



# CONFIDENTIAL INVESTIGATIONS

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It is the policy of Confidential Investigations that whenever waste and abuse of public monies/trust are suspected during the course of our investigative work, we report it. This report addresses issues involving certain personnel of and the law enforcement arm of the Idaho Department of Fish and Game. We were urged, helped and encouraged by Rep. Phil Hart and Rep. Dick Harwood to make this information available for public review and comment.

During the course of an investigation we were called upon to review public records involving an employee of the Idaho Department of Fish and Game (IDFG) law enforcement arm. Records reviewed, included 1,300 emails which were provided to this office by IDFG via public records request, photographs, video, court transcripts and other media. These records reveal information that, in our opinion, raise questions regarding the weakness and ineffectiveness of IDFG first line and middle management enforcement personnel, and also bring into question the ability of its executive management to execute the agency's mission for the benefit of the public. The information also, in our mind, raises questions about the attitude, integrity and actions of the law enforcement officers. This information provides an insight into how the IDFG operates, budgets, engages, and manages its law enforcement division. The information reveals what reasonable persons may conclude is improper use and care of IDFG equipment and resources, IDFG officers routinely bringing immediate family and children on patrol, and other issues for public discussion.

## **Section 1 Stewardship and Equipment**

A reasonable review of the information below seems to reflect misuse or abuse of state property.

IDFG Enforcement officers are issued a four wheel drive pickup truck for patrol purposes along with a list of other equipment. In addition to a pickup truck, individual officers can request additional types of transportation. In region 1, that would typically include a boat, four wheeler, snow machine and a motorcycle. **See Section 1, Item A** for an inventory of items issued to some officers of Region 1.

As part of our investigation we had occasion to address Senior Conservation Officer (SCO) Josh Stanley's home in Silverton, Idaho. The following information and exhibits were provided to us by SCO Stanley's neighbor. The neighbor states that he noticed SCO Stanley using his patrol vehicle for something other than official use. It seems SCO Stanley had been collecting, hauling,

and landscaping his own home with slab rock. After a few loads of rock arrived to Josh Stanley's home via his IDFG patrol vehicle, neighbor Dave Thompson took some pictures.

**Sec 1, Item B:** This item features photographs taken (according to Thompson) sometime in July 2007 of SCO Josh Stanley and his IDFG truck loaded with rock at his home in Silverton, Idaho. Stanley was then seen unloading the rock into his back yard according to Thompson's affidavit. It appears that Josh Stanley is using the rock to beautify his front and back yards as further pictures show. IDFG Human Resource policy covers hauling dogs (P-30.00) and firewood (P-29.00) but from what we can tell, there is no policy for hauling rock to your house in an IDFG vehicle.

**Sec 1, Item C:** According to his affidavit, Mr. Thompson noticed a few months later, the four wheeler Josh Stanley was using that summer was out of Josh Stanley's IDFG truck and stored on the side of Josh Stanley's drive way. The four wheeler stayed there all winter. In **Sec 1, Item C**, we see a series of photographs taken, by Dave Thompson, showing Josh Stanley's four wheeler sitting out in the weather during the winter of 2007/2008. **Sec 1, Item C2**, is an affidavit signed by Dave Thompson attesting to witnessing the events and taking the photographs in both B and C.

**Sec 1, Item D:** An email, apparently authored by District Conservation Officer (DCO) Rhodes to SCO Bowen, which states not to worry about using department phones for personal use. The email goes on to say "(or other equipment for that matter) for personal stuff as long as we make things right."

**Sec 1, Item E:** In paragraph three, apparently, DCO Rhodes explains that if there is not a fee increase there will be cuts. "Since no one wants to get laid off, and nobody wants to lay anyone off, we would have to cut operating."

### **Section 1 Discussion:**

**Misuse/Abuse:** Hauling rock to install at an officer's own home with an IDFG vehicle consistent with the firewood/dog prohibitions noted above could be considered an abuse and misuse of State Property. The question that should be evaluated by the public is whether or not this activity is condoned by IDFG management and just how long has it been going on. Is this an isolated event or is the whole district doing the same? The email from DCO Rhodes to SCO Bowen (Item C) would seem to indicate that management is aware of this type of activity and condones it as long as the officers "make it right." It appears to us that this practice is at least taking place on a district/regional level if not department wide. Is this policy and conduct in the public's best interest?

### **Section 2 Children on Patrol**

We believe a reasonable review of the information reflects that Idaho Fish and Game Officers routinely bring their children and family members with them on patrols.

**Sec 2, Item A.** (middle of page) Email apparently authored by SCO Bowen to an apparent supervisor DCO Rhodes, “Okay. I am planning to bring my daughter along tomorrow to do a CDA boat patrol.” Rhodes acknowledges that with a “10-4”

**Sec 2, Item B.** In a three page series of emails apparently from DCO Rhodes to district officers, page one, the first email, last paragraph is of interest. It seems that Rhodes lets his feelings out to the troops. Rhodes believes in “picking his battles” on issues such as taking your kids to work, what holster you wear and holding folks to their goals. Rhoads states “I don’t like to address every day so I try to ignore them for the most part.” That is a direct quote from the apparent email he sent out to his subordinates. Rhodes goes on to say on page three that he actually should be addressing those issues.

“I’ve not been holding up my end of the deal in regards to several issues.... I’ve been letting some things slide that I should not.....  
On issues like the CPT, evaluations, accomplishment of goals, time management, working with your kids, prioritization of duties, my feet are going to be held to the fire.....”

Further evidence of children being brought to work and on patrol by enforcement personnel surfaced during Courtroom testimony taken under oath during **Kootenai County Case CV 07-0236**. The testimony was transcribed and analyzed. The IDFG officer involved in the case had asked his fellow officers to testify on his behalf regarding his parenting skills and his availability as a single parent.

**Sec 2, Item C:** This item contains seven pages of transcribed sworn testimony by SCO Hugo from a hearing held on March 16, 2007 in Judge McFadden’s court. On C-2, lines 10-11, Hugo clearly indicates the presence of children on snow machine patrols. On C-3, lines 11-15, Hugo again mentions bringing children along on enforcement patrols and further elaborates on line 17 and on to the next page C-4. On C-5, line 19, SCO Hugo goes so far as to say that he and his fellow officers and SCO Bowen essentially work “part-time”.

**Sec 2, Item D:** Item D is sworn courtroom testimony by Regional Investigator Overman on December 21, 2007 in Judge Friedlander’s court, same case as mentioned above. On lines 7-10, Overman confirms the presence of children on boat patrols.

**Sec 2, Item E:** SCO Hugo is again giving sworn testimony, this time in Judge Friedlander’s courtroom on December 21, 2007. In E-1, lines 14-21, Hugo testifies of officers’ children going on drive alongs with officers. Same page, lines 22-23, then continuing on to E-2, lines 1-8, tell of further activities such as floating rivers. Page E-3, line 15-18, Hugo elaborates that they take their kids with them in the field so they can actually “spend time with them.”

## **Section 2 Discussion**

It appears that armed Law Enforcement Officers of the IDFG bring their kids to work with them. In our opinion, it is revealing how routine and uneventful the presence of children and family members is while IDFG Officers were on duty to management.

**Policy:** IDFG Law Enforcement Officers appear to routinely take their children out on ATV patrols, snow machine patrols, boat patrols, horseback patrols, and river floating patrols. It seems clear that IDFG management is aware of children's presence on patrols. Our investigations failed to uncover any policy regarding patrolling with children or other family members. We feel it is a reasonable conclusion that management approves of this activity.

**Liability/Safety:** It's not possible to predict what sort of situations IDFG law enforcement personnel can expect to encounter on a daily basis. A question the public should consider is, are the children covered by any insurance if something happens to them while on patrol or in the accompaniment of an officer? What happens if a child is seriously hurt; paralyzed, maimed, or killed; who pays? Since it is our understanding that under Idaho law minor children may have rights to sue not only their parents but also the State, this conduct raises issues we feel should be discussed.

**Non-Enforcement Situations:** Another pressing question that should be considered is whether there has or has not been a time when IDFG officers had their children with them and they encountered a potentially dangerous felony enforcement situation? Would officers with children present be less likely to enforce laws if the potential for violence or a safety issue for the children is present? Is having children present on patrols in the best interest of the citizens of the State of Idaho? What exactly is a non-enforcement patrol if one is sworn to uphold the law? Does that mean IDFG Law Enforcement patrol with no weapons and write no citations? Does that mean IDFG personnel ignore crime while on a non-enforcement patrol? These are questions that should be addressed.

### **Section 3 Interaction with the Public**

In our opinion, evidence exists that IDFG alienates and excludes through non-professional conduct the sportsmen and the public it's charged with serving.

Consumer statistics tell us that when a person is pleased with a product or service they will tell two to three others. When they are dissatisfied they will tell ten. Below are situations we believe could be considered to cause ten to be told.

**Sec 3, Item A:** The Conservation Enforcement Creed (please read before moving on). Some highpoints of this creed are as follows: save unfortunate offenders from unnecessary humiliation, have judgment charitable toward the minor offenders, and assist the public in compliance.

**Sec 3, Item B 1-2:** This is an active court case The State of Idaho vs. Michael G. Long **CR 2007-0027856** out of Kootenai County. Note under Disposition heading the indication of Rule 29. Rule 29 is judicial dismissal. In our opinion, this case relates directly to the Conservation Enforcement Creed. Long was forced to defend himself in a jury trial. It was tried on July 16, 2008.

The case was dismissed when the Judge held that the State, based upon IDFG developed evidence, had failed to present evidence that any crime had been committed (**Sec 3, Item B3-6**). Mr. Long has spent in excess of \$5,000 defending himself from the two citations listed. IDFG also confiscated Long's deer.

**Sec 3, Item C:** Affidavit of Charles LeCount former Volunteer. Charles LeCount was a volunteer in the Kingston area of Shoshone County. LeCount helped with a gleaning program which helped put food on the table for poor and disadvantaged people in the Silver Valley. It appears LeCount was a victim of intimidation by SCO Bowen. According to his affidavit, in late November/December 2007 LeCount attempted to bring this incident to the attention of SCO Bowen's supervisors, Regional Conservation Officer (RCO) Walker and the Regional Director Charles Corsi. According to LeCount, he was rebuffed. Walker and Corsi refused to talk or meet with LeCount. LeCount quit his volunteer work shortly after.

**Sec 3, Item D** is a lawsuit filed in Federal Court against IDFG for Malicious prosecution. The document speaks for itself. Blaine Murray did not want to speak of his case at this time because it is in the Court of Appeals presently.

### **Section 3 Discussion**

In the Long case, the question is raised, under the Enforcement Creed whether individuals should ever be charged when the evidence does not even reflect a crime has been committed and forced to defend themselves. We suggest the IDFG officers should be trained enough in the law to prevent this type of charging. Questions could also be asked as to why the prosecutor is pursuing such a case. Prior to his being charged, Mr. Long was in the process of applying to volunteer for the IDFG. Upon the dismissal of this case for lack of evidence of a crime, Mr. Long asked for his deer back. And according to Long's attorney, IDFG refused and filed an appeal of the case to District Court on 22 August 2008. His attorney went on to elaborate further that IDFG has indicated that it does not intend to pursue this case against Long, even if they "win" on appeal and they just want a judicial clarification of the law. If that is the case, then why does IDFG refuse to give Long his deer back? The appeal brief filed by the State reflects that it is arguing for the right to retry Long. What this means is a law abiding citizen has to fight a trial, and has to fight this appeal to keep his name clear. Is it right for the IDFG to pursue such a matter when even a successful appeal on their part will not result in a statewide precedent? Is it right to make Mr. Long pay for it? Why doesn't the IDFG merely ask the legislator to change the law instead of force him to pay out of his pocket to defend himself against charges that a senior magistrate ruled were unfounded?

In Mr. LeCount's case, the evidence could support a reasonable opinion that an officer was overstepping the bounds of authority and using the position for personal gain or score settling. One only has to think of the people of the Silver Valley that Mr. LeCount helped with his gleaning program to realize the depth of this IDFG action. What did Mr. LeCount tell his customers when he stopped delivering goods?

Finally, the Murray case could be viewed as reasonable substantiation that what is happening to Mr. Long is not an isolated occurrence. IDFG lost its case on appeal. It should be time for them

to re-group and re-write the rules or laws. Instead, they are persecuting an ordinary citizen with the unlimited resources of the IDFG. It is also interesting that Murray in his complaint alleges an IDFG officer lied under oath.

This community has lost the services of two volunteers (Long and LeCount). These are men who simply wanted to make a difference. The tragedy of it all is that the community did not have to lose these men. Prompt action and common sense on the part of IDFG Management may have solved both situations. In LeCount's case, by simply being willing to listen. In Long's case, simply by following through with the spirit of the Conservation Enforcement Creed. There seems to be an "us against them" type of mentality in the IDFG. This mentality fosters distrust of the department by the very sportsmen/women it needs to do its job effectively. It is with support from men such as Long and LeCount that IDFG can best perform its mission and serve the citizens of the State of Idaho. There will be no help from either of these two and likely none from the many other sportsmen/women they shared their story with. The above are examples of what our investigation led us to believe may well be widespread occurrences.

#### **Section 4: Resource Management: The wasteful debacle of Operation Snowball**

Operation Snowball was a large undercover operation designed to bust what IDFG characterized as a multi-state poaching operation taking place thirty or so miles from Avery, Idaho. The IDFG version of Operation Snowball is detailed on page 12, first three paragraphs of the IDFG Enforcement Annual Report 2007 (**Sec 4, Item A**), and in a Spokesman Review article dated November 11, 2006 (**Sec 4, Item B**). In the annual report, this operation reads like it was an unqualified success. However, in very tiny detail the author put in the first sentence, "After many vague reports. ...." Later in the report the author makes the cited offenses sound substantial; illegal baiting, closed season harvest, and over-limit elk. Of seventeen charges, only six resulted in convictions. Two were for tagging violations, two hunt/fish without a license, and one or two involving transportation violations. Five of the six misdemeanors are detailed herein (**Sec 4, Item C**). The rest were dismissed by the prosecutor. Note the difference between the newspaper article, IDFG annual report and Idaho court records.

The next item is the pre-operation email apparently sent out by the coordinator of the operation, SCO Hugo (**Sec 4, Item D**). Notice the IDFG terminology of **good guys** and **bad guys**, and the last statement in this email about the "well oiled machine and going out to kick some ass." Hugo continues the "good guy/bad guy" terminology in his Operation Snowball Daily Log which was attached (**Sec 4, Item E**). **Sec 4, Item F**, is a post-operation email apparently authored by SCO Hugo, which went to all the officers in the district and to Jon Heggen the chief enforcement officer in IDFG. In paragraph three, SCO Hugo congratulates his fellow officers on their **excellent speculation**. Next, the mention of "**good guys**" and "**bad guys**" which reminds us of the "us against them mentality." SCO Hugo seems to suggest his number one disappointment was not having any cow elk present so the bad guys would shoot them, and that there wasn't more crime.

Snowball spanned five days, involved nine IDFG officers and produced six misdemeanor convictions. **Sec 4, Item G**, contains the timecards and Law Enforcement Logs of IDFG

personnel on the ground in Operation Snowball. During the operation, Oct 12-18, 2006, based on records provided us by IDFG, it's been calculated that these agents billed the citizens for approximately 478 hours. According to IDFG records, the pay for each of these officers' ranges from \$22.00 to \$30.00 per hour coupled with State benefits and allowances, so one could add an additional 35-40% on that labor figure. 478 hours at \$25.50 per hour equals \$12,189 for the four days in compensation, with an additional \$4,631 or so paid out in benefits ( $12,189 \times .38 = \$4,631$ ), for a total of \$16,820. This does not include any of the preparation labor nor the labor involved in writing the reports and the post investigation. Next are credit card purchases and what look like reimbursable purchases (**Sec 4, Item H**) made for the Snowball operation. These add up to approximately \$2,300. Other costs of Snowball include fuel, meal expenses, mileage, and horse rental. For the basic operation itself, we're in the \$20,000 to \$30,000 range already. We can split the difference and call it \$25,000. This breaks down to  $\$25,000/6 = \$4,166$  spent for each misdemeanor conviction. With report writing time, court time and you could most likely add another 40% to that cost bringing total cost of each conviction to approximately \$5700.

### **The Biggest Liar in Calder: Apparently, the IDFG charged a man based on barroom stories.**

If telling stories was a crime, a man by the name of James L. Wilson would be one of Idaho's most notorious outlaws. Wilson was arrested sometime in October 2001, as shown in the three newspaper articles offered in (**Sec 4, Item I**). IDFG helped trigger an undercover operation designed to uncover an alleged poaching ring run by James L. Wilson. From the articles, they were tipped off because Wilson was bragging about all the animals he had killed at the local bars along the St. Joe river valley. After a one month operation, Wilson was arrested and IDFG stated that they seized a large amount of evidence. The prosecutor said it was "the worst case I've ever seen in the state." IDFG stated that they had arrested one of the most prolific poachers in the state. "The evidence will speak for itself," said SCO Jerry Hugo, "it's an extensive case." In the end, Wilson had his two felony charges dismissed without prejudice, though still facing a misdemeanor for unlawfully outfitting and guiding. The Spokesman review wrote, "What agents thought was a substantial amount of evidence- Wilson was charged with unlawfully killing and possessing a bear, seven Elk, a wild Turkey and Cutthroat trout- has been difficult to locate." The article read and went on further to say, "Wilson said, "that's because the animals never existed." End quote. There were no "large" amounts of evidence seized, which is why Wilson's charges were dropped. The poaching ring did not exist.

### **Discussion:**

When you don't treat the people well, they will not help you out. There is no better source of information than outdoorsman and locals who know what is going on in their backyards. People treated with respect and care (unlike in Section 3) are highly likely to give information that is credible and reliable. It is critical for game wardens to be integrated in the community and to have the community's trust. From all appearances, it would be reasonable to conclude that this is something they do not have at this time. **Sec 4 Item I-8** spells it out with this quote from the Spokesman Review Article, "If they want to catch poachers, why don't they follow up on some of the tips we're giving them." The Snowball and Calder operations are examples of enforcement resources thrown together on faulty information which further alienates communities which seemingly have become more distrustful over the years of the IDFG.

How does one professionally reduce an undercover investigation into “good guys and bad guys?” Certainly, in our experience it would seem that there is a professionalism issue in such an approach, “us against them.” This conclusion would seem to be further supported by the briefing email given by SCO Hugo when he makes the ‘kick ass and take names statement.’ We feel this is not the type of briefing an experienced officer would want to give to undercover law enforcement personnel before an operation. Later, it appears as though Hugo is congratulating IDFG personnel for their **excellent speculation**. Is speculation allowable in a court of law? As we have seen, speculation does not win cases it wastes resources and costs citizens money defending charges.

We suggest that the money used in Snowball, which amounted to seventeen misdemeanor charges with around \$5,700 spent on each conviction, could have been better spent by putting those nine game wardens on patrol in their respective districts, interacting with the public under their Enforcement Creed and furthering hunting and fishing in Idaho. Based upon the available information there is nothing the undercover operation uncovered that could not have been uncovered or deterred by normal uniformed/undercover patrolling of the area.

#### **Section 5: Cabin Getaways:**

IDFG furnished emails suggest that IDFG officers abuse Cabin resources.

IDFG operates remote cabins for their employees to use during work projects. This allows officers an area to stage patrols, and reduce travel costs when they have to be in an area for a certain amount of time. According to email traffic, law enforcement takes priority, and there are certain officers who are responsible for keeping the cabins camping schedule so that they kept in a clean and serviceable condition and are not over-crowded. The items in section five are a string of IDFG furnished emails apparently authored by the individuals who are named in the “By” line, which talk about cabin use, cabin reservations, and who is going to be using the cabins. The email appear to be sent to the individuals named in the “To” line.

**Sec 5, Item A:** In an email dated July 17, 2006, apparently authored by Senior Conservation Officer (SCO) Bowen, in which he mentions he will have relatives in town. He then goes on to notify his supervisor, District Conservation Officer (DCO) Rhodes that he will be using Magee Cabin. SCO Bowen requests to be marked off during that time so he doesn’t have to “go to a meeting or something else scheduled”. Rhodes responds that it is done.

**Sec 5, Item B:** On August 5, 2006, DCO Rhodes apparently authors an email titled “next week plans and happenings”. In that email, Rhodes mentions that Bowen will be “working/playing in at Magee”.

**Sec 5, Item C:** A week later SCO Bowen apparently puts out an email to his supervisor DCO Rhodes, his partner SCO Stanley, and to what appears to be, the Cabins’ caretaker/overseer CO Bogar. In the email, Bowen states, “I’ll have my family with their 5<sup>th</sup> wheel trailer there also”. SCO Bowen’s Law Enforcement Log was pulled along with his corresponding time card information for 10 Aug through 17 Aug. It appears that Bowen spent Sunday evening, August

13, through Wednesday, the 16<sup>th</sup>, at or in the Magee Cabin area with his family. Bowen billed ten and a half hours to the citizens during August 14-15 (**Sec 5, Item C 2-5**).

**Sec 5, Item D:** After SCO Bowen's trip to Magee we find an email exchange apparently between CO Bogar and SCO Bowen, discussing a troublesome window, and Bowen commenting about it almost taking his wife's fingers off. Bogar mentioned that he and Rhodes also had trouble with that same window.

**Sec 5, Item E.** On the 27<sup>th</sup> of August SCO Bowen apparently emailed CO Bogar talking about how clean he had left the cabin and that the only eggs he knew about were cooked in his sister's fifth wheel. Bogar indicated that he was going to go back over the registry to see who spilled batter on the table and floor.

**Sec 5, Item F.** On July 12, 2006 SCO Josh Stanley apparently emails SCO Bowen and indicates that next week he was heading down to "Midget Crk. Cabin for the week with family and doing some patrol." Stanley's time cards and expense records were requested for that week. To his credit, SCO Stanley indeed went on a vacation, no expenses or mileage that we could tell was charged for the trip to the Idaho Taxpayers.

**Sec 5, Item G.** Finally the last email of this series was apparently authored on April 2, 2007, by CO John McLain. It is addressed to 1<sup>st</sup> FishGame. McLain declares Kelly Creek Cabin open for business. McLain goes on to say, "There will likely be some projects at the cabin this summer to help justify your trip, as if stunning scenery, cutthroat trout, and wildlife is not enough". It appears that McLain was not the first to open up a cabin for business that year. McLain's email was in response to CO Koontz, who declared he was taking Mack's Inn Cabin reservations, and for IDFG personnel to state whether your stay is related to business or pleasure.

**Sec 5, Item H:** In the apparent email dated 12 July it is announced that "squatters" have been located somewhere around Killarney Lake and enforcement action might be needed.

**Sec 5, Item I:** According to his Law Enforcement Log SCO Bowen on the 18<sup>th</sup> of December 2006 did the following; I-time, LEL (did paperwork), phone calls, fueled up in Cataldo, patrolled and searched for a trapped raccoon. Bowen's time card reflects five hours for those tasks, E399 and H299, general enforcement entries for doing pretty much anything while in uniform. The last entry on his time card was three and a half hours coded under R499 equipment maintenance/prep. According to Bowens LEL, he traveled all the way from Cataldo to Spokane to exchange a cuff case, and he picked up "supplies" while in Coeur d'Alene.

## **Section 5 Discussion**

**Use of Cabins:** In our opinion, SCO Bowen took a vacation to Magee cabin; he brought his wife, other family members and children. He billed a total of ten and a half hours during Aug 14-15, 2006. (**See Sec 5, Item C 2**) Two and a half hours were general enforcement (H299), one hour for public speaking (M299), two were vacation (N599), one was for working out (N499), and four hours were from the two "undercover" ATV rides/patrols (H499) out of the camp; neither of which produced any results. We would suggest that under the circumstances that out of

ten and a half hours, only two and a half could be considered productive, and even those hours could be viewed otherwise. In essence, SCO Bowen's time for being at Magee could be reasonably viewed as only being two and a half hours of work labeled general enforcement action in which he checked a vender according to his law enforcement log. The next day SCO Bowen leaves Magee according to his reports and patrolled for six hours indicating H2TX as his time code; general enforcement coldwater fish. SCO Bowen checked eleven licenses during the whole trip and nine of those were on Wednesday the day he patrolled back down the Coeur d'Alene River toward his home in Pinehurst.

It seems clear that IDFG personnel are bringing their families along while they work out of those cabins. It is certainly arguable that little, if any, true enforcement work gets done while families are present. It is clear that IDFG Management knows of and condones this activity. How much work can get done with their family present in a camping/vacation type environment? Does the work being performed actually give value to the Idaho taxpayers and sportsman? Does it make sense to use a trained law enforcement officer for upkeep and maintenance of facilities? Is this making the best use of the resource? Are cabin stays/vacations considered a perk? If so do IDFG personnel correctly indicate that on their individual 1040 Tax returns? Is it figured into their W-2 income for the year? Is it considered compensation? Compare and contrast IDFG friends and family staying at IDFG owned cabins to the treatment handed to the general public in **Sec 5, Item H**, when ordinary citizens are on or near IDFG land they are labeled "squatters" and told to leave under law enforcement action. Shouldn't the general public be allowed use of this land? Is this kind of action in the best interest of the citizens of Idaho?

**Liability** is the second issue. What happens when an IDFG family member gets hurt at a cabin while an officer is working? What happens when a non-IDFG person loses a finger or two to an unmaintained window in an IDFG cabin? What happens if there is a felony type confrontation at a patrol cabin and a family member gets killed or injured? Who pays? Who insures whom here?

**Justification:** The email advertising the opening of Kelly Creek cabin seems odd. First it infers that the same practice (cabin vacationing) goes on in other regions of the IDFG. Second, it seems to further indicate that there are plenty of projects to "justify" your trip. This seems to put the purpose of such a trip in doubt of being in the interest of the People of the State of Idaho. Just what would justify a Region 1 employee driving to a patrol cabin in Region 2?

#### **Section 6: Transparency and the Battle of Public Records: In our opinion, the IDFG undermines the Idaho Public Records law**

"Open government is the cornerstone of a free society" stated Idaho's Attorney General Lawrence Wasden in his introduction to the Idaho Public Records Law Manual printed in October of 2004. Attorney General Wasden went on to say, "the Public Records Law protects each citizen's right to monitor the actions of state and local governmental entities by providing access to governmental records."

To be fair, no agency wants to give out information that is not less than glorifying to itself. There are times when the governmental agencies could be accused of an attempt to deter the

public from requesting public records. They do this by charging hourly rates which they are entitled to by the public records law, especially when it comes to redaction (**Sect 1 Item A 1-14**). On this investigation we noticed that most of the redacted information did not seem to fall into the category for redaction, it fell into the category of other public record. It would seem that aside from officer's social security numbers and personal information, nothing else in an IDFG report required redaction. Arguably, the records were needlessly redacted and the time it took to redact those records was charged for (**Sec 6, Item A 1-2**). **Section 1, Item A**, could be viewed as an example of unnecessary redaction, the labor for which was attempted to be charged to our investigation. Later, non-redacted copies of the same records were obtained.

The next item is **Sec 6, Item B**, which features two copies of the same time card. This item would seem to support the above point. The first copy is a totally non-redacted time card that was given to this office from a public records request back in August of 2007. The second document is a copy of that very same time card which was received in a batch of documents requested in January of 2009. This copy directly pertained to the fourth request in **Item A**, the request for the timecards of the officers involved in Snowball. It would seem reasonable to conclude that IDFG management should have never let out the time cards from 2007 non-redacted in the original request, or IDFG Management went out of its way to bill the requester for their time spent redacting as a way to deter or thwart further records requests. This type of activity goes right to the heart of the matter. Who and what is being protected and why? An ordinary citizen would have been intimidated by the \$517.79 bill for a one inch stack of paper. We do this for a living. Wouldn't the average citizen be intimidated, never pay, and most likely never put in a public records request in again? Intervention by Representatives Phil Hart and Dick Harwood citing the public records law saved this office from paying this charge (**Sect 6, Item C**).

There are other methods of avoiding public records requests as well. Each has to do with intent of the requester verse the words the requester used in the request. For example, let's say Johnny wants to know how much money IDFG invests in non-game related activities. He asks for that data using the same words. IDFG comes back to him and says we do not have a document that contains that exact information and our Attorney General has instructed us we do not have to create a document in order to satisfy a public records request. Wouldn't a true public servant simply ask Johnny what he really needs, then tell Johnny OK, we do not have A, but if you request B and C you can get your answer. The above example was based on an actual request.

#### **Section 7: Additional information and exhibits provided by IDFG in records requests.**

**Sec 7, Item A:** This is a Game Warden fact sheet for 2007. The sheet details game warden positions by state. One fact to note is that Idaho has more game wardens per capita than any other state except South Dakota.

**Sec 7, Item B:** This item is an apparent email from Jon Heggen, Chief of the Enforcement Bureau of IDFG, ordering subordinates to research the possibility of forming an IDFG honor guard. Why? Because Utah has one? Because it makes one feel proud? How much time and money was put into this idea? How does this serve the citizens of Idaho?

**Sec 7, Item C:** This is a statement of Fines and Forfeiture Revenue for 2006 and 2007. Each of the approximately 84 officers brought in an average of \$1,560 per officer for 2007. 131,000/84.

**Sec 7, Item D:** This is a list of all land owned or leased by the IDFG. Total acreage is 324,945 acres, 276,662 acres or which are owned outright. Why so much land? Is the public included or excluded from using this land?

## **Conclusion**

We are sure there are some great officers serving within the IDFG. For them, we suggest that it is time to assert themselves and call attention to the types of conduct discussed above without fear of retaliation, so that the public can make informed decisions on the IDFG policies and practices. The above examples, in our opinion and based upon our experience, do not seem to be isolated events. Based upon our investigations and experience, we believe that other issues should be reviewed by the public after full and candid disclosure of information by IDFG.

IDFG funding of non-game species.

Individual officer expense reports and equipment utilization logs.

Audit of undercover practices corresponding to officer recreational and hunting activities.

IDFG officers pulling over vehicles without probable cause.

IDFG commission members hunting activities and drawing records of select hunts.

Cost/Benefit analysis if IDFG landholdings.

Off duty weapons policy.

Policy and procedures for storing evidence and operation of meat lockers.

Inventory and location of all taxidermy related items owned by IDFG.

## **Recommendations:**

The State of Idaho should conduct a Full Performance Audit of IDFG Law Enforcement by an outside independent agency.

The State of Idaho should conduct a full audit of IDFG Law Enforcement financial records by an outside independent agency.

After the full audits, the State of Idaho should form a steering committee to look into the possibility of incorporating all IDFG Law Enforcement positions (84 plus or minus) into the

Idaho State Patrol. The IDFG would provide funding from its license sales for those positions. We believe that this report lends strong support to the growing belief that citizens are not getting full value for those positions as they are being currently managed. During the times when there is limited hunting/fishing activity the new ISP troopers would be available for patrol, special enforcement missions, drug enforcement and other critical tasks in which ISP has needs. In our opinion there are too many questionable practices and incidents for one to expect the IDFG to be able to internally change policies and procedures in any reasonable amount of time. Idaho State Police has the management and systems already in place to absorb those positions with minimal training. This would result in the savings of additional dollars in the form of duplicate equipment costs. There easily could be an immediate \$400,000 savings in salary costs alone from streamlining the management functions. We feel it is likely there would be an immediate productivity boost and a rise in the quality of service to the public. IDFG possesses equipment such as boats, four wheelers, snow machines, jet skis, surveillance equipment and motorcycles that could be put to good use by local Drug Task Forces, or sold at auction for revenue, instead of sitting out in the elements.

The State of Idaho should consider an office of Auditor to provide direct oversight of State Agency spending, budgeting, and operations. This office could work with the Executive and/or Legislative branches. We believe presently that there has been no, or rather limited oversight over State Agencies. We believe, in these economic times that there is a missed opportunity here with the potential for millions of dollars in savings.

Eliminate the second Attorney General position assigned to IDFG.

Eliminate the two hour per week allowance for IDFG Law Enforcement to work out with pay. Taxpayers should not be paying Fish and Game Officers to work out. The resulting savings would be an estimated \$2500-\$3000 per officer per year or around \$225,000 annually. Is it appropriate for an officer to be on vacation for a week at his mother's house and to charge the taxpayer for two hours of working out, while on vacation?

The IDFG computers (laptops) issued to IDFG field officers be reviewed for inappropriate material/usage on an unannounced semi-annual or quarterly basis.

## **For the Citizen**

**What can ordinary people do?** We ascribe to the philosophy that the power is still with the people of this great State. As sports minded people the public should demand that the IDFG serve them and not itself. Write or call your legislators, voice your concerns, and if they are not receptive, just remember they come up for re-election every two years, and remind them of that.

Lobby your Legislators and Executive Branch for a full audit of IDFG Law Enforcement to include a performance audit as well as a financial audit. Ensure your money is not being misused.

If you see an IDFG officer in the field, in public, or anywhere for that matter, engaged in a questionable, illegal or unethical activity, take pictures, record his/her vehicle information and

report it to either this office, the local media or your legislator. At this time the only oversight of IDFG law enforcement is by ordinary citizens.

If you have a specialty plate that benefits any IDFG program consider giving it up until IDFG becomes more receptive to the needs of the public and the Conservation Enforcement Creed.

This report has been prepared on behalf of the citizens and sportsmen/women of the State of Idaho. It is an effort to draw attention to the activities of a portion of the IDFG, the law enforcement division, and to encourage public scrutiny. Only through the sharing of information can the light of reason be effectively utilized. This report has attempted to portray actual events supported by actual information that will lead to review. As such this report is not intended to be seen or used as a complaint about individuals. Rather the individual's actions are documented to provide examples of actual events that reveal the workings of the law enforcement division of the IDFG, and to provide a basis for a sound, and effective evaluation. Full copies of this report along with the supporting documentation are available at [www.idahoprivateeye.com](http://www.idahoprivateeye.com).

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Confidential Investigations

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