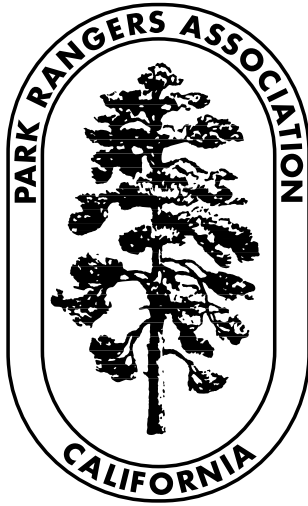


# The Signpost

May-June, 2005



## My Thoughts

by Matt Cerkel

Over the past several months, I've been involved with assisting my employer in putting together an operations manual for its ranger program. I actually have really enjoyed working on the document that will help define the job I do. Instead of reinventing the wheel, I looked at what other agencies put together. I took what I considered to be the best features of these other agencies manuals and revised them to what I thought would best fit the needs of my coworkers and the agency. Hopefully the draft I helped write will be adopted with very little change. I believe it will be a very good document for the current level of authority as public officers.

In helping with the draft of the manual and reviewing manuals from other agencies I noticed one thing that concerned me. That concern is that some agencies do not want to use the term "law enforcement" for what their rangers do when it comes to their law enforcement duties. Some agencies want the "law enforcement" duties described as either "code enforcement" or "enforcement." Violations rangers enforce, even if they're only their agency's regulations, be it city, county or district, are defined as misdemeanors and infractions and are punishable by fine and/or imprisonment; the Penal Code would define those as crimes (Sections 15 and 16). In addition if a violator fails to pay the fine, go to court or otherwise not take care of the citation (Notice to Appear) they can have a warrant issued for their arrest. Regardless of your level of authority if you are making arrests, including issuing citations for infractions and misdemeanors violations, you are performing **law** enforcement and face the same dangers that all law enforcement officers do. To quote from a report from the mid-1990s prepared for the City of Santa Cruz ranger program, "there is also the strong possibility that park rangers conducting law enforcement duties will be subject to many physical hazards associated with making arrests." This quote is from a paragraph covering the problems of non-peace officers performing law enforcement. The dangers don't change with different levels of authority, just the abilities to deal with them in a safe and effective manner. Using any term other than "law enforcement" when describing a ranger's law enforcement duties seems like "spin" to downplay or minimize the law enforcement duties and dangers faced by an agency's rangers, be they peace officers or public officers.

No matter what level of authority you are, always think safety when you are performing law enforcement duties. Often people will only see you for your uniform and badge. Learn your agency's operations manual for your job classification. Through it you should know what your agency expects of you and how you should perform your duties. If your agency is revising and updating your operations manual, volunteer to help in the process. This is a very good chance to influence and direct the way you do your job. If you don't like something or have a good idea this could be the best way to address it. You could have a chance to influence your agency and your job function for years to come, don't pass on the opportunity to get involved.



## From the President's Desk

I hope you have all been enjoying the spring. It has certainly been a wet one for us but I am not complaining about that. Now we start the build up for our busy summer season. Memorial Day is almost here and before you know it, schools will be out. The cycle always continues much like life. For those of you that attended the 2005 Parks Conference in Rohnert Park, I would like to thank you for attending. It was another well-attended conference that had some great field trips, excellent training opportunities, and fun social events. Thank you to the 2005 Parks Conference Planning Committee for all of their hard work and dedication to pull this off. Conference planning is a very time consuming, many times thankless job. Members might be amazed at how big of a production putting a conference together is and how few members are actually involved in planning and presenting our annual conference.

The PRAC Board received two nominations for the Honorary Member Award that were both very qualified and thus decided to award two Honorary Member awards this year. The first nominee was Assemblyperson Joe Nation. Joe Nation was nominated for his long-time support of rangers and the environment. Specifically, his support of the Marin Municipal Water District Park Rangers and support of legislation that allows local park ranger-peace officers to negotiate for safety retirement and his work with clean air, clean water, protection of cultural resources, control of invasive species, and Sudden Oak Death Syndrome.

The second nominee was John Havicon. John is the longest running past president to serve on the Board and has been a long-time devoted PRAC member serving on almost all committees PRAC has, including serving on several Park Conference Planning Committees. John has served on the board as President and Region 3 Director. John has been instrumental in the PRAC Recommended Training Standards being implemented and he maintains certificate and training files for the program. Whatever PRAC needs, John is always there to jump in and do his part to make things happen.

With these two, very qualified nominees, the Board saw no reason why they could not award both with this prestigious award. It was my pleasure to award John with his award at our awards banquet before his peers at the 2005 Parks Conference. Unfortunately, Assemblyperson Joe Nation was not able to attend our banquet due to prior commitments, so John Havicon and I had the honor to present Assemblyperson Joe Nation with his award at his office in the Capitol during the 2005 Park Advocacy Day in front of a group of dedicated park supporters. Congratulations John and Joe for your continued support of PRAC and the ranger profession!

*President's message continues on page 3.*

# From the President's Desk

*Continued from page 3*

Speaking of Park Advocacy Day, it was another successful and fun day. PRAC Members John Havicon, Amy Lethbridge, and I were on hand to join over 100 park supporters from throughout California to show our legislators the importance of maintaining the integrity of our parks and the importance of park funding. This is the 3<sup>rd</sup> annual Park Advocacy Day that the California State Parks Foundation presented with the continued support of PRAC, CSPRA, the State Park Peace Officers Association of California and several other park support organizations and cooperating associations. I personally led a team of park supporters from Santa Cruz and we met with seven different legislators during the day. John Havicon and Amy Lethbridge were also made team leaders. Although PRAC member participation was small, it made our organization look good to have our 3 members in attendance be designated team leaders. If you could not attend the event this year, I urge you to plan on attending next year. It is a very worthwhile experience.

It is not too late to get your application in for a 2005 PRAC Scholarship. The application deadline, June 1, is fast approaching. If you are a student or regular PRAC member, enrolled in a course of study in parks, recreation, resource management, or related field and taking at least 6.1 units, you are eligible to apply for 1 of the \$500.00 scholarships. Scholarship applications can be downloaded off of the Members Only web page. Applicants must maintain at least a 2.5 GPA and must submit 2 letters of recommendation with their application. If you are a qualified member attending college, don't miss this chance to earn some money to help you pursue your educational goals.

The 2006 Parks Conference Planning Committee is starting to form. The 2006 conference will be held in Laughlin, NV. Dave Updike has volunteered to be the PRAC Co-chair and Pam Armas has volunteered to be the CSPRA Co-chair. Both Pam and Dave bring prior conference planning experience to the committee with them. If you are interested in helping plan this conference, please contact Dave (his contact info is on the back cover).

I hope everybody survives Memorial Day weekend and the fast approaching beginning of summer.

Stay safe,

**Mike Chiesa**

# What's New at the Ranger Academy?

by Scott Verse

Bill Orr, the founder of the NPS Seasonal Law Enforcement Ranger Academy, retired in 2003 after many years of service. Dave Long, another friend to the parks, had the job for a year, but left for an offer in the private sector that he could not pass up. I accepted the challenge in July 2004 and am about to graduate my second ranger class.

By way of introduction, my name is Scott Verse. I have been teaching in the Department of Public Safety at the Santa Rosa Junior College since 1994. In 1995, I attended the Ranger Academy hoping for a change in environment from municipal law enforcement. Due to the federal budget woes at the time, I remained at the Sebastopol Police Department and taught in the ranger program at Bill's request.

The most visible recent changes to our facility have been to scenario village where we have added a campground and visitor's center in an effort to make a realistic and appropriate training atmosphere. We have also upgraded our training vehicle fleet and installed \$30k of upgrades to our force options simulators. We purchased three laser aiming devices to assist in our firearms training program.

Our recruits are now issued all their safety equipment and wear it throughout the academy in an effort to

prepare them for their law enforcement role. We have a formal procedure manual now that defines ranger conduct, as well as testing and remediation policies.

Be prepared to see our ranger recruits at morning formation reviewing the NPS morning report and reciting the NPS mission statement.

Every effort is being made to get the recruits out of the classroom and involved in "learning by doing" exercises. We have increased our instructional time in the areas of visitor contacts, narcotics recognition and DUI investigation.

We are always on the hunt for instructors, evaluators (salary increase to \$18.00/hr effective 07/05), and role players. This is an excellent way to refresh your skills and at the same time share your experience with those entering the profession.

I welcome those who have yet to see our Windsor Campus. Contact me to arrange a tour at [sverse@santarosa.edu](mailto:sverse@santarosa.edu).

Please refer future rangers to our website at [www.santarosa.edu/PublicSafety](http://www.santarosa.edu/PublicSafety). Our next academy begins 10/17/05.

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## Park Ranger Liability

by Bill Orr

While it is true a peace officer has considerably more power than the ordinary citizen, it is also true he/she also has much more potential liability in the performance of his/her duties.

Following the Civil War and the addition of the 13<sup>th</sup> Amendment to the United States Constitution, the Congress enacted civil rights legislation directed specifically at law enforcement officers:

Title 18, United States Code, Section 242 states that any law enforcement officer who deprives a person of his/her civil rights is guilty of a misdemeanor which could result in a **criminal action in federal court**.

Another piece of reconstruction legislation is the Civil Rights Act, USC 1983. It states that any state, county, or local peace officer who deprives a person of his/her civil rights "shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." Thus a violation of this statute affords a **civil cause of action in state court**.

These statutes make it clear that any violation of a person's civil rights will subject the park ranger to redress in court, either federal or state. It is imperative therefore

that peace officers avoid violations of the civil rights of an individual because such violations may not only subject the officer to criminal and civil liability, but also may result in disciplinary action of the officer's agency.

For these reasons park ranger training includes many hours on the several aspects of constitutional law such as detention, arrest, use of force, search and seizure, and so on. But what other areas in day-to-day performance of duties may result in liability for the park ranger and his/her agency.

As public servants, park rangers have a duty they must meet for legal, ethical and professional reasons. Legal duty can be defined as that which a person is legally obligated to do or refrain from doing. It may also be extended to include that which one should do based on the probability of injury to someone. An example will serve to illustrate:

A ranger makes a traffic stop and suspects the driver is under the influence. He performs a series of field sobriety tests which the driver does not fully pass. However, the driver convinces the ranger to let him drive home, a

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*Story continues on page 5.*

# Officer Safety

## by Lee Hickinbotham Jr.

During a recent event to celebrate the Iranian New Year, we had more than 8,000 people in our 150-acre park at any given time. For the most part the event went off without a hitch. However, there are always a few who don't want to obey the rules, and contacts must be made.

In one particular case my co-worker made the initial contact to inform a gentleman that he could not proceed past our barricades. This gentleman insisted he was going to proceed and refused to move his car unless the ranger let him pass. She explained to the reluctant driver why we were not allowing cars pass the barricades, and that's when he got aggressive with the ranger, who then called for my assistance. Make no mistake: my co-worker can handle her own. However, for reasons of officer safety (plus the fact that she is six months pregnant) she felt that the two of us could easier handle the situation.

As I approached, the subject immediately began yelling at me. I informed the him that my co-worker was correct and he would not be allowed to bypass the barricades. To gain attention he let out a loud whistle and shouted to the people in the cars behind his to get out and protest. To make matters worse, as I began to contact dispatch for a police unit to respond, another male visitor got in my face. I advised this gentleman to step back, all the while maintaining a bladed stance and keeping aware of my co-worker's and my safety. As both men became more aggressive, I withdrew my OC spray and advised them that if either took one more step towards me, I would use my spray.

Well, the police eventually arrived and we managed to gain compliance—but not before I was videotaped by the aggressors and threatened with a lawsuit. All in a

day's work for a park ranger, right?

As law enforcement officers we are often required to make split second decisions that can either escalate or calm an incident. It's critical to be aware of officer safety at all times in every contact. It's also wise to think ahead by asking yourself "what if" so that you're prepared to take action when the situation warrants.

Three days following the incident it just so happened that I was scheduled to attend an OC refresher class. Here are some tips that I'd like to share:

### Tips to remember:

- Always start your contact with education in mind and when necessary, escalate from there.
- Keep officer safety in mind at all times, even when the subjects are friendly and compliant.
- Practice drawing your canister from your holster.
- Position your holster on your belt where you can draw it with either hand.
- Always stand upwind if you anticipate using OC spray.
- Maintain a distance of 3-15 feet from your target when spraying
- OC spray only works on 85% of people.
- In the unfortunate event that your OC spray fails to stop your subject, have a back-up plan in mind

Last but not least, be prepared at all times and treat each contact with officer safety in mind.

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## Park Ranger Liability

### by Bill Orr

*Story continues from page 5.*

short distance away. The ranger allows him to continue. Ten minutes later the driver has an accident with another vehicle in which he is seriously injured and the other driver is killed. At the hospital, the driver's blood is tested resulting in an alcohol content well above the legal limit. The family of the victim driver sues, maintaining that the ranger was negligent in allowing the individual whom he knew to be driving under the influence to continue.

This example is similar to an actual case *Cridler v. Untied States*, in which the victim of tan automobile accident sued to recover damages resulting from an accident

involving an intoxicated person who had been stopped and released by two park rangers a short time before. In the subsequent court action, the initial judgment by the court was over seven million dollars.

Just in case of a violation of a person's civil rights, such as an illegal search conducted in bad faith and without probable cause, it is incumbent upon park rangers to have a working appreciation for the concepts of "legal duty" and "probability" as they apply to law enforcement. This is becoming more and more important considering the increasing trend toward increased litigation by park users.

# Another Certified Ranger

## by John Havicon

During this year's Conference Banquet, President Mike Chiesa had the honor of presenting Los Angeles City Park Ranger Pete Steur as the latest recipient to meet all of PRAC's Training Standards. Ranger Steur completed 447 hours of training, which included the disciplines of Interpretation, Resource Management, Park Stewardship, Law Enforcement and Fire/Rescue.

Ranger Steur, born and raised in Southern California grew up with the desire to either work in law enforcement or fire fighting. He found the best of both worlds when he was hired part-time by the City of Los Angeles as a Park Ranger in 1990.

Ranger Steur continued working and training for Los Angeles and was promoted to full-time in 1995. He attended and graduated from the Rio Honda Police Academy. Ranger Steur's duties as a Park Ranger includes law enforcement, firefighting search & rescue, park maintenance, interpretation and shelter duties. Ranger Steur is currently a Lead park Ranger for his department. He is also a Field Training Officer with five Park Rangers under wings.

Unfortunately, the City of Los Angeles Peace Officer Rangers is moving quickly to extinction. The city officials are planning on moving their whole department to General Services. The Rangers will be given a new title, "Special Officers," with new duties and a new blue uniform.

The Park Rangers Association of California congratulates Pete Steur for his hard work to meet the training standards and wishes him the best for future endeavors.



# Smitty's Book Report

**I'm Baaaaack!** I told you I would return some day and like a bad dream, I have re-appeared. I told you I would return if I found something good to write about. It was good to see a lot of you at the annual conference. At my age, I obviously went for the social events and to see how PRAC was doing. Nicely, I might add. I even had the opportunity to chair a session. It was a session by published authors and was designed for all the "Gray Bears" and their wives, who attended this year. Even though my book, *I'm Just a Seasonal* is not on the shelf yet (it's at the editor and should be out sometime this summer), I sat and went to school on the authors about what they went through to get books published. Later that evening we were entertained by another author, Jordan Fisher Smith who was the speaker for the banquet. I would like to report to you on two of the books that were presented at the conference. Maybe some of you might have even purchased them. In that case, bear with me. In my library are several books written about the experiences of park rangers. Most all of the books are by members of the National Park Service. I have one from the Canadian National Parks. This time California State Park Rangers, Carl Chavez and Jordan Fisher Smith have written the two I have in my hand.

**Nature Noir**, authored by Jordan Fisher Smith. Jordan worked as a park ranger along the North Coast and in the Sierras. In his book he tells of his experiences of trying to save a piece of government owned land that was to be inundated after a dam was to be built along the American River. In the book, he deals with amateur and "professional" gold seekers and miners, bungee jumpers and other risk recreation users, drug runners and pot growers. He also helps to investigate an attack by a mountain lion on a young woman jogger and to look for the bones of a long lost woman. The book is nicely written, informative and exciting and worth the effort. Price \$24. You might be able to get it on Amazon.com at a cheaper price.

Carl Chavez's book, **A Pathway Through Parks**, takes a person through 30 years of service to California as a park ranger as he moved up through administrative and supervisory duties to retirement. One huge thing struck out at me. A lot of his earlier experiences were not unlike my own. Coping with wilderness when a ranger at Bodie, while living in sub-standard housing, and particularly his experiences as a seasonal with the Forest Service. It was almost in the same environment as I was in as a Yosemite ranger. You will enjoy reading about Carl's adventures as he moved up in the system, such as up-rooting his family and moving and dealing with new positions in new places.

His book again proved to me that in this profession you cannot make a real go of it without a flexible wife! The book is a "can't put it down" variety if you are in the profession we are in. In fact, if I were the State Park Director, I would make it required reading for all new employees. The best way to purchase this book is directly through Carl at C2 Publications, P.O.Box 114, Graeagle, and Ca 96103. The cost is \$19.95 and is worth every penny.

Maybe I'll see you again soon. Perhaps in one of your parks.

Cheers, *Smitty*



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