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WORKSHOP SUMMARY

Capacity Building for Micronesia Conservation Officers

Micronesia MPA Law Enforcement and Compliance Training Workshop Koror, Palau; March-April 2011

Workshop Summary:

The first of a series of regional Conservation Officer capacity-building workshops entitled “Marine Protected Area Law Enforcement and Compliance” was recently completed in Koror, Palau in April. Thirty-three conservation officers and program staff, hailing from Palau, Yap, Saipan, Chuuk, Pohnpei, Kosrae, the Marshall Islands, and American Samoa, participated in a week long training to learn or refresh skills and approaches important for enhancing law enforcement and compliance at their respective sites or jurisdictions. Given the diversity of participants, workshop trainers from the Guam Department of Agriculture’s Division of Aquatic and Wildlife Resources (DAWR) and the U.S. Marshals Service of Guam focused on general instruction that would allow Conservation Officers to be more confident, safer, and more effective when performing their duties.

Workshop training included sessions on officer safety and survival; outreach and education; report writing; patrolling and surveillance; dealing with suspected violators; and advice on how to ensure cases can be pursued to completion. Additional discussion centered on how to develop or refine Standard Operating Procedures (SOPs) to help site and program staff operate more efficiently. Outdoor scenario exercises and boat boarding activities presented participants with new techniques and advice from instructors in real-life settings.

Based on the training and consideration of their individual context, participants and instructors assessed current priority needs for enforcement and compliance in each jurisdiction. Draft site or program enforcement improvement plans were also initiated by participant teams. Moreover, the workshop activities and format allowed participants to get to know each other and share ideas about improving compliance and law enforcement for conservation among their respective programs. A certificate of completion, a workshop reception and an exchange visit for some of the participants to conservation areas in the states of Ngardmau and Hatohobei concluded the workshops activities.

Following the formal training, conservation officers discussed how they can work together and share opportunities to improve their skills and the effectiveness of their programs. Several ideas were presented on how to continue enforcement capacity building for sites and individual conservation officers, such as follow-on trainings conducted in jurisdictions, on-the-job officer exchanges with other agencies in the region, and plans for the development of a Conservation Officer specialty offered by the Police Academy taught at the Guam Community College.

The training workshop was conducted at the Palau International Coral Reef Center and supported by various partners including: the National Fish and Wildlife Foundation and NOAA’s Coral Reef Program, the Pacific Island Managed and Protected Area Community (PIMPAC) Network, the Palau Conservation Society, The Nature Conservancy, and Belau Locally Managed Marine Area (LMMA) Network.

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A. Workshop Opening by Delegate Wayne Andrew of Hatohobei State

B. House of Delegates Speaker Noah Idechong of Ngiwal gave a welcome.

Noah emphasized the importance of protecting human life over the life of the resources.

C. Overview of the Workshop and introduction of trainers, and acknowledged hosts and participants, and housekeeping

Workshop Trainers:

- Sgt. Mark Aguon and (title?) Michael Reyes of Guam Department of Agriculture, Division of Aquatic and Wildlife Resources, Law Enforcement Section and
- Capt. Joe Terlaje of U.S. Marshals Service of Guam

D. Overview of Training and Workshop Program

WORKSHOP OBJECTIVES: (from DAWR presentation)

1. Teach Conservation Officers basic enforcement skills allowing them to be confident to pursue cases to completion
2. Teach Officer Survival
3. Assist in developing an interim Standard Operating Procedure (SOP).
4. Improve relations between key community members and officers and identify ways the community can support enforcement.
5. Complete Capacity Assessment and Identify Gaps
6. Strengthen partnership between enforcement programs.

TRAINING TOPICS OVERVIEW:

1. What is "Effective Enforcement and Compliance"
2. Understanding Marine Protected Area Enforcement
3. Education and Outreach
4. Officer Survival 1: Use of Expandable Baton
5. Reasonable Suspicion, Probable Cause, Detainment and Arrests
6. Incident Report and Arrest Report Writing
7. Surveillance and Patrolling
8. Information from Informants
9. Officer Survival 2: Arrest Procedures/Handcuffing Techniques
10. Scenario and Reporting Exercises

11. Vessel Boarding and Exercises
12. Officer Survival 3: Precaution Against Knives and Edge Weapons
13. Issuing Citations
14. Court Appearances
15. Development of Standard Operating Procedures (SOPs)
16. Night Operation Exercise
17. Review of Site/Program Enforcement and Compliance Needs
18. Development of draft Site/Program Enforcement and Compliance Plans
19. Site Visit To Ngardmau Conservation Area

Discussion of the basic marine law enforcement and officer survival training that will be offered in this workshop. It was identified to be effective, that training should be:

- Recent – up to date training on state of the art for enforcement
- Relevant – must fit with the context of the local situation. Communications is critical
- Realistic – must fit with the context of what people do within the standard of the SOPs.

Will learn what is recommended in other jurisdictions – but take what can be used well to apply in their area.

The officers can provide more information on the different types of training and programs that are that is available to help build capacity for law enforcement in the region. <<See xxx for more information... example list of available courses relevant to marine law enforcement>>>

1. Discussion of Effective Enforcement

Discussion of What is “**Effective Enforcement**” and why is it important for effective marine management?

2. Understanding MPA Enforcement

3. Outreach and Education

Public Perception

- Our jobs place us in the public eye
 - It is important that we abide by the laws of our government and that we preserve the trust our communities put in us as law enforcement officers
- Maintain the Code of Ethics
- Be prepared to handle delicate situations
- Family or friend is observed violating the law
- Bribes offered
- Allegations of racial profiling
- Elderly and Disabled

Public Outreach

- A number of studies around the world have shown that education and outreach can be much more effective in reducing violations than enforcement alone
- Public outreach allows the Officers to interact with the public in a positive way that can build relationships and support compliance with laws.
- Outreach can include:
 - Brief friendly conversations during patrols
 - Remind citizens that they are in a marine protected area
 - Provide them with information about the MPA
- Participation in / Organization of Community Events
 - Earth Day Festivals
 - Beach Clean-Ups
 - Fiesta Events
 - Fishing Derbies

Has anyone done any public outreach programs? You've actually been doing it all your life by teaching your kids about preserving the resources. You're reaching to them, and reaching to that audience. When you do this at home you're doing it to a personal audience.

Community Education

- Classroom Presentations
 - Provide presentations about importance of protecting fish and wildlife
 - Overview of Fish and Wildlife Laws
 - Career Day Talks
 - Water Safety Demonstrations

Class presentations can be enlarged into seminars or workshops...

For example, we had a law against shark-fining come into legislation. 90% of those that testified for it to pass were in high school. They were fighting against the senators and the opposition. They stood their ground and it was very refreshing for us. We're actually getting through to them.

- Printed Materials
- User-Friendly Fishing Regulations
 - Marine Preserve Calendars
 - Man, Land, and Sea Articles
 - Press Releases

Questions and Discussion –

- **What is more effective education with adults or with youth?** It's easier to get kids excited about conservation than adults that are fishermen. You will need to spend more time and resources to reach individuals as adults. The best thing to do is to get involved. Spend time with fishing groups or clubs etc. Try to understand their concerns. Try to plant a small seed about conservation.
- **Education** – Having civic groups to do education programs is very useful. Try to link them to the MPA directly, through the education program. Church groups can adopt areas? Etc. etc.

Activities:

- Education and Outreach Practice
- Develop and deliver a short classroom presentation
- Demonstrate a “friendly” outreach encounter while on patrol
- Discuss materials that would be useful for education and outreach in Palau, Yap or other location in Micro/Polynesia.

4. OFFICER SURVIVAL: USE OF THE EXPANDABLE BATON (EB)

Participants moved to the Palau National Gymnasium to learn and practice skills in the use of the expandable baton.

5. REASONABLE SUSPICION, PROBABLE CAUSE, DETAINMENT AND ARRESTS

IMPORTANT: *None of the techniques taught in this course can be used unless it's in your department's or program's SOP. If it's legal and feasible to use some of these approaches/skills in your jurisdiction for the purposes of your work, then work with your supervisors to integrate them into your SOP. If you do not have authority to apply the skills/approaches that you will be taught, then work with your elected officials to gain the proper authority to apply the appropriate law enforcement skills and approaches for your area.*

If you don't have a SOP yet, then this workshop and the training officers will help you to start one. Follow-up to departments and sites will be provided by the various agencies and programs involved. In the US, detainment (Stop and Frisk) requires only reasonable suspicion, rather than probable cause as arrests do.

*****This presentation applies to the laws of the U.S. and therefore also to Guam, American Samoa and CNMI. If you're from another jurisdiction....**

In several States in the US, Stop and Frisk Laws:

- Allow an officer to stop a person based on reasonable suspicion in a public place and ask questions to determine if the person has committed or is about to commit a crime;
- Allow an officer to search the person for deadly weapons if the officer has reasonable concern for their own personal safety;
- Does not constitute an arrest (but comes under the US Fourth Amendment) and therefore can be justified on less than probable cause;
- Officers must be able to point to specific and articulable facts to justify the suspicion and
- After the stop, the officer may frisk the person if he suspects danger to his person or others.

Additional information on Stop and Frisk procedures were provided to the class.

Questions from Participants:

Participants had many questions related to “Probable Cause” and other topics.

6. INCIDENT AND ARREST REPORTS

Incident Reports (IRs)

All that you need to do is answer: who, what, where, when and how the incident happened.

Condensing this information down into one paragraph is recommended. If you have a lot to report two paragraphs are okay.

They can identify your shortfalls or problems with your equipment.

IR's should usually be written and ready to be presented during the next morning's briefing.

Arrest Reports (ARs)

Recommendations on Reporting from Instructors –

- A daily patrol report may become too detailed, tiring, and a burden in terms of record keeping.
- But may be good to do either a logbook – or a daily notebook.
- The arrest report format can be used for incident reports. But generally an incident report will be simpler.

Questions – about the timing for report writing.... ?

Always put: Year, date, & time.

Best to list...

- Case Number
- Date
- Time
- Place

Making and Recording Observations

USUALLY MAKE OBSERVATIONS BASED ON APPROXIMATE TIMES SINCE EVERYONE'S WATCH WILL SHOW A DIFFERENT TIME. NEVER SAY OR WRITE DOWN – “EXACTLY” OR A SPECIFIC TIME. This might be used against the case in court.

ALWAYS TAKE A 360 VIEW PHOTOGRAPH OF THE AREA (THE CRIME SCENE).

What is considered the crime scene? The area where the crime happens. But the area where the person is arrested is a secondary scene.

Add supplement report (SR) – to the arrest report.

What if you go to someone's house – after they have left an area because it seems that it's dangerous. But if you don't find the gear or evidence. It may be very difficult to prove and win the case.

Your Observation needs to be very, very strong. Your credibility must be very high.

Homework

Homework was assigned on writing **an incident report** of a scenario that happened during the workshop.

Summary of the Day

Always practice. If you have free time, you're allowing your skills to die.

When you are issued your weapons remember not to use them carelessly. **Do not engage in horseplay, not even in the office. Your training will make you react; so never engage in horseplay!** Not even hand-to-hand. You could break a colleague's arm or leg.

Participant Feedback of Day One, March 28, 2011

Thomas from Nimpal: "The training is very helpful to the participants from Yap. They may not use all the techniques but there are other things they may apply and help with their situation."

Ameilik State -- From Palau – "Training is useful and hopefully can apply in their work."

American Samoa – "remind yourself to take it serious. Its not a game. It's a weapon. Take it inside of you and don't make it

Arai State – the information they gave will be useful as a reference after they go.

Ngarchelong State – So far it's very useful

Yap – Vanessa – glad that this has worked out. When first came up with the proposal, they were trying to figure out how to do the workshop and it ended up coming up with a good approach. Will take home some key aspects of this to apply.

Man - who got hurt (John). Make sure to emphasize safety.

7. Surveillance and Patrols

Deterrence

- Deter through Visibility
 - Being in the public view sometimes helps to deter violations within the marine preserves
- Visible Patrols
- Interactions with Officers and Community
- Public Outreach (Educational)

Covert Operations

- When all else fails and violators insist on violating the MPA laws officers may need to revert to covert operations
 - Night enforcement
 - Stakeouts

- Low Profile Tactics

a. Night Enforcement

- Some violators will try to use the cover of night to sneak into the MPA
- When an MPA is patrolled at night, violators tend to think twice before entering a preserve
- Officers need to position themselves in an area where they can watch for these violators undetected. Officers should position themselves so that they are able to maintain visual contact with the violators at all times. This may be a relay between a number of officers until the violators can be apprehended.

b. Stakeouts

- Positioning of official vehicles
 - Away from violator's view
 - Be mindful of spotters
- Officers on foot (where practical)
 - Good to have at least one officer on foot out of view of violator with radio communications
- Radio Communications
 - Field Notes / Timeline of sequence of events

c. Low Profile Tactics

- Undercover operations
- Concealment

Comment from biologist: I thought that the surveillance demonstration was very interesting. It can be applied to anything, even tagging a species. You still have to do all the prepping and the planning so that you don't lose your vessel, or you don't lose the animal that you're working on. It's all about safety and precision.

8. Information Received

- Call Ins / Anonymous Tips
 - Be sure to get detailed Information:
 - Date
 - Time
 - Place
 - Description of Violator
 - Description of Vehicle/Vessel
- Informants
 - Corroborate Information Received by Officer observation
 - Conduct Follow-up Investigations of information received
 - Notify necessary component of section of information received for scheduling purposes

Discussion and Questions on Surveillance and Patrolling:

Instructors Questions:

1. What does it mean to gather intelligence? To gather information about a possible crime or information that may tip you off that a crime may happen.
2. What are high crime impact areas? Areas where there are a lot of violations. These areas should be patrolled more regularly.

Discussion on Surveillance/Patrolling Planning and Preparation:

1. Identifying the command structure is very important
2. How best to approach boats – do approach from the front or back? This will be addressed during the boat boarding practice.
3. Need camera or recording devices.

Equipment Needed:

Get the best equipment that you can. If you feel that you need better equipment in order to preform your job properly, inform your boss and explain why you feel you need it. Give specific reasons. Once you have that equipment make sure you justify your having the equipment. Show that you are using it effectively and provide specific examples of the ways you are using it.

- List of items discussed during the workshop:
 - zip cuffs
 - Night-vision binoculars
 - etc.
 - Thermal imagery cameras/vision: Registers body heat.

Remember: Officer safety is most important. “We have a dangerous job. But, at the same time, the government didn't provide me with the equipment that I needed or that I wanted at the time, which was a bulletproof vest. What I did was I went out on my own, took money out of my own pocket, and I bought a level 4 bulletproof vest. 4000 dollars. Now you ask yourselves, 'Is it a good investment?' Remember the priority of life. Officer safety. Get the equipment that you need so that you can go out to the mission and then go back to your kids and your wife.”

Execution:

One of the most important things is to maintain a constant surveillance – visual contact with the vessel or individual

Must keep constant radio contact. Eliminate all unnecessary radio contact.

When doing surveillance, you should not be seen. If you need to hide in the brush in order to remain unseen, do it. It is important that you do what you need to in order to continue your surveillance until you are sure that the suspect is or isn't doing something illegal.

**If you have decided to move in on a suspect, you need to tell the other officers you are will to...?,
“Move, move, move!”**

9. OFFICER SURVIVAL: ARREST PROCEDURES and HANDCUFFING TECHNIQUES

Training completed on Handcuffing technique -

In today's class I am going to show you and justify every move we make (*when applying handcuffs).

Demonstration of technique

(Person has hands behind back and is bent slightly forward). Officer is behind him and is holding the man's right hand with his left. Officer's handcuffs are in right hand.) What we're going to do here is we're going to "double push".

Don't let handcuffs go when clamping the handcuffs closed. Use the opposite hand (*from the one holding the handcuffs) and close.

Now, what I'm going to do is (*reach for his other hand) and (*close the cuffs around their other hand).

CAUTION: Be very careful and attentive while you're handcuffing a suspect. When you handcuff someone they become your responsibility and you could be held liable for any unnecessary injuries. There are many things that could happen if the suspect is able to prove without a doubt that you caused them unnecessary harm or that they were a victim of police brutality. These consequences include, but are not limited to: losing your court case or being sued and/or losing your job.

Sometimes you need double or triple cuffs, depending on the resources.

You need to be creative in your ways. Let's say you don't have handcuffs that can fit this guy. What can you do?

Always treat the person you are detaining with respect. You are no better than them and they are no better than you. However, the suspect is going to dictate the level that you operate on. If a suspect is being very belligerent, you must be able to show that you do not condone and will not tolerate that behavior.

SCENARIO: The other day I was in the store when an ex-suspect looked at me and said, "Hey Marshal!" I looked at him like, "Oh, wow. I recognize you." It's a small world; we don't know who we're going to come across. Then the guy comes up to me and I shake his hand. He's a guy that I arrested for ice back home but, he respected me because I respected him. I'm only human. Although I had to get him in the car and handcuff him, I still treated him with dignity and respect. That's how everybody should carry out their duties. Can you imagine if I'd treated that guy badly and slapped him around and he comes up to Palau? He would probably have gotten a knife and cut me.

SENARIO: I once had to arrest a lady who was really combative. I had to be a little rough with her in order to get her into custody and she actually told me, "I'm a lady. I expect to be treated like one." I responded, "I'll start treating you like a lady when you start acting like a lady." The suspect is going to determine how you will act as you're detaining them. As a general rule your energy level should be one above theirs. If they are being aggressive, you must show that you are more aggressive. Conversely, if they are being cooperative and respectful it is good to show them that you can be, at least, as respectful.

We don't shoot to kill, we shoot to stop the threat. In some jurisdictions an officer needs to wait until shots are fired at him before he can fire back. Here, if you can see that a suspect intends to cause you

harm, it is okay to neutralize that danger as best you know how. It would be a good idea for you to read your firearms policy. In this policy it says, "Shoot to stop."

Question: What if he has no weapon, but I know that he is good at hand to hand combat ?

In that case, the suspect's body could be considered a deadly weapon. However, you can't just shoot him because you know he's dangerous. If it becomes obvious that he is trying to cause you harm with his body, you can neutralize him, but you're going to have to be able to explain in court that you knew he was a threat because of intelligence that you had gathered. Always have proof that the suspect is dangerous, even without a weapon, because if you end up in court, you're going to have to explain why you shot someone that had no firearms on their person.

Be careful because you could be found guilty of using unnecessary force.

Question: Are you accountable for your bullets every time you fire?

Yes you are. Your gun is government issued, which means that you are accountable for it and the bullets that come out of it. If I'm given forty-five bullets to carry and I get into a shooting, I have to know how many shots were I fired, where they went, etc.

If you discharge your weapon, there are certain things that happen. Reports are generated immediately. They go from the officer, to the supervisor, to me *** (3/31/11 folder xiv approx. 0:00:35- what is this officer's position?) to the chief, to the director. We take any discharge of a firearm seriously.

Question: What if you're off duty and you hear on the radio that someone with a deadly weapon has become a threat to others? Do we try to assist officers that are on duty?

Definitely. We work 24/7. According to our SOP we're supposed to carry a gun at all times, though it is understandable that you may not want to have one on your person if you are out with your family on your off day. However, that is the time when you should really be carrying one because the lives of your loved ones may be at stake if an unruly ex-suspect decides to try to get revenge.

Orientation Given for Night Operations

10. Scenario and Reporting Exercises

In the afternoon... Real life scenario

Review of Scenario Exercises:

Things are Never Perfect... Situations always change and we need to learn how to adapt. Always adapt. Adapt and overcome.

You're a special breed. Conservation Law. Not everyone wants to do this job. Not every one is brave enough to take on your responsibilities.

Once the government is in a position to offer you weapons, we will come back and I guarantee it will not be easy. I will guarantee I will put a purple bruise on your should and you will loose weight. Because I need to ask myself, I am healthy enough to save my partners life? Or am I healthy enough to save my own life... Try to stay as fit as you can.

Tonight's Homework: Writing Assignment

One paragraph what you saw you at the gym.

Team A: Scenario Report from the day. With a supplemental report.

What we are trying to do is instill the method in your system... and its up to you to improve, improve, and improve it. Don't ever tell anyone that you have free time... that means you're not training. If you are not enforcing, you should be training; if you are not training you should be learning. Practice with your colleagues and at home. Get a toy bat or a stick and practice your MEB moves. Don't let your skills die. Talk to each other continue, continue, continue, because we do it all the time. Remember, the skills you learn are perishable.

When you are issued weapons, NEVER, NEVER, horseplay with weapons in the office or outside. In Guam we lost two cops from horseplay. Your training will make you react. Not even on simple hand to hand, you could break his arm or leg. So NEVER, NEVER, NEVER horseplay with weapons. We are taking you to the next level. We will change you to where your government will recognize you as a conservation law officer. You will leave this course as a changed person.

When writing an operation order, remember that the mission itself is most important and that a lot of attention should be spend on spelling out the objective of the mission. It also includes the execution, including when the operation should start. This is why it's so critical for everyone involved in a mission to be on time.

- mission
- execution
- what to do when suspects are encountered
- tells officer whether or not the property the mission is taking place on is private or public, tells whether land owner was informed, and gives land owners contact information.
- supplies
- vehicles
- command structure
- gives weather forecast for the particular day
- medical information

This way everyone knows what is expected of them on the day of the mission.

Until the mission is completed, this document shouldn't be seen by other people. When it is written, it becomes confidential and is shared on a strictly need to know basis.

If an officer comes to a mission unprepared, it puts a burden on all of the other officers who are involved in a mission. If an unprepared officer shows up on the day of an 18 hour mission without any food, water, shelter or rain gear, the other officers are going to have to struggle even more just to make sure that the officer survives. This is not a good position to put your colleagues in. It's important to realize that this job is inherently dangerous. An unprepared officer makes the job even more dangerous for everyone.

Questions by Participants:

What is the penalty for illegal fishing in GUA?
--

It can be from 50 to 1000 USD. A lot of time the crimes don't go to court. Can include confiscation of gear. This is civil penalty.

They file both criminal and civil penalties.

Advice on Penalties - Mike R. suggests that it be a citation – with a schedule. This way the judge has no discretion on changing the penalty. If they have the option of putting in a civil forfeiture – (confiscate their car etc.).

Once the government closes a case and wins the property becomes the property of GUAM Government.

What do you do with the evidence – after it's finished? – Have to make it into fertilizer – cannot give away for human consumption.

Have an education campaign before enforcement starts – and document this!!!

On a surveillance operation, there will be one person who is in charge of the notes and report. The other officers may have to do a supplemental report.

If you are the Law Enforcement Officer and someone comes to fish – should you stop them? You don't have to. (but Scott to add – it may be a good idea to reduce confusion and problems).

Press Release – is made for each person that is arrested. This is a matter of public record.

Check your SOP's – must be in the SOP.

The press release should state the Law that was violated. This helps with Outreach.

QUESTION BY THE INSTRUCTORS

What do the Participants do in Terms of Surveillance?

1. Osamu – participated in surveillance for illegal fishing. They did IRs because do not have authority for arresting.
2. From Chuuk – there are many dynamite fishers. Every time we go out – ask the police officers to be available so they can enforce adequately
3. Airai Sate – does have citations – They interview, do the IR report and issue citation. But the citation doesn't get into the court calendar. Doesn't get into the national court calendar
4. Peliliu Rangers – They secured the conservation officers. They are posted right near a conservation area. They can do surveillance from their office. A few years ago there were 8 or 10 people – they know there is not much power to the citation. So arranged with national police - to come with them. Took poachers to the dock. There were illegal fish –State level citations – don't work well. Called conservation officers and gave national level citations. Took it up to the next level, by networking with the national police.

Instructors

Can have a memorandum of understanding with national level.

Make your contacts with other enforcement agents (customs, immigration, airport security, patrol boat, etc.

QUESTION – DO THE INSTRUCTORS HAVE CITATION FORMS FOR EXAMPLE -- YES !

Review of Day Two, Tuesday March 29, 2011:

Richard – from Palau – Peleliu:

We learned a lot because there were some mistakes. Maybe more than we did right. But it worked out well because they were taught. Don't dwell on what we did wrong.

American Samoa:

We do surveillance at home but not in the way that we were trained yesterday. He is going to take all this information home with him. The more training you have the better you will be. He will develop a training plan when he gets home.

CNMI:

They also do some surveillance back home. They had some communication problems yesterday. So they learned from it.

Ngerchelung State :

We have a little training. It's all new to them. They learned so much.

Need to focus on being on time. Don't dwell on it. But be on time.

Try and train as much as you can.

Airai State –

Amilik State : Appreciate your time for coming to Guam. I am from Palau and for the last ten years I have never been to that Part of Palau so thank you.

Mark : “Get rid of those boundaries. ... let your bosses worry about. That's how serious this should be.”

Just wanted to thank the guys for coming. Also, he is from Palau – but he had not been to that area of Palau for 10 years. So it was great to get to go there.

Mark – break down the borders. Connect with your Brothers and Sisters.

Thomas G. from Yap :

In regard to the drill we had yesterday – its very helpful to most of us. We experienced the same situation back home where they have the MPA. They never do surveillance like they did yesterday but similar. We always try to look at the fishermen around the MPA and try to identify the activity.

To get a good idea of who the fishermen are and find out which stores are selling the fish.

For those of us that are new to this kind of work, you get nervous and you can forget a very useful piece of equipment.

Thomas is also a Municipal police this will help with that.

Communication equipment is critical.

Thomas G.: “We experienced the same situation back home where we have an MPA we don't come up to do surveillance as we did yesterday, but we do in a similar way. We always look at to study the fishermen that come to the area around the MPA. We have binoculars to see the activities and see the fishermen. So later on when something happens, you might have a good idea of who the fishermen might be and we also call the stores that mostly sell the fish... so we get good information, who brought the fish today or yesterday. But overall, I think the drill we did yesterday was very helpful, It make us

adjust to the situation. I know for those of us who are new to this type of work, you get nervous and all that stuff, and you can very easily forget very useful piece of equipment that you need with you out there. From my other side of my experience, we did this because I am also a municipal police officer, we assist the state police when they are short of man power, we do exercises similar to yesterday when there is an escape of a prisoner, etc.

Mark: You can adapt this to anything... what did I get out of yesterday. Education and Outreach, getting to know the local vendor, guys the prime way to find out who is in your water: communication equipment; those are the things that you need to know. If you got the money, spend the money, OK. You got to give these guys an idea of what they can do for you. There are people here that are asking "what can I do for you?". You in your mind as an officer, give them your shortfalls. Explain to them why I need that night vision."

Thomas G.: the community has very little resource and we know those things are expensive. So we don't want to spend a lot of money on things are expensive - if we can't maintain it. Joey – have to change the mind-set. Remember the priority of life. Remember that Officer Safety is the number one priority. Example – Joey used his own money to buy a bullet proof vest. Have to be sure that you have the equipment that you need.

Vanessa Yap :

Safety is our number one priority. The outreach section is very useful and applicable to everyone. You are doing the outreach every day.

11. Vessel Boarding

1. When leaving the dock to get into your own boat, be very cautious.

Comment: You must learn to think of simple things like: Bringing extra PFDs for others or remembering to be very cautious when getting into a boat. "Everybody in here was a superman, getting ready to just jump from the cement into the boat. Hopefully there will be a lesson learned from somebody that you don't know and then you're going to remember this: sit down before you get into the boat. You don't know if your partner changed the oil and spilled something slippery. Is it really worth it to not be able to move your arms and legs because you broke your neck?"

Comment: "I think the reason why we weren't being careful was because we were doing it (entering the boat) wrong. It wasn't second nature to us. We don't talk like we're supposed to, we don't act like we're supposed to and we're not thinking about what we're going to do next. If we practice, I'm sure we will be able to just do it like (snaps fingers) that."

2. **We only stop and board vessels when we are sure that they are doing something illegal.**

When we are sure that means that we have probable cause: we're absolutely sure something happened. We were watching from a secret location or came upon the offender and saw him commit a violation.

- a. We know there was a violation committed
- b. We know he was in an area where he should not be.

For example: "We've spotted a vessel... We're not sure what we're looking at, we just know that there's a vessel in the reserve. "

3. You need to establish probable cause before you stop and board a vessel.

You need to ask yourselves questions like these:

- Does it look like the vessel is being used as a fishing vessel?
- Is the vessel in a restricted area?
- Has the vessel been in the area for quite a while? This may mean that it has broken down. However, if the vessel begins to operate again, there is cause for an investigation. When it comes in from open water it should be checked. If there is probable cause or likely suspicion that any aquatic life in the boat was harvested illegally, then the fisherman should be taken into custody.

A reporter said "Yeah, I heard you guys are unforgiving." We work very hard to try to protect our resources. We have one guy that says, "If your feet are wet, you're mine." Meaning, if you're in the marine preserve and you're fishing, you've got no chance. You're under arrest.

4. If you are understaffed and the danger seems greater than you can address, then you should not board the boat

Example "Somebody in this class that got on a ship and the ship took off with him. Nobody was in his boat, so he had to jump off the ship to save his own life and get back to his patrol boat. Don't ever put yourself in danger like this."

If you see that they're using or likely to have firearms onboard and you are not well equipped to deal with such a threat, then back off and call in help.

Many times there will be only two people on a patrol boat. If it is possible to keep yourself at a safe distance and simply inform the offending vessel of that they are doing something illegal, you should do that.

Only turn off your engine if you are in a safe area.

5. First priority is your safety, second is the fisherman's safety

Give as many instructions as possible from as far a distance as possible:

Ask for information, ask questions or give instructions before approaching. Call over your PA system or megaphone for the offending boat to shut off its engine.

Ask if there's anyone else on the boat. If they say that there isn't and someone suddenly jumps out of hiding later, it should be taken as an act of aggression. Don't automatically attempt to arrest or hit him, but be prepared to respond in an appropriate manner.

Ask all fishermen to first congregate on deck at the back of their boat because it's the biggest and clearest area. It is easiest to see everyone there. Also, when you board the vessel, stay with your crew. Don't mix with member of the vessel you've boarded as this can cause confusion.

Tell them to lift their hands and their shirts so that you can make sure that everyone is unarmed.

Ask if they have any weapons or spear guns. Make sure you ask again to give them time to find anything dangerous, or to think of where their equipment might be. They may also be reluctant to give up their tools, which we consider to be weapons.

Consider distance and equipment: A spear gun usually has a 6-8 foot accuracy range. If there are two rubbers on the spear gun that range may be increased to ten feet. This would mean that it is inaccurate at around 12 feet. An officer that is keeping safety in mind will try to stay 13 feet away.

Remember, there are some fishermen don't swim. Do what you can to keep anyone from exiting the offending boat and watch to see if anyone is trying to abandon the vessel.

6. Make sure you have identified the right boat.

Get the registration number, type boat, color, number of engines, any other distinguishing features, etc.

Perhaps you are responding to a complaint that a fisherman is going to dynamite fish in a restricted area. When you come into contact with what you suspect to be the offending boat, you need to make sure that it matches the description you were given. e.g. Does it have a deep V hull or distinct markings? This helps to establish probable cause.

If you were doing IR's for a couple of months and the same boat keeps coming back, that becomes your target boat now. That should tell you what number you're looking for, what color, what size...etc. The number of people on the boat may change, you can adapt to that.

Identify and confirm, especially if you're dealing with a repeat offender. Don't let him on to you're intentions to capture him. It's important not to give yourself away.

7. As you are approaching, talk to your crew and set up an escape plan.

When approach a vessel and you are hull to hull. **Never ask the suspect to secure your line to his boat. Always be ready to man the line. Never use the other boats lines!!**

8. Before you ever attempt to stop or step foot on a vessel, call it in.

Call in the location, the number of suspects, and the description of the vessel to your headquarters. Get the registration number, the color and make.

This may save your life. Remember, what is most important is documentation: location, number of suspects, description of the vessel (he may have changed stickers or changed his engine at the last minute), take down the number on the boat.

9. When you stop a vessel, you identify yourself clearly first.

Identify yourself clearly and your boat (with appropriate signage on your boat).

You need a good PA system. Give the reason why they are being stopped. e.g. "You are fishing in a marine reserve. This is a marine reserve."

This may be done by radio if you can contact the offending boat in that manner. This way you can hear their response without having to be close.

You can say, "You are fishing in a restricted area. You need to get out of the water."

The offending boat may respond with something like, "I've seen other people fishing here before. I'm going to stay."

10. You should try to receive or build consent before boarding the boat. The consent should be oral and it can be slang etc. but it should be oral confirmation.

Be firm and authoritative. You want compliance, right? You're going to have to be like the father of the family. You don't beg your kids to do the right thing. You teach them. Sometimes you have to be a little bit firm, not disrespectful, just firm.

Whether you have probable cause or not, it is okay to try to get consent to board an offending boat.

Sometimes even if they are doing something wrong, they will accidentally agree to let conservation officers aboard.

Even if they answer you in slang, that's okay - it is still a form of "yes" or "no"

The consent MUST be verbalized. Witnesses must be able to hear the offending boat give it's consent.

In Guam we have captain sign a form of consent afterwards. ...So in Guam, they have a consent form. Make sure they sign before you get on board.

11. Once you get consent and before boarding, you need to be aware of and try to recognize any potential danger.

What are you looking for: knives, spear guns, baseball bat, sticks, fish hooks – anything that may be used as a weapon against you.

If you are training someone who is inexperienced in vessel boarding, do a quick survey of the area to make sure that it is safe. Look at the surrounding area. Will you need to step on something that is covered with algae? Are you going to slip and break your hand? Always be on the look out for safety hazards.

12. Eyes must remain on the suspects and watch the boat.

Watch their eyes, their behavior, what they have on the boat, what the boat is doing... use your eyes. They may be planning to ambush or attack you when you board the vessel.

13. Ask the suspects to lift their shirt.

Even women. You have to be especially careful with female suspects because you can make the

assumption that they do not pose a threat and they can.

Females do not have to lift their shirts above their breast line. Remember, everyone is a threat. Law enforcement officers die when they let their guards down, as they often do with females.

You will lose your life if you do not change the way you think. Recognize danger and do not be blinded by conventional thinking.

14. Continue to Watch the suspect’s demeanor.

Do not approach until its safe. Please don’t take anything for granted. Even friends and relatives can be a threat.

15. Always speak with respect.

Do not be passive. You must change your wording to show that you mean business. However, remember that these are your brothers and sisters that you are speaking to. Do not be unkind to anyone, but you must always show that you are an authority figure.

Question: What about the communication to the station?

When we arrive at location we will call it in: “We’ve arrived at location.” The second thing we will do is call in when we observe the boat: “We’ve observed a boat that we suspect is performing illegal activities.” The third call is when we’re making our approach. The reason why we wait to communicate to the base until after we have apprehended the suspect and have him safely on our vessel is that we will need to keep communicating with each other up until that point. The base can wait. After we board the vessel, secure our guy and bring him aboard, but before we leave the area, we can call the base: “We have one suspect. We are returning to base.” That’s the communication chain link. It’s in chronological order just like the report. One step at a time. You communicate (1) when you arrive, (2) when you arrest or detain, (3) and when you leave.

Comment made by biologist: The boarding exercise was very interesting. It was very applicable to anything that you do on a boat, anywhere. So, even if we’re going to do surveys or specific research projects, etc, ocean safety is very important. We started that as soon as we were boarding the vessel from the dock: how to properly board and the hazards that are there. Things that we wouldn’t think about at the time, but that could happen. You never know.

Participant QUESTIONS

- | |
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| <p>1. What do you do if the vessel takes off?</p> <p>First you have to ask your team...</p> <p>Do you have enough gas?</p> <p>Can you catch him (do you have enough HP)?</p> <p>Can someone else pick him up? Radio to see if anyone else is around....</p> <p>Get together and map out the islands – for jurisdictions to cover for patrol. Don’t break the communication between each other.</p> <p>2. What if you ask to board the boat, but they say “No”?</p> |
|--|

If you have probable cause, it doesn't matter whether or not they want you to board their boat and arrest the operator. You have the law on your side.

If it seems as if the offending fisherman is agitated, you don't need to force yourself onto him. It may be dangerous. You can ask for permission to board more than once.

3. Example – you don't have probably cause. Say you are doing random inspections?

If you ask permission to board and he says yes, then its OK. But in court he may change his line on the stand.

So in Guam, they have a consent form. They make sure they sign before they get on board.

4. Search Warrant.

If you have enough intelligence that there may be a crime, you can get a search warrant. If you find a different crime you may have to refer to another authority.

OK, so how do you safely board and clear a vessel?

Vessel Boarding Diagrams

16. Divide the vessel into sections like a pie. (NEED MORE EXPLANATION ON THIS).

Before you approach the vessel you should know what techniques that you're going to use to operate safely during vessel boarding.

Think of the vessel as a pie.

Your team will have a zone of observation, in which they will be responsible for recognizing any danger.

Each piece of the pie is a team's responsibility.

The captain's job is to watch the entire boat.

Preferably, the pie method of observation will be used by a four-man team.

Open cabin vs bigger boats.

17. Never enter a danger zone by yourself.

The doorway will be observed by your captain because everyone will be busy clearing people off of the boat.

When you get into the danger zone you're going to go in pairs.

Don't ever pass a storage cabinet or room without checking it. One partner will provide cover while the other checks to see if the space is clear.

18. When you stop a vessel, you must eliminate all possible threats.

Make sure there is no one hiding to hurt you.

Never take any compartment for granted, even something that is not attached to the boat, like a cooler. Any compartment could contain something dangerous.

Extraction: Whether there are multiple suspects, or just one, when they are being extracted from their boat and put onto ours, they will first need to congregate at the front of our ship. However, they will not stay there. Once it is time for us to go back in to shore, the suspects will be placed just in front of the console. We never want to place suspects behind the captain. He is the boat operator and should never be put in danger. The back of the boat is not an option.

If you are using a special boat which is not designed to hold anyone in front, it will most likely have a compartment or holding cell to keep suspects in.

Let's say you open the cabin and you see explosives, used for fishing. You stop – period. Back out. Every body comes off the boat. Need to get the explosives clear.

Don't touch it. Identify it and get your crew off the boat right away. If you see something that looks like an explosive (eg. it may have a detonator and wire), don't just close it and walk out. GET OUT QUICKLY. Secure the perimeter. Make sure no one goes in or out.

Get a bomb squad, a group of professionals that are trained in handling explosives, to come and eliminate the threat to human life.

Are you going to leave the owner and crew of the offending vessel alone on their boat with what may be a bomb? No. You will need to take them off of their boat and put them in yours. This is what is called a dynamic extraction.

Review Approach and Boarding Plan: {{Different Session from above?}}

Check to make sure you have all your equipment (flash light, binoculars, evidence bag, note book). Have a container to collect the evidence – like the fish – bag it and tag it.

Before you even leave the office you should have your plan firm and clear. Your team and their roles should be identified. Under most circumstances this will be done by your supervisor. Sometimes the investigator or case agent will be taking the lead. A supervisor doesn't necessarily need to be in charge on every case.

The “who”, “what”, “whens”, and “whys” should all be discussed during the briefing.

Remember to bring: a flashlight, food and water, a container in which to keep confiscated evidence (fish or other captured marine life) fresh. You need to properly bag and tag evidence. You never want to compromise your evidence by failing to take care of it.

19. The Approach

– Approach the boat to get an idea if there is anything unsafe about the boat. Figure out how many people are on the vessel.

Do a 360 degree check of the vessel. From behind, check on either side of the boat, trying to make sure that the captain of the offending vessel does not see you. You are doing this to make sure that there is no one else on the boat. This is part of the pie method of checking the vessel for danger.

20. From a safe distance announce yourself. – Announce with PA or blue light....and hit siren. If the vessel stops – first perform a 360 pass round the boat to check for danger and assess the situation.

Identify yourself using a PA system (“Conservation officer, stop your vessel!”) and your emergency lights. Turn on your siren. The offending vessel will then either turn around and stop, or will try to get away. If the vessel does the latter, it usually means he has something to hide.

21. Approach the vessel using protection (like the console of the boat).

As your boat approaches theirs you must stand in a safe place. Do not stand, uncovered, at the front of your vessel. Remember, even if the captain and/or crew of the boat appear to be friendly, you should still protect yourself. A captain may have his hands up in the air or be waving you over, but this doesn't mean that he may not also have a secret signal that his crew is watching for. If they are in hiding, they may attack when they see this signal. Always be prepared for the unexpected and never take things at face value.

22. If you see any sort of threat – like someone lying down, communicate it to the team and back off.

If you see something dangerous or suspicious, let everyone else on your team know what you see. There may be instances where you see something dangerous very clearly, but your other team members aren't in the position to see it at all. Keep open lines of communication with those that you are working with as often as possible, if not at all times.

23. Have a dedicated Line for vessel boarding.

Sometimes lines can be hard to untie. In order to avoid wasting time untangling a line, make sure that your line is prepared. Also, remember to bring fenders/bumpers. Worst case scenario is that you capture the wrong person and, in apprehending the suspect, cause damage to his boat. Your agency will be responsible for paying to the damages done to his boat. When we are bringing a suspect into custody, we become responsible for his safety and the safety of his equipment.

24. After you have compliance, make the suspects move to the back of the boat.

Ask him to lift his shirt and turn around. Be polite and respectful. Remember, if he really is complying, he is your friend. Always try to treat a suspect with respect.

Once you have determined that his is clear of weapons, ask him to sit down on the deck. Be careful, because you will not be able to see everything that is on the deck from afar. When you make the suspect sit down, you may really be bringing him closer to a concealed weapon.

Just because you do not see any weapons and the captain or crew of the offending vessel communicate to you that there are no weapons, you should not allow yourself to completely trust that what they are saying is true. Always be prepared for the unexpected. When you have them stand up again, make sure that there is nothing in their hands and that they have not hurriedly concealed something in their clothes.

Comment from participant: The exercises today were my first experiences with preparing to be attacked by edge weapons. I used to let people go to their cars to get their wallets or something. I learned that it's better not to underestimate our suspect.

25. Just because you're going to be issued that firearm, does it mean it's going to save you? No, it's not. You've just got a little more firepower, but that's it. It's the tactics that are going to save you. It's not the gear. If you just leave a gun on the table, it's not going to do anything. It'll just sit there. It's only going to help you if you take that weapon and you use it properly. A gun being on a table is the same thing as it being in your holster. If you're not at a safe distance; if you're not properly trained, it's not going to help you. That's what we're trying to tell you. Don't take things for granted. Wake up; wake up! From the ball point pen to the paper clip, it's all a weapon. Do it have to cock my spear gun to hurt you with it? No. At twelve feet away I bet you I'll hit you in the chest if I throw it. All I have to do is grab it. I don't have to cock it. Open your mind. This concept applies to everything. Do I have to hold it to cut you? No. I can throw it at you and cut you. **Preparing to extract a suspect from his boat:**

Before putting handcuffs on a suspect, officers are required to put a life vest on him.

To do this:

1. You should do what you can to make sure that he does not have any dangerous weapons on him before approaching.
2. If you have him kneeling down or sitting down, have him hold his arms out straight on either side. Slip the PFD on him.
3. Have the suspect put his arms behind him so that he is ready to be cuffed.
4. Put the handcuffs on the suspect.
5. Once his hands are secure you can properly secure his life vest.

Escort him to your boat. You will get back into your boat first. Sit him down on the hull of his boat.

Then, tell him to put one leg over, then the other leg over. Now he should be facing you, and should be on your boat.

Sit the suspect down at the front of your boat. The suspect should always be in front of the captain. He should never be placed behind the captain.

Questions from Participants:

Question: What is a suspect was resisting and he got injured? Where should we keep him?

The first thing you should do is render first aid. If he needs to sit on a bench, he can do that. If he needs to lie down on a bench or the deck, that's fine too. You should have the skill and the knowledge to render first aid, so do whatever you can to help. Remember, if a suspect is really resistant and is really fighting, restrain him. A man should be on either side of him to restrain him. Cuff him and have him sit with the others, even if the boat is rough.

Question: What if the person we approach on the boat doesn't have a life jacket?

When you get your boat, make sure you have PFDs on board. Remember, these are important to your survival. Always make sure that you have extra. What if the person you're arresting doesn't have one? You'll need one extra. What if you find five people floating in the water because their boat sank? You'll

need five more. If you find six guys floating in the water and you only have five PFDs extra, do you leave one in the water? No. You take him home, but you should always have extra.

Question: What if the PFD gets in the way while you're working?

You don't think about. One day you might get thrown into the water and you'll think, "Man, I'm glad this PFD is in my way." There are different types of PFDs that you can buy that are very comfortable. The PFD is in our SOP. We can only get the first or second best PFDs available. It's written into our SOP.

Question: What if I've picked up a suspect, but he doesn't have a PFD? Is it possible for me to take mine off and give it to him?

What does it say in your SOP? It says that you, the environmental enforcement officer, must always wear a life jacket while you are on your boat. It's your suspect's own fault that he didn't have a life jacket. You should never risk your safety for him. You can keep him as safe as you can by doing things like having him sit on the deck or having two officers assigned to him. If he falls off the side of the boat they can go after him. However, you should never sacrifice your safety for a suspect.

Question: Do you carry extra straps that can be used as replacements for handcuffs?

"Yes I do. I have around twenty-five in my truck. I have about five in my bag that I have for boating. I also carry one extra cuff that I have in a small bag that I put all of my small items into: my extra batteries, my camera, my keys to the car, my ID card. I keep all of that in a small bag that I carry with me. But in my gear bag, a backpack, I think I have five straps. Also, in my small bag I carry one extra Smith & Wesson. I carry one Smith & Wesson pair with me, and I also have one under my ammo pouch. It's flexible so that I can pull it out really fast.

Question: Is it really necessary to take a suspect off of his boat? Can we bring him into custody without having to bring him onto our vessel?

No, that could be dangerous, especially if our men have already boarded his vessel. He knows where all his fishing guns are. He knows where all the knives are. He knows where all his weapons are. So, we're going to remove him from there. We're going to make him feel weak and unsure so that all he wants to do is listen. That's why you don't want him to sit there, comfortable in his own boat. Always remove him from a place where he's comfortable. Don't ever play in a suspect's playground. Always take him to yours.

QUESTION FOR PARTICIPANTS

When do you see the greatest amount of illegal fishing?

1. Guam – around Lent
2. Ngarchelong – full moon and new moon
3. Yap -- At \ around Peak Low tide - May or June
4. Pohnpei – most of the fishing activities are in Dec, Jan, Feb, March, April, May – during spawning season.
5. Peliliu – in the conservation area – when the rangers stop working at night – outside the conservation area there is a memorial park - during November to May – there are a lot of fish in that area - a lot of tataga. A lot of guys use tanks
6. Amelik State – is also famous for the tataga – but only if the weather is good.

7. American Samoa – all the time.
8. Ngulu – Fish all year round – foreign vessels – there are not really problems with the Locals

Example of Guam

Operation to pick up fugitives. Trying pick up some guy to the north. He was eluding them a lot. But told them to meet at the Mall – he gave a description – Mike ended up getting the wrong guy because he fit the same description.

Continued Discussion: Limited Resources is an Issue.

How are you going to get the message across that there is a problem? Incidents Reports are an important source of information. These really help us to figure out where to send the resources.

Overcome and adapt to your situation: The supervisor has a boss to answer to. If he keeps assimilating this type of information, eventually it's gong to get to someone who cares and understands.

Identify your problems and write them down. Nothing will be done if you bring your complaints to your supervisor verbally. Don't complain about not getting the resources unless you have evidence.

So pick and chose the battles. – – Incident reports (IRs) can really help with this.

It's true that the budget given to you may project your activities, but it can also go the other way around. Your activities project your budget.

“For example, we were fighting for years for overtime because we work over our hours and we don't get compensated for it. Sure, we could get days off, but a day off doesn't pay the bills. When I take a day off for CTO, I lose my hazardous pay. I lose my differential pay. Does that work for me? No. I'd rather come to work, because I get that extra incentive to come to work. So, it works both ways.”

Budget hearings – usually there is not enough money. If you are able to put the value on enforcement based on the IRs then the leadership will understand that there is a need.

Managers need to see the numbers to know that allocation of funding is justified.

“As the people on the bottom of the totem pole, we need to realize that managers like to see figures. They like to see numbers in front of them that say something like, “Last month we had 90 incidences.” That way they can talk to the boss and say, “Hey boss, we have a problem. There were 90 incidences in the marine reserve. I need more money.” Then he can look at his notes and say, “Okay, you're justified.”

Justify your existence. Let them know how important you are.

Identify the problem. Let them know if there are shortfalls which are preventing you from doing your job in an effective manner.

The IR is the message. They only need to be 3 or 4 sentences, but they are extremely important.

Participant Review of Day Three, Wednesday march 30th:

1. Yap – Vanessa - boarding exercise is applicable to a lot of aspects of this type of work. The surveillance exercise can be applied to anything even if you are doing surveys or responding to a stranding. The safety aspects, the planning and preparation are applicable.
2. CNMI – yesterday was a good experience for me. He has many years working on enforcement but boarding vessels, they have not had that experience yet. This was the first time for him also. Most of the violations, the fishermen are there already in the MPA. They never had to do this. So it was a good experience for him.
3. Korrer State Rangers: The vessel boarding was new to them. They do it differently usually. They are excited to learn new techniques.
4. Chuuk: He will try to share what he has learned here with the officers in Chuuk.
5. Comment by Instructor –

Need to be more safety conscious. For example, most people just wanted to jump on the boat. But this is not the proper way to board. Always have respect with your community that has not experienced enforcement yet. Need to do education and outreach first.
The Directors are working on getting more authority for the officers. If they get this authority, they need to be ready to use it.
6. Ngerchelong - It has been a lot to learn new. But now he feels more confident. He can see himself doing enforcement now.
7. Amelik – This was his first experience and if it happens in real life he need to be ready. The movie was eye opening.
8. American Samoa – always be safe to live and work another day. The people who fish in reserves tend to come back again and again. So they may be a bit hardened .
9. Ngerar – there conservation area is new. There are not any conservation officers yet. Better have it not need it then need it and not have it.
10. Richard – couldn't sleep last night – because the activities (including the copy of the video) - of the day impacted him. He wanted to get a copy of the video.
11. Thomas asked. – what about Pepper Spray – Joey is an instructor. This is considered a less lethal weapon. If people get permission to use it, they could come back down and certify them in it.

12. Joey – suggests to have a conservation officer academy – maybe a three month academy. Work with the community college to get college credit for it. Can get a certification – and maybe an optional degree in biology or something else.
 13. Conservation Officers in our region could be linked.
 14. Can do physical training in public to show that conservation is getting serious.
 15. Joey – make sure your training area is safe
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12. Officer Survival 3: Precaution Against Knives and Edge Weapons

Distance is your friend. Maintain good observation before you get into a suspect's vessel. When you're doing a 360 around their vessel be very keen in your observation. Look at the areas where they can hide knives, weapons, spears, etc. Treat every suspect as if they were armed with a knife. Be creative. Do not be a victim.

In the handcuffing situation I talked about a 6-8 foot reactionary gap. That is with handcuffs. It's a totally different operation when you're dealing with a gun or a knife. For those weapons the recommended reactionary gap is 21 feet. Now the federal system is recommending 35 feet as being considered "the danger zone". The 21 foot zone is now called "The Dennis Cooler". He's an officer that got stabbed while performing his duties.

Question: Do we have to be sworn in to use a taser?

No, you don't have to be sworn in, but you do have to be certified. You need to have experience with it because when you go to court you may have to explain why you used your taser on a suspect and how it feels. When you're getting certified you're going to have to stand in front of the instructor and he/she is going to shoot you with that thing. Now, even when I change a light bulb, sometimes my hand shakes, because I imagine being shocked by a taser. But, it's important that you know, and are able to describe, what it feels like.

13. Issuing Citations

Overview

- Filling Out Citations
- Notes

Citation Processing

- Timeline
- Citation Custodian

- Fee Schedule

Filling Out Citations

- Notes

Citation Processing

- Issuing Officer is responsible for routing of citation
- Issuing Officer is responsible for note-taking to support citation
- Citation must be properly documented on citation submittal form and turned in to citation custodian

Timeline

- Proper timeframe for routing of citation to citation custodian
- Issuing officer responsibility to insure that the citation is routed to the court prior to the court appearance date listed on the citation
 - Failure to do so, should result in disciplinary action against the officer

Citation Custodian

- Responsible for citation inventory
- Responsible for routing citation to court
- Responsible for passing on additional information to officers issuing citations

Citation Fee Schedule

- As per Department SOP and regulations
- Officer input in legislation discussion

Routing of Fees (benefit section)

14. Court Appearances

Court appearances deal with nothing more than how you approach the court from the moment you leave your house and you're going to testify in court. Dress as if you're going to court.

Section Overview

- Be Prepared
- Case Review (Section)
- RTAs (Request to Appear)
- Officer Appearance
- Courtroom Demeanor

Overview: Being prepared, your case review, your request to appear, which you will receive from the court or the AG's office, your appearance and your demeanor. (When in court) you will sit up straight with your hands on your legs or in front of you. You will look directly at who you are talking to. You will show no fear. **Why? Because you know what you did is right. In you heart and your mind you did everything by the book.**

Be Prepared

- All case notes
- Copies of all documentation
 - Include Photos if available
- Notify all officers involved

Being prepared: All case notes, copies of documentation (photographs, custody receipts, supplement

reports). And anybody and everybody that is involved in the case, whether they or not they are subpoenaed, must be prepared to be in court. Sometimes they will call you out of the field. If, for example, you are on marine patrol and you are in this (a casual) uniform and they say, "I want you to go to court at one o'clock", it's going to take you time to come in from the ocean, so the first thing you do after you swear in is apologize to the court for the way you are dressed. If the judge finds out you had ample time to go home and get dressed, you will get in trouble. They will probably fine you and make you pay the court because you did not take the time to be prepared.

Case Review (Section)

- Case should be reviewed with all assisting officers prior to RTA with prosecutor

Case review: Everybody involved with the case, subpoenaed or not has to sit down together and go over the case. Being prepared; showing up to RTA's (request to appear) Anybody have that? Where the attorney general calls you in and says, "Hey can you come down here? Let's talk about this case." That's a request to appear. They'll call you down to be prepared to go to court tomorrow: "Let's meet today to go over the case real quick so tomorrow there's no confusion". He knows exactly what to ask you and exactly how to assist you in a possible question for the defense. Make sure when he asks these questions you (*answer in the same way that you spoke about).

The court appearance should be attended by all the officers involved.

Requests to Appear (RTAs)

- RTA should be attended by all officers involved in the case
- Provide all necessary information to the prosecutor, including photos if available
- Discuss case in chronological order

Provide all necessary information to the prosecutor, including photographs. Everybody's got telephones. Use those too.

Discuss the case in chronological order.

Officer Appearance

- Timely Arrival (15-30 min. prior)
- Uniform
- Attitude

Allow yourself time to get to court. If you know there's traffic...what time is traffic here in Palau...4 to 5? If you have to be there at 5, don't leave at 4:45 knowing that you're going to get stuck in traffic.

Uniform appearance: Press it best you can if you have it. If you don't, ask your friend. Make sure it's clean and neat, the best uniform you've got. We're (*are usually issued 4 uniforms). **I always have one that's only for court. The rest I can use any time: class presentation, meetings, public outings, and ceremonies.**

Come in with a good attitude.

There was an undercover officer. He had long hair and he had a goatee. But when he went to court he had his best uniform and groomed hair. Everybody understood that was our guy. He's our undercover officer. We tried not to get him involved with the proceedings, but sometimes you just can't help it. Or

he'll come in his Sunday best, civilian clothes and testify, but he'd have his credentials with him: his badge and his ID card. You can manipulate it a little bit, but when you present yourself you will be 110%.
Question: What about officers that look just like a regular person? How would you shield his identity?

There are some instances when you just can't. Once you jeopardize that guy he becomes a regular officer to somebody else. Get assistance from another agency with an undercover officer. But you always try to not get involved with the case. Just receive his information; we get a report. Try and testify as best you can for him without getting him involved. You don't need to testify exactly what that person said, but you try to write your reports and your cases, the file including it, as best you can. There is going to be instances where you just can't help it.

Normally those people will be considered on the reports as a confidential informant but there are going to be instances where the defense attorney is going to scream up and down that we have to confront the informant. Those are situations where it's unavoidable. The CI, or undercover officer is going to have to testify. This is why it's quite important that you have an operation going you should use him, but don't give him up. We try to keep from identifying him anywhere in our reports. The reason why you'd use him would be for initial observation, then (*when you arrive) you'd take over the observation and he leaves.

Courtroom Demeanor

- Sit up straight
- Answer to the judge or jury? ... The judge.
- Be Confident
- Think Fast

When you are answering the judge, don't be afraid. *** The jury is anxious to hear what you have to say.

Look directly at the defendant and answer confidently when asked whether or not you saw them committing a crime.

Be respectful ("Yes your honor;" "No your honor.")

Look at the judge. When you show that you are not intimidated by him he will respect that. He will remember that ten cases from now.

Think fast. Don't get yourself into the "ah, ah, ah..." position.

If you don't know, this is a trick. (*If you are asked what time you saw something and you can't quite remember, you can start off by answering as best you can in order to delay it until you can collect your thoughts.) You can say, "Saturday". When asked to clarify you will have more time to think and you can answer more specifically: "2:30".

Have a mock (pretend) trial to practice.

Participant Question:

Question: *Can you explain more about RTA's?

This is just a request to appear in court.

What to do if a defense attorney calls: Many times a defense attorney will call your office and ask you to come to speak about the case. You should hang up the phone and refer it to your boss. Never answer any questions that a defense attorney might ask. Not even a phone call, even if they're being demanding. There are legal proceedings that they need to follow in order for you to talk to them.

There's a thing called a deposition. It's a legal document that they have to fill out in order to question witnesses against their clients.

(*If they call you can say) "You need to talk to the general attorney's office, this is the office that is handling the case." The defense attorney will try to talk to you. They will try any angle to get a hold of you.

If a relative of the defendant calls you or a friend of yours that's a friend of his calls you tell them you can't discuss it.

Question: What is too much information, when you're being called on to provide it? Is too much information a bad thing?

I'll give you an idea of what's too much information.

Judge: "So what time did you show up to the scene?"

Officer: "Well, first I went to the gas station to get some gas and some coffee and then one my way there I saw my friend and I stopped to talk to him..."

That's too much. Just answer the question.

Judge: "So, what time did you arrive at the scene?"

Officer: "At approximately 10:30 A.M."

Always say "approximately". Never say "exactly".

The prosecuting attorney is going to ask you these things called leading questions. That's not to say that the defense attorney is going to ask you leading questions, because they won't. They're going to do whatever they can to trip you up.

That's why when you're testifying and they're leading you, it's just like walking. Take things step by step. The attorney general will do that for you. But then, the defense will do that to you too, but they'll make you take a left turn.

15. Standard Operating Procedures (SOPs) -

- What are Standard Operating Procedures (SOP)
- Guidelines for Enforcement Activities
- Example of Guam Law Enforcement SOP
- Field Testing of SOPs
- Creating an *interim* SOPs for individual jurisdictions through the course material.

Standard Operating Procedures are... *written documents that describe, in great detail, the routine procedures to be followed for a specific operation, analysis, or action. Consistent use of an approved Standard Operating Procedure ensures conformance with organizational practices, reduced work effort, reduction in error occurrences, and improved standardization, credibility, and defensibility. Standard Operating Procedures also serve as resources for training and for ready reference and documentation of proper procedures.*

Test the SOPs in the field and in court cases until you find the best match for your department. Get legal advice from AG's office or lawyers as appropriate.

Examples of Guam law enforcement SOPs were shown

Suggestion when creating your own SOP is to consider at 1) all legal requirements first, to make sure legal issues are properly addressed, and then add 2) the practical instructions for procedures specific to your department or situation. One approach is to start with a copy of an SOP topic most similar to what you require, and then to modify it to fit your local situation. Keep in mind that while some SOPs can be quite long and detailed, a simple description of the procedure -- as long it is clear self-explanatory -- is usually best.

WORDS OF ADVICE: Do not merely "cut and paste" from another SOP into your department's SOP without thoughtful review and adaption. This may lead to inappropriate instruction or irrelevant SOPs that are never really used as intended.

SOPs should then be integrated into the departments training program and the actual SOPs used as training materials for introductory and refresher training course for new and existing conservation officers.

If your department is waiting on approval of its SOPs and it looks like this will take a considerable amount of time, your Director may be able to issue a Departmental Directive that can serve as a temporary SOP, until the official ones are approved.

16. Night Operation Exercise

17. Review of Site/Program Enforcement and Compliance Needs

Get Notes from Mike on Priority Needs Review

Review of Day Four, March 31, 2011

American Samoa – the performance of our team, we were able to do just with our team. We did a good job following the procedures.

The surveillance last night was good – breaking up in groups. It was good for us.

Would you have operated that way in Day one?

Yap – Vanessa – very glad that the teams were able to exercise this procedure again. I thought that the developing the needs assessment and get people to start to think about the SOP and enforcement plan is very important. Especially for the Yap team, people are starting to think about what do we actually need to do effective enforcement. To me the most effective enforcement is not to arrest anyone but to get compliance. But sometimes we do have problems. You never know

For the night operation, it was good to see the procedures. It's just like doing a survey at night. It is dark, so you need to know the reef, you need to emphasize safety. Need to have good communication
CNMI – the training has been very helpful. All the boarding and surveillance is now coming together now. It's helpful.

Larwence from Ngulu – It is first time to do this type of training. He thinks it will be important to his site. The boarding was also useful to the situation in Ngulu. We have a community boat

Joey: Everything we do in class is for a reason. What sergeant mark is doing is encouraging you to speak in public to prepare you for future situations where you have to.

Chuuk – in Chuuk we don't really do vessel boarding or monitoring. So this was really good to practice and when we go back we will try to teach these ideas to other people.

Pohnpei – They have 11 MPAs but only six people monitoring day and night. What I learned from the training is very useful because we don't do the proper approaching for boarding. We just go, jump out and grab the people without proper safety. What I learned is that we are risking our lives every day we go out there. Most of the time the people spear fishing are more than us in number. We usually identify one guy – the guy doing the fishing and then wait until later to go approach him.

They like the training.

Mark – before we go any further. A little more in-depth of who the team is:

Set up a training section to maintain consistency - To get a proper track record. Identify a certain unit or division for training. Someone committed to looking for training and being sensitive to the needs of the officers. We don't want to stagnate.

- Joey – Instructor Certifications – He has a lot of basic trainings – but with him as the lead instructor he looks for certifications so he can certify other people. Black Water certification
- Lt. Mike Reyes – SWOT Sniper, Boat Operator, Section Supervisor – to make sure they get what they need. The important thing is that you need to identify the needs –
- Mark - Federal Marine Enforcement School, Tactical Boarding, Scene Investigation.

18. Development of draft Site/Program Enforcement and Compliance Plans

Get Notes from Mike on and Site/Program Enforcement Plans

No Review

19. Next Steps on Completing activities/work/plans and Shared Enforcement Activities for the group

Get Notes from Mike on Next Steps

20. Site exchange visit to Ngardmau Conservation Area....

Question: What if I, as the captain of the boat, I feel the suspects that I have apprehended from the other boat will compromise my safety. Can I keep them in my boat? Can I put PFDs and rope around them and throw them in the water and let them float behind my boat?

(Class laughs.)

Remember what we talked about? About how we should treat the each person that we capture as if they're your wife? But, in all seriousness, you need to take care of that person. Standard procedure is to put the PFD on him, handcuff him, and if you feel as if you need additional officers to watch that suspect, you're the captain. You call the shots. If you feel unsafe because there are more people sitting on your boat than you can handle...and just remember that as the captain you are also dealing with controlling the boat, controlling the people that you handcuff on your boat, you've got the boarding party, you've got another vessel that's tied onto you and you're worried about the other elements around you...so the pressure on the captain is high. As members of the boarding party our primary job is to find everybody on board, secure them, and try to make the captain's job a little bit easier. Basically, if you feel as if you need help, don't be afraid to ask for it. There's nothing wrong with taking a guy from your boarding party and having him stand watch on the guys on your boat.

None of these procedures are necessarily set in stone except for the PFDs and the handcuffing. If you feel you can follow the procedures laid out for you in this guide, then by all means, you may do that. If you feel that certain procedures are not helpful, then you should be able to adapt and do what is best for your particular situation.

Question: In your work, you said that you have an agreement with the Guam police department. Do you have an MOU (memorandum of understanding) that specifies your roles and responsibilities in working together to try to catch or arrest a culprit?

We have a very important relationship with our sister agencies. You do need to come up with an MOU, but most of the coordination done is basically at the lower level. Lots of times the upper level doesn't know what's going on in the water until they see conservation officers on a police boat or police officers on a conservation officer's boat. That's when their antenna start to come up and they ask the question, "Why". By that time it's too late. We've got the job done. But, the question is, "Should we start to develop MOUs?" Yes. I would encourage it. That way, you can spell out who's responsible for what. In the event that equipment is damaged, or something like that, it will be easier to figure out who is responsible for repair, or who provides the gas, or who provides the bodies, and so forth. So, I would recommend MOUs and MOAs (memorandums of agreement?).

Question: What do you do if you've been a poacher is on a fast boat that leaves your jurisdiction? Would it be best to call a nearby jurisdiction to request assistance?

That is one of the things that a radio is useful for. Remember what Mark talked about when he was telling management that he wanted fast boats and fast cars. When management found out that those were the kinds of things that we needed, what did they do? They gave us a radio. Think about the radio. Instead of getting a fast boat, you can call other people to intercept the boat. You don't need a fast car because you have a radio. You can call somebody else to intercept the guys that are running. It's one of those things that are humorous, but quite practical.

Question: What if you were to handcuff the suspect, put them in their boat, then tow their boat back into shore?

That is recommended. However, there are a few things to consider. There are certain things that you need to get done in order to tow. You also need to make a determination about the sea worthiness of the other vessel and whether or not it can be towed. You also need to assess your capabilities, like whether or not you *can* tow, and you need to assess the sea scape. If you're out there in the water and the sea is too rough it's not a good idea to approach a boat, especially if there's a chance that you'll do damage to either vessel. In other words, if it's too rough to tow that vessel, you probably shouldn't have approached it and tied onto it in the first place.

I liked how we did things in the classroom and then we went out into the field and did it again. You get more out of it that way. Rather than just sitting in the classroom.

Hands on. The word for that is hands on; practical. A lot of us, like me, are cavemen and we learn more with our hands than our brain. I like to feel; to touch. That's how I learn. Do what it takes to learn what you have to. Do what it takes to make that knowledge sink in. If you need practical exercises, then do them. But, don't just leave things to the individual. Do group exercises at least once every quarter.

21. Workshop Participant List

First Name	Last Name	Employer/Affiliation
Vanessa	Fread	Yap CAP
John	Gilsowuth	FSM Petroleum Corp, Yap
Thomas	Gorong	KC&CDO
Isaac	Hthiy	Ngulu MPA, Yap State
Keper	Joel	Department Land and Natural resources PNI
Osamu	Nedlic	Kosrae Conservation and Safety Organization
Michael	Ranganbay	Manta Ray Bay Resort and Yap Divers
Junior	Rawauth	NIMPAL Conservation Area, Yap
Binasto	Ruben	Chuuk State Government
Lawrence	Tachee	Ngulu MPA, Yap
Fredrick	Andres	Melekeok State, Palau
William	Andrew	Belau LMMA Network
Rengechel	Dlutaoch	Koror State Government
Hercules	Emilio	Helen Reef Resource Management Program
Mike	Henry	Angaur State, Palau
Laura	Ierago	Merilil Island, Sonsorol State
McVey	Kazuyuki	Aimeliik State, Palau
Richard	Madrekeuet	Peleliu State, Palau
John	Merur	Ngarchelong Sate Rangers
Egan	Meyar	Koror State Government
Erwin	Moses	Helen Reef Resource Management Program, Palau
Alson	Ngiraiwet	Ngardmau State, Palau
Verano	Ngirkelau	Ngchesar State Government
Dixon	Noel	Airai State, Palau
Clarence	Polloi	Airai State Government
Omkilumel	Polloi	Koror State Government
Slayton	Renguul	Ngerchelong State
Hadley	Renguul	Ngarchelong State, Palau
Stalin	Stanley	Helen Reef Resource Management Program
Ignacio	Wachi	Ngaraad State, Palau
Hilton	Kendall	Rongelap Atoll Local Government, RMI
Alexander	Peter	Marshall Islands Conservation Society (MICS)
Alvin	Fitial	Division of Fish and Wildlife (DFW)
Hanipale	Hanipale	Government of American Samoa