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HRES

HB 337

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All of these are essential to law enforcement, and perhaps the greatest benefit that can be secured is support, both in manpower and practical knowledge.

The state is not financially willing or capable of supporting a Division of Fish and Wildlife Protection that can serve the protection needs of the resources and yet supply a service and maintenance section for the Department of Fish and Game, similar to the traditional pattern of their states. To meet a national standard, would require the addition of 158 new positions in the Division of Protection, and to meet only a western state's standard would require 110 new positions.

To address a statement to present and potential relationship of Protection and Fish and Game Management personnel, is to assume the Board has been convinced that poor relationship is detrimental to resources and poor relationship now exists. It is unfortunate the concern of the Board becomes evident four years after the crisis, and the management plan is being considered with only one set of charts and graphs. Basically, the Division of Protection feels there is a state of being mutually or reciprocally interested in the same objective, but a lack of affinity. This lack of kinship is caused by wide differences in opinion towards professional standards. Mandates will not alter this problem and it is most difficult to associate this with benefits towards resources. Sound management requires wise judgement to accomplish and should include consideration of all sources of pertinent data to achieve the desired end. It took twelve years to gain a seat at the table of deliberation before the Board of Fish and Game, and only when enforcement was accountable to another department was input accepted that was contrary to the fixed posture of management proposals. At the present, relationship is healthy for resources and this should be the objective of the state. The potential relationship will remain healthy to the extent that enforcement is permitted to offer input for consideration.

	WEST	MIDWEST	NORTHEAST	SOUTHEAST	NATIONWIDE	1972 ALASKA	1976 ALASKA
Percent Enforcement Personnel compared to Total Fish & Game Staff	22.5	26.8	31.9	42.7	32.3	16.5	16.5
Percent Budget for Enforcement compared to Total Fish & Game Budget	22.8	28.5	27.9	32.3	27.4	19.0	18.76
Average Patrol District Per/Officer Sq. Miles	1,204	605	182	412	543	8,623	7,239
Arrests/Officer	48	53.7	32.6	54.6	48.7	25	13.5*
Average Fine Collected	27.17	22.29	31.03	22.96	25.12	-----	100.00
Arrests per 1,000 Licenses	5.9	5.0	5.6	8.6	6.4	8.3	6.4

National Statistics shown are for the year 1972, the last year when national statistics were available.

\*Arrests/Officer is a function proportionate to the size of the area patrolled and population density. Because of overall size of the state and lower comparative population, Alaska cannot compete in National averages in this category. Arrests are directly proportionate to user contacts, and because of size and lesser density of user, contacts are less than other states. The marked decline in arrests/officer from 1972 compared to 1976 results from a forced reduction in hours worked per day by each officer, and days worked per week by each officer created by budget limitations for overtime payment.

In 1972, officers were on a straight salary basis and work performed as required. Mandatory overtime in 1976 with severe budget limitations for overtime payment has resulted in less hours worked, fewer contacts per officer, hence less arrests per officer.

## LAW ENFORCEMENT—ONE THIRD OF THE TRIANGLE

WILLIAM B. MORSE, *Wildlife Management Institute, Portland, Oregon*

*Abstract:* Law enforcement is as important as research and management in administration of wildlife resources but it has not received proportionate attention from administrators and researchers. Enforcement accounts for  $\frac{1}{3}$  of the personnel and over  $\frac{1}{4}$  of the budget of state wildlife agencies. Trends show a continued dilution of law enforcement effort per hunter and angler, and an increase in the number of laws enforced. Conservation officers will some day become recreation enforcement officers, but should remain a part of fish and wildlife departments. Recommendations for improving law enforcement include a productive research program, uniform records system, adequate officer numbers for the workload, professional enforcement communications between states, and obtaining general police powers for all conservation officers.

Management of fish and wildlife resources in the United States involves three fundamental activities: research, management, and law enforcement. Research has received primary professional emphasis from The Wildlife Society in both interest and publications. Management is the primary task of administrative agencies, which put research knowledge into operation on the land in order to improve habitat, and to regulate harvests of game species to achieve sustained yields. Law enforcement is the effort, both passive and active, to secure public compliance with the laws and regulations that management uses as tools.

Too often, enforcement is looked upon as a necessary evil, even as an anachronism that must be accepted simply because it exists. Nothing can be further from the truth. Without adequate law enforcement, the finest research and management will have little or no effect in protecting the resource. Scientist and manager alike must realize that wildlife depends on three-way teamwork, and must help give enforcement the stature and tools it needs to operate.

Law enforcement requires consideration, thought, research, and planning in order to be conducted as the major conservation business that it is. On January 1, 1972, there were more than 5,800 employees in state wildlife and fisheries law enforcement, com-

prising 32.2 percent of all employees of state wildlife agencies. Authorized enforcement budgets exceeded \$72 million per year, or 27.4 percent of the annual operating budgets of state agencies (Morse 1972). Yet a hard analytical look at overall state enforcement operations will show that there has been only limited improvement in many years. Most of these improvements have been simple: officers now have automobiles, two-way radios, some jet boats and airplanes, and there have been improvements in recruiting and teaching. Other needs have been overlooked consistently during a period when both research and management techniques have entered the space age. For example, does the officer know why the violator violates? Can he use theory of games on a search for jacklighters? Can he check an offender's record by radio?

Enforcement officers tend to feel alienated to some degree because they are not always considered essential or professional. Better intra-department communication would reduce this feeling. Administrators could help increase the officers' morale, prestige and feelings of worth by spending more time with the officers in the field to learn their problems and needs. Regional forums, where officers from several states could gather to discuss and coordinate

mutual problems, would also help. These forums should be in addition to regional association meetings and should be similar to symposia held on individual wildlife species.

Long overdue changes and improvements in enforcement will not be forthcoming until there is a change in attitude of agency administrators and an emphasis on selling improvements in enforcement to budget-approving personnel and agencies. Even in the most progressive states, the officer in the field still operates by the seat of his pants and his instincts rather than as a modern technician striving to accomplish planned and programmed goals with techniques developed by many disciplines. If law enforcement is to meet present, let alone future needs, it must receive administrative interest commensurate with its personnel numbers, expenditures, and importance as a member of the three-way wildlife and fisheries team. Such co-equal recognition of enforcement with research and management efforts is one of the principal tasks facing wildlife agencies in the '70s.

Table 8A  
Basic Information on Conservation Officers, 1972

West	Title of Officer	No. Empl. in Dept.	No. C.O.	No. C.O. Supervisors	2-yr Expan- sion	2-yr Replace- ment	C.O. w/WL Degree	C.O. w/Mini- mum Other Degree Edu- cation	Res. Rqmt. in Months	No. C.O. w/Fed. Comm.
Alaska	F&W Off.	418	61	8	6	6	5	10 HS	0	40
Arizona *	F&W Mgr. or Ranger	143	76	12	14	18	18	0 BS-WL	0	75
Calif.	F&G Warden	1,291	279	10	20	28	56	75 2-yr.Col, Ctzn.		260
Colorado	WL C.O.	425	106	6	20	12	57	0 BS-WL	0	70
Hawaii	F&G Warden	69	27	5	0	1	0	1 HS	36	19
Idaho	C.O.	278	65	10	9	6	42	1 BS-WL	0	29
Montana	F&G Warden	286	83	4	0	9	17	5 HS	12	25
Nevada	F&G Warden	105	36**	4	3	0	32	0 BS-WL	0	5
New Mexico	Dist. WL Offr.	163	31	5	2	4	6	4 BS-WL	12	34
Oregon	State Police	445	90	15	8	10	10	8 HS	Resdnt.	0
Utah	C.O.	236	58	9	8	27	34	4 BS-WL	0	23
Wash. (Game)	WL Agent	458	118	13	0	10	20	5 2-yr Col.	0	42
Wash. (Fish)	Fish Pat. Off.	385	36	2	0	0	0	3 HS	0	11
Wyoming	Dep. Gm. Wdn.	285	57	2	0	4	12	6 BS	0	0

Total 4,987 1,123 105 90 135 309 122 (BS-7) (No. Res. 9) 633  
 \* Some Rangers full time \*\* Only 15 full time

Midwest	Title of Officer	No. Empl.	No. C.O.	No. C.O. Supervisors	2-yr Expan- sion	2-yr Replace- ment	C.O. w/WL Degree	C.O. w/Mini- mum Other Degree Edu- cation	Res. Rqmt. in Months	No. C.O. w/Fed. Comm.
Illinois	Cons. Plc.Off.	-	139	6	10	-	0	- HS	Co. Res.	-
Indiana	C.O.	-	142	4	0	10	0	3 HS	12	120
Iowa	C.O.	321	66	1	0	2	2	7 1-yrCol.	0	66
Kansas	Game.Prot.	202	60	7	6	5	2	2 HS	0	32
Michigan	C.O.	678	198	6	25	10	8	19 HS	0	61
Minnesota	C.O.	527	142	10	40	10	8	25 -	24	136
Missouri	Consv.Agt.	429	122	12	10	10	0	9 HS	24	134
Nebraska	C.O.	211	46	2	4	-	0	0 HS	0	37
N. Dakota	Game Wrdsn.	77	24	5	0	1	1	0 HS	6	16
Ohio	Game Prot.	413	114	7	4	5	5	1 HS	0	30
So. Dakota	C.O.	231	56	16	0	4	14	3 BS-WL	Rcs.Pref.	50
Wisconsin	Cons. Wrdsn.	465	136	18	0	15	28	11 BS	12	0

Total 3,554 1,245 94 99 72 68 80 (BS-2) (No Res. Req. 6) 682

Table 9A  
How the Conservation Officer Spends His Time, 1972

West	Law Enf. %	Game Mgmt. %	Fish Mgmt. %	Hunter Safety %	Youth Ed. %	Public * Rel. %	Lands %	Pollution Control %	Fores- try %	Snow- mobile %	Boating %	Misc. & Other %
Alaska	80	5	5	2	2	3	-	3	-	-	-	-
Arizona	40	20	10	1	1	1	2	-	1	-	-	24
California	89	-	-	-	-	-	-	-	-	-	-	11
Colorado	28	28	4	7	7	-	4	-	-	4	2	14
Hawaii	80	5	5	-	3	6	-	-	-	-	-	-
Idaho	65	6	4	2	1	1	4	2	1	-	-	15
Montana	20	10	10	3	2	30	-	5	-	-	5	15
Nevada	60	10	8	-	5	12	1	2	2	-	-	-
New Mexico	25	20	20	2	5	2	20	2	1	-	-	3
Oregon	70	5	5	2	1	2	-	-	-	-	-	15
Utah	66	8	7	-	-	6	-	-	-	-	-	13
Wash. (Game)	53	8	8	3	3	17	4	-	-	-	-	5
Wash. (Fish)	100	-	-	-	-	-	-	-	-	-	-	-
Wyoming	46	15	-	-	-	-	-	-	-	-	-	39
Average	59	10	6	2	2	7	1	1	.5	.3	.5	11

\* Includes Acquisition and Management

Midwest	Law Enf. %	Game Mgmt. %	Fish Mgmt. %	Hunter Safety %	Youth Ed. %	Public * Rel. %	Lands %	Pollution Control %	Fores- try %	Snow- mobile %	Boating %	Misc. & Other %
Illinois	82	-	-	5	2	-	3	3	5	-	-	-
Indiana	50	-	-	1	3	14	-	2	5	-	25	-
Iowa	50	5	5	2	2	31	3	1	1	-	-	-
Kansas	50	5	5	5	5	20	4	5	1	-	-	-
Michigan	60	1	2	3	3	8	2	-	-	-	-	21**
Minnesota	46	7	5	2	1	5	2	2	-	15	15	-
Missouri	-	-	-	-	-	-	-	-	-	-	-	-
Nebraska	60	10	5	4	4	4	-	3	-	-	10	-
North Dakota	65	10	10	-	-	10	-	-	-	-	-	5
Ohio	35	20	20	5	-	5	5	10	-	-	-	-
South Dakota	25	15	9	3	3	12	22	3	-	-	-	8
Wisconsin	-	-	-	-	-	-	-	-	-	-	-	-
Average	52	7	6	3	2	11	4	3	1	1	5	3

\* Includes Acquisition and Development  
\*\* Includes Boating and Snowmobile



Commissioner Richard L. Burton

April 26, 1976

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in all the major areas, plus the use of the Department teletype system. This was all put in after the Division came to Public Safety. Since coming to Public Safety additional vessels have been acquired and additional aircraft. Again, because the Department of Public Safety is primarily law enforcement oriented and a need for adequate equipment is thoroughly understood, the Division of Fish and Wildlife Protection has benefited from this progressive thinking within the Department, both in the past and at the present.

It appeared, Commissioner, as if the purchasing of equipment was kind of on a haphazard method, with each regional supervisor determining what he needed. As a result of that there appeared to be an overbuying in certain areas and underbuying in other areas. For example, each Protection Officer had a pair of hip boots, a spotting scope, binoculars and a very expensive Pen-tex camera; but they had no radio equipment, either portable or mobile, they had no hard copy communication system, and did not even carry suitable firearms when in the field.

ORGANIZATIONAL STRUCTURE AND SUPERVISION - This is the area, Commissioner, that gets a little touchy, but I think in order to thoroughly evaluate the problem you have to look at the guts of the organization that the Department of Public Safety inherited.

It appeared as if there was very little control from the top, or if there was, the supervisors took an indifferent attitude to supervision and therefore many things were going on within the Division which would not be tolerated by you or I and certainly are not tolerated today.

When the Division came over to Fish and Wildlife Protection, the aircraft were being utilized for semi-personal business, such as transporting moose meat, personal gear, sightseeing, etc. The stakeout camps were also being utilized as personal hunting lodges and departmental equipment was being utilized for personal use, such as boats, binoculars, hip boots, etc. were all being used support private hunting or fishing trips. In addition, their evidence handling, recording and disposition procedure left a lot to be desired. In fact, to the embarrassment of the Department, we found that at least two polar bear hides were improperly disposed of, one being given to the Catholic Church in Fairbanks for a raffle and the other being lost which cost the State in excess of \$6,000.

In other words, Commissioner, the whole administrative operation seemed to be very shoddy and without proper direction, thus creating several embarrassing situations for the State and the Division.

Now I'm sure that somebody might say that these situations could all be taken care of within the Department of Fish and Game if the Division was transferred back; and my answer to that would be, "Why wasn't it done during the first ten years?"

CONCLUSION - I feel that the Division of Fish and Wildlife Protection, since coming to the Department of Public Safety, is better equipped, better trained, better disciplined

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and has better morale than it did while being under the Department of Fish and Game. Also I feel that the enforcement effort has been increased as a result of having better equipment, better communications, better training and better direction.

I think an individual who proposes that the Division be transferred back to Fish and Game should objectively look at what the Division was and doing prior to its coming to Public Safety and what it has accomplished after coming to Public Safety; and I think if you objectively review both situations, you will find that the Division is functioning 100% better today than it was when it was transferred.

I think also that people who have worked under both systems would readily admit that the procedures today are better than they were under Fish and Game. Now I know that we still have some individuals who are not inclined to support the fact that the Division is functioning better today than it was four years ago; and to that I can only say, Commissioner, those individuals are probably the ones who were misusing the State equipment, abusing their authority and creating problems for the Director of Fish and Wildlife Protection while it was under Fish and Game.

I think also it is important to look at what the Department of Fish and Game is designed to do and what the Department of Public Safety is designed to do. By this I mean primarily the Department of Fish and Game is research orientated, whether it be commercial fishery research and rehabilitation or wildlife research and rehabilitation, whereas the Department of Public Safety is primarily a law enforcement agency. As we have so often said, the enforcement of the Fish and Game laws are no different than the enforcement of our criminal statutes. All the rules of criminal procedure apply, and I think the records will reflect, and I'm sure the D.A.'s will concur, that the cases being made by the Division of Protection in the last three years are considerably better than the cases made prior to the Division's transfer. This can only be attributed to the increase in training and the administrative review given the report.

Again, I think one should ask: "What is being done today versus what was being done under the old concept," and I defy anybody to substantiate with hard facts the proposition that the Division of Fish and Wildlife Protection should be returned to the Department of Fish and Game.

JPW: me

ALASKA DEPT. OF PUBLIC SAFETY  
OFFICE OF THE GOVERNOR

Commissioner James Brooks  
/ Commissioner Richard Burton

April 19, 1976

Jay S. Hammond  
Governor

Attached Resolution 76-2 of the  
Boards of Fisheries and Game

At the request of the Boards of Fisheries and Game, I am asking that each of you carry out the request of the Boards enunciated in their Resolution 76-2.

I would ask that you submit your initial response to me by May 15. After review by myself, I will then ask each of you to respond to the points raised in that input.

Additionally, I would request that each of you in your initial submission include a section of pertinent questions which would be addressed, in questionnaire form, to appropriate enforcement and management personnel at the field level.

cc: All Members  
Boards of Fisheries & Game

76 APR 26 PM 12 31  
DEPT. OF PUBLIC SAFETY  
BUREAU, ALASKA

AB	Commissioner	2	Deputy Comm.
3	Director, F&W		Dir., Adm. Ser.
	Fire Marshall		Building Ser.
	Info. Officer		
	<input type="checkbox"/> FOR YOUR INFORMATION		
	<input checked="" type="checkbox"/> ACTION <i>Draft response</i>		
	<input type="checkbox"/> REPLY		
FROM:	DATE		
Comm. Off. PUBLIC SAFETY JMO			

ALASKA BOARD OF FISHERIES AND ALASKA BOARD OF GAME

JOINT BOARD RESOLUTION NO. 76-2

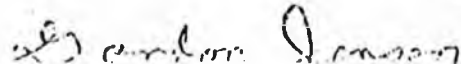
REGARDING THE DIVISION OF FISH AND WILDLIFE PROTECTION

The Board of Game and the Board of Fisheries, meeting in joint session on April 2, 1976 in Anchorage, Alaska, respectfully request the Governor to direct the Commissioners of Fish and Game and Public Safety to prepare a "white paper" statement regarding the relative merits of the Protection Division under the jurisdiction of their respective departments. Such statements should include but not be limited to:

1. Objectives of the Protection Division
2. Present and potential relationship of Protection and Fish and Game management personnel

Following the preparation of the "white paper" said Commissioners should prepare briefs of response to each others statement.

The Governor is further requested to provide the Boards with all, or part, at his discretion, of said "white paper" and responses. Further, should the Governor wish comment from the interest of the public, that he seek response from one or more disinterested but knowledgeable person or persons on this subject.

  
\_\_\_\_\_  
Gordon Jensen, Chairman of the  
Joint Session of the  
Alaska Board of Fisheries and  
Alaska Board of Game

DATED: April 2, 1976  
Anchorage, Alaska

Mr. Chairman, my name is Dick Burton. I'm the Commissioner of the Department of Public Safety.

I didn't know until now we were in paratroop business. It's news to me.

Unfortunately, after listening to the testimony of the sponsor of the bill that is was introduced with good faith and with good intent. However, limited entry, Mr. Ron Rickey, Fish and Game, or no one else is responsible for stake out crews except me and this is the first time I've had an opportunity to speak to the bill. I wasn't afforded the opportunity to have any input into the bill and some factual figures prior to its drafting and introduction. I have some copies, not enough to go around, but I'll share them with you when I have comments from the Director of Fish and Wildlife and then I have a few comments of my own. For the record I'd like to read one of the major impacts of the bill, the comments some from Colonel Walstead. Implementation of the Bill would have severe detrimental results to the fisheries resources unless an approximate 400% increase in temporary man months were funded to provide stream guards for protection of salmon spawning streams. In addition to the temporary man power, additional support funds would be necessary to provide field gear, such as, tents, skiffs, outboard motors, mattresses, cots, etc. - everything that goes to support a man in the field. Implementation of the bill is legislation of enforcement methods and provides a license to steal. It would afford and offer the maximum advantage to theft of fish stocks by commercial fisherman that can be envisioned. Perpetuation of fish stocks would be limited to those areas where a stream guard was stationed

to the funding provided for temporary personnel. Southeast Alaska alone has an excess of 2,500 spawning streams and each should be protected. It would be physically and financially impossible to thoroughly protect the areas unless the fisherman is faced with the prospect of apprehension during the violation thru a means he cannot predetermine under the terms of the bill absence of a visible stream guard would assure the fisherman that the stream is unprotected and vulnerable.

I have a fiscal note attached to this. As near as we could figure in the time we had allowed for what it would take to provide adequate protection we figure in just temporary man months for a fishing season throughout the state of 459 man months and with extra commodities and equipment involved, a very conservative figure of \$1.3 million just for stream guards during the summer.

I equate this with, its like saying there are 2,500 First National Banks scattered around and you have people in 100 of them. The other 2,400 not even having cashiers, tellers at the windows. You can go in and help yourself to the money. I consider stealing resources from the state every bit as important as stealing money from a bank. People who steal 20-30,000 fish are as much a criminal and felon as the guy who holds up the bank. I would say that in the same respect, if we're going to have to stand out there and be visible on those few streams that we can barely afford to cover because of manpower and money requirements, that if this was a fair way to enforce the law, perhaps on the patrol cars of our troopers we should have a sign saying we are answering a call to an armed robbery at the bank and let them have a chance to get out of there, or we only answer calls to these banks on Wednesdays or Thursdays and not on Mondays or Fridays. Thats a little facetious but its the same kind of approach. I wish I would have been afforded the opportunity to have this discussed with us and with the people responsible for this prior to it.

I think we could have come to an equitable solution, whether it be budget approach or whatever to increase the enforcement capability. When you take the coastline of Alaska and we're responsible for the 3 mile off shore limit and we're responsible for 38,000 miles of shoreline, that makes roughly 105 square miles of water to cover alone. With 86 men I couldn't even cover that, let alone the land mass of the state.

Snider: Commissioner, what other forms of surveillance do you use in comparison to the number of stream guards? And what is the stream guard's salary on a temporary basis in the summer months?

Mr. Herman, Director of Administrative Services, Department of Public Safety: \$3,375/summer (3 months), \$2,000 overtime, and equipment \$3,3000/man.

Burton: other methods of surveillance aircraft, boats, we move the people

The combined Board of Fish and Game at their last meeting in Soldotna, came on record very strongly about wanting to increase the stakeout and stream guard program in use in the same manner as it is now. We've met with the seine boat associations around southeast and other people and the honest fishermen, they're after us to increase this type of enforcement effort. Prior to statehood, this was used to a good degree and they had alot of temporary manpower. Of course the dollar an hour figure has changed with today's collective bargaining and everything. But they had a great number of people involved in those programs and it was successful and it can be. And we had apprehended people in major areas prior to them taking the fish out of there. We've made some significant changes, particularly in Mr. Osterback area this last year. I opened a post at Sand Point. It was the first time they've had anyone there in a long time. The overlenght gear

with a seine net. You probably read recently we had a \$19,000 fine from on a crab boat from out there, a major (ill). We're still working after the boat too. Although for the area and the amount of people we got to cover I would venture a guess that 30%-40% of all crab and shrimp taken out in that area, not just salmon, is taken illegally and that is taken in closed areas. I don't have the copy with me, I had it on my desk this morning comparing this past year with 4 years ago, the type of cases being made where protected resources are not and the number of cases for fishing in closed areas has increased several hundred percent over what it was a few years past. A lot of this is attributed to the stream guard. I do not know about anybody parachuting into the alders until I heard it here. That is news to me. I'd like to know about that. It may have been some other department because nobody talked to me about it.

Snider: Do you know of any stream guards being shot at because of sneaking around in the brush or camouflage techniques?

Burton: I've been in law enforcement since 1954 starting in 1954 in Ketchikan, mostly Southeast Alaska, and I've heard over the years many stories of people. They'll go in and shoot up a beach, whether they know there is anyone there or not -- just to let them know they're coming in and anybody that's fished knows this. We had a case years ago of a federal stream guard that flat disappeared off the face of the earth, don't know what happened to him except that we're pretty sure it was a homicide. Sure, that happens. I doubt if I could hire anybody, especially the temporaries that you get who are college kids and so forth. You wouldn't get me to go out there and stand with a sign on my head saying I'm standing there, not unless I had a twin 50 caliber machine gun to back me up.

I would like to have more stream protection, but just the impact of this HB 111 to try to provide and identify the major streams of where

we would put people to meet the requirements of what we'd have to feel we were providing some protection, with the changes of this bill would take an additional \$1.3 million.

Malone: Commissioner, I don't understand. You say if you don't have anyone there you say its protected now?

Burton: They don't know where we're at. We have stream guard in one area.

Malone: Just a minute, you said 30-40% of the catch was being taken illegally.

Burton: In the crab and shrimp area out in that Aleutian Peninsula Ch.in. I'm talking about crab/shrimp. We don't have spawning streams for that. Pure and simple manpower coverage.

Malone: What were the recommendations of the Board regarding increased stream surveillance.

Burton: Well, most of their recommendations is they just want it done. Thats all. They just want to see it increased.

Malone: To what extent?

Burton: They didn't convey that to me. I just got it off the minutes when they were discussing it with the Department of Fish and Game.

Malone: Well, do you think it needs to be increased?

Burton: Certainly

Malone: Does that increase reflecting the Department's budget?

Burton: As best we could reflect it, yes.

Malone: What sort of increase is planned for the budget year?

Burton: Presently, right now, in the budget for Fish and Wildlife protection, an additional 10 new officers and I couldn't quote you the number of temporary man months for temporaries in the summer, which was increased, but it was increases over the last year. We've got a significant increase.

Malone: Do you have any estimate the value of confiscated catches or gear equipment by stream guards?

Burton: I don't have it broken down like that we could do it.

Lt. Tedsloff, Commander of Southeast Region who operates stream guard programs

Malone: Do you have any way of estimating what the illegal catch do to stream robbers right now, in terms of dollars?

Lt. Tedsloff: I think you'd first have to establish what you're talking about, crab, shrimp, salmon, and are we talking about the

Sound or Cook Inlet or Bristol Bay. Each area's different you see and I can speak on Southeast in Southeast, maybe 10-20% salmon is taken illegally. I feel in good control of Southeast Alaska Peninsula, Kodiak, etc., is a completely picture.

Burton: It would take a concerted effort by several agencies to come up with a scientific guess of how many fish are being caught illegally. We'd like to think that all the ones fishing illegally are the ones we're catching but we know better than that, so it's strictly an assumption.

Burton: You got a problem and I'll tell you in a minute, regardless of whether stream guards are going to be standing out there with signs on them, visible or hidden. It's a summer time, temporary employee you're hiring. This is why we've cut down in the past few years on our temporary and asked for more permanent, full time, trained, professional offices because you've got these kids that are out of school, you have a training problem, you have a problem when they get out there and see a couple boat loads of fishermen, it makes your knees shake a little bit and your hands shake a little bit to go up and approach them. We have it, but not in every case. We do have some good young people. The other problem that comes around is about the time the D.A.'s and the fisherman defense funds and everything gets involved and drag it out until time to go to court, that kid's back in college. He might be in South America and then the D.A. won't prosecute because the witness is not there. Those are real problems, but I don't think we're going to change anything by having stream guards standing out there where everybody can see them.

Burton: It would be fruitful to get together and talk this over but an alternative would include the same thing that this does and it gets down to bucks... I would welcome the opportunity to talk to somebody... Any questions you have, a subcommittee on it, or anything

else, we'd be more than happy to.  
This is the first contact I've had with anyone on this bill. I did not know exactly what was wanted, what was expected, or what was going to be asked as far as preparing for this. If you'd like as was discussed earlier, for a small group of us to get together we'd certainly be more than happy to sit down and make all the information that we can get together.

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BC-Wildlife Protection - 2 Takes, 460-920

SE: REFILE FOR PMS

By G. MICHAEL HARMON

Associated Press Writer

JUNEAN AP -Legislation to transfer fish and wildlife protection officers from the Department of Public Safety to the Department of Fish and Game has lifted the lid from a intense tug-of-war which has been simmering behind the scenes for more than a year.

The discoveries include previously undisclosed exchanges between the two agencies over the issue, including bitter allegation from the Department of Public Safety questioning the motives of proponents within the Department of Fish and Game.

In return, supporters have accused the Department of Public Safety of fostering un-Alaskan, riot squad attitudes.

The controversy surfaced with a bill HB337 by House Resources Chairman Alvin Osterback, D-Sand Point, to return fish and wildlife protection officers to the Department of Fish and Game.

The Division of Protection was moved to the Department of Public Safety five years ago by then-Gov. Bill Egan.

Osterback, who has scheduled a hearing on the bill April 1 in connection with a joint meeting of the fish and game boards, says he introduced the legislation after concluding that the Department of Public Safety is "more interested in playing cops and robbers than protecting our resources."

In an enforcement program aimed exclusively at obtaining convictions, Osterback says protection officers sit by and watch as salmon stream robbers net and boat thousands of fish before making arrests.

"They could arrest these people after they catch three or four fish," Osterback says. "But they are letting them get 50,000. I want them to protect our resources and stop crime before it occurs."

Osterback says attitudes in the Department of Public Safety were graphically demonstrated during a recent appearance before his committee by Commissioner Richard Burton.

Burton was appearing in opposition to another Osterback-backed bill to require stream guards to remain visible under the premise that crime prevention in the area of fish and wildlife protection is more important than arresting offenders.

Based on a tape recording of the committee meeting, Osterback quoted Burton as saying: "You would 'nt get me to go out there and stand with a sign on my head saying I'm standing here, not unless I had a twin 50 caliber machine gun to back me up."

"Personally," Osterback replied, "I would expect this way of thinking from a riot squad in Chicago, but never from a typical Alaskan.

"The Department of Public Safety is handling enforcement from a 'cop and robber' viewpoint, rather than from one of protecting and saving the resource."

Burton was out of town and could not be reached for comment, and Fish and Game Commissioner James Brooks declined to discuss the issue because Gov. Jay Hammond has not reached a position on the controversy.

More

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BC-Wildlife Protection - 1st add, 450

SE: REFILE FOR FMS

JUNEAB: controversy.

But the opposing views of Burton and Brooks were gleaned from position papers they prepared last May in response to a joint resolution from the boards of fish and game.

In his paper, Brooks acknowledged that the transfer to Public Safety was prompted by a lack of effective leadership and control within the agency which led to a "loose, undisciplined mode of individual activities" by protection personnel.

He also readily admitted that the 1972 transfer to the Department of Public Safety created "a better directed and disciplined performance," and said protection officers now "have high morale, enjoy new security and an orderly, disciplined work environment."

But Brooks added that "the protection program presently appears to give priority to law enforcement with the aim of apprehending violators and making good strong cases, as opposed to preventing a many violations as possible by promoting the idea that detection is highly certain."

In conclusion, Brooks supported the view of management personnel in his department that "the partnership of purpose that exists between resource management and resource protection cannot be satisfactorily implemented in the field while separate departments are involved."

In his position paper, Burton appeared to substantiate the claim that under the Department of Public Safety, fish and wildlife officers are more interested in enforcement than protection.

Like the department, Burton said the "prime mission" of the division is law enforcement and regulation and should not be moved.

Burton's position paper also included the comments of Alaska State Troopers Director J. P. Wellington who reiterated Brooks' acknowledgment of poor control from the top during the previous organization and hinted that things may not have changed.

"Now I'm sure that somebody might say that these situations could all be taken care of within the Department of Fish and Game if the division was transferred back," Wellington said. "And my answer to that would be, 'Why wasn't it done during the first ten years.'"

Wellington said he was aware of criticism of his agency and moves to regain control of protection officers from within the Department of Fish and Game and concluded that "those individuals are probably the ones who were misusing the state equipment, abusing their authority and creating problems for the director of fish and wildlife protection while it was under fish and game."

Asked for comment, Hammond said he had not made up his mind on the issue, but the transfer proposal picked up the support of House Speaker Hugh Malone, D-Kenai.

Hammond said he had questions about "the costs required to make the change and whether this change would really solve problems or if it is more cosmetic in nature."



# Alaska State Legislature House

JUNEAU ALASKA

M E M O R A N D U M

10 March 1977

SUBJECT: Fish & Game Protection  
TO: Fellow Legislators  
FROM: Alvin Osterback, Representative

I am concerned with the management of the fisheries resource, particularly the fisheries protection program in our State. The Department of Public Safety is handling enforcement from a "cop and robber" viewpoint, rather than from one of protecting and saving the resource. I think these two bills are a step in the right direction towards saving the resource.

As it is now, the Department of Fish and Game makes the regulations, expecting Public Safety to enforce them. Many times this causes discrepancies between regulating and enforcing. The Departments are not coordinating these activities, which are so valuable to saving the resource.

For example, we see the Fish and Game people involved on a daily basis up here in the legislature. They are always here to testify pro or con. Sometimes they do not even come to testify (usually when they have testified on the particular bill at a previous meeting) but the Department

always makes sure there is someone here to answer questions on Fish and Game matters. Many discussions focus around enforcement matters -- and who is our expert advisor? Not the Department of Public Safety, but Fish and Game.

I do see one problem that may arise with this bill. That is whether or not the stream surveillance guards will be allowed to be trained at the Sitka Police Academy. I realize that this is an inhouse problem, so Fish & Game will have to work this out with Public Safety.

I know the fishermen in my district will back me up on this legislation. As a matter of fact, I think fishermen all over the state will support this legislation. I asked Phil Daniels before I drafted this bill about the merits of it. He is here tonight to answer any questions you may have on the fisherman's viewpoint.

Banks hire their own security guards. Likewise, I think with Fish and Game doing their own security work, we'd be buying our insurance to save the resources, since this is the Department's overall concern.

I was concerned about this matter long before the Commissioner of Public Safety gave some testimony before my committee regarding stream surveillance. At that time he said (and I quote) "You wouldn't get me to go out there and stand with a sign on my head saying I'm standing there, not

unless I had a twin 50 caliber machine gun to back me up." Personally, I would expect this way of thinking from a riot squad in Chicago, but never from a typical Alaskan.

I look forward to this legislation accomplishing better management of our fish and game resources. I know it will bring about better coordination between regulations and enforcement.

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Phil Daniels

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Jim Beaton