222 directed the Joint State Government Commission to conduct this feasibility study. The resolution was subsequently amended on the floor of the House to reassign the study to the Legislative Budget and Finance Committee. This amendment was not printed in the final version of the resolution.

## Appendix A (Continued)

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1 Commission to a new Bureau of Law Enforcement within the  
2 Department of Conservation and Natural Resources OR ANOTHER <--  
3 DEPARTMENT; and be it further  
4 RESOLVED, That this study address the following questions:  
5 (1) How would the budgets of the Pennsylvania Game  
6 Commission, Pennsylvania Fish and Boat Commission, the  
7 Department of Conservation and Natural Resources (DCNR), OR <--  
8 THE OTHER DEPARTMENT, and the General Fund be affected by  
9 consolidating the law enforcement responsibilities under one  
10 directorate in DCNR, OR ANOTHER DEPARTMENT? What start-up <--  
11 costs would be necessary? How much revenue would the  
12 commissions save under this merger?  
13 (2) How would the existing work force be merged into the  
14 new system? Would retraining of existing personnel be  
15 necessary, and if so, how would it be done? What type of  
16 training program should be available for new employees?  
17 (3) What criteria would be used to determine how  
18 officers are stationed around this Commonwealth? How large  
19 should each law enforcement district be? How many officers  
20 would be needed to adequately cover this Commonwealth? Should  
21 deputy enforcement officers be used?  
22 (4) How would the new bureau be structured?  
23 (5) How would the two commissions communicate with DCNR  
24 OR THE OTHER DEPARTMENT regarding their needs and concerns? <--  
25 (6) How would law enforcement functions be coordinated  
26 between the new bureau and other law enforcement agencies;  
27 and be it further  
28 RESOLVED, That the report of the Joint State Government  
29 Commission be submitted to the House of Representatives by  
30 December 31, 2003 MARCH 31, 2004. <--  
C5L82JAM/20030H0222R1943 - 2 -

## APPENDIX B

### DCNR Ranger Staffing by State Park and State Forest

<u>Office</u>	<u>Position</u>	<u>Number of Employees<sup>1</sup></u>
DCNR Headquarters.....	DCNR Ranger Operations Specialist .....	1
<i>State Parks:</i>		
<u>Region 1:</u>		
Bendigo .....	DCNR Ranger .....	1
Black Moshannon .....	DCNR Ranger .....	1
Chapman .....	DCNR Ranger .....	1
Hills Creek.....	DCNR Ranger .....	2
Kettle Creek .....	DCNR Ranger .....	1
Leonard Harrison .....	DCNR Ranger .....	1
Little Pine .....	DCNR Ranger .....	1
Lyman Run.....	DCNR Ranger .....	1
Parker Dam.....	DCNR Ranger .....	2
R.B. Winter.....	DCNR Ranger .....	1
Reed Gap.....	DCNR Ranger .....	1
Sinnemahoning .....	DCNR Ranger .....	1
Shikellamy.....	DCNR Ranger .....	1
Bald Eagle.....	DCNR Ranger .....	<u>3</u>
Subtotal Region 1 .....		18
<u>Region 2:</u>		
Clear Creek.....	DCNR Ranger .....	1
	DCNR Ranger Supervisor ..	1
Cook Forest .....	DCNR Ranger .....	5
Keystone .....	DCNR Ranger .....	3
Laurel Hill .....	DCNR Ranger .....	6
	DCNR Ranger Supervisor ..	1
Linn Run.....	DCNR Ranger .....	1
Moraine .....	DCNR Ranger .....	7
	DCNR Ranger Supervisor ..	1
Ohiopyle.....	DCNR Ranger .....	5
	DCNR Ranger Supervisor ..	1
Raccoon Creek .....	DCNR Ranger .....	4
Ryerson Station .....	DCNR Ranger .....	1
Maurice K. Goddard.....	DCNR Ranger .....	1
Yellow Creek.....	DCNR Ranger .....	2
Presque Isle .....	DCNR Ranger .....	16
	DCNR Ranger Supervisor ..	2
Oil Creek .....	DCNR Ranger .....	2
Pymatuning .....	DCNR Ranger .....	10
	DCNR Ranger Supervisor ..	<u>1</u>
Subtotal Region 2 .....		71

## Appendix B (Continued)

<u>Office</u>	<u>Position</u>	<u>Number of Employees<sup>1</sup></u>
<u>Region 3:</u>		
Blue Knob .....	DCNR Ranger .....	2
Caledonia.....	DCNR Ranger .....	2
Colonel Denning .....	DCNR Ranger .....	2
Cowans Gap .....	DCNR Ranger .....	4
Gifford Pinchot .....	DCNR Ranger .....	6
Greenwood Furnace .....	DCNR Ranger .....	3
Pine Grove .....	DCNR Ranger .....	3
Prince Gallitzin .....	DCNR Ranger .....	7
	DCNR Ranger Supervisor ..	1
Shawnee .....	DCNR Ranger .....	3
Codorus .....	DCNR Ranger .....	7
	DCNR Ranger Supervisor ..	1
Little Buffalo .....	DCNR Ranger .....	3
Canoe Creek.....	DCNR Ranger .....	4
King's Gap .....	DCNR Ranger .....	<u>1</u>
Subtotal Region 3 .....		49
<u>Region 4:</u>		
Frances Slocum .....	DCNR Ranger .....	3
Fort Washington.....	DCNR Ranger .....	3
	DCNR Ranger Supervisor ..	1
French Creek .....	DCNR Ranger .....	12
	DCNR Ranger Supervisor ..	2
Hickory Run .....	DCNR Ranger .....	10
	DCNR Ranger Supervisor ..	1
Neshaminy .....	DCNR Ranger .....	5
	DCNR Ranger Supervisor ..	1
Tuscarora.....	DCNR Ranger .....	4
Promised Land.....	DCNR Ranger .....	5
	DCNR Ranger Supervisor ..	1
Ricketts Glen.....	DCNR Ranger .....	3
Tobyhanna .....	DCNR Ranger .....	3
Nockamixon .....	DCNR Ranger .....	5
	DCNR Ranger Supervisor ..	1
World's End.....	DCNR Ranger .....	3
Memorial Lake .....	DCNR Ranger .....	1
Tyler .....	DCNR Ranger .....	3
	DCNR Ranger Supervisor ..	1
Ridley Creek .....	DCNR Ranger .....	7
	DCNR Ranger Supervisor ..	1
Lackawanna.....	DCNR Ranger .....	4
	DCNR Ranger Supervisor ..	1
Beltzville.....	DCNR Ranger .....	5
	DCNR Ranger Supervisor ..	1
Evansburg.....	DCNR Ranger .....	3

## Appendix B (Continued)

<u>Office</u>	<u>Position</u>	<u>Number of Employees<sup>1</sup></u>
<u>Region 4 (Continued):</u>		
Delaware Canal .....	DCNR Ranger .....	3
	DCNR Ranger Supervisor ..	1
White Clay Creek.....	DCNR Ranger .....	<u>1</u>
Subtotal Region 4 .....		<u>95</u>
Total State Parks .....		233
<i>State Forests:</i>		
Michaux.....	DCNR Ranger .....	7
	DCNR Ranger Supervisor ..	1
Buchanan.....	DCNR Ranger .....	2
Tuscarora.....	DCNR Ranger .....	5
Forbes.....	DCNR Ranger .....	4
	DCNR Ranger Supervisor ..	1
Rothick .....	DCNR Ranger .....	3
Bald Eagle.....	DCNR Ranger .....	5
Moshannon .....	DCNR Ranger .....	5
Sproul.....	DCNR Ranger .....	5
Lackawanna.....	DCNR Ranger .....	1
Tiadaghton .....	DCNR Ranger .....	5
	DCNR Ranger Supervisor ..	1
Elk .....	DCNR Ranger .....	3
Susquehannock .....	DCNR Ranger .....	4
Tioga .....	DCNR Ranger .....	4
	DCNR Ranger Supervisor ..	1
Delaware.....	DCNR Ranger .....	6
	DCNR Ranger Supervisor ..	1
Wyoming.....	DCNR Ranger .....	<u>4</u>
Subtotal State Forests .....		<u>68</u>
Total DCNR Ranger Staff .....		302

<sup>1</sup>Includes both full-time salaried and part-time seasonal DCNR Rangers.

Source: Developed by LB&FC staff.

## APPENDIX C

### Organizational Placement of the Conservation Law Enforcement Function in Other States

A. States in Which Fish and Wildlife Functions Are Carried Out Within an Independent Department or Commission (Total 22)

		Conservation Law Enforcement Located Within:	
		<u>The Fish &amp; Wildlife Agency</u>	<u>Another Department</u>
Alaska.....	Department of Fish and Game .....		X (State Police)
Arizona.....	Department of Game and Fish .....	X	
Arkansas.....	Game and Fish Commission .....	X	
California .....	Department of Fish and Game .....	X	
Florida.....	Fish and Wildlife Conservation Commission .....	X	
Idaho.....	Department of Fish and Game .....	X	
Kentucky.....	Department of Fish and Wildlife Resources .....	X	
Louisiana .....	Department of Wildlife and Fisheries .....	X	
Maine.....	Department of Inland Fisheries and Wildlife.....	X	
Massachusetts.	Department of Fish and Game .....	X	
Nevada .....	Department of Wildlife .....	X	
New Hampshire	Department of Fish and Game .....	X	
New Mexico .....	Department of Game and Fish .....	X	
North Carolina .	Wildlife Resources Commission.....	X	
North Dakota ...	Game and Fish Department .....	X	
Oklahoma .....	Department of Wildlife Conservation.....	X	
Oregon.....	Department of Fish and Wildlife .....		X (State Police)
Tennessee.....	Wildlife Resources Agency.....	X	
Vermont.....	Department of Fish and Wildlife .....	X	
Virginia.....	Department of Game and Inland Fisheries .....	X	
Washington.....	Department of Fish and Wildlife .....	X	
Wyoming.....	Department of Game and Fish .....	X	

**Appendix C (Continued)**

**B. States in Which Fish and Wildlife Functions Are Carried Out Within an Organizational Unit(s) of a Larger State Agency (Total 27)**

<u>State</u>	<u>Location of Fish and Wildlife Functions</u>	<u>Conservation Law Enforcement Located Within:</u>	
		<u>Game and Fish Division</u>	<u>Another Separate Division</u>
Alabama .....	Wildlife and Freshwater Fisheries Division within the Department of Conservation and Natural Resources.....	X	
Colorado .....	Division of Wildlife within the Department of Natural Resources .....	X	
Connecticut.....	Bureau of Natural Resources within the Department of Environmental Protection.....		X
Delaware .....	Division of Fish and Wildlife within the Department of Natural Resources and Environmental Control .....	X	
Georgia .....	Wildlife Resources Division within the Department of Natural Resources .....	X	
Hawaii .....	Division of Aquatic Resources; Division of Forestry and Wildlife within the Department of Land and Natural Resources .....		X
Illinois.....	Office of Resource Conservation within the Department of Natural Resources .....		X
Indiana.....	Division of Fish and Wildlife within the Department of Natural Resources .....		X
Iowa .....	Division of Conservation and Recreation within the Department of Natural Resources.....	X	
Kansas.....	Fisheries and Wildlife Division within the Department of Wildlife and Parks .....		X
Maryland.....	Wildlife and Heritage Service within the Department of Natural Resources .....		X
Michigan .....	Fisheries Division; Wildlife Division within the Department of Natural Resources .....		X
Minnesota .....	Division of Wildlife; Division of Fisheries within the Department of Natural Resources.....		X
Mississippi .....	Division of Hunting and Wildlife; Division of Fisheries within the Department of Wildlife .....		X
Missouri .....	Division of Fisheries; Division of Wildlife within the Department of Conservation .....		X
Montana.....	Fisheries Division; Wildlife Division within the Department of Fish, Wildlife, and Parks .....		X
Nebraska .....	Wildlife Division; Fisheries Division within the Game and Parks Commission.....		X
New Jersey.....	Division of Fish and Wildlife within the Department of Environmental Protection.....		X

**Appendix C (Continued)**

**B. States in Which Fish and Wildlife Functions Are Carried Out Within an Organizational Unit(s) of a Larger State Agency (Total 27) (Continued)**

<u>State</u>	<u>Location of Fish and Wildlife Functions</u>	<u>Conservation Law Enforcement Located Within:</u>	
		<u>Game and Fish Division</u>	<u>Another Separate Division</u>
New York .....	Division of Fish, Wildlife, and Marine Resources within the Department of Environmental Conservation.....		X
Ohio .....	Division of Wildlife within the Department of Natural Resources .....	X	
Rhode Island ...	Division of Fish and Wildlife within the Department of Environmental Management.....		X
South Carolina.	Division of Wildlife and Freshwater Fisheries within the Department of Natural Resources .....		X
South Dakota...	Division of Wildlife within the Department of Game, Fish, and Parks .....	X	
Texas .....	Wildlife Division; Inland Fisheries Division within the Parks and Wildlife Commission .....		X
Utah .....	Division of Wildlife Resources within the Department of Natural Resources .....	X	
West Virginia ...	Wildlife Resources Section within the Division of Natural Resources .....		X
Wisconsin .....	Division of Land; Division of Water within the Department of Natural Resources .....		X

Source: Developed by LB&FC staff using information obtained from each state's wildlife and fishing agency.

## APPENDIX D

### **Basis and Calculation of the Estimated Costs of Operating a Consolidated Bureau of Conservation Law Enforcement**

In Section IV, Table 10 lists the estimated costs of operating a consolidated Bureau of Conservation Law Enforcement in DCNR. The following provides an explanation of the basis for and calculation of these estimates corresponding to the cost categories set forth on Table 10.

#### **A. Personnel Costs**

##### **1. Salaries and Benefits of 390 Full-Time Conservation Officers - \$21,542,285**

a. Based on a 61.1 percent law enforcement effort (see page 28), the hours of 83 PGC WCOs would need to be accounted for in the new bureau. We calculated the estimated salary and benefit costs for these positions by multiplying the number of officers required by the average salary of a Wildlife Conservation Office of \$43,632 plus benefits (calculated at the rate of 31.7 percent, the average for Commonwealth employees).

b. Based on a 89.0 percent law enforcement effort (see page 29), the hours of 72 PFBC WCOs would need to be accounted for in the new bureau. We calculated the estimated salary and benefit costs of these positions by multiplying the number of officers required by the average salary of a Waterways Conservation Officer of \$41,046 plus benefits at the rate of 31.7 percent (the average for Commonwealth employees).

c. Based on calculations developed in conjunction with the PGC and PFBC, we determined that the estimated annual law enforcement officer equivalency of work performed by Deputy WCOs is 113 FTE officers. To arrive at a cost estimate for 113 officers, we calculated 52 officers at the PGC average salary and benefit rate (see a. above), 8 officers at the PFBC rate (see b. above), and the conversion of 53 part-time seasonal Rangers to full-time status and applying the PFBC salary and benefit rate in b. above.

d. Another 122 officers would be needed to maintain current DCNR effort. These positions are drawn from the DCNR's current complement of 69 full-time Rangers and the conversion of 53 part-time seasonal Rangers to full-time status. Salary and benefit costs for these positions were calculated using the PFBC rate from b. above.

##### **2. Salaries and Benefits of 100 Part-Time Conservation Officers - \$2,141,600**

In addition to the 390 full-time COs, another 100 part-time officers would be needed to maintain current coverage levels. We calculated the estimated salary and benefit costs for these positions by multiplying the number of officers required by the average annual wages of a part-time seasonal Ranger of \$18,486 plus benefits at a rate of 15.85 percent.

##### **3. Salaries and Benefits of 47 Conservation Officer Supervisors and Assistant Supervisors - \$3,706,970**

a. To maintain the former level of PGC law enforcement supervisors, we included 6 positions at the current salary and benefit rate in effect for these positions.

## Appendix D. (Continued)

b. To maintain the former level of PFBC law enforcement supervisory effort, we included 6 supervisor positions and 9 assistant supervisor positions at the current salary and benefit rate in effect for these positions.

c. To maintain the existing supervisor-to-Ranger ratio in DCNR and arrive at an overall supervisor-to-CO ratio of approximately 1:10, the 26 DCNR Ranger supervisors would be needed. We then calculated the salary and benefit costs of 26 DCNR supervisors at the PFBC WCO Supervisor salary rate of \$62,008 plus benefits at 31.7 percent (the average for Commonwealth employees).

### 4. Salaries and Benefits of 28 Bureau Headquarters and Regional Support Staff - \$1,735,619

a. The new bureau headquarters office described in the report would include a total of 22 positions drawn from the PGC Bureau of Law Enforcement and the PFBC Bureau of Law Enforcement. Such positions include, for example, bureau directors, section supervisors, administrative assistants, and a radio specialist. Salary and benefit costs at current levels in effect for these positions were included.

b. Clerical support to the regions includes 6 positions calculated at present salary and benefit rates for individual clerks.

### 5. Estimated Costs of Personnel Administrative Services - \$142,764

Based on additional personnel services required in DCNR for additional CO positions. Amount reflects the salary and benefit costs of the FTE of two Human Resources Analysts at an average salary of \$54,201 plus benefits at 31.7 percent.

## B. Operating Costs

### 1. Recertification Training - \$1,170,404

The PGC reported the amount of total annual recertification costs for WCOs for the most recent fiscal year at \$695,204. PGC did not provide a breakout of costs per officer. The PFBC reported that annual recertification costs are \$1,200 per officer. We applied this cost to 95 officers at PFBC (80 Waterways Conservation Officers, six WCO Supervisors, and nine WCO Assistant Supervisors). Recertification training costs were not available from DCNR. Therefore, the figures provided by PFBC were applied to DCNR staff since training needs are similar. The annual recertification training amount of \$1,200 per officer was applied to the 275 officers needed from DCNR and the 26 DCNR Ranger Supervisors.

### 2. Office Operating Costs - \$917,850

While the PFBC itemizes operating costs for the Waterways Conservation Officers, similar figures are not available from the PGC and DCNR. Because the administration of the offices is similar in both agencies, we used the PFBC figures for estimating purposes. The PFBC's law enforcement office operating costs include the following per officer: \$750 for telephone expenses, \$1,500 for home office costs, and \$300 for supplies and postage. We applied these costs for 141 officers at PGC (135 Wildlife Conservation Officers and six WCO Supervisors) and 95 officers at PFBC (80 Waterways Conservation Officers, six WCO Supervisors, and nine WCO Assistant Supervisors). Because Rangers do not operate out of home offices, only the annual telephone cost of \$750 and the annual supplies/postage cost of \$300 was used. These amounts were also applied to the 275 officers needed from DCNR and the 26 DCNR Ranger Supervisors.

## **Appendix D (Continued)**

### **3. Uniform Allowance for Current DCNR Rangers - \$112,875**

DCNR annually provides a \$225 allowance to each Ranger for a uniform and \$150 for the maintenance of that uniform. These allowances were applied to the 69 full-time Rangers, the 206 wage Rangers, and the 26 Ranger Supervisors.

### **4. Uniform Allowance for Transferred WCO Officers and Supervisors - \$88,500**

DCNR annually provides a \$225 allowance to each Ranger for a uniform and \$150 for the maintenance of that uniform. These allowances will need to be extended to the WCOs transferred from PGC and PFBC. We calculated that 236 additional officers would need a uniform when transferred to DCNR. This group includes the 135 PGC WCOs, the six PGC WCO Supervisors, the 80 PFBC WCOs, and the six PFBC WCO Supervisors/Regional Managers, and the nine PFBC WCO Assistant Supervisors.

## **C. Fixed Assets**

### **1. Annualized Replacement Costs for Vehicles From PGC - \$459,660**

The PGC and the PFBC provided the average purchase price of vehicles for FY 2001-02. Using this data, we calculated an average purchase price of \$19,559. Assuming a six-year vehicle replacement schedule, the annualized replacement cost is \$3,260 per vehicle. We applied this cost to the 141 vehicles to be transferred from the PGC.

### **2. Additional Radio Maintenance Costs - \$350,000**

PGC officials report that annual radio maintenance costs average \$300,000 for law enforcement. Officials from the PFBC Bureau of Law Enforcement stated that they annually budget \$50,000 for radio maintenance costs for the radio system used by the Waterways Conservation Officers.

### **3. Annualized Replacement Costs for Vehicles From PFBC - \$309,700**

The PGC and the PFBC provided the average purchase price of vehicles for FY 2001-02. Using this data, we calculated an average purchase price of \$19,559. Assuming a six-year vehicle replacement schedule, the annualized replacement cost is \$3,260. This cost was applied to 95 vehicles to be transferred from the PFBC.

### **4. Maintenance Expenses for Vehicles Transferred From PGC - \$255,350**

The PGC and the PFBC provided annual maintenance costs for their vehicles using FY 2001-02 data. Using this data, we determined an average vehicle maintenance cost of \$1,811. We applied this cost to 141 vehicles (135 assigned to WCOs and 6 assigned to WCO Supervisors).

### **5. Annualized Replacement Costs for Boats From PFBC - \$250,000**

Officials from the PFBC Bureau of Law Enforcement stated that their boats are typically replaced every 10 years, and that they annually budget \$250,000 for boat replacements.

## Appendix D (Continued)

### 6. Maintenance Expenses for Vehicles Transferred From PFBC - \$172,044

The PFBC and the PGC provided annual maintenance costs for their vehicles using FY 2001-02 data. Using this data, we determined an average vehicle maintenance cost of \$1,811. This cost was applied to 95 vehicles; 80 assigned to the WCOs and 15 assigned to WCO Supervisors/Regional Managers and WCO Assistant Supervisors.

### 7. Maintenance Expenses for Boats Transferred From PFBC - \$60,000

Officials from the PFBC Bureau of Law Enforcement stated that annual boat maintenance costs range between \$50,000 and \$75,000. We used \$60,000 as a mid-range estimate.

### 8. Maintenance Expenses for Boats, ATVs, and Snowmobiles From PGC - \$5,700

PGC officials estimate that annual maintenance costs for off-road vehicles includes \$2,600 for ATVs, \$1,100 for snowmobiles, and \$2,000 for boats.

### 9. Estimated Vehicle Costs for Current DCNR Ranger Staff - \$344,828

Vehicle replacement and maintenance costs were not available from DCNR. Therefore, PGC and PFBC figures were applied, using all the maintenance and replacement costs for vehicles, an average cost of \$5,071 was calculated for each officer. This cost was applied to the 63 DCNR Rangers and 5 DCNR Ranger Supervisors that are assigned a full-time vehicle in DCNR to arrive at \$344,815. DCNR Rangers and Supervisors assigned to State Parks share vehicles with all other park officials.

## APPENDIX E

### Items Classified as “Hunting, Fishing, and Wildlife-Watching Equipment” by the U.S. Fish and Wildlife Service

#### **Fishing Equipment:**

- Rods
- Reels
- Poles
- Rodmaking Components
- Fishing Lines
- Fishing Leaders
- Artificial Lures
- Artificial Flies
- Artificial Baits
- Dressing for Flies and Lines
- Hooks and Sinkers
- Swivels
- Tackle boxes
- Creels
- Stringers
- Fish Bags
- Landing Nets
- Gaff Hooks
- Minnow traps
- Seines
- Bait Containers
- Depth Finders
- Fish Finders
- Electronic Fishing Devices
- Ice Fishing Equipment

#### **Hunting Equipment:**

- Rifles
- Shotguns
- Muzzleloaders
- Other Primitive Firearms
- Pistols
- Handguns
- Bows
- Arrows
- Archery Equipment
- Telescopic Sights
- Decoys
- Game Calls
- Ammunition
- Hunting Knives
- Hand Loading Equipment
- Hunting Dogs and Associated Costs

#### **Auxiliary Equipment (Fishing and Hunting):**

- Camping bags
- Camping packs
- Duffel bags
- Tents
- Binoculars
- Field glasses
- Telescopes
- Special Fishing Clothing
- Special Hunting Clothing
- Rubber Boots
- Waders
- Foul Weather Gear
- Processing and Taxidermy Costs

#### **Wildlife-Watching Equipment:**

- Binoculars
- Spotting Scopes
- Cameras
- Video Cameras
- Special Photography Lenses
- Other Photographic Equipment
- Camera Film
- Film Developing
- Bird Food
- Feed for Other Wildlife
- Nest boxes
- Bird Houses
- Bird Feeders
- Bird Baths
- Day packs
- Carrying Cases
- Special Clothing
- Field Guides
- Maps

#### **Auxiliary Wildlife-Watching Equipment:**

- Tents
- Tarps
- Frame packs
- Backpacking Equipment
- Day packs
- Carrying Cases
- Special Clothing

## APPENDIX F

### **Responses to This Report\***

\*The comments contained in this Appendix from the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission were submitted in response to an earlier draft of this report. In some cases, changes have been made in the final report to recognize certain concerns raised by the Commissions in their responses. These include adjustments to (1) exclude the costs of non-law enforcement activities from certain estimates; (2) recognize the financial impact on the two Commissions if fine and penalty revenues are transferred to DCNR along with law enforcement responsibility; (3) acknowledge that existing space at PFBC regional offices may not be sufficient to accommodate regional personnel from a new Bureau of Conservation Law Enforcement; and (4) clarify that the two Commissions would retain substantive policy-making authority.

RECEIVED MAR 29 2004

COMMONWEALTH OF PENNSYLVANIA

# Pennsylvania Game Commission

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HARRISBURG, PA 17110-9797



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[www.state.pa.us](http://www.state.pa.us)

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EXECUTIVE DIRECTOR  
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March 29, 2004

Mr. Philip R. Durgin  
Executive Director  
Legislative Budget and Finance Committee  
P.O. Box 8738  
Harrisburg, PA 17110-9797

Dear Mr. Durgin,

We appreciate the opportunity to comment on the Legislative Budget and Finance Report on House Resolution 222. Again, the Legislative Budget and Finance Committee Staff put a great deal of work into a very complex topic.

Conducting a feasibility study is not always easy as almost anything is feasible, meaning possible. This is quite different to being practical, does it make sense to do it; or suitable, does it solve the problem, in this case funding. The report states it is possible to combine the law enforcement functions of the three agencies, but in our estimation the report also clearly indicates the proposal is neither practical nor suitable.

We believe the additional cost of \$2.6 million is a very conservative estimate and does not take into account other areas clearly identified by the LBFC such as information technology costs, radio costs, relocation costs and other equipment costs. There will also be additional costs for the Game Commission to continue to do the non-law enforcement work currently being accomplished by Wildlife Conservation Officers. Since all WCOs will be transferred, the cost of personnel and equipment to continue that work would affect any possible savings to the Game Commission. The enclosure has additional comments on the report.

Again, we appreciate the opportunity to offer comments on the report and have enjoyed working with the LBFC Committee Staff. We look forward to the hearings on the report.

Sincerely,

Vernon R. Ross  
Executive Director

## Additional Comments

Page S-1. Overlapping jurisdiction and enforcement authority is not an accurate description. It is more supplemental than overlapping. Since each agency has a primary responsibility. The other agencies do not see the enforcement of other agencies code as a primary responsibility. DCNR enforce State Forest and Park Issues and seldom leave their "jurisdiction".

Page S-5. Although it is proposed that there would be a savings for the Game Commission with the transferred law enforcement activities, there would also be an additional cost to fund the activities that the WCOs and Deputies used to do. Based on the report's model, this is approximately 40% of the WCO's time that equates to approximately 54 full time positions. The Game Commission Model suggests 60% of the WCO's time is on other than law enforcement duties. This would result in approximately 81 positions that would need to be filled. The full time positions in either model are a conservative estimate. The personnel costs alone could be from \$2.7 million to \$4.07 million. The costs do not include information technology costs, vehicle costs or other related equipment. These positions plus related equipment will reduce any savings even further.

Additionally, the revenues for the Game Commission would decrease by the fines going to DCNR. In 2002 this would equate to approximately \$1.3M.

For the above reasons the savings to the Game Commission would be considerably less than the suggested \$12.5M.

Page 7. Should read During FY 2002-03, the PGC's Law Enforcement Program expended..... As it reads, it implies the Bureau spent that much.

Page 20. The statement in the last paragraph that having three separate groups of conservation officers is inherently inefficient is no more inherently inefficient than having a State Police, County Sheriff and municipal police. Each has separate and distinct responsibilities and jurisdictions; similar to S-1 above.

Page 32. The assumption that some deputies may want to continue may not be valid and reinforces the need expressed in S-5 above. If some deputies continued, there would need to be some structure for supervision.

Page 53. Since the equipment is a transfer from a special fund agency to a general fund agency, would the Game Commission be reimbursed for the cost of transferred equipment?

Page 57. Relocation costs could be significant. This is particularly true of establishing a dispatch center of considerable size to handle the increased number of officers in the regions at a new location.



# Pennsylvania Fish & Boat Commission

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March 29, 2004

Mr. Philip R. Durgin, Executive Director  
Legislative Budget and Finance Committee  
P.O. Box 8737  
Harrisburg, PA 17105-8737

Dear Mr. Durgin:

Thank you for forwarding the draft study report generated in response to House Resolution 222. I have enclosed a consolidation of staff review comments on the study, but I would like to focus my comments in this cover letter on a number of critical issues. We continue to believe that separate Fish and Boat and Game Commissions, each performing essential law enforcement functions, provide the greatest benefits to the anglers and boaters of Pennsylvania and the resources under our jurisdiction.

First, I want to thank you and the Legislative Budget and Finance Staff for your willingness to meet and listen to Commission staff and for the professional manner in which the Legislative Budget and Finance Committee has handled HR 222. The Fish and Boat Commission staff cooperated fully in this study effort, and we recognize the challenges your staff faced due to the amount of work required and the divergent opinions on what is best for Pennsylvania and our fish and wildlife resources. The work of your staff is to be commended, and we look forward to a continued positive working relationship with them and the Committee.

The study report generated in response to HR 15 documented that the need for additional fish and wildlife funding would not go away in a merged agency. The HR 15 study indicates that both a license fee adjustment and new infrastructure funding are needed. The HR 222 study report documents that the cost of consolidating the law enforcement functions of the PFBC, PGC and DCNR will increase – not decrease – the costs of providing conservation law enforcement in Pennsylvania. The challenge before the Commonwealth is not designing a new administrative structure for the natural resource agencies or their law enforcement components, but ensuring that the agencies that protect and manage natural resources are adequately funded. The study efforts related to HR 15 and HR 222 have reinforced this conclusion.

A positive aspect of the HR 222 report is the analysis of the viability of alternative funding for conservation law enforcement efforts in the Commonwealth. The need for alternate funding mechanisms for fish and wildlife is not limited to law enforcement. We have some concern that the focus of the HR 222 report may divert attention from the need for broader conservation funding initiatives. The detailed review of the funding options is timely, and we hope will result in action on the real issue plaguing Pennsylvania and so many other states – inadequate fish and wildlife agency funding.

Our Mission:

[www.fish.state.pa.us](http://www.fish.state.pa.us)

*To provide fishing and boating opportunities through the protection and management of aquatic resources.*

A state sales tax on outdoor recreation equipment, or providing a percent of the existing sales tax collected on these items, has already proven viable and successful in other states. This alternative deserves full consideration. It is also important to ensure full consideration of other viable funding options including earmarking a portion of the realty transfer tax going to the Keystone Recreation and Conservation Fund or the tipping fees going into the Environmental Stewardship Fund for the fish and wildlife agencies in Pennsylvania. Both of these funding sources have proven to be very effective ways to fund conservation programs here in Pennsylvania. Extending their availability to the Fish and Boat and Game Commissions would certainly help address our infrastructure and conservation funding needs.

The last several Commonwealth conservation initiatives have addressed the fish and wildlife funding needs as an afterthought, if at all. The fish and wildlife opportunities and conservation services provided by the agencies are important to all Pennsylvanians. They result in the generation of tremendous economic benefits for the Commonwealth – \$4+ billion annually – and enhance the quality of life of all Pennsylvanians. In doing so, fish and wildlife agency funding certainly warrants full consideration in the investment decisions the Commonwealth will make in the near future in regard to natural resource funding. Clearly the same argument made in the report for using general funds to support law enforcement in DCNR are valid for supporting enforcement under the current structure.

On the specifics of the HR 222 study report, there are several issues of great concern. These issues include the need for clarification of the authority to be transferred to DCNR, the loss of focus on the resource if a transfer of conservation law enforcement occurs, the substantial increase in cost, and the proposed diminished service to be provided by the new conservation officers (COs).

First, there should be clarification on exactly what powers, duties, functions and authorities the authors of the study intend to transfer to DCNR. Page 36 of the study indicates that certain functions, authorities, etc., and the power to promulgate, modify and repeal will be transferred. Staff are not clear as to what specific powers and duties are proposed to be transferred and what powers and duties shall remain with the Commissions.

Limiting our conservation officers to law enforcement duties only (except for COs assigned to state parks) and eliminating the public relations, education and wildlife management service aspects of their jobs suggests the Commonwealth step back from the very successful full-service district waterways conservation officer model. The loss of command and control over this new law enforcement-oriented field officer force may also present insurmountable challenges in the continued protection of the resource that the PFBC has management jurisdiction over. Our waterways conservation officers are currently highly trained specialists who thoroughly know the conservation and recreation laws they enforce. The proposed generalization of COs will mean less resource protection because of a loss of familiarity, and individual focus. We are particularly concerned that the report downplays the roles our WCOs play in pollution enforcement and boating law enforcement. There are serious concerns regarding the safety of aquatic resource users, boaters in particular, by a loss of expertise and the loss of command and control.

Under the proposed consolidated conservation law enforcement bureau, the Fish and Boat Commission (which will still be charged with promotion and management of boats and boating and ensuring boating safety) will not be able to ensure effective conservation officer deployment, prioritization of conservation law enforcement effort, or how violations are handled. While a liaison between the Commission and the proposed DCNR Conservation Law Enforcement Bureau is identified, the effectiveness that this position will have in regard to setting priorities and ensuring effective deployment of resources needs to be seriously questioned.

The dialogue in the study report regarding the deployment of COs in state parks and the need for them to retain existing responsibilities beyond law enforcement adds credence to the concerns that command and control issues and prioritization of conservation law enforcement will be serious matters.

The report discussed the state park-assigned COs as needing to be different and suggests an MOU between the Bureau of Conservation Law Enforcement and State Parks outlining expectations. The report also talks about two classes of officers – those who patrol game lands, waterways and state forests and those who will be assigned to state parks. In regard to enforcing fish, wildlife and Commonwealth laws, there should be no difference in how laws and regulations are enforced. It appears that the deployment (number and patrol areas) of state park officers will not change, or be broadened beyond state parks. It is clear that the study suggests that state park COs continue to focus on visitor information and hospitality. This in effect diminishes the number of field officers because the deputy programs of the Commissions (540 deputy PGC officers and 225 deputy PFBC officers) will be eliminated and the “deputy equivalents positions” will at least in part be narrowly assigned to visitor service work in state parks.

While the straightforward hours of deputy work to full-time equivalent officers is one consideration, replacing the flexibility and coverage that the existing 765 deputies provide should be another consideration. The proposed 106 full-time deputy replacement officers will not provide the same coverage, flexibility or service, especially if a significant number of those replacements are cast in the role of state park COs. Staff have also questioned the proposed conversion of state park part-time rangers into the full-time deputy replacement positions with no consideration being given to qualified deputies. Our experience is that the deputies are highly motivated, professional and certainly appropriate to consider for these proposed positions.

The full-service specialized field officer concept is one with a proven track record in Pennsylvania. It is appreciated and accepted by the customers. The fishing, boating, legislative and general public consumers of PFBC programs and services consistently request more conservation officer coverage, not just for law enforcement but also to attend sportsmen’s meetings, school seminars, youth events, outdoor-related shows and expos, speaking engagements, etc. We are proud of our officers acting in their existing capacity as full-service conservation officers and the perception the public has of them. A statistically valid survey of anglers and boaters conducted several years ago showed that the customers hold PFBC officers in the highest regard. On questions regarding their professionalism, courtesy and fairness, a vast majority (90+% of respondents) approved of the job PFBC officers are doing. These results are particularly spectacular when you consider that the respondents included individuals who had received citations.

Clearly the district officer concept is “not broken.” Funding is the aspect of the fish and wildlife agencies that is not working. Consolidation of the conservation law enforcement functions under DCNR increases – not decreases – the conservation funding needs. The study report documents that costs for conservation law enforcement will go up by an estimated \$2.6 million annually. This does not include the costs the agency would absorb to perform all the duties the WCOs and deputies currently do in the way of education, stocking, public relations and wildlife management.

The LBFC staff made a good effort to capture and portray all the new costs for the Bureau of Conservation Law Enforcement in DCNR. This was a difficult task. PFBC staff believes that the estimated \$2.6 million in increased costs is very optimistic. PFBC staff have reviewed the estimates of increased costs in detail and believe that these costs are more likely to be in the \$5+ million category. These costs were developed assuming that the new Conservation Officers would not lose any of the existing benefits, fringes, overtime, etc., that the various officer classifications are currently receiving. More demanding annual training, the need for more and enhanced equipment, compatible radios systems,

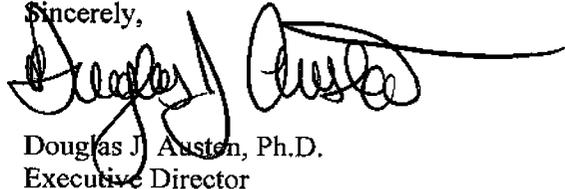
etc., also will factor into higher initial and annual costs for a consolidated Bureau of Conservation Law Enforcement in DCNR. The radio system and information technology costs that were not quantified in the study are likely to be very expensive in the short-run and also put significant demands on annual operating budgets. Finally, the existing PFBC regional offices are not adequate for the staffing suggested in the study report. Four of the six PFBC regional offices currently house non-law enforcement staff. No consideration was given to the cost of relocating those staff to other offices, nor were estimates made for the likelihood that new regional offices would need to be constructed at substantial initial and annual cost.

With regard to funding of a new Bureau of Conservation Law Enforcement in DCNR under Option 1, the estimated additional General Fund commitment is inaccurate. The statement says "the amount of this additional commitment would need to be approximately \$33.5 million."\* This cost should be reduced by the amount already paid by the General Fund for DCNR law enforcement efforts but it should also be increased by the likely actual increased costs as discussed in the preceding paragraph.

In response to the study report on HR 15, the PFBC observed that "providing the best protection and management of Pennsylvania fish and wildlife resources and providing the best service to our customers depends in no small measure on the success of the district conservation officer concept. The Fish and Boat Commission has made the policy decision at the highest level (our Commissioners) that the conservation officers should devote a reasonable portion of their time to non-enforcement duties. It is very important for there to be an interaction between conservation officers and sportsmen in contexts other than police-type encounters."

We continue to believe that this interaction enhances the success of our officers and of the agency as a whole. The independent agency district officer concept is one with a proven track record in Pennsylvania. With the issues of loss of command and control, undoubtedly increased costs, loss of resource and customer focus, and real questions about the coverage that will be possible with approximately 650 fewer field staff (due to the loss of deputies), we continue to oppose merger and support the independent full-service district officer concept as it exists today.

Sincerely,



Douglas J. Auston, Ph.D.  
Executive Director

\*LB&FC Note: This was corrected in the final report. The total cost to fund the conservation law enforcement effort is \$33.8 million; the additional commitment beyond what DCNR already incurs is \$23.1 million.

## *Consolidated PFBC Staff Comments on HR 222*

### **General Comments**

**Page S-1, Line 3** - State and local police have overlapping jurisdictions also, yet they exist separately because state police have a broad law enforcement responsibility while local police have a more narrow focus and responsibility.

**Page 36, “Regulatory Authority”** – The report states “Moreover, any existing PGC and PFBC regulations relating to law enforcement that are needed should be expressly continued in effect under the authority of DCNR.” What exactly does this mean? Does that mean that DCNR has the right to set regulations regarding fishing and boating when law enforcement efforts are required to enforce these regulations? I really think somebody needs to look at this paragraph in detail because the wording of this scares me. Talks about the transfer of existing regulations relating to law enforcement functions.

### **Public Relations/Outreach**

It is interesting that on Page S-4, there was detailed discussion regarding the need for COs assigned to State Parks to retain their public relations and education functions. However, there was no discussion of how those same functions – currently provided by WCOs in the PFBC and PGC – would be handled in the Commissions should they lose their respective WCO complements. Thus while the removal of a Bureau of Law Enforcement for the PFBC was shown as a projected savings of some \$7.6 million and \$12.5 million for the PGC, there was no attempt to quantify the costs of additional staff the agencies would need to add to cover duties ranging from fish stocking to public relations/outreach.

The Legislative Budget and Finance Committee (LBFC) Report once again is based on Conservation Law Enforcement performing only law enforcement functions.

**Page S4 and 23** – Conservation Officers functioning as Park Rangers would retain many aspects of their public relations functions. Why not the same treatment of COs performing PFBC and PGC public relations activities? Also, this sets up a dichotomy of roles within the ranks of the COs.

**Page 23** – Non-enforcement activities would be assumed by non-Law Enforcement personnel or a modified deputy force. LBFC does not examine the workload requirements or staffing changes and expense that this would require.

**Page 28** – Information and education, wildlife surveys and stocking would remain the responsibilities of the Commissions and would be performed by non-Law Enforcement personnel. What is the incremental cost to the Commissions?

### **Homeland Security**

**Page 16** - It should be noted that the homeland security and terrorism issues have also placed an additional burden on Waterways Conservation Officers. While consideration is given to the additional role the PSP plays in national security/homeland defense, there is no acknowledgement that PFBC WCOs also play a role.

## **Creation of a Bureau of Conservation Law Enforcement**

**Page 17** - The assumption that some 300+ additional complement would be handled under the existing depute structure at DCNR may be an issue. The addition of those positions – coupled with the complement already under the existing structure – may require the need for a second Executive Deputy Position, which would further increase the costs of a consolidated enforcement force.

**Pages S3 and 20** – 106 Part-Time Rangers would be converted to Full-Time. There is no consideration that the incumbents in these positions may prefer part-time status due to other employment or time demands.

**Page 12, Second to Last Paragraph** – It is stated that Rangers are assigned to two (2) bureaus (Bureau of State Parks and the Bureau of Forestry) within DCNR to carry out law enforcement functions. Why are these positions split between two bureaus within DCNR when they basically perform the same duties? If combining like functions is so important, why weren't they combined within their own Department?

**Page 17, “Division of Staff Services”** – What are they referring to as “time payments on penalties?” I would hope that if a law enforcement consolidation goes through that the COs would issue citations, which would be handled by District Justice offices. If that is true, then there is no need to handle “time payments on penalties.”

**Page 17, “Division of Special Operations”** – Even though the PFBC doesn't have a specific division shown on its organization chart for this function, we are also involved in these types of operations.

**Page 18, “Division of Regional Operations”** – The report states that this division “would assure that all policy decisions made by bureau managers are communicated to the regional offices and carried out by the conservation law enforcement officers.” The PFBC and PGC should also be involved in the policy decisions.

**Page 19, Table 4** – In this table, which shows the staffing of the proposed DCNR Bureau of Conservation Law Enforcement, only six (6) positions have been designated as Regional Support Staff. Is this one (1) secretary position for each of the six (6) regional offices? There is no way that one (1) secretary will be enough for each Region. Currently, PFBC Regional Offices employ one (1) full-time employee and one (1) seasonal employee (7 to 8-1/2 months a year).

**Page 4** – The LBFC states that the enforcement of environmental laws and regulations are not part of Conservation Law Enforcement. This ignores the important role Waterways Conservation Officers currently play in the detection, investigation and prosecution of pollution disturbances and other similar events.

**Page 15** – LBFC states that Conservation Law Enforcement is almost always placed in a natural resource agency – which they advocate doing here. They neglect to highlight the fact that in almost all of these agencies, the program and policy functions are also within the same organization, which is contrary to the intent of HR 222.

**Page 33a** – Table 10 only describes the baseline of increased costs under a consolidated bureau. Undoubtedly, other unidentified costs would arise.

**Page 35** – Why does LBFC recommend that the organizational structure be set out in the transfer legislation when they’ve concluded that it’s within DCNR’s power to create the new bureau? This would limit DCNR’s flexibility and may preclude future organizational changes without legislative action.

**Page 35** - The report fails to identify how this new bureau would improve conservation law enforcement service and provide better protection to our outdoor resources. It should be noted that Florida spent well over a million dollars for a management consultant to help merge Fresh Water and Marine Fisheries together. That was over five years ago, and they are still working out problems instead of focusing on the resource.

**Page 49 and 53** - Transition to standard service weapons is a serious consideration that must be addressed in the short-term, if not immediately upon consolidation of the law enforcement personnel.

### **State Police**

**Page 16** –LBFC states that a consolidation of the Commissions’ Law Enforcement functions under DCNR are an opportunity to avoid having to move them twice should the complete merger of the two Commissions contemplated under HR 15 become reality. Does LBFC contemplate this consolidation as simply Step 1 in that process to merge the PFBC and the PGC?

**Page 16** – LBFC states “given existing concerns ... we were reluctant to pursue placing Conservation Law Enforcement within the PSP.” This is a conclusion on the part of the authors of this report and is inappropriate on their part. The charge of HR 222 was to determine the feasibility of other organizational arrangements, not the advisability. That placing Conservation Law Enforcement in the State Police is feasible is clear given the Oregon model. An unbiased review would have stated this and left these other considerations up to the decision makers.

**Page 15 - Paragraphs 3 & 4** - Since DCNR has no law enforcement orientation either in its mission statement or actual organization, but “PSP is a *full-service* law enforcement agency that has a broad mandate to administer and enforce **all** Commonwealth laws,” PSP could and perhaps should have received more attention and analysis in the study as a viable/feasible alternative.

The last sentence states that the report researchers were reluctant to pursue placing conservation law enforcement within PSP. This study should have researched every possible scenario and presented a side-by-side comparison of all the advantages and disadvantages so the best, most effective and cost-efficient scenario can be chosen if, in fact, it does not already exist! Failure to do so clearly skews the objectiveness and value of this report.

### **Responsibilities**

The report fails to identify who would be responsible for revocation and suspension of fishing, hunting or boating privileges with regards to violations of law or regulation.

Law enforcement plays an important part in the development of new regulations and modification of existing regulations. This is not addressed and how, if at all, will law enforcement be able to provide critical input into the regulatory process for hunting, fishing or boating?

The report does not identify how enforcement priorities would be set within the new bureau. On the opening day of spring turkey season would the officers be conducting hunting enforcement, fishing enforcement, boating enforcement or directing traffic at a state park event?

Why different roles amongst officers? Officers who work in state parks would function differently from other officers? That is what we have now, so why the consolidation?

**Page S-2** – Unlike law enforcement agency mission statements, DCNR’s mission statement says nothing about “law enforcement.” DCNR state parks law enforcement is clearly more about visitor information, hospitality and “managing recreational opportunities.” Would BUI enforcement consistent with Fish and Boat Code become a priority in state parks?

**Page S-3** – The first line of this page states, “Although DCNR does not currently have a strong law enforcement orientation or a designated law enforcement bureau.” Therefore, one has to question putting two (three, if you count state forest rangers) law enforcement-oriented groups in with one that is not law enforcement oriented. The divergent roles of the new state park COs and the “other” COs is a situation that could prove to be problematic.

**Page S-3, Second Paragraph** - While the assignment of such functions to a DCNR-type agency may be common among the states, none of those other agencies is without a specific, indigenous law enforcement program.

**Page 22, Exhibit 3** – From the list of DCNR Ranger activities, it appears that DCNR Rangers do very little law enforcement work. This information shows that DCNR Ranger’s primary responsibility is to promote recreation in state parks and forests. The report recommends stripping all non-law enforcement related activities/functions from our WCOs. Why aren’t these same functions stripped from the DCNR Rangers? It appears that under this new bureau, DCNR Rangers would continue to perform the same functions/activities as they do now – no change.

**Page 28, Top Paragraph** – The report states that “We believe such a mix of full-time (390) and part-time (100) employees is necessary to maintain current levels of law enforcement coverage in all areas (i.e., game, wildlife, fishing, boating, parks, and forests).” However, when you read other parts of the report, I’m not sure that will happen. In some places in the report, it basically states that these additional 106 full-time positions will only be assigned to State Parks. If this is the case, how will the current levels of law enforcement coverage be maintained regarding fishing, boating, game, and wildlife, with the elimination of the Deputy WCO program. These areas will not be receiving the same level of service as they have in the past simply due to geographic limitations.

**Page 14, Item A** – “To the DCNR” - DCNR was extracted from DER so that both entities could be more responsive to and focused upon their respective missions as well as to be less bureaucratic. This “specialized” scenario is exactly what presently exists with the Game and Fish and Boat Commissions being separate. Why, then, would there be any consideration to create a combination?

There is no logical way to conclude that, “The addition of responsibility for enforcing fish, wildlife and waterways laws and regulations would be consistent” with DCNR’s mission statement and/or its organization based upon the fact that no specific law enforcement entity presently exists in that agency.

**Page 20, Last Paragraph** - In actuality, the current system is very effective. It is flexible and provides for the very important use of discretion. Each state park or forest has its own “culture” depending on the manager’s philosophy and local knowledge of his flora and fauna. Local knowledge is invaluable in natural resource law enforcement. In some parks, the managers are very pro law enforcement and want as

much law enforcement by fish, game, PSP and even their own rangers and encourage them to write citations for their own prosecutions. In others, the park or forest manager prefers to have violations detected by other agencies forwarded through his/her office so they can determine whether or not that should be prosecuted, provided with a written warning or that the violation is de minimis, hence not worth pursuing either in their eyes or in the eyes of the local minor judiciary.

**Page 23, Third Paragraph** - Is it humanly impossible to “be proficient in all areas of conservation law enforcement.” Fish and Boat, Game, and DCNR are presently separate entities in part because of the complexity and breadth of responsibilities. And while the “COs” may “be expected to enforce all conservation laws,” the reality is they will not. Rather, they will do what they feel comfortable doing, which is what they chose to be trained on when they began their career. So under this idealistic scenario, what will have been created are areas all across the state where certain important natural resource conservation laws simply will not be enforced. **Under this scenario, the “COs” will be “jacks of all trades and masters of none”** rather than the knowledgeable, trained specialists they are at present. Why fix something if it is working well?

### **Region Offices**

**Page 26, Paragraph 2** - The report indicates that PFBC regional offices house only law enforcement functions. This is not true – four regional offices also contain aquatic resource program specialists (ARPS), fisheries, and maintenance personnel. None of the current offices are large enough or adequate to operate with the proposed regional staff. No cost estimates were provided for relocation of PFBC non-law enforcement operations from the four offices or cost for office renovations. Also, using PFBC regional facilities is contrary to the recommendation of HR 15, which suggested that the PGC regional offices were larger and more modern than the PFBC regional offices.

**Page 26, Sixth Paragraph** – As written in the report, it appears that each regional office would have a CO Supervisor, Assistant Supervisor(s), and a Regional Manager. What is the difference between a CO Supervisor and a Regional Manager? It appears that they are trying to keep PGC regional structure where there is a Regional Manager and a WCO Supervisor but under this new bureau structure, I don’t think you need both positions. In the PGC’s structure, the Regional Manager handles more than just law enforcement activities, where the WCO Supervisor handles only the WCOs within that Region. That type of setup won’t take place in this new bureau and the way the Regional Offices will be structured.

**Page 26, Seventh Paragraph** – Won’t the secretary be housed in these six (6) regional offices? They aren’t mentioned in the report as being housed there.

### **Deputy/Seasonal Force**

**Pages 31 and 32** - The report speculates that the existing deputy forces could be retained by the PFBC and PGC and assigned non-law enforcement duties. This is a massive assumption. First, many existing deputies are drawn to their posts because of interest in law enforcement. Furthermore, because deputies are volunteers, the Commissions would not be in a position to assign them mandatory education, public relations and outreach duties - this all ties into the theme of the loss of control and command of field staff.

**Page 12** – DCNR uses a large contingent of seasonal employees during the summer. Are these incumbents teachers or students who only seek summer employment to supplement their other occupations? Are these the same incumbents who would serve as the cadre of Part-Time Rangers who would be converted to 106 Full-Time positions?

**Page 12, Last Paragraph** – The report states “Because most outdoor recreation occurs during the summer at State Parks and State Forests, DCNR uses a large contingent of seasonal wage employees to supplement the work of their permanent, salaried Ranger staff.” Doesn’t this same issue hold true for both the PFBC and the PGC? Deputies work during peak seasons to supplement the work of the permanent WCOs. Both Commissions receive valuable work from the Deputies during busy times of the year when it is needed. In addition, it doesn’t cost the Commissions a whole lot of money for this extra work and coverage.

**Page 23, Fourth Paragraph** – The report states “COs would no longer be expected to routinely perform information and education tasks or wildlife and fisheries activities such as surveys and stocking and animal damage complaints.” Both Commissions would incur additional personnel and operating costs in order for these tasks to be completed. A modified deputy force is probably not the answer for some of these tasks to be completed.

**Page 29** – LBFC went to great lengths to account for the level of effort that would need to be made up from the loss of the deputy force. Further, they suggested (**Page 32**) that former deputies could perform the non-Law Enforcement effort previously performed by WCOs. They neglect the incremental costs of replacing the non-Law Enforcement effort previously provided by the cadre of DWCOs themselves.

**Page 31, First Paragraph** – It is unclear how the additional staff positions to make up for the loss of deputies will be allocated /deployed between State Park Officers and other Conservation Officers. This is also an issue in Table 5 – Page 28.

**Page 31, Last Paragraph** – Current Deputies may not wish to perform these functions without being a true law enforcement officer. In addition, the report talks about making some of these persons seasonal wage employees. This move will cost money.

**Page 32** – The Commissions may want to continue the (deputy) volunteer program as “Conservation Associates” or hire a specific number as seasonal wage employees. They could perform the tasks that most interest them or suit their talents. This simply dismisses the point that many (if not most) are already pursuing the tasks that most interest them – these involve law enforcement and the other deputy duties assigned to them.

Loss of the deputy program is a serious issue. Deputies provide a critical role in providing service when needed at a very low cost. Our seasonal manpower is complemented/possible because of our deputy force. Why does the report not allow deputies the opportunity to fill full-time positions? The quality of many of the PFBC’s deputies is unquestionable.

**Page S-1, Line 7** - The elimination of the deputy program is like throwing away a gift! Deputies *give* their time to the agencies thereby costing a fraction of a full-time officer. They buy most of their own equipment and drive their personal vehicles to do something they believe in and to which they are deeply committed. They avail themselves at times when WCOs most need them. Deputies are not locked into “shift schedules.” The services deputies perform and the helpful “volunteer” mind set with which they serve could never be compensated for if they were eliminated.

**Page 29, Next to Last Paragraph** - The deputy program is currently workable as the Union realizes the importance of a deputy program. If something is already working, how can it be concluded that it would be “unworkable” in the new organization? Replacing deputies with wage officers would be considerably more expensive.

**Page 32** - Most people become a deputy because they are interested in law enforcement. The assumption that they would stick around to do non-law enforcement work is totally unrealistic and has been proven as such! Had they been interested in Education and Information, they would have joined the E & I volunteer corps.

### **Budgetary Impacts**

**Page S-5, Last Paragraph** – The report states that if law enforcement functions would be absorbed by the General Fund, that the PFBC costs would be lowered by approximately \$7.7 million annually. Depending on the option selected for the payment of these services under the new Bureau of Conservation Law Enforcement, the PFBC may lose some federal funds (U.S. Coast Guard Grant). Law Enforcement expenditures are used in the calculations to request these federal funds.

**Page S-6 (Table)** – The table shows that the PFBC could realize \$76,000 in savings from uniform allowances. How was this figure arrived at? When reviewing Page 71, which talks about this item, there is no indication of how this dollar amount was derived.

**Page S-6, First Paragraph** – One of the options for funding this new bureau would be to split the cost of the new bureau between the General Fund and the PGC's and PFBC's special funds. An example of 50% General Fund, 25% Game Fund, and 25% Fish and Boat Funds was used. Twenty-five percent is more than the PFBC's share of the total costs for this new bureau. The PFBC's portion of the costs to the total overall cost of this new bureau is closer to 20-21% of the total.\* LB&FC Note: The percentage split under this option was changed to 60%/20%/20% in the final report.

**Page S-7, Last Paragraph** – The report suggests that fines and penalties derived from conservation law enforcement be earmarked for the new Bureau of Conservation Law Enforcement. If the General Fund is going to provide the entire funding for this new bureau, I would agree with that approach. However, if the option is selected where the Fish and Boat Funds would have to contribute funding for this new bureau, then I don't agree. In this case, the fines and penalties collected for fishing and boating violations should be offset from our payment towards the cost to run this new bureau.

**Page 20, Fourth Paragraph** – The report states that WCOs perform more functions than just law enforcement activities. These include: information and education, functional support, and other duties. Assuming the law enforcement functions are combined and the PFBC and PGC have to fund a part of the new Bureau of Conservation Law Enforcement, both the PFBC and PGC will have to find funding to hire additional employees to perform these non-related law enforcement activities and functions. These activities and functions still need to be done, which will cause additional costs to both agencies.

**Page 37, Funding Options** – I think the whole idea behind HR222 was to see if we could find additional money for both Commissions by transferring the law enforcement function to another agency. In order for that to happen and to accomplish that, the General Fund would have to pay the entire bill for this new Bureau of Conservation Law Enforcement. If the Commissions have to contribute to this new bureau, we will end up paying more for these law enforcement services but at the same time receive less services.

**Page 40, First Paragraph above Table 12** – Their budget isn't the only one that has declined over the last couple of years. The PFBC's budget has also declined over the last couple of years.

**Page 40, Last Paragraph** – To say “the amount of this additional commitment would need to be approximately \$33.5 million”, is not correct. \$33.5 million is the estimated cost to run this new bureau, of which part of this cost is already funded in DCNR's budget from the General Fund. The additional commitment is the difference between what is currently in DCNR's budget for their Rangers and related

expenses and the total cost to run this new bureau – that is the additional commitment from the General Fund.\*LB&FC Note: This was corrected in the final report. The total cost to fund the conservation law enforcement effort is \$33.8 million; the additional commitment beyond what DCNR already incurs is \$23.1 million.

**Page 46, Second and Third Paragraphs** – The report states that no significant additional costs are anticipated with the cross-training of law enforcement staff. What about food costs, instructor costs (overtime, traveling time), costs of cleaning the rooms, wash the bed cloths, etc. There would be some major costs to complete this cross-training which doesn't appear in their report.

**Page 53, Logos and Uniforms** – I don't think that they are going to permit these officers to walk around in three (3) different types of uniforms. They are going to want all of the officers to wear the same uniform and have the same equipment. This will be very costly to change to a standard uniform. I can't believe that the report even suggested that these officers are going to walk around with different uniforms, different decals on patrol vehicles. There are a lot of costs dealing with "paperwork". New citations, forms, letterhead, etc., etc., etc., will have to be purchased. Can't use old stock until it's gone for these types of items. Even putting new patches on uniforms is very expensive. When PFBC officers changed to the new law enforcement patch, it cost approximately \$80-\$100 per officer for the new patch to be sewn on their uniforms.

**Page 54, Radio System** – The report didn't take into account any radio maintenance costs for DCNR. I'm sure they have some maintenance costs for their radios in the Park Ranger's vehicles. In addition, the PFBC's cost estimate to convert to this new state-wide radio system is \$1.5 million. The PFBC has major concerns regarding coverage area. PFBC officers work around water, which is usually in low-lying areas. We aren't sure how much coverage our officers will have in these areas because the system isn't being designed to address these areas – this isn't their top priority.

**Page 38** – As for funding a consolidated Conservation Law Enforcement Bureau, LBFC concludes that under Option #1 where the General Fund assumes all costs, the PFBC will save \$7.7 million. This is the total cost to the PFBC of its Law Enforcement function. Under Option #2 where costs are split 50/25/25, LBFC states that the PFBC will save \$8.4 million. How can the PFBC pay more and save more?  
\*LB&FC Note: Correction made in final report: The Option #2 costs split was changed to 60%/20%/20% under which the PFBC's cost reductions would be \$2.7 million.

**Page 39** – The implied intent of HR 222 was to examine whether the Commissions' law enforcement functions could be absorbed by another agency in order to save the Commissions the cost of these operations. DCNR states that they can only assume these functions if the money to fund them follows.

The consolidated bureau would cost \$2.6 million more annually to provide "the same" level of law enforcement service – based on number of hours. Throughout the report, much of the information is repetitious. This is very important information that warrants more than one, or even a couple, mentions. Additionally, LBFC did not compute the cost to the Commissions of replacing the non-law enforcement effort currently provided by WCOs. Further, they assume former Deputy WCOs can be converted to "Conservation Associates" – an unlikely probability.

In tight state budget situations, General Fund appropriations to DCNR-type agencies are often among the first and hardest hit. With a predisposition of DCNR towards its other activities, Conservation Law Enforcement might be especially targeted in these situations.

**Page 40** – General Fund appropriations for State Park and Forest Operations declined from FY 2002-03 levels. Despite some recovery in FY 2003-04, the budget for the upcoming fiscal year continues at levels lower than two years ago. This is a common experience of natural resource agencies across the nation when they find themselves dependent on General Funds.

Less for more money. As state budgets shrink, so would this bureau along with its effectiveness. DCNR currently has difficulty replacing vehicles on a regular basis due to budgets. Fixed assets are the first things cut.

**Page 38** - Impact on Agency Budgets - The focus should not be on how much money will be saved but rather what is best for our finite, irreplaceable natural resources. Simply combining the agencies will probably never realize a cost savings unless programs and personnel are deliberately cut at the expense of the natural resources.

**Page 46** - Training Costs - The report says, “No significant additional costs are anticipated...”. It neglects the cost of food, travel, instructor overtime and other resources necessary and essential to conduct training. In fact, there would be significant costs associated with this cross-training endeavor and annual in-service/training requirements!

### **Other Potential Funding Sources**

**Pages 41-43** - If a new funding source – taxation of sporting equipment – were to be enacted, why not use that funding source under the existing agency structures? The report estimates that \$33.5 million in General Fund appropriations would be needed to adequately pay for an officer complement consolidated under DCNR. Why not merely save that additional General Fund demand and also use the new revenue stream to cover the operating costs of the existing agencies? Sporting good taxation as a potential funding source is a good idea. However, the value of it is diluted if it is being used to fund a program that is admittedly more costly than the existing – and already under-funded – structure!

**Page 41** - Other Potential Funding Sources - Law enforcement can never be expected to pay for itself or even be a significant revenue-generating source. The costs far outweigh funds collected from fines and penalties. And if that becomes the focus, there would be a focus on “numbers of violations written” rather than upon discretionary, common sense-based law enforcement.

### **Training**

**Page 44** – PFBC WCOs receive the most comprehensive training.

**Page 45** – DCNR Rangers receive the least training.

**Pages 47-49** – Cross-training all Conservation Officers in this model in all facets of Conservation Law Enforcement will consume 99.4 man-years.

**Pages 49-50** – Fully cross-training existing DCNR Rangers is only eight hours less than training a brand new Conservation Officer (547 hours versus 555 hours).

The report does not identify a training academy for the new bureau. The work force as proposed would require annual update training. In order to accommodate this, a training academy large enough to train the personnel would have to be built along with a permanent training cadre. The proposed structure needs a training division for a bureau this large.

While an “on paper” consolidation may appear viable, in reality Game officers will continue to focus on Game law enforcement, Fish and Boat on fish and boat law enforcement, and DCNR rangers on hospitality for two reasons: First and primarily, because that is how they were trained; secondly, because

each officer went to his respective agency because of the type of work he wanted to do. Even spending hundreds of thousands of training dollars will never change these mindsets.

**Page S-4, First Paragraph** – The report even acknowledges the park rangers’ role is not a law enforcement role. No MOU is going to prevent mass confusion by the employees of this combined function, so how can there be any consideration of combining dissimilar entities?

**Page 14, Last Paragraph** – The report states that “Although DCNR does not currently have a strong law enforcement orientation nor a designated law enforcement bureau, it does employ 275 Rangers who patrol the State Parks and State Forests.” If they don’t have a strong law enforcement orientation, then why are WCOs being combined with them? Both the PFBC and PGC have a much stronger law enforcement orientation than DCNR does.

**Page 49, Table 16** – Current DCNR Rangers will need 547 hours of cross-training if this merger goes through. PFBC officers will only need 192 hours of cross-training and Game’s officers would need 304 hours of cross-training. Since PFBC officers require less cross-training, maybe we should be the agency to house the Game officers and DCNR Rangers. It appears that PFBC and PGC officers have a very strong law enforcement orientation compared to DCNR Rangers. We are going to combine “more” rounded law enforcement officers with “less” rounded law enforcement officers? This does not make sense. Also, keep in mind that a DCNR Ranger’s primary responsibility is to ensure that park visitors have a safe and enjoyable experience while in the park. Why do they have to use Rangers to accomplish this goal?

**Page 49 & 50, Table 16 & Table 17** – It’s interesting that current DCNR Rangers require 547 hours of cross-training and 555 training hours are proposed for new DCNR Conservation Officers. That is only an 8-hour difference between the two. It appears that DCNR’s current Rangers should go through the new Conservation Officer training program from the very beginning.

### **Inter-Agency Cooperation and Communications**

**Pages 50-53** - Again, while there is discussion of the need to develop operating plans between the PFBC, PGC and DCNR, there is no analysis of the staff time and costs for developing, communicating and staffing “liaison activities.” Glaringly, the report does not take into ANY consideration the potential negative impacts to the resources and users that a modified enforcement structure would have. Control and command over functions critical to boating safety, aquatic resource protection, pollution investigation, fisheries management, etc., would be at the whim of an agency other than the one tasked with the jurisdiction for those duties. In short, the PFBC and the PGC would retain their mandated responsibilities but lack the attendant authority.

There is no little irony in the authors citing Oregon – one of only two states where regulatory jurisdiction is separate from enforcement authority – as a model. These same authors use the singularity of Pennsylvania’s existing structure as an argument for agency merger. Despite the Oregon example, separating program and policy functions from the enforcement function is cumbersome at best and unworkable in all likelihood.

**Page 20** – LBFC indicates that despite concurrent enforcement authority, cross-enforcement does not occur and the field efforts are inefficient due to tradition and “professional courtesy.” If the three agencies determine that more cross-enforcement is a desirable outcome, it can be accomplished with much less disruption than would result from a consolidation of Law Enforcement functions.

**Page 24** – Introduces the newly created position of Law Enforcement Liaison. It fails to recognize this role as a toothless, powerless, thankless position, which would be carrying the desires of the Commissions to DCNR without any leverage to cause them to be implemented.

**Pages 51-52** – Separating program and policy direction from the enforcement function is not very workable. It may work in Oregon because enforcement resides in a State Police organization, which has no program or policy issues of their own – they simply enforce the laws and regulations, as they exist. This would not be the case under the model proposed by LBFC.

The PFBC loses command and control of the most visible part of the agency, the conservation officer. It also loses control over the enforcement philosophy of fishing and boating laws and regulations. If the new bureau does not like or agree with a regulation or law of the PFBC, will it enforce it or ignore it?

A considerable cost of two radio communication equipment acquisitions can be anticipated to outfit all the patrol vehicles and boats with VHF high band radios and for the acquisition of many portable high band radios. While DCNR communicates primarily on high band, Fish and Boat and Game primarily use low band.

**Page 36, “Regulatory Authority”** – The report states “Moreover, any existing PGC and PFBC regulations relating to law enforcement that are needed should be expressly continued in effect under the authority of DCNR.” What exactly does this mean? Does that mean that DCNR has the right to set regulations regarding fishing and boating when law enforcement efforts are required to enforce these regulations? I really think somebody needs to look at this paragraph in detail because the wording of this scares me. Talks about the transfer of existing regulations relating to law enforcement functions. Big concern in my opinion.

### **Information Technology**

**Page 55** – Similar to their analysis of Information Technology impacts (actually the lack of same) in HR 15, the LBFC report does not estimate the magnitude or costs. Law enforcement databases, clean terminals and access, current law enforcement reporting procedures have not been correctly assessed with regards to needs. Just the immediate costs of connecting the regional offices into the current DCNR radio system will be substantial.

**Page 55 - IT Resources** - Each agency has its own information systems and reporting to handle their needs. Admittedly in the report, DCNR’s current system is not sufficient to handle the additional load of a consolidated law enforcement entity. Here again are millions of dollars of cost incurrence for new hardware, software and product development to establish a workable information technology system.

### **Labor Issues**

**Pages 55-59** – In a consolidated Conservation Law Enforcement operation, Labor issues would most likely be resolved by granting each of the three officer groups the most liberal (and thus, the most expensive) options currently granted to any of the three.

**Page 69** – LBFC suggests that one Human Resource Analyst can transfer from each Commission to the DCNR. Again, the reality is that these positions represent specialties, not top-to-bottom, full-service entities.

The report eliminates the controversy of lost positions by ensuring all current law enforcement personnel will move to the new bureau. However, it is indicated that if efficiencies arise in the future, downsizing could occur through retirements. This will eventually lead to far less conservation law enforcement occurring in the future.

The report is written in a form which may lead officers to believe that they may benefit from a merger with regards to pay, union coverage, working conditions and retirement benefits. This may very well have been done in order to gain the support of the officers involved. Overtime is not addressed and is a needed item to effect successful enforcement efforts.

The supervisor to officer ratio is far out of accepted standards for effective supervision as proposed in the new bureau.

## *Consolidated PFBC Staff Comments on HR 222*

### **General Comments**

**Page S-1, Line 3** - State and local police have overlapping jurisdictions also, yet they exist separately because state police have a broad law enforcement responsibility while local police have a more narrow focus and responsibility.

**Page 36, “Regulatory Authority”** – The report states “Moreover, any existing PGC and PFBC regulations relating to law enforcement that are needed should be expressly continued in effect under the authority of DCNR.” What exactly does this mean? Does that mean that DCNR has the right to set regulations regarding fishing and boating when law enforcement efforts are required to enforce these regulations? I really think somebody needs to look at this paragraph in detail because the wording of this scares me. Talks about the transfer of existing regulations relating to law enforcement functions.

### **Public Relations/Outreach**

It is interesting that on Page S-4, there was detailed discussion regarding the need for COs assigned to State Parks to retain their public relations and education functions. However, there was no discussion of how those same functions – currently provided by WCOs in the PFBC and PGC – would be handled in the Commissions should they lose their respective WCO complements. Thus while the removal of a Bureau of Law Enforcement for the PFBC was shown as a projected savings of some \$7.6 million and \$12.5 million for the PGC, there was no attempt to quantify the costs of additional staff the agencies would need to add to cover duties ranging from fish stocking to public relations/outreach.

The Legislative Budget and Finance Committee (LBFC) Report once again is based on Conservation Law Enforcement performing only law enforcement functions.

**Page S4 and 23** – Conservation Officers functioning as Park Rangers would retain many aspects of their public relations functions. Why not the same treatment of COs performing PFBC and PGC public relations activities? Also, this sets up a dichotomy of roles within the ranks of the COs.

**Page 23** – Non-enforcement activities would be assumed by non-Law Enforcement personnel or a modified deputy force. LBFC does not examine the workload requirements or staffing changes and expense that this would require.

**Page 28** – Information and education, wildlife surveys and stocking would remain the responsibilities of the Commissions and would be performed by non-Law Enforcement personnel. What is the incremental cost to the Commissions?

### **Homeland Security**

**Page 16** - It should be noted that the homeland security and terrorism issues have also placed an additional burden on Waterways Conservation Officers. While consideration is given to the additional role the PSP plays in national security/homeland defense, there is no acknowledgement that PFBC WCOs also play a role.

## **Creation of a Bureau of Conservation Law Enforcement**

**Page 17** - The assumption that some 300+ additional complement would be handled under the existing depute structure at DCNR may be an issue. The addition of those positions – coupled with the complement already under the existing structure – may require the need for a second Executive Deputy Position, which would further increase the costs of a consolidated enforcement force.

**Pages S3 and 20** – 106 Part-Time Rangers would be converted to Full-Time. There is no consideration that the incumbents in these positions may prefer part-time status due to other employment or time demands.

**Page 12, Second to Last Paragraph** – It is stated that Rangers are assigned to two (2) bureaus (Bureau of State Parks and the Bureau of Forestry) within DCNR to carry out law enforcement functions. Why are these positions split between two bureaus within DCNR when they basically perform the same duties? If combining like functions is so important, why weren't they combined within their own Department?

**Page 17, “Division of Staff Services”** – What are they referring to as “time payments on penalties?” I would hope that if a law enforcement consolidation goes through that the COs would issue citations, which would be handled by District Justice offices. If that is true, then there is no need to handle “time payments on penalties.”

**Page 17, “Division of Special Operations”** – Even though the PFBC doesn't have a specific division shown on its organization chart for this function, we are also involved in these types of operations.

**Page 18, “Division of Regional Operations”** – The report states that this division “would assure that all policy decisions made by bureau managers are communicated to the regional offices and carried out by the conservation law enforcement officers.” The PFBC and PGC should also be involved in the policy decisions.

**Page 19, Table 4** – In this table, which shows the staffing of the proposed DCNR Bureau of Conservation Law Enforcement, only six (6) positions have been designated as Regional Support Staff. Is this one (1) secretary position for each of the six (6) regional offices? There is no way that one (1) secretary will be enough for each Region. Currently, PFBC Regional Offices employ one (1) full-time employee and one (1) seasonal employee (7 to 8-1/2 months a year).

**Page 4** – The LBFC states that the enforcement of environmental laws and regulations are not part of Conservation Law Enforcement. This ignores the important role Waterways Conservation Officers currently play in the detection, investigation and prosecution of pollution disturbances and other similar events.

**Page 15** – LBFC states that Conservation Law Enforcement is almost always placed in a natural resource agency – which they advocate doing here. They neglect to highlight the fact that in almost all of these agencies, the program and policy functions are also within the same organization, which is contrary to the intent of HR 222.

**Page 33a** – Table 10 only describes the baseline of increased costs under a consolidated bureau. Undoubtedly, other unidentified costs would arise.

**Page 35** – Why does LBFC recommend that the organizational structure be set out in the transfer legislation when they’ve concluded that it’s within DCNR’s power to create the new bureau? This would limit DCNR’s flexibility and may preclude future organizational changes without legislative action.

**Page 35** - The report fails to identify how this new bureau would improve conservation law enforcement service and provide better protection to our outdoor resources. It should be noted that Florida spent well over a million dollars for a management consultant to help merge Fresh Water and Marine Fisheries together. That was over five years ago, and they are still working out problems instead of focusing on the resource.

**Page 49 and 53** - Transition to standard service weapons is a serious consideration that must be addressed in the short-term, if not immediately upon consolidation of the law enforcement personnel.

### **State Police**

**Page 16** –LBFC states that a consolidation of the Commissions’ Law Enforcement functions under DCNR are an opportunity to avoid having to move them twice should the complete merger of the two Commissions contemplated under HR 15 become reality. Does LBFC contemplate this consolidation as simply Step 1 in that process to merge the PFBC and the PGC?

**Page 16** – LBFC states “given existing concerns ... we were reluctant to pursue placing Conservation Law Enforcement within the PSP.” This is a conclusion on the part of the authors of this report and is inappropriate on their part. The charge of HR 222 was to determine the feasibility of other organizational arrangements, not the advisability. That placing Conservation Law Enforcement in the State Police is feasible is clear given the Oregon model. An unbiased review would have stated this and left these other considerations up to the decision makers.

**Page 15 - Paragraphs 3 & 4** - Since DCNR has no law enforcement orientation either in its mission statement or actual organization, but “PSP is a *full-service* law enforcement agency that has a broad mandate to administer and enforce **all** Commonwealth laws,” PSP could and perhaps should have received more attention and analysis in the study as a viable/feasible alternative.

The last sentence states that the report researchers were reluctant to pursue placing conservation law enforcement within PSP. This study should have researched every possible scenario and presented a side-by-side comparison of all the advantages and disadvantages so the best, most effective and cost-efficient scenario can be chosen if, in fact, it does not already exist! Failure to do so clearly skews the objectiveness and value of this report.

### **Responsibilities**

The report fails to identify who would be responsible for revocation and suspension of fishing, hunting or boating privileges with regards to violations of law or regulation.

Law enforcement plays an important part in the development of new regulations and modification of existing regulations. This is not addressed and how, if at all, will law enforcement be able to provide critical input into the regulatory process for hunting, fishing or boating?

The report does not identify how enforcement priorities would be set within the new bureau. On the opening day of spring turkey season would the officers be conducting hunting enforcement, fishing enforcement, boating enforcement or directing traffic at a state park event?

Why different roles amongst officers? Officers who work in state parks would function differently from other officers? That is what we have now, so why the consolidation?

**Page S-2** – Unlike law enforcement agency mission statements, DCNR’s mission statement says nothing about “law enforcement.” DCNR state parks law enforcement is clearly more about visitor information, hospitality and “managing recreational opportunities.” Would BUI enforcement consistent with Fish and Boat Code become a priority in state parks?

**Page S-3** – The first line of this page states, “Although DCNR does not currently have a strong law enforcement orientation or a designated law enforcement bureau.” Therefore, one has to question putting two (three, if you count state forest rangers) law enforcement-oriented groups in with one that is not law enforcement oriented. The divergent roles of the new state park COs and the “other” COs is a situation that could prove to be problematic.

**Page S-3, Second Paragraph** - While the assignment of such functions to a DCNR-type agency may be common among the states, none of those other agencies is without a specific, indigenous law enforcement program.

**Page 22, Exhibit 3** – From the list of DCNR Ranger activities, it appears that DCNR Rangers do very little law enforcement work. This information shows that DCNR Ranger’s primary responsibility is to promote recreation in state parks and forests. The report recommends stripping all non-law enforcement related activities/functions from our WCOs. Why aren’t these same functions stripped from the DCNR Rangers? It appears that under this new bureau, DCNR Rangers would continue to perform the same functions/activities as they do now – no change.

**Page 28, Top Paragraph** – The report states that “We believe such a mix of full-time (390) and part-time (100) employees is necessary to maintain current levels of law enforcement coverage in all areas (i.e., game, wildlife, fishing, boating, parks, and forests).” However, when you read other parts of the report, I’m not sure that will happen. In some places in the report, it basically states that these additional 106 full-time positions will only be assigned to State Parks. If this is the case, how will the current levels of law enforcement coverage be maintained regarding fishing, boating, game, and wildlife, with the elimination of the Deputy WCO program. These areas will not be receiving the same level of service as they have in the past simply due to geographic limitations.

**Page 14, Item A** – “To the DCNR” - DCNR was extracted from DER so that both entities could be more responsive to and focused upon their respective missions as well as to be less bureaucratic. This “specialized” scenario is exactly what presently exists with the Game and Fish and Boat Commissions being separate. Why, then, would there be any consideration to create a combination?

There is no logical way to conclude that, “The addition of responsibility for enforcing fish, wildlife and waterways laws and regulations would be consistent” with DCNR’s mission statement and/or its organization based upon the fact that no specific law enforcement entity presently exists in that agency.

**Page 20, Last Paragraph** - In actuality, the current system is very effective. It is flexible and provides for the very important use of discretion. Each state park or forest has its own “culture” depending on the manager’s philosophy and local knowledge of his flora and fauna. Local knowledge is invaluable in natural resource law enforcement. In some parks, the managers are very pro law enforcement and want as

much law enforcement by fish, game, PSP and even their own rangers and encourage them to write citations for their own prosecutions. In others, the park or forest manager prefers to have violations detected by other agencies forwarded through his/her office so they can determine whether or not that should be prosecuted, provided with a written warning or that the violation is de minimis, hence not worth pursuing either in their eyes or in the eyes of the local minor judiciary.

**Page 23, Third Paragraph** - Is it humanly impossible to “be proficient in all areas of conservation law enforcement.” Fish and Boat, Game, and DCNR are presently separate entities in part because of the complexity and breadth of responsibilities. And while the “COs” may “be expected to enforce all conservation laws,” the reality is they will not. Rather, they will do what they feel comfortable doing, which is what they chose to be trained on when they began their career. So under this idealistic scenario, what will have been created are areas all across the state where certain important natural resource conservation laws simply will not be enforced. **Under this scenario, the “COs” will be “jacks of all trades and masters of none”** rather than the knowledgeable, trained specialists they are at present. Why fix something if it is working well?

### **Region Offices**

**Page 26, Paragraph 2** - The report indicates that PFBC regional offices house only law enforcement functions. This is not true – four regional offices also contain aquatic resource program specialists (ARPS), fisheries, and maintenance personnel. None of the current offices are large enough or adequate to operate with the proposed regional staff. No cost estimates were provided for relocation of PFBC non-law enforcement operations from the four offices or cost for office renovations. Also, using PFBC regional facilities is contrary to the recommendation of HR 15, which suggested that the PGC regional offices were larger and more modern than the PFBC regional offices.

**Page 26, Sixth Paragraph** – As written in the report, it appears that each regional office would have a CO Supervisor, Assistant Supervisor(s), and a Regional Manager. What is the difference between a CO Supervisor and a Regional Manager? It appears that they are trying to keep PGC regional structure where there is a Regional Manager and a WCO Supervisor but under this new bureau structure, I don’t think you need both positions. In the PGC’s structure, the Regional Manager handles more than just law enforcement activities, where the WCO Supervisor handles only the WCOs within that Region. That type of setup won’t take place in this new bureau and the way the Regional Offices will be structured.

**Page 26, Seventh Paragraph** – Won’t the secretary be housed in these six (6) regional offices? They aren’t mentioned in the report as being housed there.

### **Deputy/Seasonal Force**

**Pages 31 and 32** - The report speculates that the existing deputy forces could be retained by the PFBC and PGC and assigned non-law enforcement duties. This is a massive assumption. First, many existing deputies are drawn to their posts because of interest in law enforcement. Furthermore, because deputies are volunteers, the Commissions would not be in a position to assign them mandatory education, public relations and outreach duties - this all ties into the theme of the loss of control and command of field staff.

**Page 12** – DCNR uses a large contingent of seasonal employees during the summer. Are these incumbents teachers or students who only seek summer employment to supplement their other occupations? Are these the same incumbents who would serve as the cadre of Part-Time Rangers who would be converted to 106 Full-Time positions?

**Page 12, Last Paragraph** – The report states “Because most outdoor recreation occurs during the summer at State Parks and State Forests, DCNR uses a large contingent of seasonal wage employees to supplement the work of their permanent, salaried Ranger staff.” Doesn’t this same issue hold true for both the PFBC and the PGC? Deputies work during peak seasons to supplement the work of the permanent WCOs. Both Commissions receive valuable work from the Deputies during busy times of the year when it is needed. In addition, it doesn’t cost the Commissions a whole lot of money for this extra work and coverage.

**Page 23, Fourth Paragraph** – The report states “COs would no longer be expected to routinely perform information and education tasks or wildlife and fisheries activities such as surveys and stocking and animal damage complaints.” Both Commissions would incur additional personnel and operating costs in order for these tasks to be completed. A modified deputy force is probably not the answer for some of these tasks to be completed.

**Page 29** – LBFC went to great lengths to account for the level of effort that would need to be made up from the loss of the deputy force. Further, they suggested (**Page 32**) that former deputies could perform the non-Law Enforcement effort previously performed by WCOs. They neglect the incremental costs of replacing the non-Law Enforcement effort previously provided by the cadre of DWCOs themselves.

**Page 31, First Paragraph** – It is unclear how the additional staff positions to make up for the loss of deputies will be allocated /deployed between State Park Officers and other Conservation Officers. This is also an issue in Table 5 – Page 28.

**Page 31, Last Paragraph** – Current Deputies may not wish to perform these functions without being a true law enforcement officer. In addition, the report talks about making some of these persons seasonal wage employees. This move will cost money.

**Page 32** – The Commissions may want to continue the (deputy) volunteer program as “Conservation Associates” or hire a specific number as seasonal wage employees. They could perform the tasks that most interest them or suit their talents. This simply dismisses the point that many (if not most) are already pursuing the tasks that most interest them – these involve law enforcement and the other deputy duties assigned to them.

Loss of the deputy program is a serious issue. Deputies provide a critical role in providing service when needed at a very low cost. Our seasonal manpower is complemented/possible because of our deputy force. Why does the report not allow deputies the opportunity to fill full-time positions? The quality of many of the PFBC’s deputies is unquestionable.

**Page S-1, Line 7** - The elimination of the deputy program is like throwing away a gift! Deputies *give* their time to the agencies thereby costing a fraction of a full-time officer. They buy most of their own equipment and drive their personal vehicles to do something they believe in and to which they are deeply committed. They avail themselves at times when WCOs most need them. Deputies are not locked into “shift schedules.” The services deputies perform and the helpful “volunteer” mind set with which they serve could never be compensated for if they were eliminated.

**Page 29, Next to Last Paragraph** - The deputy program is currently workable as the Union realizes the importance of a deputy program. If something is already working, how can it be concluded that it would be “unworkable” in the new organization? Replacing deputies with wage officers would be considerably more expensive.

**Page 32** - Most people become a deputy because they are interested in law enforcement. The assumption that they would stick around to do non-law enforcement work is totally unrealistic and has been proven as such! Had they been interested in Education and Information, they would have joined the E & I volunteer corps.

### **Budgetary Impacts**

**Page S-5, Last Paragraph** – The report states that if law enforcement functions would be absorbed by the General Fund, that the PFBC costs would be lowered by approximately \$7.7 million annually. Depending on the option selected for the payment of these services under the new Bureau of Conservation Law Enforcement, the PFBC may lose some federal funds (U.S. Coast Guard Grant). Law Enforcement expenditures are used in the calculations to request these federal funds.

**Page S-6 (Table)** – The table shows that the PFBC could realize \$76,000 in savings from uniform allowances. How was this figure arrived at? When reviewing Page 71, which talks about this item, there is no indication of how this dollar amount was derived.

**Page S-6, First Paragraph** – One of the options for funding this new bureau would be to split the cost of the new bureau between the General Fund and the PGC's and PFBC's special funds. An example of 50% General Fund, 25% Game Fund, and 25% Fish and Boat Funds was used. Twenty-five percent is more than the PFBC's share of the total costs for this new bureau. The PFBC's portion of the costs to the total overall cost of this new bureau is closer to 20-21% of the total.\* LB&FC Note: The percentage split under this option was changed to 60%/20%/20% in the final report.

**Page S-7, Last Paragraph** – The report suggests that fines and penalties derived from conservation law enforcement be earmarked for the new Bureau of Conservation Law Enforcement. If the General Fund is going to provide the entire funding for this new bureau, I would agree with that approach. However, if the option is selected where the Fish and Boat Funds would have to contribute funding for this new bureau, then I don't agree. In this case, the fines and penalties collected for fishing and boating violations should be offset from our payment towards the cost to run this new bureau.

**Page 20, Fourth Paragraph** – The report states that WCOs perform more functions than just law enforcement activities. These include: information and education, functional support, and other duties. Assuming the law enforcement functions are combined and the PFBC and PGC have to fund a part of the new Bureau of Conservation Law Enforcement, both the PFBC and PGC will have to find funding to hire additional employees to perform these non-related law enforcement activities and functions. These activities and functions still need to be done, which will cause additional costs to both agencies.

**Page 37, Funding Options** – I think the whole idea behind HR222 was to see if we could find additional money for both Commissions by transferring the law enforcement function to another agency. In order for that to happen and to accomplish that, the General Fund would have to pay the entire bill for this new Bureau of Conservation Law Enforcement. If the Commissions have to contribute to this new bureau, we will end up paying more for these law enforcement services but at the same time receive less services.

**Page 40, First Paragraph above Table 12** – Their budget isn't the only one that has declined over the last couple of years. The PFBC's budget has also declined over the last couple of years.

**Page 40, Last Paragraph** – To say “the amount of this additional commitment would need to be approximately \$33.5 million”, is not correct. \$33.5 million is the estimated cost to run this new bureau, of which part of this cost is already funded in DCNR's budget from the General Fund. The additional commitment is the difference between what is currently in DCNR's budget for their Rangers and related

expenses and the total cost to run this new bureau – that is the additional commitment from the General Fund.\*LB&FC Note: This was corrected in the final report. The total cost to fund the conservation law enforcement effort is \$33.8 million; the additional commitment beyond what DCNR already incurs is \$23.1 million.

**Page 46, Second and Third Paragraphs** – The report states that no significant additional costs are anticipated with the cross-training of law enforcement staff. What about food costs, instructor costs (overtime, traveling time), costs of cleaning the rooms, wash the bed cloths, etc. There would be some major costs to complete this cross-training which doesn't appear in their report.

**Page 53, Logos and Uniforms** – I don't think that they are going to permit these officers to walk around in three (3) different types of uniforms. They are going to want all of the officers to wear the same uniform and have the same equipment. This will be very costly to change to a standard uniform. I can't believe that the report even suggested that these officers are going to walk around with different uniforms, different decals on patrol vehicles. There are a lot of costs dealing with "paperwork". New citations, forms, letterhead, etc., etc., etc., will have to be purchased. Can't use old stock until it's gone for these types of items. Even putting new patches on uniforms is very expensive. When PFBC officers changed to the new law enforcement patch, it cost approximately \$80-\$100 per officer for the new patch to be sewn on their uniforms.

**Page 54, Radio System** – The report didn't take into account any radio maintenance costs for DCNR. I'm sure they have some maintenance costs for their radios in the Park Ranger's vehicles. In addition, the PFBC's cost estimate to convert to this new state-wide radio system is \$1.5 million. The PFBC has major concerns regarding coverage area. PFBC officers work around water, which is usually in low-lying areas. We aren't sure how much coverage our officers will have in these areas because the system isn't being designed to address these areas – this isn't their top priority.

**Page 38** – As for funding a consolidated Conservation Law Enforcement Bureau, LBFC concludes that under Option #1 where the General Fund assumes all costs, the PFBC will save \$7.7 million. This is the total cost to the PFBC of its Law Enforcement function. Under Option #2 where costs are split 50/25/25, LBFC states that the PFBC will save \$8.4 million. How can the PFBC pay more and save more?  
\*LB&FC Note: Correction made in final report: The Option #2 costs split was changed to 60%/20%/20% under which the PFBC's cost reductions would be \$2.7 million.

**Page 39** – The implied intent of HR 222 was to examine whether the Commissions' law enforcement functions could be absorbed by another agency in order to save the Commissions the cost of these operations. DCNR states that they can only assume these functions if the money to fund them follows.

The consolidated bureau would cost \$2.6 million more annually to provide "the same" level of law enforcement service – based on number of hours. Throughout the report, much of the information is repetitious. This is very important information that warrants more than one, or even a couple, mentions. Additionally, LBFC did not compute the cost to the Commissions of replacing the non-law enforcement effort currently provided by WCOs. Further, they assume former Deputy WCOs can be converted to "Conservation Associates" – an unlikely probability.

In tight state budget situations, General Fund appropriations to DCNR-type agencies are often among the first and hardest hit. With a predisposition of DCNR towards its other activities, Conservation Law Enforcement might be especially targeted in these situations.

**Page 40** – General Fund appropriations for State Park and Forest Operations declined from FY 2002-03 levels. Despite some recovery in FY 2003-04, the budget for the upcoming fiscal year continues at levels lower than two years ago. This is a common experience of natural resource agencies across the nation when they find themselves dependent on General Funds.

Less for more money. As state budgets shrink, so would this bureau along with its effectiveness. DCNR currently has difficulty replacing vehicles on a regular basis due to budgets. Fixed assets are the first things cut.

**Page 38** - Impact on Agency Budgets - The focus should not be on how much money will be saved but rather what is best for our finite, irreplaceable natural resources. Simply combining the agencies will probably never realize a cost savings unless programs and personnel are deliberately cut at the expense of the natural resources.

**Page 46** - Training Costs - The report says, “No significant additional costs are anticipated...”. It neglects the cost of food, travel, instructor overtime and other resources necessary and essential to conduct training. In fact, there would be significant costs associated with this cross-training endeavor and annual in-service/training requirements!

### **Other Potential Funding Sources**

**Pages 41-43** - If a new funding source – taxation of sporting equipment – were to be enacted, why not use that funding source under the existing agency structures? The report estimates that \$33.5 million in General Fund appropriations would be needed to adequately pay for an officer complement consolidated under DCNR. Why not merely save that additional General Fund demand and also use the new revenue stream to cover the operating costs of the existing agencies? Sporting good taxation as a potential funding source is a good idea. However, the value of it is diluted if it is being used to fund a program that is admittedly more costly than the existing – and already under-funded – structure!

**Page 41** - Other Potential Funding Sources - Law enforcement can never be expected to pay for itself or even be a significant revenue-generating source. The costs far outweigh funds collected from fines and penalties. And if that becomes the focus, there would be a focus on “numbers of violations written” rather than upon discretionary, common sense-based law enforcement.

### **Training**

**Page 44** – PFBC WCOs receive the most comprehensive training.

**Page 45** – DCNR Rangers receive the least training.

**Pages 47-49** – Cross-training all Conservation Officers in this model in all facets of Conservation Law Enforcement will consume 99.4 man-years.

**Pages 49-50** – Fully cross-training existing DCNR Rangers is only eight hours less than training a brand new Conservation Officer (547 hours versus 555 hours).

The report does not identify a training academy for the new bureau. The work force as proposed would require annual update training. In order to accommodate this, a training academy large enough to train the personnel would have to be built along with a permanent training cadre. The proposed structure needs a training division for a bureau this large.

While an “on paper” consolidation may appear viable, in reality Game officers will continue to focus on Game law enforcement, Fish and Boat on fish and boat law enforcement, and DCNR rangers on hospitality for two reasons: First and primarily, because that is how they were trained; secondly, because

each officer went to his respective agency because of the type of work he wanted to do. Even spending hundreds of thousands of training dollars will never change these mindsets.

**Page S-4, First Paragraph** – The report even acknowledges the park rangers’ role is not a law enforcement role. No MOU is going to prevent mass confusion by the employees of this combined function, so how can there be any consideration of combining dissimilar entities?

**Page 14, Last Paragraph** – The report states that “Although DCNR does not currently have a strong law enforcement orientation nor a designated law enforcement bureau, it does employ 275 Rangers who patrol the State Parks and State Forests.” If they don’t have a strong law enforcement orientation, then why are WCOs being combined with them? Both the PFBC and PGC have a much stronger law enforcement orientation than DCNR does.

**Page 49, Table 16** – Current DCNR Rangers will need 547 hours of cross-training if this merger goes through. PFBC officers will only need 192 hours of cross-training and Game’s officers would need 304 hours of cross-training. Since PFBC officers require less cross-training, maybe we should be the agency to house the Game officers and DCNR Rangers. It appears that PFBC and PGC officers have a very strong law enforcement orientation compared to DCNR Rangers. We are going to combine “more” rounded law enforcement officers with “less” rounded law enforcement officers? This does not make sense. Also, keep in mind that a DCNR Ranger’s primary responsibility is to ensure that park visitors have a safe and enjoyable experience while in the park. Why do they have to use Rangers to accomplish this goal?

**Page 49 & 50, Table 16 & Table 17** – It’s interesting that current DCNR Rangers require 547 hours of cross-training and 555 training hours are proposed for new DCNR Conservation Officers. That is only an 8-hour difference between the two. It appears that DCNR’s current Rangers should go through the new Conservation Officer training program from the very beginning.

### **Inter-Agency Cooperation and Communications**

**Pages 50-53** - Again, while there is discussion of the need to develop operating plans between the PFBC, PGC and DCNR, there is no analysis of the staff time and costs for developing, communicating and staffing “liaison activities.” Glaringly, the report does not take into ANY consideration the potential negative impacts to the resources and users that a modified enforcement structure would have. Control and command over functions critical to boating safety, aquatic resource protection, pollution investigation, fisheries management, etc., would be at the whim of an agency other than the one tasked with the jurisdiction for those duties. In short, the PFBC and the PGC would retain their mandated responsibilities but lack the attendant authority.

There is no little irony in the authors citing Oregon – one of only two states where regulatory jurisdiction is separate from enforcement authority – as a model. These same authors use the singularity of Pennsylvania’s existing structure as an argument for agency merger. Despite the Oregon example, separating program and policy functions from the enforcement function is cumbersome at best and unworkable in all likelihood.

**Page 20** – LBFC indicates that despite concurrent enforcement authority, cross-enforcement does not occur and the field efforts are inefficient due to tradition and “professional courtesy.” If the three agencies determine that more cross-enforcement is a desirable outcome, it can be accomplished with much less disruption than would result from a consolidation of Law Enforcement functions.

**Page 24** – Introduces the newly created position of Law Enforcement Liaison. It fails to recognize this role as a toothless, powerless, thankless position, which would be carrying the desires of the Commissions to DCNR without any leverage to cause them to be implemented.

**Pages 51-52** – Separating program and policy direction from the enforcement function is not very workable. It may work in Oregon because enforcement resides in a State Police organization, which has no program or policy issues of their own – they simply enforce the laws and regulations, as they exist. This would not be the case under the model proposed by LBFC.

The PFBC loses command and control of the most visible part of the agency, the conservation officer. It also loses control over the enforcement philosophy of fishing and boating laws and regulations. If the new bureau does not like or agree with a regulation or law of the PFBC, will it enforce it or ignore it?

A considerable cost of two radio communication equipment acquisitions can be anticipated to outfit all the patrol vehicles and boats with VHF high band radios and for the acquisition of many portable high band radios. While DCNR communicates primarily on high band, Fish and Boat and Game primarily use low band.

**Page 36, “Regulatory Authority”** – The report states “Moreover, any existing PGC and PFBC regulations relating to law enforcement that are needed should be expressly continued in effect under the authority of DCNR.” What exactly does this mean? Does that mean that DCNR has the right to set regulations regarding fishing and boating when law enforcement efforts are required to enforce these regulations? I really think somebody needs to look at this paragraph in detail because the wording of this scares me. Talks about the transfer of existing regulations relating to law enforcement functions. Big concern in my opinion.

### **Information Technology**

**Page 55** – Similar to their analysis of Information Technology impacts (actually the lack of same) in HR 15, the LBFC report does not estimate the magnitude or costs. Law enforcement databases, clean terminals and access, current law enforcement reporting procedures have not been correctly assessed with regards to needs. Just the immediate costs of connecting the regional offices into the current DCNR radio system will be substantial.

**Page 55 - IT Resources** - Each agency has its own information systems and reporting to handle their needs. Admittedly in the report, DCNR’s current system is not sufficient to handle the additional load of a consolidated law enforcement entity. Here again are millions of dollars of cost incurrence for new hardware, software and product development to establish a workable information technology system.

### **Labor Issues**

**Pages 55-59** – In a consolidated Conservation Law Enforcement operation, Labor issues would most likely be resolved by granting each of the three officer groups the most liberal (and thus, the most expensive) options currently granted to any of the three.

**Page 69** – LBFC suggests that one Human Resource Analyst can transfer from each Commission to the DCNR. Again, the reality is that these positions represent specialties, not top-to-bottom, full-service entities.

The report eliminates the controversy of lost positions by ensuring all current law enforcement personnel will move to the new bureau. However, it is indicated that if efficiencies arise in the future, downsizing could occur through retirements. This will eventually lead to far less conservation law enforcement occurring in the future.

The report is written in a form which may lead officers to believe that they may benefit from a merger with regards to pay, union coverage, working conditions and retirement benefits. This may very well have been done in order to gain the support of the officers involved. Overtime is not addressed and is a needed item to effect successful enforcement efforts.

The supervisor to officer ratio is far out of accepted standards for effective supervision as proposed in the new bureau.