

July 2023 | Utah Department of Natural Resources



A Vision for the Future

Of Law Enforcement and Public Safety Services at DNR

Drafted by Members of the Law Enforcement Consolidation
Feasibility Committee

Introduction

In November 2022, Utah Department of Natural Resources (DNR) Executive Director Joel Ferry empaneled a committee to evaluate the feasibility of consolidating the four disparate law enforcement programs within the Department into a single organization, stating, “I believe now is an ideal time to evaluate our law enforcement practices, and to ensure that we are operating in the most efficient way possible in how we serve the public and use tax payer resources.”

Chaired by DNR Law Enforcement Director Todd Royce and composed of DNR staff, the various members of the committee collectively possess over 125-years of conservation law enforcement and traditional police service experience.

Consolidation Feasibility Committee members met twenty times between January and June of 2023. Additionally, sub-committees were designated to conduct additional research, compile related cost estimates and to meet with representatives from Utah Retirement Systems and the Utah Attorney General’s Office or to keep their respective division leadership informed of committee progress.

Leveraging information gleaned from studies and internal communications dating to the mid-1990’s, combined with a critical review of the department’s law enforcement programs, the Committee feels this to be the most comprehensive and well-informed study of DNR law enforcement operations, ever performed.

The Committee’s findings and recommendations are rooted in our lengthy and widely varied experience in law enforcement leadership, our extensive training and collective desire to better serve as stewards of the treasured natural resources that immeasurably improve the quality of life in Utah, and better provide for the safety of those who recreate in our fine state.



“My intent with this study is to ensure that we are serving the public and representing the department in the most efficient and cost-effective manner possible. It’s also important to me that our rangers, conservation officers and fire investigators have the best training, equipment, and opportunities available to them.”

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Contents

A HISTORY OF AUDITS AND REVIEWS	1
CONSISTENT RECOMMENDATIONS FROM PAST STUDIES	2
DEPARTMENTAL RESPONSES.....	2
WHY NOW?	3
INTERNAL FACTORS.....	5
ORGANIZATIONAL CULTURE	7
DEMOGRAPHICS	7
CHANGE	9
COMMITTEE RECOMMENDATION	11
VISION.....	11
MISSION	12
ORGANIZATION.....	13
DRAFT ORGANIZATIONAL CHART.....	15
EFFICIENCIES.....	16
FUNDING.....	18
OVERSIGHT.....	19
CULTURE	20
SUMMARY	21
REFERENCE MATERIALS	22
1996 LAW ENFORCEMENT REVIEW	22
2003 LEGISLATIVE STUDY	22
2005 DNR LAW ENFORCEMENT GOALS AND ACTION PLAN PROCESS	22
2011 UTAH STATE PARKS PERFORMANCE AUDIT	22
2011 LAW ENFORCEMENT EFFICIENCIES TASK FORCE	22
2023 LAW ENFORCEMENT FEASIBILITY	22
DWR SPECIFIC INTERNAL LAW ENFORCEMENT DOCUMENTS	23
LAW ENFORCEMENT ORGANIZATIONAL STRUCTURE.....	23
CONSOLIDATION RELATED INTERNAL MEMOS	23


A History of Audits and Reviews

Law enforcement efforts at the Utah Department of Natural Resources have been comprehensively studied at frequent intervals over the past thirty-years. In some instances, studies were initiated and conducted internally.

Notable internal reviews have been conducted by department law enforcement directors, Brant Johnson and Sidney P. Groll in the mid-1990's and in 2011, respectively. The latter being primarily in response to the performance audit of the Division of State Parks and Recreation.

Additionally, audits and reviews have occurred at the direction of the Utah Natural Resources Appropriations Subcommittee, in 2003 and 2011.

The Consolidation Feasibility Committee reviewed reports and summaries drafted in response to each review process and related internal communications of departmental and divisional decision-makers at the time.



“Because of the higher cost of POST-certified rangers, it makes sense for them to specialize more in pure policing duties, which means fewer officers would be needed. In order to use that POST training effectively, the Department of Natural Resources could centralize the law enforcement functions for all divisions in a single department level unit.”

2011 Utah State Parks Performance Audit

Early 1980's

Division of Wildlife Resources and Utah State Parks cross-train to enforce each other's regulations to address efficiency issues. The program ends due to “differences in philosophy”.

1995
DWR Regional Law Enforcement Programs Evaluation, Review and Recommendations

The need for line authority granted to the DWR law enforcement section chief is identified. This authority is eventually granted, nearly 25-years later.

1996
A Report of the Status of Law Enforcement Policies and Practices in the Department of Natural Resources And Recommendations for Improvement

First mention of creation of Division of Law Enforcement at DNR.

2003

Natural Resources Appropriations Subcommittee
A Study of Law Enforcement in Utah's Department of Natural Resources and a Comparison to Other States

Creation of Division of Law Enforcement at DNR is recommended for consideration.

2011

Natural Resources Appropriations Subcommittee
Utah Division of State Parks and Recreation
Performance Audit

Creation of Division of Enforcement at DNR is recommended for consideration.

Efficient and appropriate tasking of personnel is identified in this performance audit.

2011

Law Enforcement Efficiency Task Force at the Request of the Utah State Department of Natural Resources, Agriculture and Environmental Quality Appropriations Subcommittee

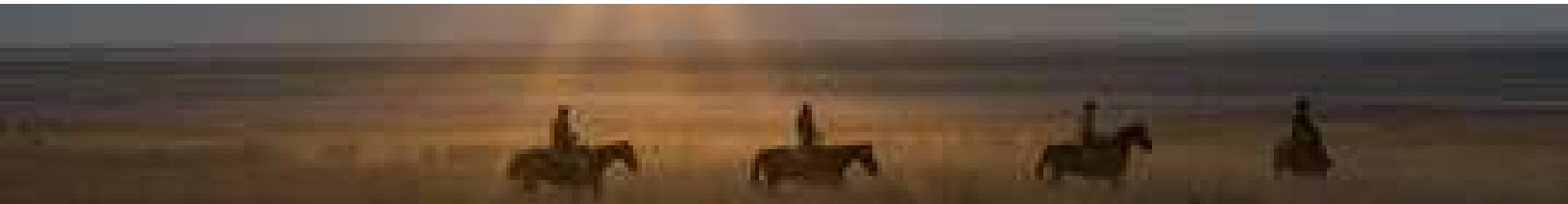
Law enforcement consolidation is dismissed due to perceived cost during times of economic instability in the state. Task force reasons that opportunities for improvement could be realized “if other bullet points are implemented”, only some of which are.

Consistent Recommendations from Past Studies

Though each review and audit have been unique, resultant recommendations have had consistent threads:

1. Line authority within law enforcement ranks.
2. Costly sworn staff should efficiently focus their time and effort upon law enforcement responsibilities.
3. Consolidation of the disconnected law enforcement programs into a single department-level unit should be considered.

In fact, the recommendation to consider **consolidation was suggested in every major review or audit** report reviewed by law enforcement consolidation feasibility committee members.



Departmental Responses

Facing consistent opposition from affected Division leadership unwilling to relinquish control of their respective sworn staff, the departmental response has also been consistent.

Decision-makers have repeatedly opted to implement a combination of lesser options, oftentimes emphasizing, not defining or mandating increased interagency or intra-agency coordination.

Lacking permanence, program staff at the divisional level implement recommendations for a period of time, before resuming the status quo, generally in the wake of the departure of the Executive Director.

A contributing factor to this tendency is the fact that most law enforcement executive leadership within the department, and its divisions, perform in an advisory capacity. Command staff are generally not fully empowered with the authority necessary to affect organizational change, demand standards of performance, accountability and bring about the paradigm shift necessary to modernize the disparate enforcement programs at DNR.

Yet Another Call for Coordination...

It is my expectation that all law enforcement personnel will communicate and solve problems together. If one division has a good idea, I want the idea shared with the other division and unite in its implementation. I want all law enforcement personnel to continue to work together in the field especially during heavy use periods like seasonal hunts and traditional holiday weekends. I expect to see consistent training together in the CORE curriculum and other specialized training and it is imperative that law enforcement policies be consistent throughout the department. Let's work together to develop the highest level of professionalism in law enforcement possible.

- DNR Director Kathleen Clarke, 2000

Why Now?

Committee members collectively agree that the department is at a critical inflection point in regard to law enforcement operations. The issues that have historically created a compelling argument for consolidation of departmental law enforcement efforts are still present and more complicated than ever.

Continually evolving professional practices and standards, demographic shifts, societal expectations, expanding legislative mandates and internal factors have further exacerbated the situation. Whereas previous studies questioned the wisdom and efficiency of housing two disparate law enforcement programs at DNR; there are now four.

While each has strengths and weaknesses, every law enforcement program at DNR varies significantly in operation. Decision-making and oversight authorities granted to command staff are drastically different. Consequently, work priorities and performance expectations of field staff are inconsistent.

A professional law enforcement program is not a product to be built and forgotten. It is a process; a rapidly evolving and highly specialized governmental function, requiring continual adaptation to ensure services are provided in a manner that is consistent with lawful requirements, assures civil liberties and thereby preserves public trust.

At DNR, the decentralized supervisory structure, generalist approach to sworn staff tasking, and ancillary role of law enforcement services have combined to stymie forward progress in the best case and stagnate and atrophy programs in the worst-case scenario.

Sworn staff employed by the various divisions at DNR are among the most dedicated law enforcement professionals in the state. They are well educated and take pride in safeguarding the treasured cultural, natural, and recreational resources of our state; arguably succeeding in spite of, not as a result of, the convoluted organizational structure within which they operate.

LAW ENFORCEMENT BEST PRACTICES

Referenced throughout this review process, accompanying documentation and organized meetings, law enforcement best practices are widely accepted profession-specific practices and standards considered to be vital to the orderly operation of a law enforcement program. The widespread failure to adopt and adhere to law enforcement best practices at DNR is a grave concern to committee members.

Consistent interpretation, application and adherence to accepted law enforcement industry best-practices across the divergent programs, is a significant challenge. Subsequently, DNR law enforcement programs are generally functional at the surface, but outdated at the foundational level.

Public expectations of law enforcement officers and governmental organizations have evolved dramatically over the past thirty years. Today there are higher expectations and less public trust in both.

In many cases, **these societal shifts have resulted in additional legislative mandates**; not suggested best practices, but state and federal law to which every law enforcement agency must adhere.

The majority of the legal requirements compel specific administrative action, such as annual training requirements, after-incident reviews, reporting requirements to various state governing bodies and the inclusion of specific language in the policy implementation process. Examples include, but are not limited to:

1. Agency response to officer involved critical incidents (OICI) and related policy
2. Lethality assessment requirements for first responders
3. Pursuit policy requirements and related review process
4. De-escalation and arrest control training requirements
5. Autism spectrum disorder training requirements
6. Mental health/crisis intervention training requirements
7. Peer support and wellness programs for active and retired officers
8. Duty to investigate and report certain officer conduct to POST
9. Use of force standards and reporting requirements
10. Duty to intervene or report officer misconduct requirement
11. Brady Giglio requirements
12. Governmental Records and Management Act (GRAMA)
13. Utah Expungement/Clean State Act
14. Body camera use requirements
15. Unmanned aerial system (UAS) use, data storage and reporting requirements
16. Law Enforcement Officer Safety Act (LEOSA) requirements

In recent years, a much-needed review process of law enforcement policies has occurred. Many high-liability policies now reflect evolving professional best practices and legal mandates.

However, much of the work remains undone because vast differences exist in authorities extended to individuals in equivalent personnel assignments across division lines. Finding consensus has proven difficult and there is no clear authority to resolve issues.

These requirements have created a significant administrative workload for law enforcement staff at DNR. Compliance is not optional and failure to adhere creates significant civil and political liability and threatens the loss of public trust.



Law enforcement administrators at the various enforcement programs are complying to the extent possible, though much of the work is duplicative and often could be done by less-costly non-sworn staff. At this time, only the Division of Wildlife Resources law enforcement section employs full-time non-sworn staff to accomplish many administrative tasks.

Internal Factors

Previous reviews of DNR law enforcement efforts identified duplicative, inefficient work effort or responsibilities inappropriately tasked to costly sworn staff.

Committee members agree that the current structure, consisting of four disparate law enforcement programs creates organizational inefficiencies, resulting in duplicative administrative efforts, competition for limited resources and personnel, and mandates frequently going unfulfilled.

Duplicative administrative tasks frequently completed by costly management level sworn staff include, but are not limited to:

1. Records management and maintenance
 - a. Governmental Records and Management Act (GRAMA) compliance
 - b. Utah Expungement/Clean State Act
 - c. State Archives records retention schedule maintenance (Agency Records Officer)
 - d. Records management system (RMS) oversight and maintenance
2. Administrative Office of the Courts liaison
 - a. Bail schedule maintenance
 - b. Shared master offense table maintenance
3. Evidence management
 - a. Evidence audits
 - b. Evidence facility management
 - c. Evidence disposal
4. Property and Equipment
 - a. Procurement
 - b. Inventory management
 - c. Property disposal/surplus process
 - d. Patrol vehicle procurement, upfitting and disposal
5. Officer recruitment and hiring process
6. Field training program and related records management
7. Inservice training and related records management
8. Peer support teams
9. Professional standards and internal affairs investigations
10. Policy development and management

These fundamental and duplicative programmatic efforts receive highly variable funding, priority and bandwidth within the four disparate programs, causing further programs divergence. Exacerbating the situation, those divisions lacking adequate support staff atrophy as the highest-ranking members of the organization are preoccupied with administrative tasks that detract from their ability to provide effective governance, a clear vision for the future, and make the proactive management decisions to get there.

Organizational Culture

The unique organizational culture at DNR enshrines decentralized control and a chain of command that is diffuse and complex.

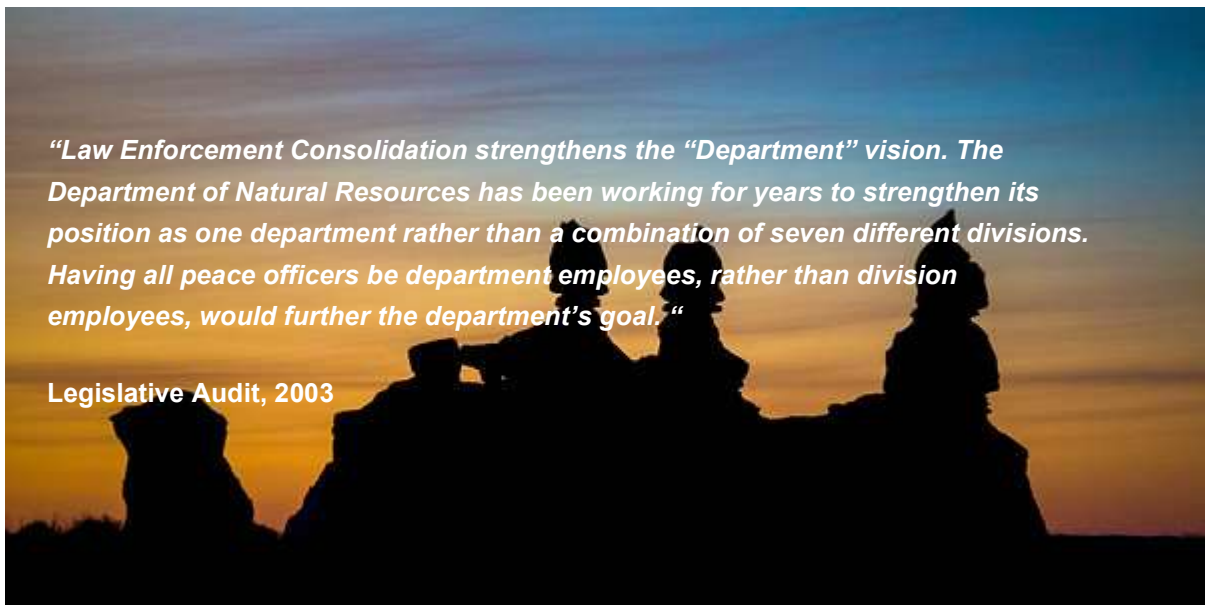
Supervision is often entrusted to generalists while subject matter experts serve in an advisory capacity. Non-sworn park managers oversee sworn staff at State Parks. Until recently, non-sworn regional supervisors at DWR had supervisory responsibility of conservation officers assigned to the region. This aspect of DNR organizational culture has unquestionably influenced the current status of law enforcement. While normal at DNR and some surrounding western state natural resource programs, it is far from a law enforcement best practice.

Traditionally, the two largest law enforcement programs at DNR, housed within the then-Division of State Parks and Recreation and the Division of Wildlife Resources are siloed and narrowly focused upon their unique mission. Each is generally dismissive of the other agency's respective priorities, personnel and their professional capabilities.

THE DECENTRALIZED ORGANIZATIONAL STRUCTURE AND DIFFUSE CHAIN OF COMMAND AT DNR MEANS THAT SENIOR LAW ENFORCEMENT LEADERS ARE OFTEN HELD RESPONSIBLE FOR PROGRAM PERFORMANCE WHILE NOT BEING FULLY VESTED WITH THE AUTHORITY NECESSARY TO DELIVER UPON THAT CHARGE.

Though the relationship is stronger today than ever before, this narrow perspective threatens to limit department relevance as new constituents flood into our rapidly growing state. This failure to adopt a holistic view creates negative customer service interactions with staff that are ill equipped to serve the needs of constituents outside the traditional role of their respective agency and creates need for additional patrol staff. The divergence, in certain aspects, is still present today.

While not insurmountable, cultural change can be challenging and will not happen instantly.



Demographics

Recent studies have shown that Utah was the fastest-growing state in the union, between 2010 and 2020, adding an average of 121,000 new residents annually, between 2015 and 2019.

In August 1996, the Division of Wildlife employed 79 sworn staff members. 27 years and 1.42 million additional Utah citizens later, DWR employs 81 sworn staff.

As the population increases, so does the workload for sworn staff.

DWR statistics show that unobligated patrol time, those hours spent proactively interacting with the public, protecting the resource and ensuring a safe recreational environment is only about forty percent of a conservation officer's workday. The majority of their work hours, sixty percent, are spent responding to calls, completing investigative or administrative duties or assisting other sections.

Increasing unobligated time for patrol staff requires law enforcement leadership be vested with the authority to prioritize duties, cut inefficient or duplicative effort and proactively adjust resource allocation where necessary. Absent such decision-making authority, this goal has proven unattainable within the existing organizational structure where law enforcement and public safety duties are an ancillary role and law enforcement leadership, generally, have limited operational influence.

In looking at all the factors surrounding this issue, I have come to the conclusion that (law enforcement consolidation) is best suited to adequately protect ALL of the states' natural resources and provide quality service to its citizens. This option may not be the best for the Division of Wildlife Resources, but it is best for the people of Utah. I do not feel that the Division is presently prepared or qualified to assume the responsibility of protecting the states' natural resources as we move into the 21st century.

Experts project that the states' population will expand to three million in the next fifteen years. (DNR Executive Director) Ted Stewart is in a position where he needs to start developing a law enforcement program to meet the varied needs of the future.....ultimately (consolidation) is the answer.

KEVIN CONWAY, 1997
Fmr. Director, Division of Wildlife Resources



Some Things Never Change

“The (Brant Johnson) report reviews problems and possible solutions to the issues and challenges of law enforcement in the Department. These issues and challenges include:

1. Existing law enforcement services are too costly.
2. The Department and Parks are not in compliance with Utah Code concerning Peace Officers status.
3. Need for clearly defined, consistent, professional standards, policy and training, and personnel availability.
4. Lack of cooperation and coordination of law enforcement efforts across division lines.
5. The scope of law enforcement authority with the department is vague and inconsistent across divisions and within divisions.
6. No independent internal affairs board exists to review public complaints, law enforcement policy violations, covert operations, etc.
7. The special function officer role is unclear.
8. POST certified law enforcement professionals express concern about being supervised by managers who do not understand law enforcement.”

John Kimball, Director
Division of Wildlife Resources
January 23, 1997

Change

The consolidation feasibility committee has spent significant time and effort reviewing numerous documents produced pursuant to previous studies and law enforcement program reviews. We have closely examined resultant recommendations and the various agency responses to those recommendations.

Most importantly, we have evaluated the effectiveness of those agency responses after the passage of time and how those responses have affected the current state of law enforcement programs at the department and the delivery of services to the people of Utah.

It is the opinion of the consolidation committee that previous programmatic change enacted pursuant to program reviews have had negligible long-term impact. In many cases, there has been negligible short-term impact.

Today, our growing number of programs are as divergent as ever, providing near duplicative services in much the same manner that we have for decades.

Based upon the demonstrated history of inaction, another externally driven law enforcement review could well result in externally driven change, an uninformed solution, and significant likelihood of a negative outcome. A different approach can bring about a different outcome.

We believe that realistic opportunities exist for proactive, department-driven change that will vastly improve the delivery of law enforcement and public safety services to the internal, and external customers we serve— while allowing us to better safeguard the treasured cultural, natural, and recreational resources that contribute immeasurably to our quality of life in Utah.

We believe that consolidation of law enforcement programs at the department is not just feasible, it is the fiscally responsible decision for Utah and the appropriate decision for our constituents who entrust their natural resource heritage to our stewardship.

The quality of DNR field staff has largely allowed DNR to avoid catastrophic consequences of the decentralized, hands-off approach to law enforcement supervision by non-sworn staff. We've been lucky. Consolidation of DNR law enforcement programs provides an organizational structure and the administrative resources necessary to support, train and equip the capable, hardworking, and dedicated cadre of law enforcement professionals who represent DNR every day.



EXCERPT FROM

THE UNIQUE ROLE OF LAW ENFORCEMENT ORGANIZATIONS IN A DEMOCRATIC SOCIETY — IMPLICATIONS FOR ORGANIZATIONAL STRUCTURE, JANUARY 2007

**Randy Stark, Chief Warden – Retired
Wisconsin Department of Natural Resources
Division of Public Safety and Resource Protection**

The purpose of organizational structure, both in law enforcement and non-law enforcement organizations, is to put order to the conduct of operations, establish formal and uncomplicated communication pathways, to allow organizations to clearly delegate responsibility and authority, and at the same time ensure there is accountability in the system for the intended results. In government organizations, an added function of an organizational structure is to clearly identify responsibility and create accountability in the interest of maintaining public trust.

At the same time, rigid adherence to structure for the sake of structure is counterproductive. It is equally important that a structure does not squelch the individual spirit for initiative, creativity, flexibility, or the ability to adapt to evolving situations. The goal is to efficiently and effectively channel energies into a creative environment that contributes to overall achievement of Department goals. Success lies at the intersection of fidelity to structure for the sake of order and accountability and allowing creative freedom to channel energies toward actions that achieve Department goals.

Committee Recommendation

Vision

Consolidation committee members are unified in belief that the systemic shortcomings of DNR law enforcement programs that create agency liability, inefficiencies and related service delivery issues, can only be fully rectified if the law enforcement programs are excised from the resource and recreational management divisions and unified under a simple, linear and nimble command structure.

Consolidation is the only solution that will address inefficiencies, mitigate liabilities, improve officer proficiency, ensure accountability, and increase organizational capacity — while empowering law enforcement professionals to stay abreast of rapidly evolving best practices and comply with legal mandates.

While committee members believe there will be fiscal benefits to the department in the form of fewer costly sworn staff, the consolidation of law enforcement programs into the DNR Law Enforcement Division would also provide critically important intangible benefits.

They include:

1. Adherence to law enforcement best practices
2. Agency compliance to law
3. Improved employee proficiency
4. Increased employee accountability and adherence to professional standards
5. Improved customer service delivery through mission unification

Synergistically, all serve to increase organizational capacity and decrease liability while enhancing department relevance, improving agency accountability, responsiveness and ultimately building public trust and support for the department's mission.

DEPARTMENT LAW ENFORCEMENT OFFICERS ARE FIRST AND FOREMOST PUBLIC SERVANTS, WHO ARE RIGHTFULLY OBLIGATED TO BE RESPONSIVE AND ACCOUNTABLE TO OUR DIVERSE STAKEHOLDERS AND CONSTITUENTS.

Mission

The unification of DNR law enforcement programs will not deviate from the collective mission of the disparate programs; rather it will consolidate the mission. Resultant services will be delivered in a manner that is more effective, more efficient, consistent with evolving public expectations of sworn public servants and done in accordance with legal mandates.

Leaders of the DNR Law Enforcement Division will contribute to the success of natural resource managers from stakeholder divisions, by providing firm, fair and consistent law enforcement services in accordance with Lexipol policy DNR102, The Role of Law Enforcement Within the Department of Natural Resources.

Additionally, Law Enforcement Division officers will take a holistic perspective, fully embracing our broader role as stewards of Utah's natural resources and cementing our position as the natural resource law enforcement authority in Utah.



Organization

Unified under a simple, linear and nimble command structure, the DNR Law Enforcement Division will utilize an enhanced deployment strategy to leverage existing resources as we streamline and modernize into a consolidated organization that aligns with professional best practices, complies with legal mandates and better serves internal and external stakeholders.

Consolidation committee members agree that three generalized areas of specialization exist in the current DNR enforcement programs:

1. Conservation Law Enforcement
 - a. Currently provided by conservation officers.
2. Boating/Off-Highway-Vehicle/On-Park Law Enforcement
 - a. Currently provided by State Park rangers and Outdoor Recreation rangers.
3. Fire Investigations and Sovereign Lands Patrol
 - a. Currently provided by Forestry, Fire and State Lands investigators.

Members acknowledge that there is some overlap and the responsibility for the delivery of public safety services span both areas of specialization. While previous recommendations for consolidation failed to acknowledge the unique skills required to succeed within the unique disciplines, the consolidation committee embraces the distinction and urges decision-makers to consider the value of establishing three distinct sections within a newly created Law Enforcement Division.

This unique approach solidifies the “primary” role of each Law Enforcement Division officer and ensures the ongoing connection to related resource management issues. Officers assigned to the Conservation or

Ranger Sections will possess the trained ability and understand the supervisory expectation sworn staff will provide for the service needs of all constituents, regardless of section affiliation.

Having both section chiefs report to a single individual, the Law Enforcement Division Deputy Director, and working within a unified command structure will ensure mutual aid and appropriate support across sections.

“A long-standing law enforcement management principle prescribes that law enforcement personnel and law enforcement programs are best served and more successful when managed by professionals, trained, and experienced in law enforcement applications. Failure to adhere to this principle is at the root of many problems within the Utah Department of Natural Resources.”

-DNR Law Enforcement Director Brant Johnson from 1997 State of DNR LE report



UCOPA

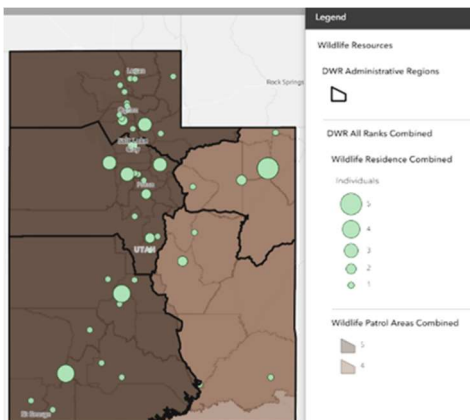
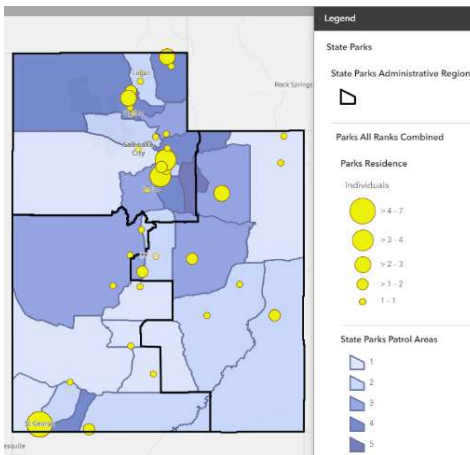
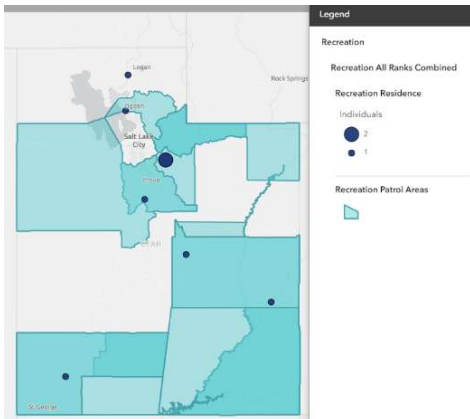
The Committee recommends DNR should utilize the Utah Chiefs of Police Association (UCOPA) accreditation standards as a road map for success.

Bringing the Law Enforcement Division into full compliance with UCOPA accreditation standards is expected to be a five-to-seven-year process.

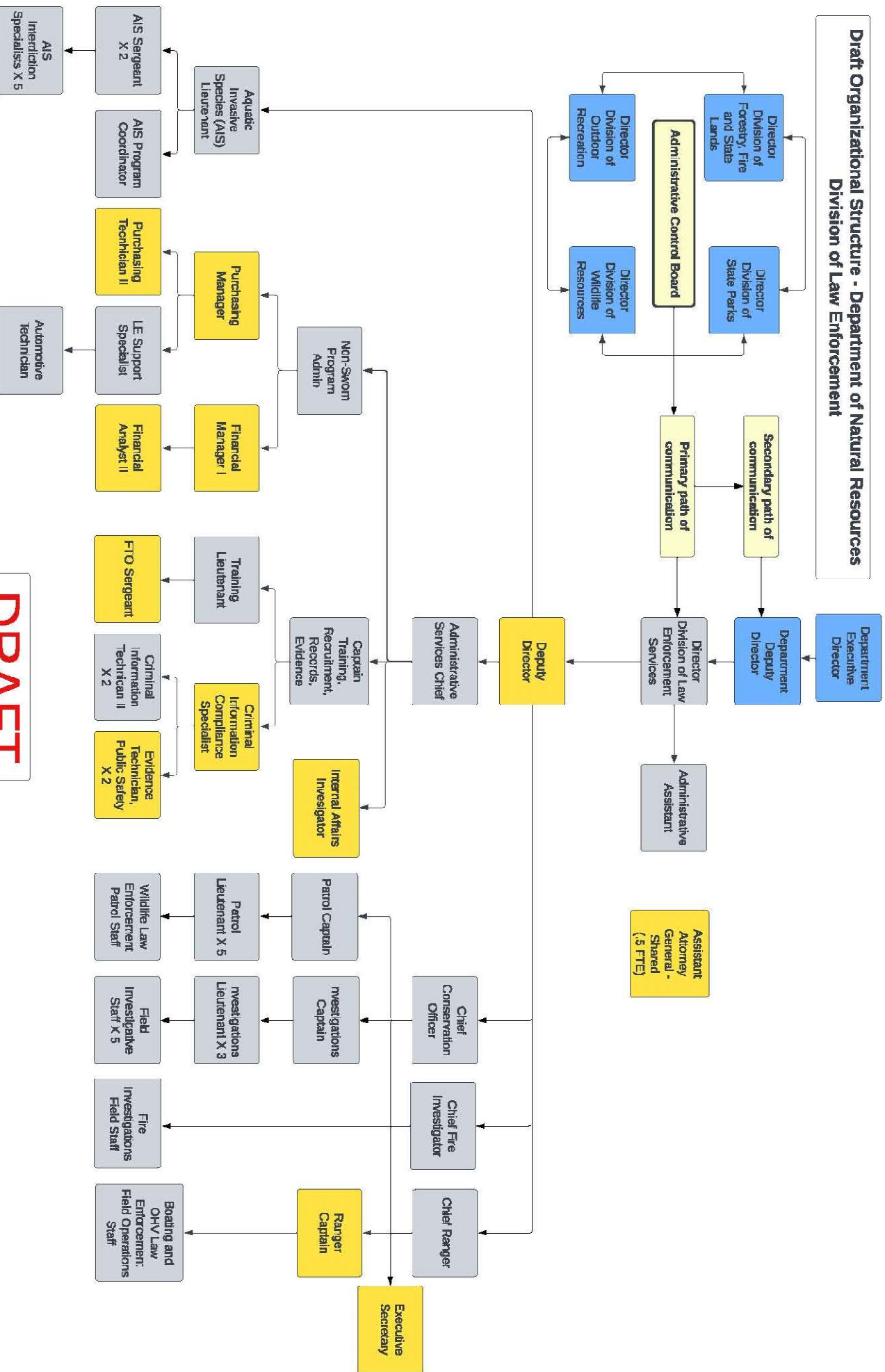
Further, consolidation committee members recommend:

1. Sworn supervisory staff continue to participate in the management division leadership or regional coordination meetings appropriate for their section assignment, and
2. Field supervisors remain embedded within existing regional office facilities around the state

To ensure the necessary understanding of resource management issues and open communication with resource management personnel continues.



Draft Organizational Structure - Department of Natural Resources Division of Law Enforcement



DRAFT

Efficiencies

One of the most obvious shortcomings of the disconnected law enforcement effort at DNR is the volume of duplicative administrative tasks completed within each program, oftentimes at significantly and unnecessarily increased cost by sworn staff.

Committee members uniformly agree that the creation and appropriate staffing of an administrative, or pooled services section, will streamline processes, minimize agency reliance upon costly sworn staff to perform administrative functions and enable law enforcement executives to focus upon program governance and ensure compliance with legislative and administrative obligations.

“Increased efficiency. With law enforcement personnel being more expensive than civilian personnel, a smaller number of officers results in savings to taxpayers. Currently Park officers and Wildlife officers spend time on non-law enforcement projects.... Having a smaller cadre of officers who do nothing but full-time enforcement should result in some budgetary savings. “

Legislative Audit, 2003

Sworn staff at the Division of State Parks are frequently tasked with park operation efforts. Duties vary, but can include equipment, facility and grounds maintenance, supervision of seasonal employees, and entrance fee collection.

The average annual cost of a sworn state park ranger is approximately \$160,000.00. A non-sworn employee, appropriately tasked and capable of carrying out such park operation duties, costs 30% less at minimum.

The current level of on-park law enforcement effort equates to eleven FTEs. The Committee recommends that twenty-six state park rangers could be assigned to the Boating/Off-Highway-Vehicle/On-Park Law Enforcement Section of DLE, with 26 funded by the Division of Outdoor Recreation and 11 by Division of State Parks. This shift represents a potential recapture of 2.4 million dollars in Division of State Parks funds, with no decrease in on-park law enforcement effort. Additional savings are likely to be realized over time, as various sworn park management staff are replaced with non-sworn personnel, and the number of public safety retirement-eligible employees are reduced.

Utah Retirement Systems staff suggest that divisions, such as State Parks, may choose to incentivize park management salaries with funds recaptured as retirement costs decrease due to fewer costly public safety

retirement eligible staff members. The respective divisions may also choose to retain the funds for programmatic use.

The Division of Wildlife Resources funds the vast majority of FTEs identified for transfer into the pooled services section. DWR stands to recapture some of the related funds as other management divisions cost share a representative percentage of pooled services personnel costs. The Committee recommends the law enforcement division should seek general fund monies, specifically to finance the pooled services section in future years. DNR could seek to secure additional general funds moving forward, which would free-up additional restricted dollars and further benefit management divisions.

The creation of the Division of Law Enforcement and adoption of data-driven approach to effort prioritization would increase organizational capacity and allow enforcement staff to better serve Utah citizens without additional personnel.



Law enforcement staff could also provide enforcement services to stakeholder divisions where limited ability currently exists. Examples include:

1. Water rights and oil, gas and mining violations
2. Antiquity and paleontology violations
3. Additional capacity to address criminal violations on state and sovereign lands, such as arson, timber theft, destruction of property, marijuana cultivation and resultant environmental damage and hazardous material dumping.

Multiple opportunities exist to share technologies or expand programs to wider segments of our constituency. For example, the Utah Turn in a Poacher (UTiP) hotline and TIP411 generate approximately one-quarter of DWR investigative caseload. The program could be expanded to allow for citizen reporting of boating, off highway vehicle and fire closure violations.

Funding

The Committee is committed to a net-neutral creation of the law enforcement division.

Field operations will be funded through an effort-driven billing model, with patrol staff recording work effort and Law Enforcement Division administrative staff billing management divisions for related costs.

Consolidation committee members acknowledge the critical importance of accurate time accounting, as allowable restricted fund expenditures are codified in law and significant federal matching funds could be at risk if not accurately accounted for.

Committee members recommend that the pooled services section be funded through a combination of funds recaptured through a reduction of total sworn FTEs, made possible through efficient tasking of sworn staff, and an increased reliance upon general fund monies.



Oversight

Management of operations, including budget, policy, procedure and personnel decisions within the Law Enforcement Division will be the responsibility of the POST-certified division director. This FTE, currently the department law enforcement director, would be transferred to the Law Enforcement Division.

Recreation and resource management divisions will continue to have significant administrative, budgetary and operational input. Formalized input from stakeholder divisions will be provided through the respective division director's involvement in an advisory governing body, the DNR Law Enforcement Division Administrative Control Board.

The Committee recommends that the Administrative Control Board membership should minimally include:

1. Forestry, Fire and State Lands Director, or designee
2. State Parks Director, or designee
3. Recreation Director, or designee
4. Wildlife Director, or designee

The role of the Administrative Control Board is to:

1. Develop specific goals and objectives that address resource protection, management and enforcement priorities.
2. Manage division non-law enforcement budget and administer related appropriations.
3. Provide recommendations regarding personnel and program expansion or modification.
4. Identify and proactively seek to resolve perceived service gaps with Law Enforcement Division command staff.
5. Seek redress for unresolved service issues through the department's executive leadership team.

Law enforcement division staff will provide frequent, quantitative, report management system (RMS)-derived statistical analysis briefings to ensure individual resource priorities are receiving appropriate attention. This will provide stakeholder divisions with significantly enhanced operational awareness, allowing decision makers to stay abreast of emergent resource and recreator trends, adjust and prioritize efforts accordingly.

Informal peer-to-peer input will be encouraged through law enforcement division staff's continued participation in local coordination and leadership team meetings and a continued staff presence in shared office facilities.



Culture

The law enforcement officers employed at the various divisions of the Department of Natural Resources are justifiably proud of the unique service they provide. Each division has cultivated a distinct brand and workplace culture, some aspects are positive and some not.



While the shift in organizational structure will allow the Law Enforcement Division to “put order to the conduct of operations, establish formal and uncomplicated communication pathways, and clearly delegate responsibility and authority”, necessary cultural change will be a longer-term process. Priority areas identified by consolidation committee member that require immediate attention include improved employee proficiency and increased emphasis placed upon professional standards of conduct and accountability.

As members of the once siloed programs consolidate, building and fostering mutual respect and support within the newly formed division will be critically important. Consolidation committee members agree this esprit de corp will undoubtedly develop under a unified mission, linear command structure and consistent standards for training, staff accountability and performance.

The organic elements of any organization are where the real potential lies – in the hearts and minds of the people in it - not in man-made structures. Oftentimes the organic elements make an organization successful despite a structure, not because of it. I believe that a structure should be put in place not to control, but to put order to its operations and to provide efficient and effective delivery of the type of service the public wants delivered. An organizational structure should be designed to bring out the best in people and the organization, enable efficient and effective achievement of Department goals, and best position the agency to be accountable for results the public expects. A structure must be designed to achieve all these outcomes, because ultimately these are what result in public support for the mission of the agency.

Chief Randy Stark
Retired Wisconsin Department of
Natural Resources

Summary

Consolidation committee members, law enforcement subject-matter experts with more than a century of collective experience, believe we can do better for Utah.

Opportunities abound which will allow leadership to leverage the collective strength of sworn personnel throughout the ranks, improve the quality and efficacy of service we deliver to our constituents and become more efficient in the process.

It seems appropriate to defer the final summary to DNR's first law enforcement director, the late Brant L. Johnson who wrote in 1996:

“The Department of Natural Resources Law Enforcement responsibilities is analogous to the delivery of a needed substance through a pipeline. Within the Department of Natural Resource, there are two relatively independent pipelines delivering natural resources law enforcement services to Utah’s citizens. The pipelines of the Division of Wildlife Resources and the Division of Parks and Recreation are running, for the most part, parallel to each other, competing for the same resources and providing the same service. Their operations are traditional, implementing the status Quo in a dynamic and changing environment, worn thin and subject to outside risk of breakage (if it) were exposed to stress. These lines can be continued as they are but that will require two separate maintenance crews to continue to patch, repair and keep them running. The flow to Utah’s citizens is slowed by the problems with the infrastructure and the buildup of deposits over time within the lines.

It is time to ask if we should continue to pay the maintenance costs with the existing delivery system; knowing that even if we haven’t had a major rupture, the system’s condition is such that one could occur at any place and at any time, or should we put the money into a shiny new single line, engineered to meet the needs of the future with one set of supervisors and the economy of proper scale.”

Director Johnson’s words are as true today as they were when written in 1996, though the risks associated with a failure to heed them today are unquestionably higher.

The Committee believes this is the optimal time for implementation. Doing so will create clarity of purpose, build alignment of mission, and generate movement on a paradigm shift deemed necessary nearly 30 years ago.



Reference Materials

1996 Law Enforcement Review

Status of Law Enforcement at the Utah Department of Natural Resources

Department Law Enforcement Realignment Meeting

Internal Survey of DWR Law Enforcement Officer Perceptions

2003 Legislative Study

A Study of Law Enforcement in Utah Department of Natural Resources and Comparison to Other States

2005 DNR Law Enforcement Goals and Action Plan Process

Proposed Goals and Action Plans for DNR Law Enforcement Services

2011 Utah State Parks Performance Audit

Report to the Utah Legislature Number 2011-03: A Performance Audit of Utah State Parks

2011 Law Enforcement Efficiencies Task Force

Department of Natural Resources Law Enforcement Efficiencies Report

Law Enforcement Efficiency Task Force Recommendations

2023 Law Enforcement Feasibility

Memo: Request to Study Internally the Feasibility of Law Enforcement Consolidation

Related State Code: Title 79, Part 2 — Department Creation and Administration

DNR Law Enforcement Unification

DNR Law Enforcement Feasibility Presentation (May 15, 2023)

Draft Organizational Chart

Estimated Pooled Services Costs

Department of Natural Resources Policy 102: The Role of Law Enforcement Within the Department of Natural Resources

Division of Wildlife Resources Policy 158: Law Enforcement Staff, Regional Responsibilities and Expectations

Utah Chiefs of Police Association Accreditation Standards 2021

DWR Specific Internal Law Enforcement Documents

Wildlife Law Enforcement, A Responsibility to the Environment (T. Dean Spackman, Assistant Chief, DWR Law Enforcement)

Utah's Conservation Officers: Their Role and Their Effectiveness

Reduction Enforce Memo: Law Enforcement Program (Robert Elswood, Law Enforcement Coordinator)

Memo: Section Status for Law Enforcement (Robert G. Valentine, DWR Director)

Regional Law Enforcement Programs Evaluation, Review and Recommendations (Evaluation and Review Committee, November 1995)

Memo: Adopting a New Rank Structure for Wildlife Law Enforcement (Robert G. Valentine, DWR Director)

DWR Law Enforcement Job Titles and Related Duties

Memo: Responsibilities When Called Out or Notified of Problems While Off Duty (Robert Elswood, Chief, Law Enforcement)

Memo: Law Enforcement Morale and Attitudes (Robert Elswood, Chief, Law Enforcement)

DWR Law Enforcement Excerpt from Richard Krannich Report — USU

The Perception of Division of Wildlife Resources Law Enforcement By Local, County and Municipal Law Enforcement Agencies (Wyatt Bubak, Conservation Officer, 2018)

Law Enforcement Organizational Structure

The Unique Role of Law Enforcement Organizations in a Democratic Society — Implications for Organizational Structure (Randy Stark, Chief Warden, WDNR)

Consolidation Related Internal Memos

DNR Law Enforcement Consolidation (John Kimball, DWR Director, January 23, 1997)

Centralization of All Law Enforcement Functions into a New Department Division (William Woody, DWR Captain, February 5, 1997)

DNR Law Enforcement Consolidation Proposal (Kevin Conway, DWR Captain, February 6, 1997)

Department of Natural Resources' Statement Pertaining to Public Safety and the Restructuring of Law Enforcement – Spring 1997 (Ted Steward, Executive Director, DNR, April 15, 1997)

Department Law Enforcement (Kathleen Clarke, Executive Director, DNR, September 11, 2000)