

COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH & BOAT COMMISSION

Bureau of Law Enforcement P.O. Box 67000, 3532 Walnut Street Harrisburg, PA 17106-7000 (717) 657-4542

November 24, 1997

Local Government Commission Senate Box 203078 Main Capitol Building Harrisburg PA 17120-3078

Attn: Virgil F. Puskarich, Executive Director

Dear Mr. Puskarich:

Enclosed is the requested report regarding law enforcement responsibilities of the Pennsylvania Fish and Boat Commission. I have also included a copy of the 1996 Bureau of Law Enforcement Annual Report along with copies of Title 30, PA Fish and Boat Code and Title 58, Fishing and Boating Regulations.

Looking forward to the next meeting on December 11. If there are any questions or concerns, please feel free to call.

Sincerely,

Thomas J. Kamerzel
Acting Bureau Director

TJK/mlb

Enclosures

The Pennsylvania Fish and Boat Commission is the sole state agency, charged by law, to manage the fisheries and to regulate fishing and pleasure boating in the Commonwealth. The Commission also has a vital, mandated interest in the enhancement and preservation of the state's aquatic environment. These responsibilities have been in place for more than 130 years, growing steadily in scope, complexity and the number of people served.

Replying to a statewide convention of interested Pennsylvania citizens already concerned about the state's water courses and aquatic resources, in 1866 the legislature created what is known today as the Pennsylvania Fish and Boat Commission. Governor Andrew Curtin signed the act into law on March 23, 1866. It provided for one commission, appointed by the Governor, whose primary concern was monitoring shad migration in the state's rivers. Today, 10 members make up the Board of Commissioners.

In its early years the Commission was supported by public subscription instead of general fund appropriations. The first fishing license was sold in 1922. That philosophy continues today. No state general fund tax money is used for Commission operations. As an independent state agency, the Commission is supported primarily with angler and boater dollars through the sale of fishing licenses and boat registrations. The Commission also receives a portion of federal taxes paid by boaters on marine fuels and a percentage of federal excise taxes on sporting goods.

Law Enforcement Personnel

The Agency's current overall work force complement is 432. Within the Bureau of Law Enforcement there are 15 Law Enforcement management personnel (commissioned officers), 82 full-time Waterways Conservation Officers, 7 Seasonal Waterways Conservation Officers, and 323 volunteer Deputy Waterways Conservation Officers. The Commonwealth is divided into six law enforcement regions. Each region has a Law Enforcement Regional Manager and an Assistant Regional Supervisor and clerical staff. There are 3 law enforcement personnel in the Harrisburg office -- the Bureau Director and 2 Assistants to the Director. The Harrisburg Bureau of Law Enforcement staff also includes 1 Administrative Assistant and 2 Clerk Typists.

The Waterways Conservation Officers patrol areas generally coincide with established county lines. However, in large metropolitan counties such as Philadelphia, Allegheny, Erie and other counties where the workload dictates, there are 2 or 3 Waterways Conservation Officers assigned. There are currently 81 law enforcement districts within the Commonwealth. Each Waterways Conservation Officer has the ability to recruit and administer a force of Deputy Waterways Conservation Officers. The Deputy Waterways Conservation Officers are volunteers and receive only a daily stipend to cover their expenses. They primarily enforce the Fish and Boat Code and have the same enforcement authority under the Fish and Boat Code as Waterways Conservation Officers with some minor exceptions.

Law Enforcement Authority

The Waterways Conservation Officers' law enforcement duties involve primarily enforcement of Title 30, Fish and Boat Code and Title 58, Fish and Boat Regulations. Annually

the officers process approximately 10,000 summary violations, 50 boating-under-the-influence violations and over 400 pollution and encroachment violations. The Waterways Conservation Officers and Deputy Waterways Conservation Officers are also authorized to enforce all laws, rules and regulations relating to Game, Parks and Forestry under the direction of the Pennsylvania Game Commission and Department of Conservation and Natural Resources. The full-time Waterways Conservation Officers (Deputy Waterways Conservation Officers exempted) have enforcement authority for the other acts and titles listed below when acting within the scope of their employment:

- 1. The Controlled Substance, Drug, Device and Cosmetic Act
- 2. Title 75, the Vehicle Code (misdemeanors and felonies only)
- 3. The Solid Waste Management Act (misdemeanors and felonies only)
- 4. The Clean Streams Law (misdemeanors and felonies only)
- 5. Title 18, the Crimes Code

The Commission has administratively limited the use of police powers by the Waterways Conservation Officers. Waterways Conservation Officers are authorized, when acting within the scope of their employment to pursue, apprehend or arrest a person suspected of violating the Crimes Code or another offense classified as a misdemeanor or felony. The Waterways Conservation Officer should take the appropriate enforcement action only when the offense occurs in the officer's presence while performing normal Commission law enforcement duties and there is no other officer present whose primary duty is enforcement of the applicable state law. The enforcement action is limited only to the degree necessary to protect life and property. The public is not encouraged to believe that a Waterways Conservation Officer carries out general law enforcement work in parts of the Commonwealth that are some distance from police services. Complaints that are received from the public are relayed to the proper enforcement agency for action.

Listed below are the legislatively authorized powers and duties of Waterways Conservation Officers and Deputy Waterways Conservation Officers.

- (1) Enforce all laws of this Commonwealth relating to fish and watercraft and arrest with or without warrant any person violating the Fish and Boat Code.
- (2) Execute all warrants and search warrants for violations of the Fish and Boat Code.
- (3) Serve subpoenas issued for the examination, investigation and trial of all offenses under the Fish and Boat Code.
- (4) Carry firearms or other weapons in the performance of their duties.
- (5) Stop vehicles or boats and search or inspect, where probable cause exists that a violation of the Fish and Boat Code has occurred, any boat, basket, conveyance, vehicle, fish-box, bag, coat, boot or other receptacle, when enforcing the Fish and Boat Code. The Waterways Conservation Officer shall display his badge or other insignia of identification and shall state to the person in charge of the vehicle, conveyance or otherwise the purpose of the search.
- (6) 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 this Commonwealth and the fish so seized shall be disposed of in any manner as the executive director may direct.

- (7) Enter upon any land or water in the performance of their duties.
- (8) Demand and secure proper assistance in case of emergency.
- (9) Purchase fish for the purpose of securing evidence.
- (10) Stop and board any boat subject to the Fish and Boat Code for the purpose of inspection for compliance with Part III (relating to boats and boating) and the rules and regulations promulgated thereunder. Any boat lying at its regular mooring or berth shall not be boarded without the consent of the owner or a search warrant.
- (11) When making an arrest or apprehension or when found in the execution of a search warrant, 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 the Fish and Boat Code.
- (12) When acting within the scope of their employment (except for Deputy Waterways Conservation Officers), 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. They shall also have the power to serve and execute warrants issued by the proper authorities for offenses referred to in this paragraph and to serve subpoenas issued for examination. All powers as provided for in this paragraph will be limited by such administrative procedure as the executive director, with the approval of the commission, shall prescribe.
- (13) 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 Conservation Officer or qualified personnel of a clinical laboratory, licenses and approved by the Department of Health. A Waterways Conservation Officer may administer chemical tests under this paragraph if he is qualified and the executive director designates him to do so.

WATERWAYS CONSERVATION OFFICER -- Initial Training

The training program for Waterways Conservation Officer trainees consists of several phases all designed to prepare the trainees for the various aspects of their job duties. It includes instruction in criminal justice, fisheries laws, environmental laws, boat operation and marine law enforcement, officer safety skills, communication skills and conservation officer skills. The objective is to provide the trainee with the professional skills needed to become a competent waterways conservation officer. Training may be provided by Commonwealth-approved municipal police training academies, by professionals from outside the agency, by agency staff and by Bureau of Law Enforcement instructors. Periods of closely monitored field training assignments are also included in the program.

The training may be divided into several major areas of concentration; they are: municipal police officer training, boat operation and enforcement skills, environmental law enforcement, conservation officer skills, communications and officer safety skills. Descriptions of each training area and hours devoted to each follow.

Municipal Police Training

Training is provided by a program approved by the Pennsylvania Municipal Police Officers' Education and Training Commission (MPOETC). The minimum number of hours for the program (Act 120) is 520 hours. The program administered by Indiana University of Pennsylvania's Criminal Justice Training Center was used most recently and it consists of 608 hours of training. It includes basic law, investigation techniques, first aid and CPR, firearms, patrol vehicle operation and others.

Boat Operation and Boat Law Enforcement

Waterways conservation officers are responsible for the protection of the safety of boaters through the enforcement of boating safety laws. Officers must be familiar with all aspects of boating including navigation rules, boating terminology, accident investigation, maintenance of equipment and boating under the influence (BUI) detection and apprehension. Skills such as boat operation, trailering, water safety, anchoring and docking must be mastered as well. The training program includes both classroom theory segments as well as practical exercises. Training areas include:

PA Basic Boating Course		8	hours
Water Safety and Rescue		16	hours
Boat Operation		40	hours
Boat and Trailer Maintenance	;	8	hours
BUI Enforcement		40	hours
Boat Accident Investigation		20	hours
Boat Theft Investigation		2	hours
Miscellaneous Topics		10	hours
	Total Hours -	144	

Environmental Law Enforcement

The protection of aquatic resources is another area of responsibility for conservation officers. Officers must be familiar with state and federal environmental laws and regulations and be able to apply them to field situations. Investigative skills for pollution incidents are taught as well as identification of hazardous materials. Training areas include:

Pollution investigation techniques	16	hours
Haz-Mat level II	16	hours
Environmental Laws and Regulations	40	hours
Adopt-A-Stream program	8	hours
Miscellaneous items	6	hours
Total Hours	- 86	

Communications Skills

Conservation officers must be able to relate to the public in a professional manner. They must possess good public speaking skills and be able to prepare presentations for groups of various types. Skills for dealing with the different types of media must be mastered as well. Training includes:

Media Relations skills	••	8	hours
Negotiation skills		4	hours
Public Speaking		28	hours
Public approach		4	hours
Miscellaneous items		12	hours
	Total Hours -	56	

Officer Safety Skills

The physical skills to deal with threats to the safety and well-being of officers must be developed in conservation officers as well. Topics introduced in the Act 120 program are reinforced and practiced. Training is given in the use of agency-issued defensive equipment and firearms. Bureau of Law Enforcement policies and procedures are taught to the trainees. Training areas include:

Physical Training & Self-defense review	20	hours
Persuader Baton	4	hours
Ice Safety and Rescue	8	hours
Handgun Retention	6	hours
Firearms Training & Qualification	34	hours
Bureau Policies	8	hours
Satanic Cult Awareness	2	hours
Radio System	4	hours
Infectious disease awareness	4	hours
Miscellaneous items	16	hours
Total Hours -	106	

Conservation Officer Skills

The job of a conservation officer requires a broad base of knowledge and skills in fishing and conservation-related topics. This training section addresses some of these diverse topics. Training areas include:

Aquatic Ecology & Fish Identification	24	hours
Fisheries Management	20	hours
Amphibians & Reptiles	12	hours
Fishing skills & Education	22	hours
Trout Production & Stocking	24	hours
Basic Photography	4	hours
Agency Organization & Mission	16	hours
Miscellaneous items	22	hours
Total Hours -	144	

Conservation Law Enforcement

This training area addresses the issues related to enforcement of the Fish and Boat Code (Title 30), the Game and Wildlife Code (Title 34) and State Park regulations (Title 25). Trainees are taught the law, agency enforcement techniques and reporting. Training areas include:

Fish & Boat Code			24	hours
Game & Wildlife Code			12	hours
State Parks Regulations			4	hours
Criminal Procedures			12	hours
Reports and Report Writin	ng		16	hours
Miscellaneous items			12	hours

Total Hours - 80

Field Training

Through the use of closely monitored field training the trainees are exposed to actual working conditions and can begin to apply their newly learned knowledge and skills. By having a competent, experienced officer to guide the trainee, the job can be learned in a less stressful manner. Field training is conducted in two blocks focused on fish law enforcement techniques and boat law enforcement and operation respectively for a total of 280 hours.

WATERWAYS CONSERVATION OFFICER -Structured Portion of Training - 1504 hours

On-the-job probationary training - a minimum of 500 hours

DEPUTY WATERWAYS CONSERVATION OFFICER Initial Training

Criminal Justice System

This topic area provides the cadet officer with a general overview of the history, constitutional limitations, processes and agencies of the criminal justice system. The three branches of government are discussed. Classes of offenses, due process, burden of proof, the power of the Commonwealth, civil verses criminal law, initiating prosecutions, and the law making process are covered.

The history and structure of the U.S. Constitution police obligations under the Constitution, and the Bill of Rights, particularly the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments, are covered in depth. The role of the U.S. Supreme Court in relation to the U.S. Constitution is reviewed. The Pennsylvania Constitution, Section 8, 9, 10, 13 and 14, are briefly discussed. The history of the Exclusionary Rule, its purpose and effect on the admissibility of evidence is also briefly addressed.

The definition of a search, and the Constitutional requirement of probable cause is examined. The authority to search, conducting searches incident to arrest, searches with and without a warrant, searches of a premises incident to arrest, arrests that result from a search inside or outside of a premise, search by consent, searches of vehicles, searches of abandoned or surrendered property, seizure of contraband, fruits or instruments of a crime, emergency situations and the mere evidence rule, searches of persons and officer safety are addressed.

Title 234 of the Pennsylvania Code, Pennsylvania Rules of Criminal Procedure is covered extensively, including the writing of Citations and Field Acknowledgments in Summary Offense.

The definition, elements, authority, and mechanics of an arrest are covered extensively. The Fourth Amendment standard of probable cause, arrests with and without a warrant, limitations on the use of force (including deadly force) in making an arrest, and officer safety is discussed.

The district court system is reviewed and a "typical" summary court proceeding is outlined. The student will receive instruction in personal manners, case preparation, organization and presentation.

PA Fish & Boat Code

Title 30 PaCS, Part I, General Provisions, and Part II, Fish & Fishing, and Title 58 Pa Code, Subpart A, General Provisions, and Subpart B, Fishing, are studied extensively. Definitions and elements of the offense are given special attention. Title 30 PaCS, Part III, Boats and Boating, and Title 58 Pa Code, Subpart C, Boating, are also covered.

HAZ-MAT Recognition & Identification

An adopted and modified course in Recognizing and Identifying Hazardous Materials is presented by our Field Instructors. The general object is to reduce the impact and harm created by hazardous materials emergencies by providing emergency response personnel with the basic skills and

knowledge with which to recognize and identify hazardous materials when involved in emergency situations, as required by OSHA 29 CFR Part 1910.120. This is a mandated 4 hour course.

Police Firearms Training

The various types of firearms and ammunition are presented to the student. Firearms safety is emphasized. Basic marksmanship, combat shooting, and care and cleaning of the service revolver is stressed. Leather gear selection and care, officer liability and the use of force are reviewed. The officer will practice bulls eye shooting at the range, and shoot the Bureau NRA Approved Qualification Course for Normal Light Qualification and Dim Light Qualification Course.

Use of force & Unarmed self-defense

This section aims at setting down practical methods and techniques of unarmed self-defense. The physical and mental factors necessary to the practice of hand-to-hand combat are taught with the ideal that skill and confidence in practical, ethical and effective tactics, will reduce the officer's reliance on his firearm, or firearm, or other forms of deadly force.

Title 18 PaCS, Section 508, is examined in depth. The officer will learn when the use of force is allowed, the limitations on the use of force, when deadly force may be employed and when it is not allowed, and the use of force in self-defense.

The student is made aware that his handgun may be subject to attack at any time. He will be taught to employ techniques that will effectively overcome the various kinds of attacks generally encountered. A brief study of anatomy, pressure points, leverage, and body mechanics will be made. The student will learn how to prepare mentally, physically, and technically to prevent an assault from succeeding.

Boating & Water Safety

The 8-hour PA Fish & Boat Commission Basic Boating course is presented. The course provides a simple overview of a variety of boating safety information including safety equipment, rules of the road, aids-to-navigation, weather, trailering and operation.

Practical water safety and boat operation training will be held at Sayer's Lake. Students will become aware of the importance of wearing a PFD while involved in boating and water related activities, and will learn how to use it correctly. The cadet will become familiar with the different boat types, designs, and safety equipment available. Instruction on outboard motor maintenance, fire fighting techniques and trailering will be provided.

A boat operator skills course will be set up on the lake to test the student's ability to maneuver boats of various sizes and designs through an established course. He must demonstrate proficiency in each skill task to successfully pass this phase of training.

Conservation Officer Skills

A variety of specialized skills and knowledge required to become a successful conservation

officer are presented. Topics include fish and reptile identification, investigation of pollution incidents, report writing, Bureau of Law Enforcement forms and officer demeanor. The student will receive step-by-step instruction in the proper use of the two-way, low-band FM radio system in use by the Commission. FCC rules will also be discussed.

Agency History & Bureau Policies

An overview of the history of the Fish & Boat Commission and its programs are presented to the cadets to deepen their understanding and appreciation of the role of the agency. Bureau operational policies and procedures are discussed as well.

Hours of Instruction - DWCO Basic

1)	The Criminal Justice System	<u>16 HOURS</u>
2)	Pennsylvania Fish and Boat Code	<u>12 HOURS</u>
4)	Hazardous Material Recognitions and	
	Identification	<u>4 HOURS</u>
5)	Police Firearms and Qualification	21 HOURS
6)	Use of force and self defense	<u>16 HOURS</u>
7)	Boating and water safety	<u>20 HOURS</u>
8)	Conservation Officer skills & misc.	<u>7 HOURS</u>
9)	Agency history & Bureau policies	<u>4 HOURS</u>

WATERWAYS CONSERVATION OFFICER - AND - DEPUTY WATERWAYS CONSERVATION OFFICER In-Service Training

Both waterways conservation officers and deputy officers are required to attend annual inservice training. Topics include law updates, firearms, Haz-Mat reviews, CPR and first aid. Specialized training is given to officers at yearly in-service training for Waterways Conservation Officers at our Stackhouse training facility and at regional training sessions to deputy officers.

PENNSYLYANIA FISH AND BOAT COMMISSION



BUREAU OF LAW ENFORCEMENT

1996

ANNUAL REPORT

December 31, 1996

BUREAU OF LAW ENFORCEMENT NARRATIVE REPORT

This report is a brief summary of some of the varied activities which occurred in 1996 within the Bureau of Law Enforcement.

GENERAL OVERVIEW

Bureau personnel were involved in a wide variety of activities and incidents during the year. We graduated eighteen (18) new Waterways Conservation Officers in June and they were available to work during the peak of the boating season. We were able to fill existing vacancies in July and will be able to fill future vacancies as they occur with this ready pool of officers. Four Conservation Officers retired during the course of the year.

PERSONNEL

We started the year with four vacant districts and in June, Bob Cortez, Clarion County, retired. Robert McClellan transferred from the East Philadelphia district to the Clarion County district and newly graduated officers were assigned as follows: Scott Reichert, East Philadelphia; Thomas Benevento, S. Chester County; Thomas Nunamacher, Clinton County; and George Geisler, North York. Three other retirements - George Jones (Warren County), James Beatty (Bedford County) and Donald Hyatt (Westmoreland County) - occurred near year end with those districts scheduled to be filled in early 1997.

The eighteen new Waterways Conservation Officers hired in August of 1995 graduated from our training program in June. Four were assigned to fill districts as outlined above and the rest worked in the region where they reside performing all the varied duties of Conservation Officers. They will be used to fill all remaining Conservation Officer districts after all feasible transfer requests are completed. Even with a reasonable number of seasonal Waterways Conservation Officers currently available, projected retirements will require us to hire additional Waterways Conservation Officers with their training to start in August of 1997. The process for hiring this next group is underway. Over fifty percent of all Waterways Conservation Officers currently on the job have been hired since 1988.

The Bureau of Law Enforcement again participated in the NCLECA 'Officer of the Year Program' and selected Joseph Houck, Lawrence County as the Pennsylvania Fish and Boat Commission's Officer of the Year. Joe received his award at the Northeast Fish and Wildlife conference held in Hartford, Connecticut.

Waterways Conservation Officer Scott Reichert, Philadelphia County, received the Pennsylvania Fish and Boat Commission's 'Life Saving Award' for his courage and quick thinking while assisting a local police officer with a vehicle stop and, in the course of events which followed, saving the life of the vehicle occupant who had set the vehicle on fire in order to commit suicide.

Waterways Conservation Officer Edward Brown, Clearfield County, received the Pennsyl-vania Fish and Boat Commission's 'Life Saving Award' for his persistence (against the advice of County Control) during severe flooding in reaching a family stranded by rising flood waters. Ed's actions, just as another downpour of 1-2" of rain hit the area, most likely saved the lives of the family (husband, wife and two sons).

LAW ENFORCEMENT

From about the end of June to late Fall, we were fortunate enough to have 14 seasonal Waterways Conservation Officers available to work our most heavily used waterways during periods of high use. We have been able to provide officers when and where they are needed on a daily, weekly or monthly basis. Complaints about "lack of service" continue to remain minimal. The number of boardings, warnings and prosecutions is about the same as the past few years. As is typical, the same types of violations - such as fishing without a license, lack of or insufficient number of personal flotation devices, littering and property regulations make up the bulk of the infractions detected. 'Boating under the influence' cases continue to be detected and consume a large amount of time for the number of incidents involved.

MISCELLANEOUS

The Bureau of Law Enforcement, out of sheer frustration of not having available decent appearing displays for shows, and promotional items to use at same, became very involved in the purchase and distribution of some very marketable products and the building of very attractive display counters and a well-thought-out storage system. Ted Walke, Graphic Artist, provided the backwall design and materials with like displays provided to all regions for use at all major sports and boat shows in Pennsylvania during 1997. All promotional items such as thermal mugs, limited edition measuring tapes, limited edition patches and commemorative fishing license buttons were sent to all regions for use at these important functions. Guy Bowersox, Assistant Regional Supervisor, Southcentral Region, was responsible for the primary design of the display counters and Thomas Kamerzel, Assistant to Director, Bureau of Law Enforcement, for the construction of these. Without a doubt they are the best we have had to work with in years and should present a good image of the Pennsylvania Fish and Boat Commission to the public. All displays and some promotional items will be exhibiting the Commission theme for 1997 "Fishing and Boating Memories Last a Lifetime.

EQUIPMENT

Eighteen Jeep 4x4 Cherokees were put in service replacing high mileage worn out existing 4x4 patrol vehicles. Each was outfitted with a roof mount red light, PA/Siren unit and protective cage mounted behind the front seats. Although these vehicles helped in upgrading the patrol fleet, we are still behind in meeting the scheduled replacement times for Bureau of Law Enforcement cars, 4x4's and trucks. We are currently operating many with six and seven years of service that have logged over 100,000 miles of use and the operation of these has resulted in higher than normal maintenance and repair costs. The Seasonal Waterways Conservation Officers were assigned our older vehicles that have high mileage for patrol use since there were no others available within the Bureau. Normally these would have been surplused but the requirement for additional use resulted in increased repair and maintenance costs in order to

insure the vehicles' safety. In the future, only adequate fixed asset funding will allow the Bureau to meet the normal replacement schedule and insure safe and reliable vehicles for Conservation Officers. During 1996 we began to retrofit the 1995 Jeep 4x4's with safety cages and will complete these installations by early 1997. These cages have provided a higher degree of safety for the officer, especially when transporting a person in custody.

Three new patrol vessels were put in service during 1996. A 17' OMC center console Roughneck jet boat replaced a worn out unit on the Schuylkill River in Montgomery County. A 20' center console Stratos patrol boat which was obtained for use on Lake Wallenpaupack in Pike County (delivered late 1996) will be placed in service during 1997. A SeaDoo, Model GTS personal watercraft was purchased from the law enforcement 'loaner program' and assigned to the Northeast Region for patrol use. Several new galvanized boat trailers replaced those that are worn out and undersize in order to meet vehicle code requirements and the Agency's Safety Policy. A 150-hp Evinrude engine was purchased to replace an unrepairable one on the Parker patrol boat on Lake Erie. Several new 90-hp Evinrude outboard engines were purchased as replacements for Boston Whaler patrol boats. A new 175-hp Evinrude replaced an undersized engine on the Stratos patrol boat assigned to Lake Nockamixon.

The Bureau continued to provide logistical support for the operation and maintenance of the patrol boat fleet. Supplies, such as oils, lubricants, repair parts and safety equipment, were purchased at wholesale pricing with Spring dating discounts to supply the fleet of over 125 boats. Two major service contracts were developed for patrol boat repairs in the Southeast and Southcentral Regions. These contracts have expedited the repair of vessels, controlled costs and reduced downtime during the busy boating season. The Bureau of Law Enforcement continued to process summer mooring and winter storage contracts for patrol vessels.

Again, reduced fixed asset funding and reduced U.S. Coast Guard grant monies limited out ability to upgrade the fleet of patrol vessels. The Bureau's program of reconditioning patrol boats continued during 1996. A total of three patrol boats received either a total or major reconditioning. One 1985 Monark patrol boat and two 1976 Boston Whaler boats were totally reconditioned which included new trailers and outboard engines, a complete paint job, rewiring, replacement of fuel systems and upgraded law enforcement equipment. This program has provided cost savings to the Bureau as well as providing safe and reliable patrol vessels.

The Bombardier Corporation again this year allowed us to participate in their law enforcement loaner program and we received six Sea-Doo Model GTS personal watercraft (one for each of our law enforcement regions) in late May. The use of these PWC's by our Waterways Conservation Officers in law enforcement and safety patrols met with great success. The demands by individual officers to use these watercraft in their patrol areas continues to increase. These units were returned to the cooperating dealers in early September. They were used in uniformed as well as non-uniformed patrols in conjunction with marked patrol boats and have been effective in dealing with problem PWC areas on various Commonwealth waters.

Six low-band portables and six high-band portable radios were purchased for use in Bureau of Law Enforcement patrol boats. Also, we were able to upgrade one of our repeater sites with new equipment in the Southwest Region. This will be operational early in 1997 providing enhanced communication capabilities.

The Berks County repeater site was moved to a new location on the Mt. Penn fire tower. Upgrading of the site and higher antenna height has provided improved radio communication capabilities within the Southeast Region.

During 1996, the Bureau of Law Enforcement developed and implemented a new multi-year Statewide radio maintenance contract enabling the potential of some limited cost savings over the length of the contract.

Major investment in refurbishing and updating the Bureau's two-way radios and related equipment <u>must be undertaken</u> in the near future to assure that a viable communications system is available for use by Conservation Officers. Delaying this process will have serious consequences.

The Bureau of Law Enforcement purchased six new computers for use in each of the Regional Law Enforcement offices which, hopefully, will be operational by early 1997. The Executive Office authorized the purchase of computers and printers for the Southwest Region Waterways Conservation Officers. They will be trained on their use during January and February of 1997. Upon completion of the implementation of the Southwest Region computers, approximately one-half of all our Officers will be using computers to complete required paperwork and process district information. They will also be able to obtain boat registration information, prior enforcement action records and other information via their computer. All Waterways Conservation Officers were provided telephone answering machines for their home offices during 1996. The Bureau of Law Enforcement also obtained six cash registers for use at the Regional Offices and regional sports shows to facilitate the sales of paid publications, promotional items and fishing licenses. The registers automatically calculate sales tax, item prices and change due along with the capability of providing daily sales reports of items sold and revenues received.

In 1996 the Bureau attempted to replace the existing body armor issued to Waterways Conservation Officers with new technology Safariland Soft Body Armor. Positive field test results on the Safariland brand from six Officers testing and a live fire demonstration prompted us to pursue the 'no substitute' purchase of this body armor. The Department of General Services unfortunately was not cooperative in our effort to secure this particular body armor. As a result, the Bureau of Law Enforcement was able to purchase only a total of 27 units of Safariland Soft Body Armor. Hopefully during 1997 we will be able to replace all of the current body armor issued to the Waterways Conservation Officers.

Individual Waterways Conservation Officer law enforcement equipment such as flashlights, binoculars, ASP batons, Bianchi soft nylon duty gear, uniforms and other items were purchased for issue or replacement. Two additional LifeLoc PBA 3000 Pre-Arrest Breath Test devices were purchased and provided to busy boating districts for use in the enforcement of boating under the influence violations. All of the existing breath testing equipment and sound meters in the Bureau were re-calibrated and received recertification by the manufacturers in early 1996.

CPR training devices were purchased and provided to several Regional Offices to facilitate Waterways Conservation Officer and Deputy Waterways Conservation Officer annual training. Protective CPR pocket masks were purchased and issued to all Deputies during the Spring of 1996.

The Bureau of Law Enforcement was able to provide to 20 of our Waterways Conservation Officers on the larger water areas a PFD Survival Kit that included a knife, signal flares, a whistle and other safety items.

Over 40 Deputy Waterways Conservation Officers were provided with an issue of limited uniform items including trousers, summer shirts and a lightweight jacket. Five Deputies elected to purchase Stearns Flote Coats when provided with the option in August of 1996.

In late April the Bureau of Law Enforcement organized and conducted a public auction of used and surplused equipment, boats, engines and trailers. The successful public auction was held at Fort Indiantown Gap Military Reservation and netted revenues of over \$45,000 for the Commission. These auctions organized by the Bureau of Law Enforcement continue to be one of the best and most revenue enhancing methods to liquidate surplus Bureau equipment.

TRAINING

The most noteworthy item in the Bureau's training efforts during this year was the completion of basic training for the 13th Waterways Conservation Officer class. Eighteen officers graduated in a ceremony at the State Capitol on June 21, 1996. The address to the class was given by Lt. Colonel Joseph Westcott, Deputy Commissioner of the Pennsylvania State Police. The oath of office was administered by Pennsylvania Superior Court Judge Michael Eakin.

The training of the 13th WCO class was a major undertaking for the Bureau. A large number of officers, deputies, assistant supervisors and managers participated in the training. In all, over 40 different members of the Bureau assisted. Special assistance was given by the twenty-nine Waterways Conservation Officers who served as field training officers (FTOs). Officer trainees rode along with the FTOs and got their first practical experience as officers under the monitoring of experienced officers. Their contribution to the training of the new officers was particularly valuable.

Regional meetings were held for Waterways Conservation Officers throughout the year. Training at the regional level was expanded to include the recertifications necessary for first aid and CPR, firearms and Haz-Mat. A shorter firearms course was again used at the regional level so that the officers can maintain the skills necessary to use the issued sidearm.

The Bureau completed an evaluation of the ASP expandable baton and implemented a training program for all waterways conservation officers. By the early part of 1997, all WCOs will have been trained and issued the new baton. The expandable baton is a defensive tool option for the officer that replaces the PR-24. Experience with the PR-24 has indicated that it is too cumbersome to be conveniently carried by our officers and as a result many opted to leave them in their patrol vehicles. The ASP baton is more convenient to carry and should prove to be helpful to the officers.

Our "Experienced Officer Training" or EOT continued for all Waterways Conservation Officers in a revised format. All officers received instruction in firearms techniques and an update on Bureau policies and legal issues. In addition, the officers were able to select another training

option via an "elective" system. They were given a choice of further training in boating under the influence detection, boat accident investigation or fish kill estimation. The new format was fairly well received by the officers and will be used in the future.

Regional and Harrisburg secretarial staff attended a variety of training, including a 3-day session in State College. Region and Harrisburg management staff attended various training sessions.

Yearly updates on firearms, Haz-Mat and CPR were provided for all Deputies and a group of Deputies completed the required 100-hour Basic Training Course. The basic course was held at Stackhouse beginning in July and eventually twenty-eight deputies completed the training in September. They are now working under the supervision of the district WCOs and receiving "on-the job" instruction. Twenty-one deputies also attended a weekend Beretta transition training program in October. They received instruction in the carrying of the semi-automatic, were qualified and have been authorized to carry the Beretta during their duties as a deputy. This was the first time this type of training has been offered to deputy officers and it was well received.

Training continues to require much time and effort for the Bureau, however, the skills and knowledge gained are a great benefit to the Agency and the public we serve.

BUREAU OF LAW ENFORCEMENT

STATISTICS

1996

PENNSYLVANIA FISH AND BOAT COMMISSION BUREAU OF LAW ENFORCEMENT

1996 ANNUAL REPORT

	APPREHENSIONS	
PROSECUTIONS:	<u>.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	
FISH CASES:	NUMBER PROSECUTED 5.969	NUMBER LOST 45
(See pages 9-11)	NUMBER CITATIONS	NUMBER FIELD 4.641 ACKNOWLEDGMENTS
BOAT CASES:	NUMBER PROSECUTED 4.917	NUMBER LOST29
(See pages 11-12)	NUMBER CITATIONS	NUMBER FIELD 4.409 ACKNOWLEDGMENTS
	ED \$ <u>443,093</u> (Not including Pollution/Distur	rbance OR Misdemeanor/Felony cases)
WARNINGS:	FISH CASES 18.861 BOAT CAS	ES <u>19.449</u>
	POLLUTIONS/STREAM DISTUR	RBANCES
NUMBER CASES RE	PORTED IN 1996 415 NUMBER F	PENDING 91
PROSECUTI	ISPOSITION BREAKDOWNS: ON 29 SETTLE AGREEMENT 17 WN 5 UNFOUNDED 4 SES 1 TURNED OVER/DER 1	CONSENT AGREE/DER 11 7. OTHER 47 4. LACK EVIDENCE 29 WARNING 4
NUMBER OF FISH K	ILLED 51.729 (See page 15 for furt	her Pollution case information)
NUMBER OF BO	ATS BOARDED 48.010	
NUMBER OF SP	ECIAL ACTIVITY PERMITS ISSUED	_1.411
Coo Dono 15 for non	ther of Mine Projects and Stroom Engreechme	ant Applications Reviewed/Investigated

TYPES OF VIOLATIONS

CHAPTE SEC.	741 - REGULATIONS Camping, cooking - open fires Littering, abuse, destruction Closed areas and hours Hunting / Trapping Fishing from dam breast, trespass, swim Carry / Use of Firearms Boats-Engines, Sailboats, PFD, Mooring Vehicle- (vehicle code, parking) Off-Road Vehicles Misc. Property Regulations Other than intended use Additional Restrictions Use/Possess Beer/Alcohol	 <u>809</u>
SEC. SEC. SEC.	904 - INTERFERENCE WITH OFFICERS 906 - FLEEING-ATTEMPT ELUDE OFFICER 908 - FALSE ID-STATEMENTS 923 - REPEAT OFFENDER 928 - FISH/BOAT PRIVILEGE SUSPENSION	8 20 57 2 2
SEC.	2102 - RULES AND REGULATIONS Seasons, sizes, creel limits-Inland Waters Reservoirs Delaware River/Estuaries Susquehanna River/Tributaries Fishing in approved trout waters Waters where fishing is prohibited Illegal devices Snatch fishing, foul hooking, snagging Ice fishing - holes IO-inches Field dressing of fish / I.D. Bait containers Delayed Harvest - Fly fishing only Heritage Trout Angling Catch-and-Release Delay Harvest - Artificial lures only Trophy trout Big Bass Special Reg Areas Select Trout Stocked Lakes Special Conservation Waters	 <u>1417</u>

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SEC. 2905 - FISH COLLECTING ACTIVITIES	1_
SEC. 2907 - TAGGED FISH CONTESTS/BOUNDARY LAKES	

CHAPTER 33

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Boat Liveries - Standards 4	
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Hull ID Numbers1_	
Personal Flotation Devices 1.932	
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Sound Producing Devices31_	
Visual distress signals16_	
Inland Navigational Rules5	
Restrictions - Special Areas	,
Lookout Required15	
Safe Speeds11	
Action/avoid collision-narrow channels-overtaking3	
Action by Give-Way Vessel3	
Responsibility between vessels2_	
Head-on, Crossing situations	
Corrective action required / Failure follow WCO11_	
Unacceptable boating practices 128	
Over/Improper Loading 27	
Streams Less 200' Across12	
Sailboards - PFC's required8_	
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Waterskiing Requirements 197	
Divers Flags/Buoys, Uniform markers 9	
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Operation of boats - control zone <u>53</u> Other 1	
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Boats	s Less than 16°	<u> 339</u>	
Boats	s 16' but less than 20'	<u>16_</u>	
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	less Operation (Misdemeanor) **	<u>[10]**</u>	
Negli	gent Operation	87	
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SEC. 550	3 - BOATING ACCIDENT REPOR	TS - DUTY/TIME TO FILE	2_
SUMMARY OF F	REVOCATION RECOMMENDATIONS SU	BMITTED AND PRIVILEGES REVOKED)/SUSPENDED:
	BY REVOCATION COMMITTEE IN 1996 Enforcement Committee also reviews <u>plus</u> BUI ca	_ <u>167</u>	والمعارض المستر
'NO ACTION	I' RECOMMENDED	<u>96</u>	
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Ø ** BUF	REFUSAL TO SUBMITICHEMICAL TESTING	9	

^{**} Not included in totals, page 8

BUREAU OF LAW ENFORCEMENT SALARIED OFFICER *TIME AND ACTIVITY BREAKDOWN 1996

WORK PERFORMED	TOTAL HOURS	% OF TOTAL
Fish Law Enforcement	56,934	27
Boat Law Enforcement	24,521	11
Pollution Investigation	4,591	2
Office Work	50,048	23
Information-Education/Public Meetings	11,891	6
Fisheries Management Assistance Stocking - Trout 7,390 Stocking - Warmwater 235 Stocking - Anadromous 19	7,644	4
Fisheries Environmental Services	2,688	1
Equipment Maintenance	7,896	4
Assistance to Other Agencies General 1,265 Game Conservation Officer 3,028	4,293	2
Training	13,074	6
Court	2,256	1
Fishing School/Boating School Presentations	245	
Leave (Annual/Personal/Sick/Holidays)	27,293	13
Other	588	
	213.962	100%

^{*}Salaried Officers only - does not include Deputy hours (reported on page 18)

BUREAU OF LAW ENFORCEMENT

PUBLIC INFORMATION - EDUCATION

1996

As in years past, Waterways Conservation Officers have again spent a portion of their time meeting with the public to explain our various programs. Following is a breakdown of these activities.

ACTIVITY	NUMBER ATTENDED
Radio/T.V.	198
Sports/Boating Shows	248
Government Meetings	430
Boating Programs	189
Fishing Schools	34
School Programs	212
Miscellaneous	1,207
TOTAL	2,526

_120__FILMS AND SLIDES PRESENTATIONS .

BUREAU OF LAW ENFORCEMENT

PROTECTION OF WATERWAYS SUMMARY OF WATER POLLUTION CASES/DISTURBANCES INVESTIGATED/PROSECUTED IN 1996

POLLUTIONS REPORTED IN 1996	415
1996 CASES PENDING	91
1996 CASES CLOSED	324
TOTAL AMOUNT COLLECTED IN 1996	\$188,406.00

TYPES OF POLLUTIONS/STREAM DISTURBANCES

Poisons/Pesticides	4	Rail	1
Fertilizer	1	Truck	0
Manure	15	Stream Channel	15
Mining	2	Pipeline	18
Food Products	8	Stream Crossing	14
Paper Products	2	Stream Bank	11
Chemicals	27	Erosion/Sedimentation	21
Petroleum	120	Stream Fill	3
Metals	1	Construction	25
Drilling - Oil	0	Wetlands	3
Sewer	22	Siltation	12
Water Systems	3	Boat/Barge	0
Refuse	1	Lumber	3
Logging	22	Other	61

MINE DRAINAGE APPLICATIONS REVIEWED/INVESTIGATED: -- 228

STREAM ENCROACHMENT APPLICATIONS REVIEWED/INVESTIGATED: -- 669

BUREAU OF LAW ENFORCEMENT POLICE POWERS / INCIDENTS 1996

In 1996, 17 Crimes Code Citations were submitted covering Title 18 Crimes Code violations as listed below. Also, our Officers submitted 410 'Incident Reports' involving incidents in which they were directly or indirectly involved. These 'incidents' and/or cases range from summaries to felonies; they are all discovered and apprehensions made during routine enforcement of the Fish and Boat Code.

Some of the 'incidents' reported have been prosecuted, some are pending, many were referred to other agencies and some required no further action. A brief summary of some of these activities is listed below; pollutions, boating-under-the-influence cases and reckless operation are submitted and counted as "incidents" and information on these cases is also shown elsewhere in this report.

CITATIONS SUBMITTED

CRIMES CODE

Issuing Bad Checks	3
Disorderly Conduct	4
Underage Drinking	9
Public Drunkeness	1

INCIDENT REPORTS RECEIVED

Listed below is a sampling of some of the more serious criminal actions reported:

Assault on Officers/Harrassment 9	Drownings 5	
Flee Officer	Suicides 4	
Impersonate Officer 1	Driving Under the Influence 4	
Assault on Boater 1	Controlled Substance/Alcohol 18	
Burglary and Thefts 4	Disorderly Conduct	
Boats Stolen/Retrieved/abandoned/sunk 21	Criminal Mischief 5	
License Agencies/Tampering 5	Unlawful taking of fish/Hatchery 12 Illegal Sale of fish 4	
and others:	•	
Auto Accidents/Stolen	BoatAccidents	
Water Rescue 3	Waterskiers6 Other53	
Assist Police	Reckless Operation-Boat 10	
Assist in flooded areas 6	Boat Vandalized 3	
Assist re missing boaters 5	Boat - Fire	

1996 BUREAU OF LAW ENFORCEMENT

DEPUTY WATERWAYS CONSERVATION OFFICER - REPORT

At the end of 1996 there were approximately 330 active Deputy Waterways Conservation Officers with the Bureau. They continue to be a valuable addition to the ranks of officers that serve the fishermen and boaters of Pennsylvania. A Basic Deputy School as well as regional training sessions were conducted.

Twenty-eight Deputies started a Basic Deputy School held at HR Stackhouse over the summer. The Basic course of instruction includes such topics as an overview of the Fish & Boat Code, the Rules of Criminal Procedure, and Haz-Mat recognition and identification. Skills such as firearms use, unarmed self-defense and boat operation are taught as well. All deputies completed the training and are all now in their respective field districts completing 150 hours of field training under the close supervision of the district Waterways Conservation Officer.

The Bureau received 68 applications for new deputies this year with 36 candidates achieving a passing score. Seven tests are still to be administered to prospective candidates and there are several candidates who could not attend basic school this year still waiting for training. Two basic deputy schools have been scheduled in 1997 to accommodate the prospective officers. One school will be held over several weekends in the spring and the other will be held over a two-week period in the summer.

All active deputies were able to attend regional in-service training meetings in the winter of 1996. A Hazardous Materials update course was held at each of these meetings; A yearly update is required for the deputy to be recommissioned. Each regional meeting also included A review of Bureau of Law Enforcement policies as well as regional topics. All deputies were also issued CPR pocket masks.

In October twenty-one deputies attended a transition course to train them with the Beretta 96D semi-automatic pistol. These deputy officers had previously purchased their weapons and were awaiting an opportunity to become qualified with them. All completed the training and have been authorized to carry the Beretta during their duties as a deputy.

The Commission continues to select and train highly-qualified individuals willing to serve as Deputy Waterways Conservation Officers. Their contributions provide a valuable service to the Commission and to the anglers and boaters that we serve and in many instances, their training results in heroic actions, sometimes culminating in awards for saving lives, etc.

BUREAU OF LAW ENFORCEMENT DEPUTY WATERWAYS CONSERVATION OFFICER TIME AND ACTIVITY BREAKDOWN 1996

WORK PERFORMED	TOTAL WORK HOURS
Fish Law Enforcement	38,294
Boat Law Enforcement	35,005
Pollution Investigation	350
Information-Education/Fish-Boat School	3,299
Fisheries Management Assistance Stocking-Trout 3,342 Stocking-Warmwater 78	3,420
Fisheries Environmental Services	23
Equipment Maintenance	1,846
Assistance to Other Agencies General 438 DER 70 Game Commission 1,796	2,304
Training	6,151
Court	764
Other	3,502
TOTAL*	94,958

^{*}_29,542_ of these were unpaid hours