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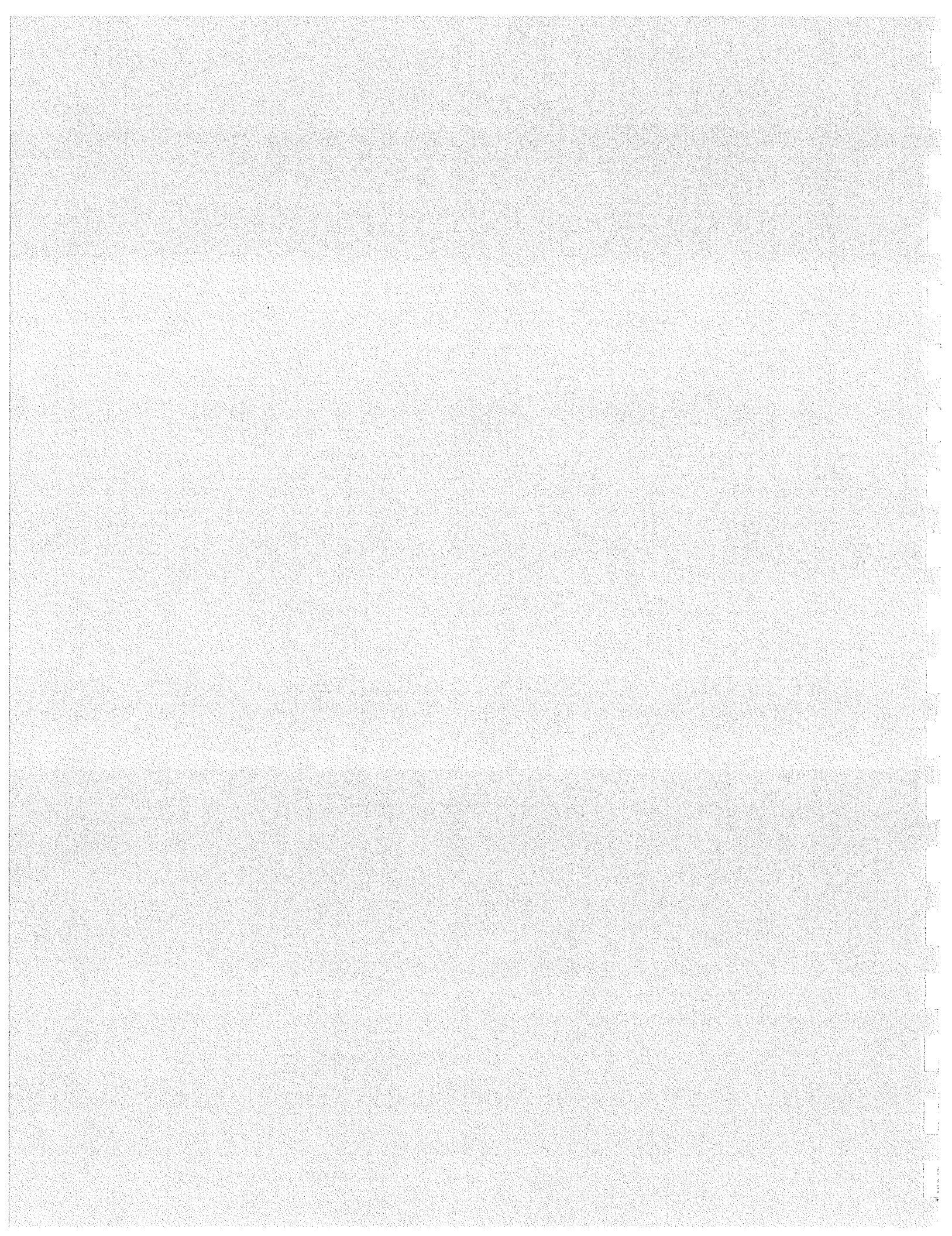
STATE OF WEST VIRGINIA
PRELIMINARY INTERIM EVALUATION
REPORT
OF

**WEST VIRGINIA DIVISION OF
NATURAL RESOURCES**

**CITIZEN ACCESS TO DNR
&
RADIO SYSTEM**

OFFICE OF LEGISLATIVE AUDITOR
Performance Evaluation & Research Division
CAPITOL BUILDING

CHARLESTON, WEST VIRGINIA 25305



ISSUE AREA 1: CITIZENS LACK EASY ACCESS TO DNR OFFICERS

The DNR is relying on an inefficient system for citizens to report wildlife violations and complaints. The agency provides three access points for West Virginians to contact the DNR:

- *Citizens can call the DNR office in the district in which their county is located;*
- *Citizens can contact their county conservation officer at his home; or,*
- *Citizens can call a statewide toll-free number to report game and fish violations in progress.*

At present, the system is too dependent on citizens knowing who their county officer is and their ability to reach that officer at his home. This is due in part to district offices only operating during regular state business hours (8:30 a.m. to 4:30 p.m.) and the fact the 24-hour 800 number is not widely available to the public.

Present Method Threatens Officer Safety and Disrupts Family Life

The system of having violations reported directly to an officer's home puts an officer at risk since it does not ensure centralized supervisory knowledge of situations that have the potential of placing a conservation officer in danger. One officer indicated in a telephone interview¹ that it was a judgement decision on his part about the seriousness of a reported violation whether he would notify his supervisor of a call that comes in after regular work hours, since DNR only operates a district dispatch between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Conservation officers rely on the State Police or county officials for monitoring their whereabouts at other times.

General Order Number II of the Law Enforcement Section requires all officers to maintain a telephone at home with a listed number. This is necessary since most conservation officers work out of their homes and they are subject to be on call 24-hours-a-day. The telephone survey of conservation officers revealed, on average, officers receive between 15 and 25 calls a week from citizens. Most of these calls concern violations, complaints, and requests for information. Officers complained that maintaining a home life is very difficult when calls are coming in at all hours and on their days off. Many said their wives have become unpaid secretaries and at times were subject to verbal abuse from callers.

¹*Performance Evaluation & Research Division personnel conducted a telephone survey of conservation officers using a random stratified sample in order to ensure the representativeness of officers among the five Law Enforcement Section districts. Twenty-five officers were selected and PERD staff was able to contact twenty-four.*

In addition to the disruption of a family life, an officer and his family are under a certain amount of risk by having a listed number and address. For example, surveyed conservation officers said that trash had been thrown in their yards and they and their wives had received threatening phone calls because of arrests. In comparison, the Division of Public Safety does not require state troopers to have listed numbers.

While some officers believe receiving calls in their homes is the best method to get first hand knowledge from citizens who may not want to be identified or only feel comfortable reporting violations to someone they know, a balance must be reached between citizen access and what is fair to the officers and their families.

Present System Does Not Insure Timely Investigation of Criminal Activity

Wildlife violations, like all reported criminal activity, must be investigated without undue delay. If citizens are unable to reach conservation officers at their homes, crimes may occur without any chance of apprehending the violators. Top DNR administrators, however, believe that officers are so well known within their counties that reporting a criminal violation to an officer is not difficult. Yet, one officer informed the Legislature's Performance Evaluation & Research Division (PERD) that citizens may report violations a day or two after they occur because they were unable to find his telephone number in the local directory. He went on to state that if citizens were aware enough to call the State Police or local law enforcement, these agencies would relay the individual's complaint to him.

The difficulty in reaching conservation officers was confirmed by the experience the PERD had in contacting a randomly selected group of officers for the telephone survey. For example, 12 calls were required to reach one officer over a three-day period (it took 3.4 calls, on average, to contact each officer). In another example, a message had to be left with a family member, and in one case an officer could not be reached at all or left a message because he did not have an answering machine.²

In addition, calls that come into the 800 number must be reports of fish and game violations, the validity of which is determined by dispatchers from the Braxton Control, the Braxton County emergency system that has been contracted by the DNR to receive calls. Once a call is received, the dispatcher must contact an officer in the district of the reported violation. If a particular county officer is off duty or unreachable, the dispatcher can call the district office, or after hours and on weekends the DNR provides a district call down list which the dispatcher can use to contact an officer to investigate the reported complaint. The present contract with Braxton Control will be terminated effective October 15, 1994 as a result of "performance irregularities" and the "admitted past abuses of the 1-800 lines and current inattention to incoming calls" as reported by top Law Enforcement administrators.

²The DNR provides answering machines and taped messages to those officers who request one.

A service contract with Capitol Paging of Charleston is to begin October 1 and will continue through June 30, 1995.³ The paging service will continue taking calls regarding hunting and fishing violations (24-hours-a-day, seven days a week) and then forward them on to the proper DNR personnel. No special training will be required of those taking the incoming reports of violations. As with Braxton Control, it appears that immediate response to a violation is unlikely unless an officer can be reached at home or through a district office.

DNR Has Failed to Make Its 800 Number Available to All Citizens

While 1-800-NET-GAME is another option for citizens to register a complaint, the average citizen must first be aware of the number and then be able to locate it. Presently, the 24-hour toll-free-number is printed on hunting and fishing regulation pamphlets and on the back of hunting and fishing licenses. However, the number is only listed in one of West Virginia's 68 telephone directories. Thus, the 800 number is not readily available to most of the state's population. A top Law Enforcement administrator, when asked why the number was not listed, said that it had not been considered, but that it was probably a good idea to have the number in the directories.

RECOMMENDATION

The DNR should develop a system, either at the district or state level, where citizens can call a toll-free, 24-hour number to report Chapter 20 violations, register complaints and request information.⁴ The system should go beyond the service provided by the current 800 number in that calls would be answered by or directed toward trained⁵ law enforcement dispatchers, who would screen calls and contact the appropriate conservation officers over the radio or by calling them at their homes. We also recommend the DNR publish its 800 number in every telephone directory in West Virginia.⁶

³The Capitol Paging agreement requires the DNR to pay \$50.00 per month, plus \$.20 per DNR Law Enforcement complaint ticket filled out. This compares to the Braxton control charge of \$400.00 per month and approximately \$.45 per call.

⁴A separate 24-hour 800 number for each state district has been used in Pennsylvania for the past eight years. PERD staff contacted Pennsylvania's Game Commission and was informed they had a similar process as West Virginia's, but moved toward routing all calls through one number because of labor issues and officers receiving threatening calls.

⁵The PERD has been informed that the Division of Public Safety is considering a training program for their State Police dispatchers, we recommend that an agreement be reached whereby DNR dispatchers would also attend this training program.

⁶Bell Atlantic Company has informed the PERD that no charge is levied on government agencies whose number appears in the non-emergency section in the front of every telephone directory, provided the number is also listed in the government Blue Pages at a \$.75 charge per month.

ISSUE AREA 2: INADEQUATE RADIO SYSTEM PUTS DNR PERSONNEL IN DANGER

DNR has an antiquated radio system that makes it difficult for DNR personnel to stay in contact with district dispatchers. While the problem is scattered throughout the state, the problem is most severe in District Two (the eastern panhandle) and District Four (southern district).⁷

DNR has been aware of the problem for some time. In the spring of 1994, DNR contracted with the Division of Highways (DOH) to review its communication system. The following statement from the DOH report summarizes the condition of DNR's radio system.

Weakness and inadequacies have been shown in the existing DNR radio network. The system is utilized by several divisions within the department in the day to day operations of those divisions. The system is relied upon during times of emergencies and disasters to provide communications; which not only coordinates the efforts to preserve the life and property of the general public, but also assures the safety of DNR personnel while performing their duties.

Effect on Conservation Officers

In a telephone survey of conservation officers, conducted by the Performance Evaluation & Research Division, officers in Districts II and IV complained that they were unable to contact their district offices by radio unless weather and geographic conditions were perfect.⁸ The radio system is very important to conservation officers since they serve as DNR's law enforcement agents, routinely making arrests for poaching and game violations. In these situations they are either arresting or ticketing armed individuals. The chart on the following page is an excerpt from the DNR annual report which highlights (1) the type of arrests, (2) the fact that a weapon is involved in many arrests, and (3) many arrests occur during hours when the DNR radio system is not operating;

⁷The DNR radio system is also utilized by the Division of Forestry, Division of Parks and the Division of Environmental Protection.

⁸Complaints were received from other districts as well, but District II and IV were the worst.

	Hunting Violations	Total
#	Loaded gun in vehicle	750
*#	Uncased gun in vehicle at night	114
*#	Spotlighting	34
*#	Spotlighting with firearm or implement	230
	Illegal possession of wildlife or parts thereof	597
#	Hunting closed season	352
	Exceeding daily bag limit	34
#	Uncased gun, closed season	22
*#	Uncased gun, on Sunday	16
	Failure to field tag game	296
	Failure to check game	131
#	Negligent shooting	23
#	Shooting from or across highway	115
#	Shooting within 500 feet of dwelling	61
#	Hunting without permission	362
	Illegal trapping	10
	Illegal method of hunting	166
#	Hunting after killing legal deer	116
#	illegally carrying a pistol or revolver	10
	Illegal sale of wildlife	14
	Illegal importation of wildlife	5
	Violations of bear law or regulations	6
#	Illegal killing or taking of Deer, Turkey, Boar	304
#	No Blaze Orange	154
#	Illegal killing or taking of Bear	14
#	Hunting under the influence	20
#	Shooting/hunting from motor vehicle	124
	Other game law violations	352
	Total	4432

Source: 1992-93 DNR Annual Report

denotes violation involving a weapon

* denotes violation occurring during hours of radio system non- operation

The DNR law enforcement personnel do have access to the state's Public Safety channels and county police networks as a backup to their regular radio system. The DNR radio network only operates 40 hours a week, thus, conservation officers must rely entirely on other channels after 4:30 when the DNR network shuts down. This also leaves personnel in the DNR without supervisory control when they work out of that eight hour span. Conservation officers are on call 24 hours a day. Conservation officers are police officers and should be treated and equipped as such. Without a proper radio system they are not properly equipped. By definition they may be more at risk, since they work in more isolated areas than other law enforcement personnel. The following statements from the telephone survey highlight some of the problems the officers are experiencing;

It's a terrible system; I can't reach my district office. I have no communication when I am out of the vehicle. I am often in remote areas and could be in the woods for days if I were injured.

In a five day period I may have contact with my district office two days. I should be able to reach the district office when I am in the same county.

In addition, many boats utilized by the DNR's Conservation Officers do not have radios or suitable portable units which may put the officers in danger while patrolling waterways. This problem is further compounded by the fact that most boat patrols are conducted on weekends. Many of the radios that are used in the boats only operate on DNR channels, which again do not operate on the weekends. These statements from the telephone survey address the problems some officers are experiencing;

My boat radio is ancient and I can not contact anyone. I had to borrow a radio from the country emergency service just to have contact with anyone.

I have to patrol over fifty miles of river in my boat. The radio is more or less useless. I feel that having radio contact could be a matter of life and death.

Effect on Wildlife Section Personnel

Furthermore, the problems with DNR's radio system is even more severe for DNR's Wildlife Section personnel. Conservation officers have newer equipment than most of the Wildlife personnel, since the Wildlife Section has purchased used radios from the DNR Law Section. Yet, it is important for the Wildlife personnel to have proper radio capabilities since many Wildlife Section employees act as Special Conservation Officers with police powers on their wildlife management areas. As with the regular conservation officers, the Special Conservation Officers are police officers. They too should be properly equipped. However, these personnel do not have access to the Public Safety Channels or county networks. Thus,

should Wildlife personnel become injured or need assistance in a dangerous situation, they would be unable to contact anyone after the DNR radio system shuts down, or in the event the radio system breaks down.

Wildlife personnel often work hours past the 4:30 deadline to handle animal problems such as trapping and tranquilizing bears. In our field work with DNR Wildlife staff, a supervisor with the Performance Evaluation & Research Division worked until eleven with a wildlife manager. Wildlife personnel, like conservation officers, are often isolated and around persons carrying weapons. The uniform worn by these personnel, in our opinion, could easily be mistaken for a law enforcement uniform. The possibility of mistaken identity combined with extreme isolation in many cases could put Wildlife personnel in an increased level of danger.

Steps To Solve the Radio Problems

The Division has contracted with DOH's Telecommunications Section to upgrade the system. This upgrade will eventually lead to a total replacement of the base stations and towers which should give 80 to 85 percent coverage of the state according to the DOH study.

Another step the Law Enforcement Section has taken is purchasing portable rat pack repeater systems for the officers (50 units this fiscal year and 50 more next fiscal year). These should help the officers stay in contact while they are out of their vehicles, but the rat packs are only effective for about a half mile.

Upgrading the radio system may take three years to complete according to the Executive Secretary of the DNR. The DOH representatives have to decide what type of equipment the Division needs and then order and install the equipment.

Recommendation

The DNR should consider a twenty four hour radio system to provide its personnel constant communication. This system could be on a district basis or entail one central communications center. A 24-hour-system would increase the level of supervisory control over both the Wildlife and Law Enforcement sections. It would also increase the quality and level of information going into the Law Enforcement section to allow for the concentration of officers in needed areas or the focus of enforcement on certain crimes.

ISSUE AREA 3: SYSTEM IS NOT PROPERLY LICENSED

Twelve of the FCC licenses for the stations have expired and five of the stations were never licensed at all. These licenses are presently being worked on by DOH's Telecommunications Section to ensure that DNR is properly licensed but has not been completed. The DOH report concerning the radio system had this to say concerning the FCC licenses;

In short, should the FCC inspect the DNR system, they would shut down four out of the six districts.

If this were to happen it would force the Law section to use the Public Safety channels and county channels 24 hours a day and have no contact with the DNR district offices except by phone. The Wildlife Section would have no radio communications at all.

Recommendation

We recommend that the Division continue to work with the Division of Highways and become licensed as soon as possible.

