

The Protection Ranger

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President's Message Pete Tortorell

I would like to thank Acting Associate Director Karen Taylor-Goodrich and Deputy Director Murphy for their work in obtaining approval for the wearing of the credential badge. The Lodge has long advocated wearing this shield since they were issued. We are pleased to see the realization of our efforts. It is important to remember that this is only a symbolic move toward reform in NPS law enforcement. We cannot afford to drop the ball at this time when there is still great resistance toward change in the management ranks. Please continue to forward your comments and concerns regarding working conditions to the Lodge: see the call for our annual Most Dangerous Parks survey information elsewhere in this issue.

The Lodge Board is hoping to make another trip to Washington, DC soon to follow-up on our previous visits. We will continue to develop a working relationship with Interior and WASO officials as well as visit Congressional offices to advocate our positions of more field LE rangers and a professional LE structure for the Park Service. A number of people there are vigorously pursuing these goals and we will continue to help them in any way we can. The information you're sending us on law enforcement conditions in your park is vital to this effort.

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Specific examples of ignoring Director Mainella's December memo, for instance, is critical in showing a pattern of disregard to not only her orders on "no net loss" of law enforcement rangers, but a dangerously negligent attitude towards officer safety. As Inspector General Devaney pointed out in Congressional testimony, this recalcitrance is increasingly originating from regional and park administration offices – DOI, WASO and Congress are, for the most part, supportive of reform.

One "stealth" method a number of parks have been using to circumvent the Director's "no net loss" order is cutting seasonal LE staff. As of this writing, Yellowstone is down 40 seasonal LE positions for the coming summer. A huge number of parks report being two to 4 positions down this season. The Lodge – and several regions – believe that "no net loss" means exactly that. As long-time seasonal ranger Michael McHale points out in a letter in this issue, seasonal law enforcement rangers are a vital part of the protection structure of National Parks. The loss of permanent LE positions is fairly quickly trackable. The loss of seasonal LE positions, though, is almost invisible. We have been collecting all information on this stealth loss and continue to forward it to DOI law enforcement managers and the Inspector General's office. It is a clear violation of the Director's order.

Although the Secretary's reforms call for a phasing out of seasonal LE rangers, McHale is absolutely right in pointing out that the critical need for a supplementary workforce is in the peak season and that most parks don't have the incident load to justify such a large number of additional rangers year-round. Although it seems from NPS records that many parks don't have the need for seasonal rangers extending their tours into the winter months and thus becoming "tem," "STF" or permanent rangers, no one knows for two reasons: 1) As the IACP said in their report, "NPS statistics are not worth the paper they are printed on" and 2) With non-career law

enforcement officials determining the work hours and patrol parameters, we just don't know the nature and extent of profit-driven resource crimes and other illegal activities that occur in the winter months. In addition, rumors have been floating around that the new department manual for LE will require that seasonals have the same training as permanent rangers; and that currently commissioned rangers will be grandfathered in until 2008 but, after that, must meet the new training requirements. Again, this is just rumor.

As it always has, the Lodge believes that the Park Service stop exploiting the seasonal workforce. Implementation of this plan must include a parallel one to convert existing seasonal positions to subject-to-furlough where the workload indicates a peak season need and permanent where a year-round need is justified.

Next: A campaign is underway to expand our membership even further. Our strength comes from our membership, so please sign up new members and possibly receive an FOP merchandise prizes. See the Lodge web page for more information.

The month of May had two important times of remembrance: Police Week and Memorial Day. We hope you remembered to honor our fallen brother and sisters in some way during Police Week: have a moment of silence during roll calls, briefs, or training sessions; lay wreaths, light a candle, say a prayer. And please also take time to honor our military veterans on Memorial Day. Let's not forget those from the NPS law enforcement ranks who are currently serving in the armed forces.

Finally, it has been 20 months since September 11. During that time the government has created the Department of Homeland Security, has hired tens of thousands of security screeners and air marshals, has invested millions of dollars in bomb sensing apparatus, has invaded and conquered Afghanistan and Iraq. In the meantime, the NPS has done

nothing but send rangers to stand by sites known to be targets of interest to terrorists. It has given them no special counterterrorism training. It has not given all rangers access to personal protective equipment and related training. It has not implemented a program to train rangers in counterterror operations and deal with active shooters. In some places where PPE is issued, rangers are not allowed to possess it because it looks scary. The same goes for rifles. Instead of professionalizing our counter-terror efforts, one regional chief has suggested hiring low-cost, less-trained security guards instead of hiring more rangers, and training them better.

The ability of the NPS to fail to professionally respond to these matters is disgraceful. The NPS is in charge of protecting our national icons, yet it has not treated the terrorist threat seriously. It has believed that the "mere presence" of rangers is enough to stop a terrorist attack. This is a national disgrace.

Be safe.

The Big Lie Deserves The Big Truth

During the past year, those in control of the NPS at the regional and park levels have put out a lot of verbiage that just isn't true. What follows is the Lodge Executive Committee's answers to some of this distortion and misinformation.

Under OPM regulations, our jobs have one purpose for which they were established and are maintained: law enforcement. This profession drives the commissioned park ranger series and is the bedrock of the profession. The implementation of line authority, or stovepiping, will not change this; it may even serve to reemphasize its importance. This does not mean that rangers will do only law enforcement. Clearly, in many, if not most, of our parks there are jobs that have to be performed – and have historically been performed – by park rangers. Commissioned rangers will continue to be active in fire suppression and pre-suppression; search and rescue, emergency medical services; and various resource management projects.

Some superintendents and regional directors say line authority will mean rangers will do only LE. They are wrong to say or imply this. It's not for us to say whether or not this is deliberate misinformation or merely their being misinformed, although we have our suspicions. When Lodge Board members met with Deputy Director Murphy last month, he brought this concern up and we, of course, reassured him that the Lodge has long advocated continuing to do all tasks we have historically done.

Were it not for this misinformation, it should go without saying that the Ranger Lodge supports commissioned rangers performing the above mentioned work after line authority is achieved. Another bit of often repeated misinformation is that having a separate budget strictly for law enforcement will be an accounting nightmare. We disagree emphatically. Tracking a budget within one profession of an agency is not difficult and there are many examples where this is being routinely done.

The Hon. Earl Devaney, Inspector General of the Department of Interior testified before the Senate that sending superintendents and assistant superintendents to a week or two long Law Enforcement for Managers course in NO WAY qualifies them to manage a law enforcement program. Mr Devaney pointed out the problems that have arisen in law enforcement agencies such as the FBI. He went on to say that if professional law enforcement managers – those who's whole careers have been in law enforcement – are experiencing problems, amateurs in the field, which most superintendents and assistant superintendents are, will put forth even worse results.

The current structure allows and encourages superintendents to disregard orders from the Director in managing law enforcement. Director Mainella's Dec 9, 2002, memo on "no net loss" of commissioned personnel is being widely flouted. Basically, it seems to be honored only where a manager finds it convenient; to most superintendents, her directive seems to be irrelevant. The current structure also allows superintendents to order rangers not to enforce certain laws or to enforce them only against certain classes of people. Line authority should stop these abuses. The Ranger Lodge urges the NPS to cancel the above named course as worthless and dangerous to rangers because it gives those managers a sense that they truly can manage a law

enforcement program when they are still, by and large, clueless.

The question we have asked, and received no viable answer to is: Why the NPS, nearly alone among law enforcement agencies, persists in thinking that not having line authority makes for a better, safer, and more efficient management structure? The current structure has given the NPS the worst safety record – by a factor of three – of all federal law enforcement agencies, based on assaults of its officers that result in injury or death. As far as we can tell, nothing has been done to correct this situation since the Justice Department reported it's findings three years ago. It's time for the NPS to have line authority for its commissioned rangers like the agency's park police and other federal agencies. Only then, can rangers safely and efficiently perform the duties the American taxpayers expect of us.

Quite Possibly the Most Powerful Act Available to the Park Service:

16 USC 19jj

By Richard J. Larrabee J.D.
Special Agent, NPS
Wrangell-St Elias

Have you ever physically cringed at the extent of resource damage committed by an individual (or group of individuals) in a park area where you work? Have you ever felt completely despondent upon seeing such resource destruction knowing it is lost for eternity and can never be replaced? Having these feelings is only exacerbated by the knowledge that, even if caught red-handed or fully confessed, the individual who is accountable for the destruction of the resource will often suffer only minimal penalties from criminal court in the form of fines, or inadequate restitution payments. These feelings of frustration no longer need to plague National Park Rangers.

In 1990, Congress enacted Title 16 of the United States Code, Section 19jj (16 USC 19jj), entitled the Park System Resource Protection Act. In 1996, Congress passed modifications to this statute expanding its coverage to all National Park System resources (those

federal resources within the boundaries of a unit of the Park System). Under this statute, the Attorney General of the United States, upon request of the Secretary of Interior after a finding of damage to a park system resource may commence a civil action in the United States district court against any person who destroys, causes the loss of, or injures any park system resource for response costs and damages resulting from that destruction, loss, or injury. In non-statutory language, this means the park can sue a responsible party who injures or destroys any park resources (living or non-living) located within the park boundary for all costs related to the response, assessment of damage, replacing, restoring, or acquiring the equivalent of the damaged resource, the future monitoring of the resource, or the value of the park system resource in the event the resource cannot be replaced or restored. These recoverable costs also include the value of any significant loss of use of a park system resource pending its restoration or replacement or the acquisition of an equivalent resource (i.e. time the area/structure/wildlife was not available to the public or the ecosystem). Moreover, all of these costs are recoverable regardless of the criminal negligence or intent of the injuring party because 16 USC 19jj is a strict liability statute; regardless of whether the resource injury in the park system unit was a result of an innocent mistake or not, the injuring party will be held responsible.

A breakdown of the recoverable costs mentioned above are as follows:

Response Costs

Response costs include all necessary actions to prevent or minimize the destruction, loss of, or injury to park system resources, or to minimize the imminent risk of such destruction, loss, or injury. Protection rangers' initial response to a report of resource damage, along with any ensuing investigation, will fall under this recoverable "response cost." In addition to their response, protection rangers should call in park employees (biologists, archeologists, etc.) with expertise in the injured resource to assist in identifying the injuries and collecting preliminary information during the response phase. All park personnel involved in the response phase from the first notification of an incident until the point where there is no further threat of injury will also fall under recoverable response costs. The recoverable portion of these

response costs not only include all costs related to park personnel time (hourly wage plus benefits) but will also include equipment and supplies (GSA mileage, gas, film, etc.) used during the response. All response actions should be detailed in a Case Incident Report which will be used as a Response Report.

Assessment of Damage

Similar to response costs, all costs incurred by the park in preparing an assessment of damage are recoverable under 16 USC 19jj. These costs can include staff time spent conducting the injury assessment and preparing reports, supplies, travel and equipment. Upon completing the injury assessment, an Assessment Report detailing the resources that were destroyed, lost or injured as a proximate result of the defendant's actions will be prepared. Assessment reports must be professional and comprehensive and should be prepared with the idea that they may eventually fall under court scrutiny; the depth and level of detail needed in the report will depend upon the size and complexity of the injuries.

Whenever possible, NPS employees with expertise in the resource being examined should conduct the injury assessment. For example: a biologist should assess injuries to natural resources, an archeologist should assess injuries to cultural resources. If the employee conducting the assessment has the requisite knowledge, skill, experience, training, education, and adequate peer review of published materials, they may be called as "experts" in court by the United States Attorney's Office. Accordingly, if deemed an expert, the employee preparing the report must feel confident about being able to justify the assessment methods and results in face of cross-examination by a defense attorney, and in refuting the defendant's own "expert witness."

Many of our park scientists do not routinely provide court testimony and thus should be made aware of this possibility, albeit a rare one (most cases are negotiated prior to trial). Not all NPS employees in these positions may be judged as an "expert" by the court; however they do not need to be an expert in order to collect the necessary data and complete an assessment report. If the case proceeds to litigation and the park employee is not considered an expert, an expert may be hired from the private sector to substantiate the methods and results in the assessment report and to

testify in court. In fact, depending upon the size and complexities of the injury, and the number of park staff available to conduct the injury assessment, both the assessment work and completion of an injury assessment report may be contracted out to a reputable private firm. The cost to hire such contractors may be substantial, yet recoverable under 16 USC 19jj.

Replacing, Restoring, or Acquiring the equivalent of the Damaged Resource and Future Monitoring

In order to place a value on an injured resource, a park must determine if that resource is capable of being replaced or restored to its pre-injury condition, or if an equivalent resource can be acquired. Costs involved in implementing one of these three options are recoverable. The selected restoration and/or replacement option (primary restoration), the methods of how that option will be implemented and the projected costs will be outlined in a Restoration Determination Report. If a park is not capable of restoring or replacing the injured resource, it may elect to acquire the equivalent of that resource. A park may only elect this option if it has prior approval for such acquisition in appropriations Acts of Congress and is subject to limitations contained in the organic legislation of the park.

Primary restoration costs would include the cost of materials, equipment, and personnel needed to perform the actual restoration or replacement of the resource. It is preferable to obtain cost estimates from private contracting firms for the primary restoration methods chosen as opposed to determining costs for the project based on park staff. Ultimately, park staff may not be available to perform the work when needed due to workload constraints and the park may choose to hire a private contracting firm to conduct the restoration. If the costs for primary restoration have been estimated using park staff, which is typically lower than costs for a contracting firm, it would undercut the ability of the park to have sufficient funds to hire the contractor in the future. Primary restoration would also include estimated costs for monitoring of the site for restoration success and recovery progress, compliance (e.g. NEPA), oversight and budgeting/administrative support.

Value of Resource in the Event it Cannot be Replaced or Restored

To place dollar values on such inimitable resources located within the National Parks is oft said to be impossible. However, in order to pursue a civil action against the injuring party, some approach must be incorporated in order to produce a dollar figure. Perforce, whatever approach is decided upon will need to be both creative and scientifically justifiable.

Value of Significant Loss of Use of Resource Pending Restoration, Replacement or Acquisition of Equivalent Resource

Park resources provide services/functions that benefit other resources and/or visitors. When an injury to a park resource occurs, not only is the resource impaired but its ability to provide services is also impaired. For example: a forest may provide services in the form of food and shelter to wildlife; when the forest is destroyed, not only are the trees lost but the services those trees provided to the wildlife have been lost. This theory may also be applied to visitor services.

Even with primary restoration, park resources may take years to return to their pre-injury condition, if they recover at all. Services are lost from the time of the injury until the resource returns to its pre-injury condition, or if the resource can never be restored, into perpetuity. Compensation for lost services must be included into the estimate of total damage in order to sufficiently compensate the public for the total losses incurred due to the injury. Placing a value on the services lost will be accomplished by the park choosing a compensatory restoration project. The compensatory restoration project elected must provide comparable services to those that were lost in the injury. There are a number of scaling methods commonly used to determine how much compensatory restoration will equal the amount of services lost. Costs involved in implementing compensatory restoration are recoverable. The elected project, the methods to be used in completing the project and the estimated costs, along with any primary restoration options, will all be outlined in a Restoration Determination Report.

One of the most significant factors about the recoverable costs articulated above is that the damaged park receives all monies awarded, rather than the United States Treasury, as in the case of

a criminal fine. Additionally, the use of these recovered amounts by the park is restricted only in the nature of their use. All costs recovered in relation to the primary and compensatory restoration projects must be used as they are outlined in the claim documents and consent decree: to restore, replace, or acquire the equivalent of resources which were the subject of the action and to monitor the recovery of such resources. All costs recovered in relation to the response costs and damage assessments are available to the park for any use the park deems appropriate inasmuch as they represent monies the park has already spent on payroll, equipment, supplies and/or contracts used to complete restoration and assessment activities.

Why a civil action versus a criminal action? Criminal fines paid by a violator are paid to the United States Treasury. Recoveries, for restoration of a resource, may be sought in a criminal action against an individual in the form of restitution which a judge may order to be paid directly to the park. However, if incarceration is not a major objective in the handling of a certain case, and the total dollar value of the injury is substantial, a civil suit under 16 USC 19jj should be considered in lieu of a criminal action. The reason for this preference to bring civil action versus criminal action is twofold: strict liability (do not need to prove criminal negligence or intent) and the potential for monetary recovery for all efforts to respond and assess the injury, and to monitor the injured area (not typically included in a criminal restitution award).

When considering which venue to use, the main issue to keep in mind is that the forte of criminal courts does not lie in evaluating monetary cases. They may order restitution, but will do so only if the dollar figure is readily linked to a specific value (i.e. cost of a destroyed building, sign or other inanimate object that normally has a price tag). Once you start requesting restitution for the value of lost vegetation, lost wildlife habitat, soil erosion, impaired aesthetics, lost "use" of a park resource, or the time and money the park spent to initially stop the damage (response costs), most criminal magistrate/judge's eyes will slowly start to roll into the back of their heads. Indeed, they will often be unwilling to order such extensive restitution against a criminal defendant. The civil court system is quite different. They only hear cases that deal with one issue, money. Civil courts deal exclusively with

assigning values for wrongful acts committed by one party onto another. They are experienced in considering comprehensive analysis of how a wrong has affected the victim, monetarily. As a result, they are better equipped to fully digest the type of cost package allowed for under 16 USC 19jj that a park would present against a defendant. Additionally, there is no consideration of incarceration against the defendant that may distract the court's attention from assessing monetary liability (as opposed to a criminal action). Finally, if incarceration is a major objective in a certain case, both a criminal and civil action may be sought against the defendant simultaneously. This multi-layered approach is technically legal under our judicial system, however it may not be favored by the United States Attorney's Office due to the potential for a public perception of heavy handedness by the government and if attempted would need to be coordinated with both the criminal and civil divisions of the Department of Justice (US Attorney's Office) and the DOI Office of the Solicitor.

This analysis does not suggest that every case should be pursued civilly. The cost and time involved in preparing a civil action under 16 USC 19jj versus bring a criminal action must be weighed. A civil action may take up to three years to be decided upon, whereas a criminal action would be more expedient. Additionally, the preparation of a civil action will cost the park money up front that may not be totally recoverable simply because the defendant does not have the wherewithal to pay the full judgment. Accordingly, an asset analysis should be performed on the defendant before deciding upon a civil action. If the injuring party does not have any means to pay a large judgment, a civil suit would be a largely wasted effort. In sum, the amount of injury/total value of the case, along with the injuring party's in/ability to pay, should both be determining factors used by any park in considering whether to proceed with a civil action versus a criminal action.

Once a park determines that significant resource damage has occurred and the park may be interested in pursuing a 16 USC 19jj action, NPS Director's Order #14 dictates the interested park must contact the Environmental Response, Damage Assessment and Restoration Unit (ERDAR). ERDAR is an NPS task force formed to specifically manage the

use of 16 USC 19jj, including conducting response, assessment and restoration activities, providing and ensuring consistency of claims throughout the NPS, and reporting recoveries and restoration activities to Congress. Upon contacting ERDAR and providing them with the facts of the case surrounding the resource damage, ERDAR will determine if the case falls under the jurisdiction of 16 USC 19jj. If ERDAR feels such an action would be appropriate for your park, they will assign a Case Officer to assist the park in preparing the entire case, from start to finish.

Obviously, the case officer will not be responsible for every aspect of the case, such as preparing reports, logging personnel hours, and performing assessments (although in certain situations the assigned case officer may offer on-scene assistance for some response and assessment activities). Their role will mainly be that of a counselor. They will provide advice on all aspects of the case from response (if needed), to what data needs to be collected in the assessment, how to prepare an assessment report, determining restoration options and methods, and what pitfalls to avoid, in addition to supporting the case in settlement negotiations and/or litigation. Once the case has been settled, ERDAR will also provide the park with a point of contact to assist the park through the restoration implementation.

Upon commencement of the case, ERDAR will ask the park to assign a case agent as the primary park contact who may be a Protection Ranger, District Ranger, Chief Ranger or Superintendent. Regardless of who plays this role on behalf of the park, the Superintendent, and others responsible for the district affected (i.e. District Ranger) should be made aware of the case from its nascency. Additionally, they must be prepared to assist in its development since personnel from all divisions in the park may be called upon to assist. A team effort is paramount to a successful case.

What is the timeline for a 16 USC 19jj case? ERDAR will request the Office of the Solicitor to assign an attorney to handle the case as one of the initial steps to preparing the case. This solicitor should be regularly informed about the progress of the case as the assessments are being prepared in order to allow them to become fully

conversant with the resources damaged and the issues involved. If the case is of serious import, the Regional Director's Office must also be informed of the action in order to assess any potential political ramifications and provide support. Basically, once the entire claim package is put together, the Office of the Solicitor will be responsible for the initial phase of the claim. The Office of the Solicitor will issue a Demand Letter and attempt negotiations with the defendant in hopes of settling the case. If these attempts fail, the case will then be forwarded to the Department of Justice (US Attorney's Office) for filing in Federal District Civil Court.

The up-front costs of preparing a 16 USC 19jj case may be substantial and it should be noted that due to the litigious nature of these cases, there are ever any guarantees that your park will recover all the damages included in your claim. However, the rewards of a successful case will not only allow for recovery of these up-front costs but reach far beyond them. Congress enacted this Act in order to help the National Park Service preserve the national treasures under its aegis and hold those accountable who wish to deface them. Since its legislation, this Act has been used by several parks throughout the nation to recover the costs of injuries to many types of resources, including coral reefs, historical landscapes, cultural artifacts, vegetation, and endangered species. This is a powerful statute that should be used when warranted. To do otherwise, would be a disservice to yourself, the Park Service and all "future generations."

If you have any questions concerning the steps to proceed with a civil action under 16 USC 19jj, or you have questions concerning the use of 16 USC 19jj methods in a criminal case, please contact ERDAR Damage Assessment Case Officer Karen Battle at 404-331-0334 or by email at: Karen_Battle@nps.gov.

If you already have a 16 USC 19jj case underway and would like a case officer assigned, please have your park superintendent send a written request to ERDAR Damage Assessment Program Manager Rick Dawson (telephone 404-331-0185) by email at: Rick_Dawson@nps.gov or by fax at 404-331-0186. If your park is interested in hosting an 8 hour 19jj training course, please contact Rick Dawson or Karen Battle at the above numbers.

"Travelgate":

ANPR Replies

Brother Dan Moses
Management Assistant,
North Cascades NP

Retired 24 years LE Park Ranger

Thanks, Randall, for forwarding the summary of our conversation to the FOP Board. As you suggested, I would like to take the opportunity to elaborate on our conversation and provide some additional background that may help further clarify my concerns. As you know, I have been an FOP Lodge member for 15 years or more. I have been an ANPR member for an even longer time. ANPR was organized by a well-known group of mostly LE Rangers in 1977. I say LE with some reservations because as we all know law enforcement was a suspicious term in those days, not necessarily embraced by many at either the field or management levels of the NPS. As ANPR grew as an organization, many of the goals and objectives focused on the issues surrounding Park Technicians vs. Park Rangers, housing, etc. For those of us who lived through this, the 026 vs. 025 issue was really the first step in the struggle to accurately describe the work Rangers do. In reality this was the beginning of the struggle to embrace 20-year retirement as part of an overall "Ranger Careers" program.

ANPR was established as "an organization to communicate for, about and with park rangers; to promote and enhance the park ranger profession and its spirit; to support management and the perpetuation of the National Park Service and the National Park System, and to provide a forum for social enrichment." This quote comes directly from the by-laws of the organization and is referenced in Ranger, The Journal of the Association of National Park Rangers. Over the years there have been, and will continue to be, many internal and external discussions as to whether the organization should be focused more specifically on issues related to Park Rangers described as LE Park Rangers. It has been the decision of ANPR to follow its original organizational mandate to focus on National Park System issues as well as personnel issues and to view the term Park Ranger in its more generic public

view that all employees are “Park Rangers.” I suspect because of this view many LE Park Rangers felt the need to develop an organization that more specifically addressed the needs of the LE Park Ranger profession. This is exactly what happened in the early to mid-1980's with the formation of a separate LE Park Ranger organization that later evolved into an FOP Lodge. I, and probably others, continue to believe that both organizations are an asset to the Park Ranger profession and, therefore, maintain membership in both.

That brings me to the purpose of voicing my concerns to the FOP Lodge about a recent article in the newsletter entitled, “Lodge in Action: NPS Upper Crust Caught in Travelgate after Lodge Complaint.” Randall summarized several points of our discussion in his e-mail but I would like to elaborate in some detail. After reading the article, I went to the GAO website to read the complete report. I get a different perspective of the report than that portrayed in the newsletter article. The report appears to me to be focused primarily on NPS foreign travel. There is some mention in the report of conferences and training but little detail as the focus of the report was on conferences and training relative to international travel. In addition, the newsletter article makes it sound as if the GAO audit was initiated as a result of a FOIA request FOP made a couple years ago relative to training sponsored by ANPR. In fact the GAO audit began before this FOIA request. Although there may have been some information gained from this FOIA it in no way prompted GAO to begin its audit as was suggested by the article's title.

As an aside, I am familiar with the FOIA request and concern raised about the Managerial Grid Training sponsored by ANPR being at the same location as a retirement gathering for an NPS employee. In fact, Managerial Grid, a long-time NPS managerial development program, is a training program ANPR has sponsored for a number of years after the NPS decided to discontinue it due to funding reductions. The Grid training program is still a contracted training program acknowledged by the NPS. Since it is sponsored by ANPR, ANPR makes the determination as to how often and where the training sessions will be held. The training is typically offered up to three times annually at various locations across the country as the need arises. It was true

that in the year in question there was a retirement function for an ANPR employee in the same city on a Saturday evening after the Managerial Grid training ended that same afternoon. After the FOIA request there was a check of the Grid training records and the attendance at the retirement function and there was only one employee who attended both. With the training having ended on the same day as the retirement function and considerations given for travel to and from this employee's work location I am not sure how anyone could deduce there was any great travel scam going on.

The newsletter article states that the GAO study “originated from a Lodge request for an investigation into NPS management subsidizing the ANPR by sponsoring training and conferences to coincide with its annual rendezvous fundraising session.” This statement has several inaccuracies. As stated in a previous paragraph the GAO study looking into foreign travel began prior to this Lodge complaint. Also, the annual Rendezvous is not a fundraising session. It is an educational gathering of NPS employees to provide fellowship, mentoring, training, and social enrichment for members of ANPR and other NPS employees. I guess it is all in your personal opinions and/or perspective.

The article goes on to state that, “three years ago, the organization was dumbfounded when fewer than 25 people (less than 15 of them actual park rangers) showed up for its annual rendezvous.” What was the source of this information? Three years ago the annual Rendezvous was held in the spring rather than fall as an experiment since there was a fall conference scheduled by the International Ranger Federation in South Africa (of which ANPR is a member). The ANPR Board decided to experiment with the spring rendezvous schedule rather than conflict with the IRF Congress, since many ANPR members wanted to attend that session (in fact over 20 ANPR members traveled to South Africa on their own time and dime to attend) knowing that a lower Rendezvous attendance was likely for a spring Rendezvous. The Rendezvous was held that year in Knoxville and was attended by 100-150 (numbers vary if you count those that attended for the entire week and those that only attended for one or two days) ANPR members and others (I will not comment on what the article might be implying with the comment

“actual park rangers”). There are no records kept as to how many of these attendees might have been in the 025 Park Ranger series.

The article further states “a decision was made to get the government to pay for travel to the event by putting on training and locating dual meetings at the rendezvous site.” I was an ANPR Board member at that time and I cannot recall any Board discussion pertaining to what this statement alludes to. ANPR has sponsored pre and/or post-Rendezvous training for many years. It has always been the understanding of the ANPR Board from all discussions and inquiries made that this poses no travel illegalities. I am personally not aware of any regulation that prohibits taking annual leave prior to or after training for personal business. In fact, many employees' couple approved business travel with personal leave for a variety of reasons. I am aware of fewer than 5 of the approximately 60 individuals that attended the training sessions at the most recent 2002 Rendezvous (total attendance was approximately 200) that stayed over for part or all of the Rendezvous session.

For many years ANPR members have voiced concern over the lack of training available to field employees at mid and lower grade levels. In an effort to rectify this situation and provide low cost training, as a result of being able to use already booked ANPR Rendezvous facilities, ANPR has provided a variety of pre and/or post-Rendezvous training opportunities at lower costs to ANPR members and NPS employees. The article seems to imply that because of low attendance at a Rendezvous three years ago ANPR made a decision to try to increase attendance through having the government pay for travel to training. This simply isn't true. Furthermore, ANPR Rendezvous sites are selected and booked at a minimum of three years in advance. Sessions for 2003 and 2004 are already booked and ANPR is now looking at a 2005 location in the Southeast and a 2006 location in the west. Any decision by other entities to book conferences in close proximity to the ANPR Rendezvous is a decision made totally by those entities and is not a consideration by the ANPR Board in determining the ANPR Rendezvous location.

The article also states that, “ANPR

leadership has been made up of top managers in the NPS for years.” There are currently 12 members on the ANPR Board of Directors. Of the 12 Board members, 9 are 025 NPS Park Rangers, 1 is a BLM Field Ranger and 2 are regional office employees. Of the 025 NPS Rangers, five are LE Field Rangers, three are superintendents but also were former LE field rangers, and one is a Park Ranger Management Assistant. The article statement may have reflected a belief from some years ago but certainly isn’t supported by the current make-up of the ANPR Board.

The article goes on to make references to the GAO study report concerning NPS managers making first class flying junkets. I didn’t see this information in the GAO report but do agree that the report found numerous irregularities in NPS accounting of travel and the NPS’s inability to provide a complete breakdown of its travel expenditures. I can see how this can be a problem but I would submit that each individual park unit could probably provide accurate travel and budget expenditure information for its employees. In some ways this may be similar to the inability to construct any accurate law enforcement workload assessment from information available within the Case Incident Reporting system.

The last paragraph in the article says, “ranger staffing rates have been declining from 3 to 5 percent per year while the NPS budget for travel has been skyrocketing at 9 percent.” This statement may very well be true but before FOP promotes this position to any great extent, perhaps a more detailed look at the 9% increase should be made. Since 9/11/01 there has been a significant increase in travel by LE Rangers associated with National Security operations. I haven’t done the math but it would seem that a significant portion of the “skyrocketing increase” might be attributed to LE operations. “Skyrocketing travel increases” do not necessarily have any correlation to the decline in ranger staff.

In closing, I would like to thank FOP as a long time member for all the good work done on behalf of the LE Ranger profession, but I would caution the FOP Board to seriously consider the internal damage done to both FOP and ANPR by articles of this type and the damage to the credibility of the FOP newsletter by continuing to publish articles that contain inaccuracies and promote

personal opinions. I am not saying you shouldn’t call it like it is but make sure that what you call it is indeed what it is. I personally subscribe to the belief that much more can be accomplished to improve the Park Ranger profession by the combined efforts of FOP and ANPR than can be achieved by wasting our valuable volunteer time trying to find faults within our respective organizations.

Dan Moses has been an FOP Lodge member for 18 years, and an ANPR member 24 years. He is the ANPR Rendezvous Coordinator.

The Ranger Lodge Replies:

The Lodge has no reason to believe ANPR has broken any laws. We don’t blame the ANPR for trying to raise money. We fault the NPS for failing to act fairly and responsibly by choosing to subsidize one employee group over another. We don’t believe that it is a coincidence that the same group that claims that none of its members advocate stovepiping is the one that the National Leadership Council chooses to participate in its deliberations. As for the inaccuracies of attendance reporting, it appears that the organization involved doesn’t know how many park rangers were at its own gathering. We will acknowledge their figures on total attendance, and their figures stating that 025 Series staff make up nearly, but not, half of their board. We would like to work together with any organization that supports our goals. A number of times in the past the Lodge and ANPR have tried to work together. These efforts, unfortunately, have not been successful. We believe that until ANPR adopts positions that are in line with the wishes and interests of field law enforcement rangers, they are on their own.

Line Authority in the USFS: How it’s Worked

B.L. Majjala
USFS Special Agent
Former Park Ranger

Dear Randall,
Some time ago, you suggested that I write a letter to the Lodge, comparing the “straight line” LE authority system versus the present NPS method of operating a law enforcement workforce. In all fairness to the NPS, I did not feel I could be fully objective on that topic

before now. That being due to the continual overdose of forced negativity, power plays and poor management decisions forced on Park Rangers in general, during and after my tenure with that agency.

The following observations are a result of now having worked nearly an equal number of years under straight line authority for another agency. My comments are offered only as an objective comparison, based on personal experience, of the specific styles of management, their influence on the officers and the results in the field.

Out of the 6 parks I worked in, I can honestly say that only 2 of those supervisors were competent in their roles as fair and objective professionally trained LE supervisors. But they were also branded as Black Sheep and constantly faced mistreatment and resistance from management for sticking to their standards and/or supporting their field rangers. Much to their credit, they held to their personal level of professionalism and objectivity, rather than selling out to incompetents and political pressures.

We have all watched for many years as rangers everywhere jump ship to any other agency that will have them, just to escape the lack of support and ethical treatment from their present employer. Many of them, as I did, probably never felt like they were more than a disposable bolt in a rusting coffee can on a garage shelf, to be used strictly at the whim of someone down the road, and only if it would help them personally. My entire tenure with the NPS only allowed me to develop career-goal skills in one area of my choice and natural ability, which were sacrificed when it was time to move on to another park for family reasons, with no hope of ever regaining them.

The trick is getting to the right park, where you can use your skills best, if at all. But, transfers were completely dependent on who you knew, not what you knew. Performance Evaluations were nothing but popularity contests completely unrelated to abilities or performance. No flexibility and innovation was allowed by rangers with good field savvy to apprehend or otherwise address chronic problems not endorsed by uninformed or uninterested non-LE managers. There was no uniform chain of command to address similar problems consistently and

according to law enforcement interests and needs. Many trained LE supervisors were allowed to practice agendas of their own, which were not in the best interest of safe and productive law enforcement.

The results were extremely poor morale in the ranks, infighting, vindictiveness, a steady crumbling of the credibility and infrastructure of the field ranger's position and support, to the point of being tactically crippled and nearly non-effective. I have been told by a few ex-rangers that they never saw any of that during their tenure with the NPS. I agree that all areas are probably not as bad as where I was stationed, and I know there are many good men and women in positions who excel at their jobs of managing operations fairly and effectively, but I can not say that I saw much of it during my 8 years with NPS. My hat is off to all those who are doing it right. Keep up the good work!

I have had the privilege of recommending several ex-rangers for positions in my present agency, and being interviewed for references on them. Congratulations to those of you that made the grade! You deserved the break and the chance to work for a practical minded, fair and objective employer. With the recent change in organization by DOI to a straight line authority management model, and the change in our agency to combine the LE budget process with the districts once again, there are rumors of officers possibly looking at switching back to the NPS again, to broaden their options for transfer locations. That in itself, should be a strong testament to the effectiveness of straight line authority.

In the USFS, the most obvious reason for the outstanding success and effectiveness of the straight line system is that everyone is supervised by professional, fully commissioned law enforcement officers or agents, all the way to the WO. No one in our chain of command is non-law enforcement. We have been fortunate to have Directors and Deputy Directors who are strong supporters of law enforcement activity and operations.

I presently serve as a Patrol Captain on the Chugach NF in Alaska, supervising patrol of over 6 million acres of the second largest forest in the system. Previously, I was a LEO on the Lincoln NF in NM for 5 years, responsible for patrolling over one million acres alone.

I was the main point of contact for the entire local community and all cooperators and courts, in addition to being a fully commissioned county deputy. My job as a LEO was equivalent in duties and responsibilities to the Chief Ranger in a busy park, with no troops to help out. I had the latitude to do whatever I had to do to manage my area productively and work as many hours as I could muster, set my own priorities for patrol action, and just get the job done. My excellent supervisor granted me a very high level of trust and left me alone to produce results. He got results beyond his imagination and we both enjoyed an extremely high level of respect and cooperation in all of the communities in our areas of responsibility.

Complaints and congressional inquiries resulted occasionally because "Dogs don't bark at parked cars." But when they did, after a fair and objective investigation of both sides of the story, my professional LE supervisor was very supportive and swiftly squashed any attempts to make our lives unnecessarily stressful. In short, "it just didn't get any better than that."

That is something very few rangers under the tightly controlled political system experienced by most could ever hope for in their entire career. I attribute that highly enjoyable part of my career as a direct result of the straight line system, in addition to a good professionally trained LE supervisor. The communities and courts granted us the highest level of respect and USFS LEI was looked at by most as being competent, dependably consistent, and almost legendary at times. I had the latitude to be as involved as necessary, and was expected to assist in all types of local LE incidents, including homicides and everything else conceivable. In short, I was considered as one of their own in all local departments, because I did not have to ask permission from non-professional management for every move I made. I no longer had to apologize for and try to explain ridiculous decisions made by untrained and incompetent supervision or management.

For the last 7 years, I have not seen the gloom and sense of desperation in my fellow officers that was the norm in fellow rangers. Obviously, our agency is still experiencing growing pains in some areas and always will, so it is not perfect either. But, over all, the majority of problems and negatives I experienced under the NPS system are not observed

here. The main reason is that SOMEONE CARES. Rather than non-LE individuals making arbitrary operational decisions independently, most of our decisions are guided by Management Team decisions and implemented uniformly within the entire region. By mutual agreement, even if one of us does not wholly agree with a concept or direction, we discuss it together, come to a decision, and support it unanimously. The LE Management Team stands together on issues, addressing non-LE concerns and influences as one voice, lending credibility and strength to our voice. That concept carries all the way up to Washington, by all of the regions operating as another management team. The field officers also have their union, with a strong voice, to balance management decisions. We encourage officers to participate in union activities. We have a strong system of checks and balances that seem to be working well.

We are spread much thinner than most of us were as park rangers, but that has benefits also. We generally are too busy within areas of our own abilities and special interests to worry much about what the other guy is doing or not doing. That's good! It is productive time spent, which leaves a strong sense of accomplishment and a feeling of self worth in every officer. I personally have experienced much more latitude for innovation and expended effort than was ever allowed under the old system. I have the latitude to work as much as I want when I get on a roll on cases, or when deadlines are looming.

I have experienced a much higher level of respect and credibility from cooperators and the public than under the old system, because I have to stand on my own feet to succeed rather than on the merits of uninformed and incompetent politically biased management. Obviously, my agency in general puts a much higher level of trust and respect in its officers, which is the bulk of what any officer would expect from their employer. I believe that is partly due to, and is a direct result of, the straight line authority and consideration for the over-all mission of LE, our mutually chosen profession. Most of us 'Ride for the Brand' or 'Bleed Green' and are in our present positions more as a way of life and the cause, than just for the money. The straight line system supports the productive talents in every officer much better than the old system. It definitely

supports the building of strong self-esteem and self-confidence, which is vital to our survival in all aspects of our field of work.

We also have a uniform Upward Reporting System, electronically submitted to the WO biweekly. It tracks violation statistics, coded expenditure of all duty time by category, and all overtime or AUO. In effect, the WO consistently has a biweekly summary, with constant running totals of all categories of activity, from every officer in the field, nationwide. Although it is somewhat cumbersome at times, we have pretty fair accountability and supposedly have a finger on the pulse of our agency LE activity at all times. We are still working on modifications for maximum effectiveness and efficiency, but that is as should be.

I know of at least one ranger who switched agencies, only to find our system and expectations completely unacceptable to them. They switched back to the NPS in a short time. The straight line system is not a cure-all for all of the worlds ills, and it takes the right type of person for every job, no matter what system they work under. It is obvious that for anyone who expects and needs the full support of their employer, and is willing to be accountable under a fair application of consistent standards, the straight line authority LE model is the best organization to work under, hands down.

Last Call for Seasonals?

Randall:

I just read the Park Service memo that refers to the Law Enforcement reforms recommended by the Secretary of Interior's review panel. I was particularly disturbed by Directive # 13: Reduce dependency on seasonal and part-time Law Enforcement. I am in complete disagreement with this directive.

I have been a seasonal law enforcement ranger since 1995 and I have worked very hard at the position. My record speaks for itself. I will be starting another season at Dinosaur National Monument in another couple weeks where I competed on the national registry and placed at the top. After

working at six different parks over the years I have come to realize how seasonal law enforcement rangers fill a very important need in the Park Service. Many parks, especially western parks, have areas that are closed for the winter as well as a huge fall-off in visitation. The fact is that at certain times of the year if parks were only staffed with permanent LE rangers, they would literally have nothing to do. To have that kind of a staff would be a disgraceful waste of the tax payer's money.

The seasonal ranger has been as much a tradition in the Park Service as the flat hat and the buffalo on the badge. I know many seasonal park rangers who, like me, have no ambition to have more than a Level II commission. We have to keep up all our certifications such as EMT, search and rescue and we all attend every training opportunity we are able to, even when we are not employed. (I just completed a HAZWOPER course). All this comes out of our own pocket.

We also have to pass the medical exam and we don't get to question it. You have a problem? You're out! They make you sign a document to that affect. If it was any other agency in the country it would be a criminal act. It is outrageous! We receive no benefits – nether health or retirement. And now the Park Service wants to discard us at the peak of our knowledge and ability. I have interpersonal skills that have been developed over a lifetime. This fact alone allows me to do my job at the highest level.

Randall, I feel this is discrimination of the worst kind. Will the Lodge stand behind me and others who are being treated this way by the National Park Service? I would like this letter forwarded to the Secretary of The Interior. Let me know.

Michael J. McHale
Seasonal Park Ranger, LE

Editor's Note: Joe Weggoner's Ranging and Remembrance will continue in the summer issue of The Protection Ranger.

The Top 10 Most Dangerous Parks for Rangers List **Send Us Your Nominations**

The Lodge will be coming out with its 3rd annual *Top 10 Dangerous Parks for Park Rangers* news release in mid-June. We NEED your input:

- Has your park lost LE staff?
- Is your park ignoring Director Mainella's Dec 9, 2002 memo?
- Do you have adequate backup when something bad happens?
- Has the law enforcement staff increased in the past year?
- Do you have evidence that illegal activity is taking place when the rangers are off duty?
- Are rangers able to schedule themselves when illegal activity takes place or does the Superintendent set the parameters of the schedule?
- Are rangers in your park loaded down with ancillary duties (non LE, non-fire, non-EMS, non SAR)?

Tell us anything about your park area or refuge so we can have the most accurate portrait of conditions LE rangers are subjected to. Because of the newspaper articles this list generates, it has been enormously successful in the past – drawing public attention to the dangers rangers face. It is our main public relations message of the year and you owe it to yourselves to answer these questions. Everything will be kept confidential unless you specifically tell the Lodge to include your name.

Send your comments to:
RandallFOP@ls.net

Thanks!

Application for Membership

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.

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



U.S. Park Rangers Lodge
Fraternal Order of Police
POB 151
FancyGap, VA 24328