

The Protection Ranger

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The Newsletter of the U.S. Park Rangers Lodge, Fraternal Order of Police



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Park Ranger Sues NPS Over RM57

Dave Wahlgren, a veteran commissioned ranger from Independence National Historic Park, has filed suit in federal district court over being denied a job he applied for and was offered at Buffalo River. Brother Wahlgren was hired, was given the SF50 and transfer materials, and then had the offer rescinded because of a medical condition that put him up against RM57.

Wahlgren has been doing his job for years with satisfactory-plus evaluations, but like many rangers, has been left out to dry by the National Park Service. Brother Wahlgren has hired the law firm of Lovitz & Gold who have an impeccable record with cases involving discrimination in the federal system. Lovitz and Gold have defended discrimination cases before the U.S. Supreme Court with positive results. The Lodge wants to publicize this suit, with Bro. Wahlgren's blessing, because we are hopeful it will benefit those members who are claimed to have "issues" according to RM57.

As the Lodge has repeatedly told Congress, the media and the NPS, the agency must follow Federal Law and make good-faith accommodations to those with a physical problem and grant waivers as is called for in 5 CFR 204.339 (which was conveniently left out of RM57). Dave asks that anyone having RM57 issues resulting in non-issuance of a waiver to contact him at

Inside This Issue:

NAPA Report on U.S. Park Police . . .	3
Passman & Kaplan Explain Suit . . .	4
Recommended Training	4
Lodge Letter to WASO	6

USNPSranger@juno.com. Good luck to Dave: Your fight is our fight.

10 Things the National Park Service STILL Could Do to Prevent Ranger Fatalities, But STILL Won't

An update on NPS Inaction after the death of Steve Makuakane-Jarrell

After the murder of Steve Makuakane-Jarrell, the Lodge printed the original "10 Things" list in the lodge newsletter, on the website, and sent it by email to all members. It became a blueprint for Lodge action, and was, in essence, adopted by the IACP in its study of the NPS.

Nearly two years later, after hundreds of thousands of dollars have been spent on a study of the NPS law enforcement by the IACP, additional tens of thousands of dollars to fund a committee to recommend how these changes should be implemented, and a fruitless search for a successor to the committee chair, the NPS, under the leadership of Associate Director for Operations and Education Richard Ring, has done squat. Once again, Deputy Director Dennis Galvin, not known for any support for ranger law enforcement, failed to act during his tour as acting director. Under their guidance, not a single recommendation has been implemented. Not a dollar for implementation has been requested from Congress.

Message to rangers: Drop dead!

Here were the lodge recommendations then, and our updates.

1. Give Every Ranger Access to Dispatch

This is the 21st century, and the National Park Service fails the basic safety standard used by

every department in the country: Access to dispatcher service.

Message to WASO -- Stop violating Department of Interior policy that requires field rangers to have access to LE databases (therefore, requiring a dispatch.) Dismiss Superintendents and Chief Rangers who fail to comply.

Update: The IACP study agreed with the Lodge. The head of wireless communications for the NPS agreed with the Lodge, identifying radio communications as a "material weakness" that is a threat to ranger safety.

Ignoring both the IACP report, the implementation report, and the NPS wireless program director, under Ring's leadership, the NPS has failed to request budgeting to deal with this known safety issue, and has left communications planning out of the budget process till very late in the game. No significant funding will arrive at least until FY2003.

We still have Lodge members depending on family members or uncompensated cooperative agencies for life-or-death dispatch services.

2. Stop Abandoning Our Rangers

Stop violating FLETC-taught, universally accepted officer safety principles: Officers shouldn't work in front-country situations without back-up available. This means no "one person" shifts -- not even in the early morning hours when "nothing ever happens."

The NPS has not made a case why this agency alone should be exempt from this accepted police practice.

Update: The IACP report verified this observation, calling for VRAP staffing increases to account for backup on top of the increases envisioned in the Thomas Report. Acting NPS Chief Ranger Dennis Burnet is quoted in the press as saying a report on staffing needs

"recommended 1,295 new rangers."

In addition, the remains of Ranger Randy Morgenson have been located after five years, pointing to a need for better communications and for backup in backcountry patrols. Park brochures often point to the dangers of hiking alone. Some flatly state, "Don't hike alone." The same parks have no problem sending rangers deep into the backcountry to patrol alone, with little or no radio coverage.

The Lodge has been active trying to promote increased staffing levels.

Our media efforts have appeared in hundreds of newspapers, radio stations, and television stations across the country. We've testified in Congress, and have corresponded with Congressional staff members.

The NPS, under the leadership of Associate Director of Operations Richard Ring, has had no program to increase ranger staff levels. Despite budgeting having been done through the Thomas process; a recommendation for increased staff by the IACP; and recommendations to proceed by the IACP implementation process, the NPS has exercised no leadership in this effort, and has continued to place rangers, the public, and resources in danger.

3. Stop Cutting Ranger Staff Levels

Stop cutting staff while at the same time expanding the mission through more parks, more land, more pet projects, and less time for actually doing the job.

Re-build the ranger workforce to its levels of a few years ago, and increase the workforce to 3,000 rangers within five years. The NPS needs to stop the bloat in staff positions in park headquarters and put the money back into the field, for commissioned rangers and for maintenance positions.

Update: Sadly, the top funding request from the regional directors, the "directorship," was for increased regional office staff., increasing the central office and managerial staff bloat, and misallocating funds while claiming lack of funds for most anything else.

The Administration is aware of this tendency, and may act on it. The Office of Management and Budget has looked into the NPS "Education" program and questioned it as

"mission creep," taking valuable dollars away from the Congressionally mandated mission of the agency. In a prime example of the arrogance that staffs pet projects at the expense of core responsibilities, one regional director said "If they tell us to cut it, we'll just call the education program by a different name and keep on doing it."

4. Stop incompetence in the management of Ranger Activities

The ship isn't just adrift, it has run aground. It's time for a new captain, and a complete review of the law enforcement program. Bring in new blood. Complete DO-9 and RM-9 within 60 days. Fund and appoint a full-time EMS coordinator, medical director, and Search and Rescue coordinator.

Modernize the structural fire program before someone gets killed. Ensure the integrity of these programs by making sure the top staff running the ranger LE program are Park Rangers. Support the role of Park Rangers and Special Agents in supervising regional programs, so careers can develop to manage national programs.

Update: RM-9 has been signed, but no systematic measurement of its implementation has taken place. Clearly it is not being followed in many parks. There has been no revision of RM-9 since its signing, even though the process is meant to be ongoing. The full-time EMS coordinator is now a full-time uniform coordinator, with limited time given to EMS and SAR needs.

We don't have an NPS medical director. The structural fire program is not doing well, and will be the subject of future reports. The NPS has ignored the recommendations of the IACP to create the position of Associate Director for Law Enforcement, instead, asking congress for the "much-more-needed" Associate Director for Partnerships, which was laughed out of Congress. Once again, the managers of the NPS asked for an Associate Director for Partnerships instead of one for Law Enforcement. How self-serving and out-of-touch are they? You'll sooner see created an NPS Chief for Fire (out from under the Chief Ranger) than you'll see law enforcement promoted in the agency.

5. Quit Being Ashamed Of Law Enforcement

Stop de-emphasizing officer safety procedures for the sake of somebody's version of the politically correct. Re-emphasize to rangers and

supervisors that their primary duty is law enforcement, and that their priority is protection of their own lives and the lives of the public first.

Update: This has been the bitterest pill for the NPS to swallow. The easiest IACP recommendation for the NPS to implement is the placement of credentials on the uniforms. The symbolism of this is not lost on anyone. The old guard, as debated in Chief Ranger meetings, tries to dismiss this important milestone as something that should wait or be further evaluated. They know the significance of this action, of restoring park rangers to their traditional role of the law enforcement officers in the park, instead of the "interpreters with the evil gun" vision of these self-anointed keepers of the false faith have tried to make us. As the NAPA report on the USPP and the IACP report original draft said, Law Enforcement in the NPS needs direct line authority from a Chief of Law Enforcement in WASO with direct authority from the Director.

6. Give Rangers A Field Training Program

Each ranger should go through a field training program at an incident-intense park before going into the field. This will give them the experience they need in recognizing threats, dealing with a variety of people in a variety of enforcement situations.

They can't get this at FLETC. This is why every major law enforcement agency in the country has a field training program, and why the field has been asking for it for years.

Yet all we've heard from management is years of talk, and an abstract program of "core competencies." Core competency number one is a field training program.

Update: The IACP again validated this Lodge proposal. Under the leadership of Associate Director Ring, nothing has been done to make this happen, even though the program has been developed and is ready to go thanks to FLETC. No requests to fund the program have been made by the NPS, assuring that it won't be begun until at least FY 2003, and won't be running until FY 2004.

7. Make The Bosses Responsible

Make Superintendents and Regional Directors directly accountable for maintaining standards of public safety in their parks, and require that

they meet staffing, training, and logistical support levels before undertaking other projects. Make management of the Law Enforcement and Public Safety function a critical element of Superintendent's performance.

Update: These people remain unaccountable for almost anything they do.

8. Re-Build the SET and ARM Teams

Fund them. Subsidize their use so they gain experience. Support them.

When things hit the fan, you'll have a trained group of individuals to handle it in each region. If nothing happens, you'll still gain better employees.

Update: The IACP agreed. The NPS under Associate Director Ring has done nothing. It's not like a national disaster is likely to strike at any time, is it?

9. Treat Law Enforcement Needs Assessments Seriously

The NPS has required annual needs assessments in each park. Most superintendents have ignored this requirement. We have reaped what they have sown. Annual completion of this document must be made mandatory, fully integrated into GPRA, and made part of the top work plan priorities of every park.

Update: The NPS under Associate Director Ring has made no move to evaluate park law enforcement programs. They remain as unaccountable as ever. Even a scattershot evaluation like the one done recently at the Grand Canyon is kept secret. The Lodge had to file two FOIA requests to get this document, delaying our receipt by two months; and then they sent an incomplete document by claiming that it is still in "draft" form.

In fact, dealing with any report critical of the NPS is a pill the NPS has trouble swallowing. The NPS has kept many negative reports in "draft" form for years, such as the "Women In Law Enforcement" report, and the "IACP Implementation" report. Speaking as taxpayers, this is rotten.

10. Conduct a Formal Review of the National Park Service's Law Enforcement Program

When firefighters were killed in Colorado, the U.S.F.S. conducted a major safety review that

reformed firefighting safety. The same thing needs to be done for park law enforcement. Not just "planning documents" and task forces, but actual implemented changes.

Update: We have a planning document (the IACP report) and a task force (the implementation team), but under the current leadership, we have no implemented changes. The current leadership has said that they are waiting for other reports, such as the Women In Law Enforcement Report (completed last year) and the chronologically challenged "Ranger of the 21st Century" report, and have said that they won't be held to a timetable.

This is obvious.

Fortunately, the Inspector General of the DOI has been asked by the new Secretary of the Interior to review the NPS law enforcement program. The Lodge has been in contact with the Secretary's office, the office of the Inspector General, and the Director's office. We are assured that the Secretary and the Director both are aware of and are supportive of the IACP report.

We are hopeful that the IG report will result in decisive action to force the NPS to wake up and greet the 21st century, albeit 18 months later than it should have taken.

Holey Envelope Stickers!

Help us promote support for the law enforcement programs of land management agencies . . . The enclosed stickers are intended for use on interoffice mail envelopes -- "holey envelopes." Rather than crossing out names, put on a "Support Land Management Law Enforcement" sticker.

These envelopes get circulated for years through all divisions, regional offices, and WASO. If thousands of holey envelopes display the message, we hope to build support for our cause, and as a fringe benefit, drive ranger-haters nuts.

NAPA Report on U.S. Park Police

The NPS has released the National Academy of Public Administration report on the US Park Police. Of course you can't get it from the NPS (why treat employees like they are adults...) It's available from the FOP at <http://www.foppplc.org>. The report offers several recommendations.

Of greatest interest to field rangers is the recommendation for replacing USPP officers with rangers at GGNRA (except the Presidio) and in New York City. There are about 100 USPP officers in New York, and slightly fewer in San Francisco.

The report sights several reasons for the change, including the need for more officers in Washington D.C. to protect the nation's monuments from terrorists, and the opinion that park superintendents like park rangers more than park police officers.

The Lodge disagrees with the report in this area.

First, the Lodge has agreed with our Brothers and Sisters in the USPP FOP in a joint statement that rangers should not be used to replace USPP, and USPP should not be used to replace rangers, in any existing areas. The justifications in that statement are still valid today.

Second, the NPS is already critically short of park rangers. Exactly where the 200 extra rangers will come from to take the place of the USPP officers and supervisors was conveniently omitted from the NAPA report. One would think this is a fairly significant detail for such a prestigious group to neglect. Filling a shortage of USPP officers in D.C. by worsening the ranger workforce is a terrible idea. How about hiring more park rangers, and more USPP?

On a side note, the report also advocates placing USPP recruits into ranger classes at FLETC to help them get through the training process quicker. If the NPS is going to have to fill 200 ranger vacancies in San Francisco and New York, on top of the 600 or more vacancies called for in the Thomas report, in addition to the 300 vacancies that will be created by retirement in the next few years, what room will there be in any ranger FLETC class? Either

NAPA forgot to think of this little detail, or they assume that we'll just spread the rangers around very thinly.

Third, is there any doubt why superintendents like rangers better than USPP? It's because rangers have no command structure outside the park, and are easily manipulated by the whim of the superintendent. That's why stove piping of law enforcement command was forced out of the IACP report, and why the regional directors are adamantly opposed to creating the position of an Associate Director for Law Enforcement.

While on first blush, it may seem flattering to be so likeable; when you look at the reasons, it's insulting.

Another recommendation of the NAPA is to place the USPP chief directly under the Director of the NPS. This idea is worth studying. Wait a minute! This idea WAS studied by the IACP, who recommended that an associate director for law enforcement be created! This seems to be obvious to all great minds.

The NAPA study lists a number of issues within upper USPP management that may be worthy of study. But:

Q. How were these management issues allowed to arise?

A. From lack of experienced Law Enforcement oversight at the Associate Director level (the USPP is actually currently overseen by a non-commissioned regional director, in a region where the Chief Ranger is non-commissioned!) If it is important to manage the USPP function from the Associate Director level, it is equally important to manage the ranger law enforcement function from this level.

Any reference to the IACP recommendation on this component was left out by the professionals at NAPA. NAPA also recommended that the Chief of the USPP be actively recruited from all sources, including outside the agency. We wonder if the NPS is willing to do the same for park rangers? Wouldn't it be a refreshing change to have a powerful Chief Ranger of the NPS, perhaps a former FBI deputy director, controlling law enforcement and reporting directly to the Director? Don't hold your breath.

On a final note, the report advocates hiring security guards and privatizing some functions. Remember when we heard that regarding rangers? Expect to hear it again.

Remember the days of the old GAO report that

advocated replacing USPP with park rangers because we were paid less? And how some of us were proud of that? Don't be fooled again! Management likes park rangers because we're willing to work for peanuts, are easier to manipulate, and are willing to continue working horribly understaffed. Don't let your ego get in the way! This type of flattery has never gotten us anywhere.

The time to divide and conquer rangers and officers is long gone.

Hire more officers. Hire more rangers. Put us under an experienced leader that reports to the Director. Be prepared to be amazed at the results.

We'll have more on this in future issues.

Passman & Kaplan Explain Law Suit

The law firm of Passman & Kaplan P.C. has provided invaluable assistance to the Lodge and to individual members for almost ten years. The law firm has successfully represented members throughout the country and are available to be hired by federal employees wherever they may be stationed....Randall Kendrick

The law firm of Passman & Kaplan P.C. has filed a class action complaint on behalf of class agents representing the National Park Service Rangers and Bureau of Land Management Rangers, and all other similarly situated persons, against the Department of Interior for the Department's failure to award back pay and interest to rangers entitled to retroactive law enforcement enhanced pay. The class includes both National Park Service and Bureau of Land Management rangers who have received back pay but not interest and/or who have not yet received the back pay or the interest to which they are entitled. Passman & Kaplan, P.C. intends to amend the class action complaint to include Fish and Wildlife Rangers as members of the class.

The class action complaint filed in the U.S. District Court for the District of Columbia alleges that the Department of Interior failed to comply with the Law Enforcement Pay Reform Act of 1990, which entitled the rangers to law enforcement enhanced pay. The Federal Law Enforcement Pay Reform Act of 1990 established a higher rate of pay for federal law enforcement officers, which applied to rangers entitled to coverage under the 6(c) retirement program.

Further, the class action complaint asserts that the Federal Back Pay Act entitles covered rangers to back pay, which is the law enforcement enhanced pay ranger(s) would normally have earned had the Department of Interior complied with the Pay Reform Act, as well as interest on the back pay.

The class action complaint was filed on August 1, 2001. Since the Back Pay Act establishes a six-year statute of limitations, which runs from the date all events giving rise to the cause of action have occurred, a claim for interest on back pay received over six years ago would be untimely. Thus any interest claims prior to August 1, 1995, would be untimely. The following relief was requested in the class action complaint: back pay and interest on the back pay owed to the class, an award of reasonable attorney fees, costs and expenses, and all other relief the District Court may deem appropriate. The Department of Interior has 60 days to file an answer to the complaint in the District Court.

After the Department files its answer, the parties have to meet and confer and to arrive at a discovery schedule to present to the Court. Subsequently, they will engage in written discovery which includes interrogatories, document requests, and requests for admissions. Following written discovery, there is the possibility of depositions. At the conclusion of discovery, there is the likelihood that both sides will file motions for summary judgment. As the legal issues predominate in this case, it is likely that the liability phase of the suit will be resolved by the Court on summary judgment. If we prevail and the class is certified, then it is anticipated that there will have to be a separate process to deal with damages for individual class members.

This case may go on for some time, especially if we are successful in obtaining summary judgment on liability and the class is certified. No potential class members are required to do anything at this time, and we will keep you informed of further developments. Edward H. Passman and Tanisha M. Cole are the lead attorneys on the case for Passman & Kaplan.

Recommended Training

*Norm Simons
FTO/DTI Golden Gate NRA*

This past spring I had the great fortune to be allowed to attend Cheto's 9th annual Special Operations course in Tucson. Hardly a party, the two course, featuring outstanding instructors, including charismatic Joe Robinson, was "officially" 100 hours. Count on more!

Number 10 may be Cheto's last so attend it if at all possible! Joe also recommended two other significant courses, both of which I had the honor to attend. Like Special Operations, these two classes, although only one week long (and "50 hours") require a lot of participation and energy, but are truly outstanding. And not surprisingly, they are co-instructed by Joe Robinson and a cadre of excellent instructors.

Advanced Resource Law Enforcement and Interdisciplinary Resource Law Enforcement are both conducted in late fall in the beautiful San Luis Obispo area. NPS Special Agent Todd Swain puts on a class program, complete with dormitory facilities and catered meals. Per diem is cheap (with the exception of travel if you are out of state), but well worth it.

These classes are targeted at taking Rangers and molding them into class working teams (like Special Ops) and teaching them the rudiments of criminal investigations and firearms. Expect **ADVANCED** training in every respect. You will conduct actual investigations, write and serve real search warrants (approved/disapproved by real AUSAs), make building entries (one of Joe's specialties), and learn to function as a team. The area, situated on old Camp San Luis Obispo, has a store, gym, and lots of running area, providing you have the time and energy. Days are long but rewarding. Contacts are outstanding. Personal skill development and team building is as incredible as Special Operations. Every Ranger should attend these courses. I guarantee you won't regret it.

Lodge Letter to WASO Regarding RM57 Exam Injuries

This email was sent to Dennis Burnett at Ranger Activities, WASO:

Dear Mr. Burnett:

By now, I'm sure you're well aware of the situation in the Midwest Region where problems have arisen with a type of glaucoma test given to rangers which has resulted in eye injuries. This type of test relies on direct contact

with the eye after a numbing fluid is placed in the eye. Why this test was employed rather than the "air puff" test is a mystery.

Fortunately, at this point none of the injuries have been serious. However, the potential for serious injury to a person, especially to those rangers who have had LASIK or other corneal procedures to comply with NPS vision standards, is too great.

In fact, we are somewhat surprised that glaucoma is being tested for at all. If a ranger has vision that passes NPS quality standards, the eye pressure of the ranger seems irrelevant. While it is a good idea to have eye pressure checked, we believe this should be the private decision of the ranger. This testing is to us an unwarranted invasion of privacy and a probable misuse of federal funds.

We agree with Midwest Region's policy of stopping this type of testing that has proved to be a dangerous and an unacceptable risk. Clearly, alternative testing is available, and placing rangers at further risk for eye injury is not necessary with this alternative.

We ask that you order all glaucoma testing of this type to be stopped immediately.

After all of the "horror stories" of the medical program, we are surprised that a comprehensive evaluation of the quality of the medical program has never been conducted. We are concerned that the quality of service to the NPS customer is poor, that the cost and time involved are greater than needed, and that the quality of patient assessment is poor.

We have our share of horror stories, as I assume do you, but an honest assessment of the process with real data is overdue. Can we get a commitment from you that a serious assessment, including ongoing feedback and evaluation will be undertaken if RM57 is to continue as NPS policy? This is done by R&R Uniforms with a card in every uniform order. If quality control is important for uniforms, then it is vital for medical screenings.

Finally, we were shocked to find out that nearly a third of the rangers in that region had not been tested this far into the program. The NPS has claimed that the testing process is fair and equitable and in compliance with the law. Clearly, with some rangers now having been tested for four years in a row, while others have never been tested, this is not the case. It is sad to see a law enforcement agency, either deliberately or through negligence, violate the law. Where is the fairness? Where is the equal treatment?

We urge you to put a stop to all adverse actions immediately due to three years of lack of compliance with the law. We further urge you to adopt a procedure that grandfathers existing employees. After examining the USFS program, it is clear that you have been misinformed as to the agency's ability to grandfather employees, and also to the agency's liability.

With the scrutiny of Congress, the obvious safety problems in the program, with pending lawsuits, and what we have been advised are probable violations of law, now is the right time to do the correct thing for the rangers who have loyally served the agency through the years.

Clearly, the NPS looks silly when it insists, "Safety first, every job, every time," while continuing an unnecessary test that has caused injuries, and will continue to cause injuries.

Do the right thing. Stop this test immediately. Evaluate the quality of the medical screenings. And, re-evaluate the idea of grandfathering employees, this time in light of 5CFR and the US Forest Service's example.

Sincerely:
Randall Kendrick
Executive Director

e-ProRanger Available to Internet Users

The US Rangers Lodge puts out an email update of items concerning officers of land management agencies between issues of the Protection Ranger. There have been nineteen sent out to subscribers so far. Email the Lodge at: randallfop@ls.net and ask to be put on the subscription list.



Lodge Website

Brother Duane Buck has built and maintains the Lodge website. We keep it updated with notices and links to other sites that we think are interesting and/or helpful to resource based law enforcement officers. Visit it often between issues of the Protection Ranger to keep current on things that affect you and your job. The address is www.rangerfop.com

Application for Membership

I, the undersigned, a full-time regularly employed law enforcement officer, do hereby make application for active membership in the U.S. Park Rangers Lodge, FOP. If my membership should be revoked or discontinued for any cause other than retirement while in good standing, I do hereby agree to return to the lodge my membership card and other material bearing the FOP emblem.

Name: _____

Signature: _____

Address: _____

City: _____

State: _____ Zip: _____

DOB: _____

Permanent Rangers: \$52/year
Seasonals and Retired Active Members: \$35/year
Associate (non-Commissioned) Membership (Newsletter only): \$35/year

Renewals: You do not need to send in this form to renew. Enclose a copy of your Commission (new members only).

Agency and Work Unit: _____

Mail to: FOP Lodge, POB 151, Fancy Gap, VA 24328
Phone: 1-800-407-8295 10am-10pm Eastern Time or email randallfop@ls.net



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WAZO Regarding
Lodge Letter to

