

March 1, 2017

Representative Jamie Boles
N.C. House of Representatives
300 N. Salisbury Street, Room 528
Raleigh, NC 27603-5925

Representative Pat Hurley
N.C. House of Representatives
300 N. Salisbury Street, Room 532
Raleigh, NC 27603-592

Senator Shirley Randleman
N.C. Senate
300 N. Salisbury Street, Room 628
Raleigh, NC 27603-5925

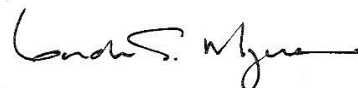
Honorable:

The 2015 General Assembly directed the North Carolina Wildlife Resources Commission (WRC) to report to the Joint Legislative Oversight Committee on Justice and Public Safety on the number of complaints received against Commission law enforcement officers, the subject matter of the complaints, and the geographic areas in which the complaints were filed. The citizens of North Carolina have long relied on Wildlife Officers to safeguard our natural resources and protect the outdoor enthusiasts who enjoy them, through enforcement of fish and game laws. Wildlife Officers are held to a high standard and provide a valuable service to the citizens of North Carolina. Over the years, many men and women in North Carolina have enjoyed a career serving the citizens of North Carolina as a Wildlife Law Enforcement Officer (WLEO). Currently, 213 Wildlife Officers protect and serve in this capacity across the state. Each of these individuals represents a commitment and dedication to wildlife protection and conservation.

I am submitting this report in fulfillment of the requirements of Section 35.(b) of Session Law 2015-263. As directed in statute, this report provides the subject matter on each complaint filed against Wildlife Law Enforcement Officers along with geographic areas in which the complaints were filed for the year of 2016.

If you have questions or need additional information, please contact me by phone at (919) 707-0151 or via email at gordon.myers@ncwildlife.org.

Respectfully,



Gordon Myers
Executive Director
NC Wildlife Resources Commission



Wildlife Law Enforcement Public Complaint Review

March 1, 2017

Executive Summary

Since the North Carolina Wildlife Resources Commission was created by the General Assembly in 1947, the agency has been dedicated to the conservation and management of fish and wildlife for the benefit of citizens and sportsmen, and for future generations. Policies and programs are based on scientifically sound resource management, assessment and monitoring, applied research, and public input. Our mission statement is “to conserve wildlife resources and their habitats and provide programs and opportunities that allow hunters, anglers, boaters and other outdoor enthusiasts to enjoy wildlife-associated recreation.”

The North Carolina Wildlife Resources Commission’s Law Enforcement Division is charged with enforcing the game, fish, and boating laws of North Carolina as established by the N.C. General Assembly, §113-136 . Wildlife Officers are state law enforcement personnel with arrest authority for state and federal violations. Wildlife Officers enforce the game, fish and boating laws to protect the natural resources of the state and the safety of its citizens. In addition, they are authorized to arrest for any criminal offense committed in their presence.

The policy of the Wildlife Commission is to acknowledge and investigate allegations of misconduct or improper job performance to maintain accountability to the officer and the citizens of North Carolina. From January 1, 2016 through December 31, 2016, wildlife enforcement officers contacted 96,733 sportsmen engaged in boating, fishing, hunting, and trapping activities. In addition, wildlife enforcement officers may also be contacted by the public while on patrol, during search and rescue operations, or while teaching educational programs. All of these interactions resulted in the filing of 10 complaints.

Statute Requirements

Session Law 2015-283 Section 35.(b)

The Wildlife Resources Commission shall report to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2016, and annually thereafter, on the number of complaints received against Commission law enforcement officers, the subject matter of the complaints, and the geographic areas in which the complaints were filed.

Regulatory Authority

Wildlife officers have regulatory enforcement granted by N.C.G.S. §113-136. Which include enforcement responsibilities for hunting, trapping and inland fishing in the state. Wildlife officers investigate all hunting accidents and publish an annual hunting related accident report. North Carolina hunting and trapping laws apply to all lands, public or private. Wildlife officers have authority to patrol all open fields and woodlands, including more than 2 million acres of North Carolina public game lands, to ensure compliance with state and federal fish and game laws.

§ 113-136. Enforcement authority of inspectors and protectors; refusal to obey or allow inspection by inspectors and protectors.

(a) Inspectors and protectors are granted the powers of peace officers anywhere in this State, and beyond its boundaries to the extent provided by law, in enforcing all matters within their respective subject-matter jurisdiction as set out in this section. (b) The jurisdiction of inspectors extends to all matters within the jurisdiction of the Department set out in this Subchapter, Part 5D of Article 7 of Chapter 143B of the General Statutes, Article 5 of Chapter 76 of the General Statutes, and Article 2 of Chapter 77 of the General Statutes, and to all other matters within the jurisdiction of the Department which it directs inspectors to enforce. In addition, inspectors have jurisdiction over all offenses involving property of or leased to or managed by the Department in connection with the conservation of marine and estuarine resources. (c) The jurisdiction of protectors extends to all matters within the jurisdiction of the Wildlife Resources Commission, whether set out in this Chapter, Chapter 75A, Chapter 143, Chapter 143B, or elsewhere. The Wildlife Resources Commission is specifically granted jurisdiction over all aspects of:

- (1) Boating and water safety;
- (2) Hunting and trapping;
- (3) Fishing, exclusive of fishing under the jurisdiction of the Marine Fisheries Commission; and
- (4) Activities in woodlands and on inland waters governed by G.S. 106-908 to G.S. 106-910.

In addition, wildlife law enforcement officers have jurisdiction over all offenses involving property of or leased by the Wildlife Resources Commission or occurring on wildlife refuges, game lands, or boating and fishing access areas managed by the Wildlife Resources Commission. The authority of protectors over offenses on public hunting grounds is governed by the jurisdiction granted the Commission in G.S. 113-264(c)

Wildlife officers are charged with enforcing the boating laws and regulations on the waters of the state. The primary objective of boating enforcement is safety. Wildlife officers have the authority to stop vessels for safety checks or violations, as authorized by N.C.G.S. §75A. Wildlife officers patrol over 5,000 square miles of inland streams, rivers, lakes and coastal waterways, 220 public boating access areas and conduct nationally recognized boating education courses. WLEO's conduct all boating accident investigations as well as publish an annual boating accident report. These officers enforce the Boating Safety Education Law, which requires anyone younger than 26 operating a vessel powered by 10 hp or greater motor on public waterways to have successfully completed an approved boating safety education course or otherwise be in compliance.

§ 75A-1. Declaration of policy.

It is the policy of this State to promote safety for persons and property in and connected with the use, operation, and equipment of vessels, and to promote uniformity of laws relating thereto. (1959, c. 1064, s. 1.) (a) Every wildlife protector and every other law-enforcement officer of this State and its subdivisions shall have the authority to enforce the provisions of this Chapter and in the exercise thereof shall have authority to stop any vessel subject to this Chapter. Wildlife protectors or other law enforcement officers of this State, after having identified themselves as law enforcement officers, shall have authority to board and inspect any vessel subject to this Chapter.

Investigation Policy

The policy of the Wildlife Resources Commission (WRC) is to acknowledge and investigate allegations of misconduct or improper job performance, in a manner that assures the community of prompt,

corrective action when WRC employees conduct themselves improperly. All comments or complaints regarding employees, policies or procedures of the WRC shall be documented and investigated to the fullest extent possible.

The purpose of this policy is to establish guidelines and procedures for receiving, investigating and determining the disposition of allegations of misconduct or other complaints made against WRC law enforcement officers. This policy will also serve to protect WLEO's from unjustified complaints as they carry out assigned duties.

Investigations

Investigations are usually initiated in one of the following ways:

- A citizen complaint is received by our Raleigh office staff and the complaint is delegated to the supervisor;
- The supervisor receives a complaint directly from a citizen or another employee; or
- The supervisor observes the conduct or behavior that resulted in the complaint.

Upon becoming aware of or receiving notification of a complaint on a subordinate or employee under their control, a supervisor shall take corrective actions immediately if the complaint is justified. The supervisor's investigation shall be limited to questioning the subordinate, witnesses and complainants, and securing all relevant evidence. The supervisor will keep the complainant informed of the status of the investigation when applicable. Supervisory investigations will be completed within seven (7) days of the assignment. Extensions may be granted by the manager, as necessary. Upon completion of the investigation, the supervisor shall forward a report of the alleged violation, all documents and evidence relating to the investigation and recommendations for further investigation or other disposition of the case to their manager. The manager will then forward the documents to the Division Chief or designee.

The Division Chief or designee shall review the report and supporting documents, and shall make final determination for the case, and, in the case of termination, make recommendations to the Executive Director, as follows:

- Sustained - Allegation is true, and action taken was inconsistent with policy.
- Not Sustained - There is insufficient evidence to confirm or to refute the allegation.
- Sustained Other – Sustaining of violation or misconduct other than the allegations of the original complaint.
- Exonerated - Allegation is true, but action taken was consistent with policy and normal procedures.
- Unfounded - Allegation is demonstrably false, or there is no credible evidence for support;
- Policy Failure – Allegation is true, but action was consistent with current policy and procedures. Investigation indicates a need to modify or change policies or procedures.

Professional Standards

In order to fulfill the intent of Session Law 2015-283 Section 35. (b), the Law Enforcement Division developed a system to track, document, and maintain WLEO complaints and commendations. The Law Enforcement Division created a Professional Standards position to acknowledge and investigate public

A map of North Carolina showing its 100 counties. The state is divided into nine distinct regions, each outlined with a thick black border and labeled with a large teal number. The regions are: 1 (Northeast), 2 (Southeast), 3 (Central-East), 4 (South-Central), 5 (Central), 6 (Southwest), 7 (Northwest), 8 (West-Central), and 9 (Far West). Individual counties are labeled with their names in black text.

Geographic Location

District 3

January 9, 2016, a citizen complained that a Wildlife Officer was speeding and changing lanes without signaling. Investigation shows the Wildlife Officer was responding to a public safety issue on the highway and subsequently the public safety issue was corrected. These allegations were determined to be **Sustained.**

District 3

January 28, 2016, a citizen filed a complaint on a Wildlife Officer for criminally charging his grandson. The complainant reported a night deer hunting violation on his property to the Wildlife Officer. The Wildlife Officer investigated the violation report and determined there were three individuals involved one of which was the grandson of the complainant. All three individuals were charged and all plead guilty in court. Investigation shows the allegations to be true but action was taken consistent with policy. This allegation was determined to be **Exonerated**.

District 8

February 2016, a neighbor alleged that a Wildlife Officer set traps on property he did not have permission and intimidated his son at his school and their residence. Investigation shows the Wildlife Officer set traps on his own property and placed trail cameras on the traps after discovering evidence of tampering.

When the Wildlife Officer went to check his traps, the trap chains were cut and the traps were missing. Evidence obtained from the trail cameras led the officer to the complainant's son. The Wildlife Officer contacted another officer to conduct the investigation. Criminal charges were brought against two individuals one of which was the complainant's son. These allegations were determined to be **Unfounded**.

District 8

March 2016, a neighbor alleged that a Wildlife Officer routinely fired a semi-automatic rifle and detonated explosives on the officer's property. In addition, the neighbor stated the officer has loud parties on Independence Day and Labor Day. The investigation into the gun fire and explosives showed that it was a different neighbor who target shoots and detonates "Tannerite" on their property. Additionally, the officer has worked every Independence Day and Labor Day over his 20+ year career. These allegations were determined to be **Unfounded**.

District 9

March 2016, allegations were made that a Wildlife Officer was making vehicle stops on a gravel road and telling people they could not drive on it. The complaint further alleged the Wildlife Officer called someone a name other than their given name and was conducting surveillance on a person at their place of employment. The investigation into the vehicle stops showed the officer was responding to a hunting violation report and was part of the investigation therefore determined to be **Exonerated**. The investigation into the allegation of "name calling" revealed the officer did refer to an individual by a name other than their given name, but it is the name the individual is known by. This allegation was determined to be **Sustained**. The investigation into conducting surveillance at an individual's place of employment shows the officer had reason to be at this location and was not conducting surveillance. This allegation was determined to be **Unfounded**.

District 9

March 2016, allegations were made that a group of Wildlife Officers were walking around a remote residence near Hooper's Bald in Graham County. The investigation into the complaint found that the officers were conducting backwoods patrols in remote areas at the request of the public. Internal investigation shows the allegations to be true but action was taken consistent with policy. These allegations were determined to be **Exonerated**.

District 7

May 28, 2016, a citizen alleged a Wildlife Officer used government resources that are only available to sworn law enforcement to access private information without just cause. The complainant offered no evidence to substantiate the claim and the investigation shows definitively that government resources were not used to obtain information on the complainant. This allegation was determined to be **Unfounded**.

District 5

October 4, 2016, a citizen alleged a Wildlife Officer was hunting on property he did not have written permission to be on and was spreading rumors on the complainant in an effort to get landowners to revoke his permission to hunt their land. Interviews were conducted with each landowner provided by the complainant and with the officer. The Wildlife Officer and each landowner separately denied the complainants accusations. These allegations were determined to be **Unfounded**.

District 6

November 5, 2016, a citizen alleged a lack of service when a Wildlife Officer would not charge a landowner for “hunter harassment”. The investigation into the allegation showed the officer responded to the violation report but did not charge the landowner. (*G.S. 113-295 This subsection does not apply to activity by a person on land he owns or leases.*) This allegation was determined to be **Exonerated**.

District 3

November 28, 2016, allegations were made that a hunting group was being harassed as a result of Wildlife Officers checking them more than once a year and also that it is unsafe for Wildlife Officers to conduct surveillance on the hunting group from concealed locations. The investigation into the allegations showed officers were working violation reports at the request of the landowner. These allegations were determined to be **Exonerated**.