

March 1, 2021

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

Representative Ted Davis
N.C. House of Representatives
300 N. Salisbury Street, Room 417B
Raleigh, NC 27603-5925

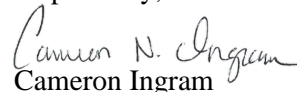
Members:

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, 218 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 2020.

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

Respectfully,



Cameron Ingram
Executive Director
NC Wildlife Resources Commission



Wildlife Law Enforcement Public Complaint Review

March 1, 2021

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, 2020 through December 31, 2020, wildlife enforcement officers contacted 59,694 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 3 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.

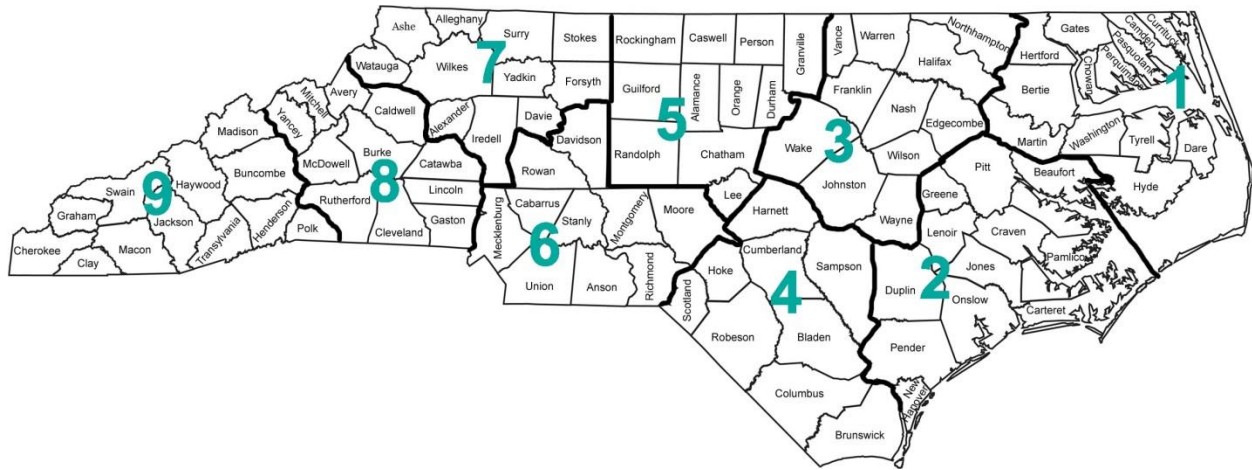
Upon becoming aware of or receiving notification of a complaint on a subordinate or employee under their control, a supervisor shall take corrective actions immediately if the complaint is justified. The supervisor's investigation shall be limited to questioning the subordinate, witnesses and complainants, 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 allegations of misconduct or unprofessional performance against WLEO's. Additionally, the Professional Standards Officer will document and maintain each complaint in regards to a WLEO.



Wildlife Enforcement Officer Complaints

Geographic Location

Subject Matter of the Complaint

District 1

April 1, 2020, an allegation was made that a Wildlife Law Enforcement Officer racially profiled the complainant based on his race and gender when he stopped to help with a vehicle crash. The complainant also noted that the officer used inappropriate language during their encounter and pointed a firearm at him. An investigation into this allegation showed the officer was the first on scene to a traffic crash and had probable cause to initiate an investigation based on the circumstances. There were no racial slurs or derogatory statements used towards the subjects. There were two, third party witnesses that observed the entire encounter and verified actions taken by the officer were appropriate and reasonable. The allegation of racial profiling was determined **Unfounded**. The officer admitted to using inappropriate language due to multiple attempts to gain compliance and exhausted all other means to gain compliance and this allegation was **Sustained**. The allegation of the officer pointing the firearm at the complainant was **Exonerated**.

District 3

November 23, 2020 an allegation was made that a Wildlife Officer treated the complainant unprofessionally and was retaliatory due to a Facebook post and searched the bed of a vehicle without consent. The allegation of retaliation was due to a Facebook post made to the officer from the complainant and then the officer stopped the complainant and took enforcement action. The investigation found that the officer had reasonable suspicion to stop the vehicle. The investigation found that the officer took possession of the evidence in the bed of the vehicle

after the complainant told the officer what it was and where it was in the vehicle. Audio evidence showed that the officer was cordial and had a different tone than what was described by the complainant and it did not substantiate the allegation. This allegation was determined be **Unfounded**.

District 7

December 12, 2020, a complaint was made that a Wildlife Law Enforcement Officer was unprofessional to a business owner and trying to take their customers away. The complainant stated that what the officer was doing was not right and the officer was getting away with it because he was a NC Wildlife Officer. The investigation found that the officer had engaged in unacceptable personal conduct while at the complainant's business. The complaint was **Sustained**.