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Crime in Federal Recreation Areas: A Serious Problem Needing Congressional and Agency Action. February 9, 1978. 16 pp. + 2 enclosures (2 pp.).

Testimony before the House Committee on Government Operations: Environment, Energy, and Natural Resources Subcommittee; by Elmer B. Staats, Comptroller General.

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The Federal Government owns millions of acres of land which people use for recreational activities. As the public's use of these lands has gone up, the incidence of crime occurring upon these lands has risen. Agency recreation officials cited as frequent problems in their areas: larceny, burglary, assault, vandalism, illicit possession of weapons, drug and alcohol abuse, and destruction of natural and historical resources. Two legal issues have made it difficult for Federal agencies administering recreation areas to provide adequate visitor protection: limited statutory authority and the applicability of Federal criminal statutes. In addition to legal obstacles to law enforcement, management problems were found in law enforcement programs. Agencies need to improve their reporting systems, they must better assess their rangers' training needs, and they need to develop uniform contracting procedures. If Federal visitor protection activities are to be uniform and if visitors are to receive uniformly adequate law enforcement services, a national policy on visitor protection is needed. The Government's program should: delineate acceptable levels of law enforcement services available to visitors, establish visitor protection guidelines and standards, establish information systems on the seriousness and extent of crime at national recreation areas, develop improved procedures for recruiting and training rangers, and develop guidelines and procedures to be followed when contracting with State and local law enforcement services. (RRS)

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STATEMENT OF
ELMER B. STAATS, COMPTROLLER GENERAL OF THE UNITED STATES
BEFORE THE
SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND
NATURAL RESOURCES
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS
ON
CRIME IN FEDERAL RECREATION AREAS--A
SERIOUS PROBLEM NEEDING CONGRESSIONAL
AND AGENCY ACTION

Mr. Chairman Members of the Subcommittee;

You have that we discuss today a report of the
General Accounting of June 21, 1977, dealing with crime
in Federal recre eas. Our purpose was to assess the
current level of visitor protection at frequently visited
Federal recreation areas and to study the means available for
providing adequate visitor protection.

The Federal Government owns millions of acres of land which
people use for recreational activities. As the public's use of
these lands has gone up, so also has the incidence of crimes
occurring upon them. We do not mean to be alarmist; the crime
rate on these lands is still far below the rate in our Nation's

cities. But the problem is a serious one and more can and should be done to protect the persons and properties of visitors to these areas. The responsible agencies are not doing all that can be done for sundry reasons, some within the power of the agencies to correct, others stemming from legal issues beyond their control.

First let me give a little background on the administration of land used for national recreation areas. The Federal Government owns and administers about one-third of the Nation's 2.2 billion acres of land. (See attachment I.) Most of it is administered by the Bureau of Land Management and the Forest Service. Other agencies involved include the Fish and Wildlife Service, the National Park Service, the Army Corps of Engineers, and the Tennessee Valley Authority. Although the primary mission of these six agencies is managing natural resources, the lands they oversee also have as one of their objectives recreational opportunities.

Each year more and more people are taking advantage of the recreational areas. In 1976 they made over 1 billion visits. (See attachment II.) Most visitors go to have a relaxing experience, and do. Others, however, become victims of crimes--robbery, assault, and even murder are not unusual. With the number of visitors continually increasing, the Federal agencies administering these areas have a difficult situation to contend with. The growing incidence of crime has unfortunately exposed inadequacies in visitor protection. Our report titled "Crime in

Federal Recreation Areas--A Serious Problem Needing Congressional and Agency Action" (GGD-77-28, June 21, 1977) describes these inadequacies.

In studying this problem, we visited 24 of the Nation's most frequently visited recreation areas. We observed how visitor protection services were being provided and talked with law enforcement personnel and other agency officials about their law enforcement programs. In addition, we sent a questionnaire to 1,637 employees at 174 areas identified by the agencies as being actively involved in law enforcement activities. The 174 areas surveyed by questionnaire, along with the 24 areas visited, accounted for 50 percent of all visits to Federal recreation areas in 1975. The evidence we collected shows that crime is a serious problem at highly visited recreation areas.

We found three major obstacles to good visitor protection: (a) limited statutory authority, (b) lack of applicable Federal criminal statutes, and (c) weaknesses in the management and operation of law enforcement programs.

THE NATURE OF THE CRIME PROBLEM

In responding to our questionnaire, agency recreation area employees painted a grim picture. About 85 percent of these officials said crime was a serious problem in their areas. Many cited as frequent problems larceny, burglary, assault, vandalism, illicit possession of weapons, drug and alcohol abuse, and destruction of natural and historical resources.

Of the six agencies reviewed, only the National Park Service accumulated nationwide statistics for criminal activity occurring on its lands. In 1975 about 5,000 serious offenses were reported to Park Service headquarters. (Serious offenses include murder, rape, robbery, assault, auto theft, burglary, and larceny.) The Park Service also collects data on other types of offenses, such as fraud, narcotics violations, drunkenness, and vandalism. In 1975 over 24,000 of these other types of offenses were reported to Park Service headquarters.

Since the other agencies did not compile nationwide statistics on serious criminal activity, we learned about criminal activity through our questionnaire and visits to their recreation areas. Here are examples of the types of criminal activity which had occurred on the recreation lands of one agency: murder and mutilation, illicit drugs dropped by aircraft for pickup, paramilitary activities, and property destruction. This information came from incident reports and discussions with Bureau of Land Management personnel in California. In addition, the agency reported 24 homicides, 18 drug overdoses, 7 deaths from unknown causes, and 9 suicides in the California desert alone during 1974. At Pisgah National Forest in North Carolina, most law enforcement incidents involved disturbances and larcenies. However, incidents of homicide and assault have also occurred.

THE LEGAL JUNGLE

Two legal issues made it difficult for Federal agencies which administer recreation areas to provide adequate visitor protection. The first involved limited statutory authority; the second dealt with applicability of Federal criminal statutes.

Limited statutory authority

The crime problem becomes all the more serious when limited statutory authority makes prevention and punishment complicated. A primary legal issue, then, entails the question of agency personnel's authority to enforce the law. Because of increasing crime, all agencies have expanded their resource protection programs to include visitor protection. However, this effort was handicapped by a network of limited and differing statutory authorizations, none of which authorized enforcement of all laws governing the conduct of visitors. As a result, at some recreation areas agency employees provided protection, but only by overstepping their express statutory authority by

- carrying unauthorized firearms for law enforcement purposes,
- making arrests for criminal offenses not within their sphere of authority, and
- acting as deputy sheriffs during their working hours as Federal employees.

The employees went beyond their express enforcement authority for several reasons. Some were instructed by the agency to do so. Others believed the necessary powers could be implied from existing enforcement statutes. Finally, many felt they had to take action against a growing crime problem.

At other recreation areas, the prevailing practice was to shy away from the law enforcement needed to protect visitors. For example, one Fish and Wildlife refuge we visited, (Upper Mississippi National Wildlife Refuge) had no employees involved in law enforcement and relied totally on other enforcement agencies for visitor protection services. In contrast, another agency refuge (Crab Orchard National Wildlife Refuge), had four law enforcement personnel who carried firearms and made arrests for felony and misdemeanor offenses involving misconduct against visitors and their property. Two of them had obtained deputy sheriff's commissions.

Lack of applicable Federal criminal statutes

A second legal issue has to do with the applicability of Federal criminal statutes. For Federal lands of a particular jurisdictional status, the Federal criminal code does not apply. At most recreation areas crimes against visitors or their property--such as murder, rape, and robbery--are not Federal crimes and are therefore not currently subject to Federal authority.

Let me explain this in further detail. Essentially, Federal land is held in one of three jurisdictional statuses: exclusive, concurrent, or proprietary.

Areas of exclusive Federal jurisdiction are subject to the entire Federal criminal code. Generally, States can neither define nor punish for crimes committed on this land because misconduct

there falls only under the Federal criminal code. Since Federal, not State, offenses are involved, Federal law enforcement officers, acting under appropriate statutory authority, may make arrests for crimes committed on this land.

Areas of concurrent jurisdiction are subject to the criminal codes of both the Federal and State governments. Enforcement officers of each, acting under appropriate statutory authority, may make arrests for offenses falling under their respective criminal codes.

Areas of proprietorial jurisdiction, however, which comprise two-thirds of the Government's land, ordinarily are not subject to the Federal statutes that directly criminalize misconduct against visitors or their property. Visitors to these areas must rely on State and local officials for assistance.

According to many rangers and local law enforcement officials local agency involvement in law enforcement has been limited, partly because of a shortage of resources and partly because of a primary responsibility to handle community law enforcement problems. Other rangers pointed out that often local agencies which could have responded to law enforcement requests were located several hours away.

There is a further complication of the jurisdictional issue. Because jurisdictions of various types are often intermingled, enforcement officers must not only be knowledgeable of the precise boundaries of each, but also of how their law enforcement authority is affected. Some recreation areas, like the Blue Ridge Parkway

and Colonial National Historical Park, are composed of land areas held in the three different jurisdictional statuses. Rangers we surveyed at Blue Ridge and Colonial discussed how these mixed jurisdictions can affect law enforcement services. For example, a National Park Service ranger at Colonial commented that the present system of jurisdictions is at best ridiculous and that you almost have to be a lawyer to understand all of the legal ramifications of the various jurisdictions and their respective boundaries.

Recently, legislation relating to the enforcement powers of the National Park Service and the Bureau of Land Management was enacted. These acts expanded the authority of the two agencies to enforce Federal laws; however, they did little to insure visitors of law enforcement services because at many areas there are no Federal visitor protection laws to enforce.

BETTER MANAGEMENT NEEDED FOR LAW ENFORCEMENT PROGRAMS

In addition to the legal obstacles to law enforcement, we also found management problems in law enforcement programs. First, agencies need to improve their reporting systems; second, they must better assess their rangers' training needs; and finally, they need to develop uniform contracting procedures.

Lack of monitoring encourages program inconsistencies

Accurate and timely data has not been available to monitor visitor protection programs or to allocate resources to law

enforcement needs. Only the National Park Service and the Corps of Engineers had established reporting systems. The absence of this data has made it difficult for headquarters, district management, and law enforcement employees to determine (1) the level and seriousness of crime, (2) if recreation areas were implementing headquarters guidelines, and (3) the effectiveness of efforts to reduce criminal activity.

Because the agencies did not adequately monitor the implementation of visitor protection policies, practices varied considerably among recreation areas. For example, Yosemite National Park established a law enforcement office which issued directives to rangers and had a definitive role in managing the park and its more than 2 million visitors a year. In contrast, Lake Mead National Recreation Area, also administered by the National Park Service, had no centralized law enforcement office and rangers there relied to a great extent on their own discretion when engaging in visitor protection.

Insufficiently trained rangers engage in law enforcement

The seriousness of criminal activity which occurs at recreation areas underscores the need to train rangers to deal with a variety of law enforcement situations. No agency, however, required that employees be trained before being assigned law enforcement duties, although one had established training standards. In addition, none of the agencies maintained records

at the headquarters level on the type and amount of training employees received. As a result, the amount of formal Federal law enforcement training which employees received from their agencies varied greatly--from none to over 400 hours.

Overall, about 26 percent of the employees responding to our questionnaire said they had not received any Federal law enforcement training. Many employees who had been trained said the training had not covered such activities as arrest procedures, even though many had made arrests, or the use of firearms, even though many carried guns.

Of the National Park Service and Forest Service rangers responding to our questionnaire, 352 (40 percent) were less-than-full-time employees, called "seasonals." All agencies except the Tennessee Valley Authority relied on seasonals to provide some law enforcement services. These persons were given the same law enforcement duties and responsibilities as permanent rangers and in some cases were issued firearms.

The seasonal employees we contacted were just as likely to have made arrests as were the permanent rangers but had not been trained as much. They were more likely than permanent employees to have attended training programs, but the amount of training they received was generally less. Most seasonal employees received only 1 to 2 weeks training each year in all aspects of their job, including law enforcement. Here is what one National Park Service ranger said about the training these seasonal employees receive.

"Most seasonals only receive 40 hours of training and of that about one-half is related to law enforcement. This is grossly inadequate and puts both the ranger and park visitor in a dangerous situation."

A Forest Service ranger commented:

"As a rule, during the summer the bulk of law enforcement is done by college students with 24 hours of training. This training is not sufficient to properly prepare them for the bad situations they are likely to encounter. With the meager training, sooner or later someone is going to be seriously injured or killed."

Contracting for law enforcement--
controls and uniformity needed

The lack of uniform contracting procedures has also hampered the effective management of law enforcement programs. Four agencies--the Forest Service, National Park Service, Bureau of Land Management, and the Corps of Engineers--are authorized to contract with State and local enforcement agencies for visitor protection services but these authorizations differ significantly. Because three of the agencies had only recently received contracting authority, they had not established any contracting guidelines at the time of our review.

The Forest Service, however, has been authorized since 1971 to enter into cooperative agreements with State and local agencies for enforcement of State laws in national forests. During fiscal year 1977, the Forest Service had 450 cooperative agreements involving about \$5.6 million with law enforcement agencies.

Although Forest Service management is pleased with the cooperative agreement program, its rangers are not as satisfied.

Instead of having established contracting procedures or controls over local law enforcement agencies with which it contracts, the Forest Service has chosen to delegate to its forest supervisors full responsibility for initiating, negotiating, and monitoring all law enforcement contracts. The Forest Service rangers we contacted pointed out four main weaknesses in the cooperative program.

- Holding local enforcement officers accountable to the terms of the cooperative agreements is difficult. In one instance, a deputy sheriff informed the Forest Service in late 1975 that it had reimbursed thousands of dollars to his sheriff for services never performed and that the sheriff had instructed him to prepare false billings. The FBI, the Department of Agriculture's Office of Investigations, and Forest Service substantiated his allegations.
- The Forest Service did not have enough funds to adequately use local law enforcement agencies.
- The level and quality of service provided under cooperative agreements varied as new sheriffs were elected or new police chiefs appointed.
- The need to make contractual arrangements with more than one agency in situations where forests border several jurisdictions resulted in inconsistent levels

of law enforcement within the forests. For example, the Pisgah National Forest had been unsuccessful in securing cooperative agreements with 4 of the 12 counties bordering the forest. As a result, when crimes occurred on forest land in these four counties, the violators usually escaped because forest employees had been instructed to rely on local agencies for enforcement actions.

In conclusion, we believe that crime in Federal recreational areas is a serious enough problem to warrant both congressional and agency action. Although each of the six agencies involved in recreation area management has established visitor protection policies, more must be done to assure visitors of a consistent level of protection in similar areas.

In addition, if Federal visitor protection activities are to be uniform and if visitors are to uniformly receive adequate law enforcement services, a national policy on visitor protection is needed. The Office of Management and Budget should coordinate the development of such a policy as well as specific guidelines for Federal agencies to follow.

In our report we proposed certain improvements for protecting the visitors of our national lands. Specifically, we recommended that the Director of the Office of Management and Budget, in conjunction with the Secretaries of the Army, Agriculture, and

the Interior, the Attorney General, and the General Manager of the Tennessee Valley Authority, develop and implement a program to protect visitors and their property. We stated that the Government's program should:

- Delineate acceptable levels of law enforcement service to be made available to visitors.
- Establish visitor protection guidelines and standards for all the agencies to follow. These guidelines and standards should include the philosophy, objectives, and procedures for providing visitor protection.
- Establish information systems so that there will be essential and reliable information available to top management on the seriousness and extent of crime at national recreation areas. Such a system could serve as the basis for a program of supervision and control over visitor protection efforts.
- Develop improved procedures for recruiting, training, and equipping rangers assigned law enforcement duties.
- Develop guidelines and procedures to be followed when contracting with State and local law enforcement agencies for law enforcement services.

Also, we recommended that the Congress enact legislation to untangle the legal and policy problems associated with law enforcement on visitor-oriented Federal lands. This legislation

would insure an effective legal framework for providing law enforcement services. Draft legislation to implement these recommendations was provided in our report.

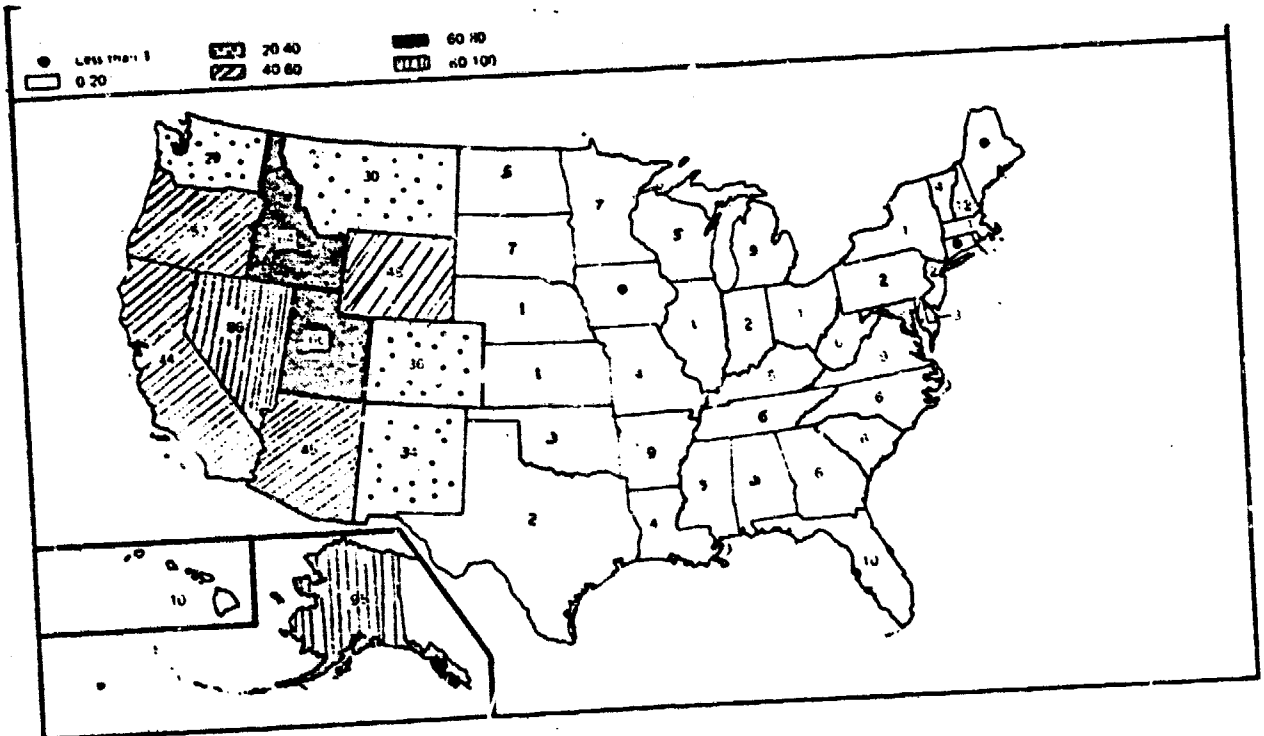
Neither OMB nor the Department of Justice believes the problem is severe enough to warrant implementing our recommendations. Both agencies appear to have been convinced by headquarter's officials of the land management agencies that crime is not a serious problem in recreation lands.

Had we talked to headquarters officials only, we probably would have drawn the same conclusion. We did not stop there, however; we sought out information from the people who know the problem better than anyone else--the Federal officials on the spot. The views of the people we talked to and surveyed convinced us the Government needs to act now.

After our report was issued, OMB told us that it believed agencies should be encouraged to resolve law enforcement problems on their own lands and to consult with the Justice Department when appropriate. OMB said it had asked Justice to establish a process for doing so.

We do not know whether Justice has established such a process. We believe, however, that the Justice Department, as the chief law enforcement agency of the Government, should take the lead in initiating and coordinating efforts to resolve the problems discussed today.

Mr. Chairman and Members of the Subcommittee, this concludes my statement. We will be happy to respond to any questions you have.



ANNUAL VISITATION
CALENDAR YEARS
1971 THROUGH 1975

Agency	1971	1972	1973	1974	1975	1976
	-----000's Omitted-----					
National Park Service	200,543.2	211,621.1	226,492.5	217,437.6	238,849.1	267,827.0
Fish and Wildlife Service	18,856.0	20,249.0	20,351.0	21,107.0	a	a
Bureau of Land Management	91,240.0	84,566.0	95,359.0	89,847.0	79,259.0	149,941.0
Forest Service	175,250.2	181,053.9	181,013.4	191,261.4	198,537.2	199,928.1
Corps of Engineers	310,000.0	330,593.1	344,000.0	352,000.0	376,000.0	391,000.0
Tennessee Valley Authority	57,628.0	60,294.0	61,262.0	61,859.0	65,612.0	69,200.0

a FUS converted to fiscal year data collection in 1975. Therefore, calendar year visitation statistics were not available. Reported visitation for fiscal year 1975 was 24,121,000 and for 1976 was 27,100,000.