

The Signpost

September-October, 2016



Why I love the PRAC Conference

Nine years ago a fellow ranger strongly urged me to join the Park Rangers Association of California and go to the Conferences. This was one of the best pieces of advice I've gotten in my career and I haven't missed a conference yet. I look forward to the PRAC Conference every year and liked it so much, I decided to get more involved with the planning of San Diego and now the Palm Springs area.

This is the best and most economical conference for rangers in California. I've been to CPRS and Trails Conferences and even though they are bigger, PRAC is more relevant to the job I do. Every ranger I know who has attended the PRAC Conferences really enjoyed them.

Each year we have the conference at a different location which allows attendees to explore a different part of the state they may not be familiar with and get away for a few days. They also offer a different experience at each new location.

Each conference has its highlights whether it's a private tour of the Hearst Castle in Cambria, Beer Tasting with Ira Bletz in San Francisco, a private dinner at the Monterey Bay Aquarium in Monterey, an incredible interpretive experience by Shelton Johnson in Yosemite, a trip to the Autry Museum, visiting the redwoods in Santa Rosa, going for a hike in Yosemite, visiting Cabrillo National Monument and awesome guest speakers like Joan Embery in San Diego.

The 2017 PRAC Conference will offer many exciting new adventures in the desert of the Palm Springs area.

So why go to the conference? Renew your excitement about the work you do, meet online friends & colleagues face to face, share new ideas and have fun, bring value back to your park. It's a great chance to meet experts in the field, network with peers, draw on energy of like-minded people and learn new things inside and outside your field.

Hope to see you in La Quinta at the 2017 PRAC Conference!

Candi Hubert, Region 5 Director



Under the Flat Hat

by Matt Cerkel

This year marks many anniversaries in the park ranger profession. As I write this we are approaching the Centennial of the National Park Service, which was established on August 25, 1916. This year also marked the 150th Anniversary of the park ranger profession in California. Finally, as you know this year also marked the 40th Anniversary of the Park Rangers Association of California. From the beginning of the park movement (local, state and national) and the park ranger profession California has played an important role in their simultaneous developments.

In 2014 we celebrated the 150th Anniversary of the Yosemite Grant, which preserved Yosemite Valley and the Mariposa Grove of Giant Sequoias as a State Park. It marked both of birth of State Parks in California and the first step of what became the national park movement. While not as well-known, 2016, marks the 150th Anniversary of the park ranger profession. On May 21, 1866, Galen Clark was named "Guardian of Yosemite" by the state commission that managed the Yosemite Grant (State Park). Grant "was the first person formally appointed and paid to protect and administer a great natural park. Clark was "California's and the nation's first park ranger." Clark's duties would easily be recognized by modern park rangers and included: protection of the park...enforce the laws enacted to protect the park, its resources and its visitors...maintain park trails and facilities...administer the park concessions...and educate and inform the visitors. As the first park ranger, Clark established the park ranger job as one of protector, host, and administrator...he began the proud ranger tradition of protection and care of parks, combined with courteous and helpful service to the visiting public.

The term "Park Ranger" was also most likely coined in California. In September 1898 the Army Superintendent of Yosemite National Park (which was then separate from the state-run Yosemite Grant) "received authorization to appoint (civilian) forest rangers... for temporary service. These men were to assist the Troops on their patrols." These rangers were kept on for the winter to protect the Park (when the Army had returned to the Presidio in San Francisco). "The Army reports to the Secretary of the Interior referred to these rangers as "Park Rangers." This was probably the first usage of the "Park Ranger" title. The forest rangers in California National Parks, were officially designated "Park Rangers" in 1905.

As I write this article the date of August 25th, 2016 is rapidly approaching. That date marks the 100th Anniversary of the creation of the National Park Service. The two men directly responsible of the creation for the National Park Service, Stephen T. Mather and Horace Albright were both Californians. They served as the first and second Directors of the National Park Service. They both played key roles in shaping the parks and the park ranger profession.

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Under the Flat Hat

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Stephen T. Mather said this about park rangers in the 1920s "They are a fine, earnest, intelligent, and public-spirited body of men, these rangers. Though small in number, their influence is large. Many and long are the duties heaped upon their shoulders. If a trail is to be blazed, it is „send a ranger.“ If an animal is floundering in the snow, a ranger is sent to pull him out; if a bear is in the hotel, if a fire threatens a forest, if someone is to be saved, it is „send a ranger.“ If a Dude wants to know the why of Nature's ways, if a Sagebrusher is puzzled about a road, his first thought is, „ask a ranger.“ Everything the ranger knows, he will tell you, except about himself."

In 1926, Horace Albright stated: "The ranger is primarily a policeman...The ranger comes more closely in contact with the visiting public than any other park official...Naturally, therefore, the ranger must have a pleasing personality; he must be tactful, diplomatic, and courteous; he must be patient...The ranger is charged with the protection of the natural features of the Park, especially the forests." Albright went on to say about the duties of the rangers "The ranger force is the park police force, and is on duty night and day in the protection of the park... The ranger force is the information-supplying organization. The issuance of publications, answering of questions, lecturing, and guiding are all accomplished by rangers."

Mather and Albright also played a role in the development of the ranger naturalists (interpretive park rangers) in the 1920s. The ranger naturalist profession was simultaneously developed in Yellowstone and Yosemite National Parks. It can be convincingly argued the both branches of the park ranger profession (protection and interpretation) were born here in California. Both Mather and Albright shaped the public image of the park ranger profession that is still the common public perception today.

This year also marked the 40th Anniversary of the Park Rangers Association of California (PRAC). Since our creation in 1976 PRAC has been the professional organization for park rangers and other uniformed park employees of municipal, county, special district, state and federal agencies. PRAC is the only ranger association in the state that represents ALL rangers. Our sister organization the California State Park Rangers Association (CSPRA) provided the guidelines on how to get started as an organization. In turn PRAC and CSPRA helped provide guidance in the creation of the Association of National Park Rangers.

Given the role California has played in the development of parks and the park ranger profession the state is not only the "Golden State," but also the "Park Ranger State." The profession that began The Thin Green Line here in 1866 with the appointment of Galen Clark has now spread around the world.

Technology in Parks: Trail Cameras

by Michael Warner

Have you ever wondered what goes on in your park when you are not around? Have you been trying to catch a particular violator who has been damaging your park signs for months? There is a solution to those questions, and it comes in the form of the motion sensor activated trail cameras.

Now I know these are not a necessarily new invention, the first record of using a camera to remotely photograph animals was in 1880 by wildlife enthusiasts George Shiras who used a system of trip lines and flash bulb camera to capture a picture of a subspecies of Moose never before seen in Yellowstone National Park. George went on to spend the next 65 years perfecting the technique to study animal populations all over North America.

on multiple agency park lands, the study has provided a great insight into the movement patterns and numbers of the wildlife in and around Mt Tamalpais.



(Example of an image from modern game camera from the Wildlife Picture Index on Mt. Tamalpais, Coyote Pup on Marin Municipal Water District Lands)

Some park agencies have also started using trail cameras for enforcement purposes too. Examples of violations the cameras are used to investigate include marijuana cultivation, motor vehicle trespass, unauthorized trail construction, and vandalism. Recently in a case in Marin County a person who repeatedly violated a closure order to reopen a closed trail that was illegally constructed on park lands was found guilty and fined for multiple violations of the closure area over a two month period. The presiding judge ruled that trail cameras, if solely used for enforcement purposes, with a detailed time line of each activation, count as in the presence of the officer / ranger who eventually issues a citation on a later date. It was also stated trail cameras are not a violation of expectation of privacy because parks are public places.

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(First trail camera photo ever produced showing a subspecies of Moose in Yellowstone National Park. Source: National Geographic Society)

Today trail cameras are mainly used to monitor wildlife populations by many park and research agencies. An example of this on a large scale is the Wildlife Picture Index currently taking place on Mt Tamalpais in Marin County and is overseen by a non-profit organization called One-Tam. One-Tam combines the resources of the four land management agencies in Marin County; The National Park Service, California State Parks, Marin Municipal Water District, and Marin County Parks. Utilizing approximately eighty trail cameras throughout a grid system

Technology in Parks: Trail Cameras

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Another use of the trail cameras is utilizing them as a survey tool. By placing cameras, for a set period of time (usually two weeks) on a system trail and counting the number of violations you can create a spreadsheet full of information. Park managers can better understand how many people use your parks, when people are out in the park, how many violations occur, and help target your patrols to when those violations occur.

Finally a recent addition to the trail camera world is the use of cellular activated trail cameras. These cameras can text or email up to 8 pictures per activation to as many as four cell phone numbers and two email addresses. They work similar other trail cameras, but have an antenna that sticks out the top of the camera. For areas that have poor cell phone coverage, an extended antenna can be purchased to boost the signal.



(Example of a game camera used to identify a vehicle trespass issue with motorcycles)



(Example of a cell enabled game camera)

Since their origin game cameras have been and continue to be useful tools for park rangers and managers of parks and preserves for learning about what truly goes on in their areas of responsibility.



Park Rangers Association of California (PRAC)

2017 California Parks Training and Conference

SAVE THE DATE

WHEN: February 27 th – March 1 st	WHERE: La Qunita, California Embassy Suites	COST: \$250 Members \$275 Non-Members Hotel - \$110/night
<i>Registration to follow</i>		

“Getting to Know You”

by Richard Weiner

Region 4, Director

Last year I took a road trip to Portland Oregon to welcome our new Region 7 to PRAC. During that visit I was able to take a tour of their parks, see the city and get an idea of how they operate their agency.

In June I took a ride along with the Los Angeles City Park Rangers. My tour started with a briefing from their Captain as to what had transpired over the last few days. My tour guide for the day was Pete Steur, one of the senior rangers. Once we got into his patrol truck, dispatch contacted us to proceed to a park and meet up with the Los Angeles Fire Department. When we arrived



- Number of Rangers—20 Full Time/50 Part time
- Acreage Patrolled in Major Parks—10,019 Acres (Largest Park- Griffith 4218 Acres)
- Basic Training—POST Academy, Basic Wildland Fire Academy
- Vehicles—23 (Patrol Trucks/Fire Engines/ATV/ Mountain Bikes/Water Tenders)

This ride along gave me a more in-debt look at the make-up and responsibilities of the ranger’s that patrol Los Angeles City.

If you are interested in a “Getting to Know You” article about your agency for the *Signpost*, please let me know.

at the park, we met up with two individuals, one a L.A. City Fire inspector, and the other an ATF agent. They were there investigating two fires from the previous day that were started by individuals throwing fire works off the freeway into the brush. This turned out to be very interesting since we had to go through a couple of homeless encampments and speak with individuals there to determine the location of the fires. L.A. City Park Rangers have many duties that bring them together with the LA Fire Department.

Here are some facts about the L.A. City Rangers:

- Populations of L.A.—3,971,883
- Ranger Program Established—1965



California Legal Update

Robert C. Phillips, Deputy District Attorney (Retired)

- Prolonged Detentions:
- Detentions and Reasonable Suspicion:
- Detentions and the Use of Handcuffs:
- Infraction Offenses and Custodial Arrests:

People v. Espino (May 24, 2016) 247 Cal.App.4th 746

Rule:

(1) A reasonable suspicion of other criminal activity will justify prolonging a traffic stop situation beyond the time it takes to write the citation.

(2) Consent to search obtained from an illegally arrested suspect will likely be held to be involuntary. The use of handcuffs, absent cause to believe the suspect will resist or attempt to flee, converts a detention into an arrest.

(3) A custodial arrest for a non-bookable offense is not lawful absent a good faith belief that probable cause exists for charging a bookable offense.

Facts: Gilroy Police Sergeant Joseph Deras, working speed enforcement in the City of Gilroy, clocked defendant driving 50 miles per hour in a 35 mph zone. Making a traffic stop, Sgt. Deras collected all the necessary documentation from defendant and ran a routine license and warrant check. Although the warrant check came back negative, it revealed that defendant was a registered sex offender, per P.C. § 290; something Sgt. Deras apparently already knew. Sgt. Deras made it a routine practice to verify that sex registrants were still living at their registered addresses. With defendant, Sgt. Deras had prior information that although certified letters had been sent to his home address, police were unable to establish fact-to-face contact with him at that location. While Sgt. Deras was attempting to locate the officer who had told him about defendant, Gilroy Police Detective Bill Richmond called him on his cellphone and told him to “hang on” to defendant until he could get there. Detective Richmond had information from a “validated confidential informant” that defendant was selling narcotics and firearms. Sergeant Deras later testified that he managed all the informants in Gilroy and that he also was aware from his own firsthand knowledge of an informant “looking into” defendant concerning drugs and firearms. Also, a civilian ride-along with Sgt. Deras told him that when they first stopped defendant, the ride-along had seen him “making a very pronounced movement” to the passenger side of the car. Now, concerned that defendant might be packing a pistol, Sgt. Deras decided to wait for

cover to assist before contacting him again. Within several minutes, Detective Richmond and another officer arrived. Ordered out of the car, defendant told them that he was living at the address listed in his sex offender registration information but denied ever getting any certified letters. Noticing that defendant would put his hands in his pockets off and on, he was asked for consent to search his pockets. Defendant consented. In one of his pockets was found what appeared to be a single rock of crack cocaine. Believing that defendant was committing a felony, he was placed in handcuffs while being told that he was only being detained and not arrested. A closer check of the rock showed that it was in fact a small diamond and not cocaine. Defendant, while still in handcuffs, and sitting on the curb of the sidewalk where the officers had placed him, was asked for consent to search his car.

After “think(ing) about it” for a moment, defendant consented. In the car was found several grams of methamphetamine, an electronic scale, and some clear plastic bags. He was arrested on a possession-for-sale charge and a search warrant was obtained for his home. Execution of the warrant resulted in the recovery of a .22-caliber revolver and some ammunition. A video from Sgt. Deras’ car established that the entire stop, up until defendant’s arrest, lasted about 13 minutes. Charged in state court with possession of methamphetamine for sale (H&S Code, § 11378), possession of a firearm by a felon (former P.C. § 12021(a)(1)), and possession of ammunition by a felon (P.C. § 30305(a)(1)), defendant’s motion to suppress all the evidence seized from his vehicle and his home was denied. He thereafter pled no contest to the sheet and admitted to a prior conviction for possession of cocaine. Defendant appealed from his two-year, eight-month prison sentence.

Held: The Sixth District Court of Appeal reversed. On appeal, defendant argued that although the traffic stop was legal, his consent to search his car was invalid as the product of an illegally prolonged detention, and that the warrant for his home, supported only by information obtained during his illegal detention, was invalid. He also argued that any probable cause the officers might have had to support an arrest had “ceased to exist” when it was discovered that he was not in possession of cocaine, and that his consent to search his car, obtained while he was under an illegal “de facto” arrest, was therefore invalid. The People responded that Sgt. Deras had sufficient reasonable suspicion

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California Legal Update

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independent of the traffic violation to justify a prolonged detention. The People also argued that defendant had validly consented to the search of his car because he was only being detained despite the use of handcuffs, and, in the alternative, the police had the authority to arrest defendant for the traffic violation, despite statutes that require him to be cited and released, under Supreme Court authority that says that to do so is not a Fourth Amendment violation (i.e., *Atwater v. City of Lago Vista* (2001) 532 U.S. 318.)

(1) The Prolonged Detention: After being stopped for speeding, defendant was never written a citation. Instead, the police expanded the scope of the stop beyond its initial purpose and detained him for longer than necessary to cite him while investigating the possibility that he might be dealing in drugs and weapons. The legality of the initial stop was not contested. The rule under these circumstances is that when making such a traffic stop, the seizure of the driver “can become unlawful if it is prolonged beyond the time reasonably required to complete that mission.” If, however, “the police develop reasonable suspicion of some other criminal activity during a traffic stop of lawful duration, they may expand the scope of the detention to investigate that activity.” That “(r)easonable suspicion is a lesser standard than probable cause and can arise from less reliable information than that required for probable cause.” In this case, Sgt. Deras had some prior information that defendant might not have been in compliance with P.C. § 290’s registration requirements in that no one had been able to verify that he lived where he said he lived. Sgt. Duras was also aware that a confidential informant had information suggesting that defendant might be involved in selling drugs and guns. And during the traffic stop, Sgt. Duras’ ride-along reported to him that defendant had made a furtive movement during the stop, suggesting that defendant may have hidden drugs or a weapon. Taken together, these facts provided sufficient reasonable suspicion to justify an extension of the duration of the traffic stop beyond the time it would have taken to write a traffic citation. (Detective Richmond’s information concerning defendant’s possible illegal activities was disregarded absent some proof of the reliability of his sources.)

(2) Consent Given During a De Facto Arrest; The Use of Handcuffs: At the time defendant gave consent to search his car the probable cause to arrest him had disappeared, it being determined that the supposed rock cocaine found in his pocket

was not a controlled substance at all. But the officers kept defendant in handcuffs and seated on the curb despite no longer having any probable cause to arrest. The people argued that defendant was only being detained at this point. Whether or not defendant was under arrest or only detained depends upon an evaluation of the “totality of the circumstances.” It is sometimes lawful to use handcuffs to effect a detention, depending upon the circumstances. However, unless the use of cuffs in a detention situation can be justified by a reasonable belief that the detainee presents a physical threat to the officer, or that he might attempt to flee, then using handcuffs will convert that detention into a “de facto arrest.” In this case, defendant was outnumbered by officers at the scene three to one. He was 50 years old, and not a large person, physically. He also had shown no signs of potentially physically resisting or attempting to escape, being “peaceful and compliant” throughout the stop. Defendant’s person had already been searched and no weapons were found. Also, he was being held too far from his car to reach for any weapons that might have been in there. Under these circumstances, it was not necessary to use handcuffs to effect a detention. Failure to remove the handcuffs “within a reasonable amount of time” of discovering that there no longer was any probable cause to justify an arrest converted the situation into a “de facto arrest,” and became unlawful. The fact that defendant was told that he was not under arrest was held to be insufficient to overcome the other circumstances indicating to the contrary. As to the subsequent consent defendant gave to search his car, the rule is that “whether a consent to a search was in fact ‘voluntary’ or was the product of duress or coercion, express or implied, is a question of fact to be determined from the totality of all the circumstances.” Under the circumstances presented here, it was held that defendant’s consent to search his car, occurring within 2 to 3 minutes of discovering that the rock in his pocket was not a controlled substances, was a direct product of the illegal arrest. As such, it was invalid. The dope found in defendant’s car, therefore, should have been suppressed. As for the gun and ammunition found at defendant’s home upon execution of a search warrant, its legality depends upon whether there was probable cause justifying the issuance of that warrant. The Court remanded the case back to the trial court for a hearing to determine whether, after deleting information related to what was found in his car, there remained probable cause to justify issuance of the warrant.

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California Legal Update

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(3) Applicability of Atwater: The People also argued that even if not lawfully under arrest for possession of a controlled substance, the United States Supreme Court's decision in *Atwater v. City of Lago Vista* allowed for defendant's physical, custodial arrest for speeding. Based upon this theory, defendant was in fact lawfully under arrest at the time he gave his consent to search his car, albeit for speeding only. The Court rejected this argument. In *Atwater*, it was held that taking a suspect into custody for a non-bookable offense (a seatbelt violation), even if in violation of a state statute mandating that the person be cited and released, is not a Fourth Amendment violation and does not require the suppression of any of the direct products of that statutorily illegal, but constitutionally permissible, arrest. California authority is in accord. (See *People v. McKay* (2002) 27 Cal.4th 601; a V.C. § 21650.1 [riding a bicycle on the wrong side of the street] violation.) Per the People's argument, *Atwater* (and *McKay*) establishes that the police officers here could have arrested defendant for speeding without violating the Fourth Amendment. The Court here wiggled its way out of this one by ruling that nothing in the *Atwater* line of cases suggests that this theory can be used when the offense for which defendant is actually arrested (possession of cocaine, in this case) is not supported by probable cause. In other words, the officers must first have an objectively reasonable good faith belief in the facts supporting probable cause for the offense (i.e., one that is bookable pursuant to statute) for which they arrested the defendant. In this case, once the officers discovered that the object in defendant's pocket was other than a controlled substance, the facts known to the officers no longer supported his arrest for drug possession. Under such circumstances, without a good faith belief that defendant was subject to a lawful custodial arrest, *Atwater* and its progeny do not apply. To hold otherwise would allow the police to search and arrest a motorist for any offense—even where officers know there is no evidence that a bookable offense has been committed—so long as there is probable cause to support a traffic violation (e.g., speeding). Therefore, the Court announced the rule that “police may not use probable cause for a traffic violation to justify an arrest for an unrelated offense where, under the facts known to police, they have no probable cause supporting the unrelated offense.” Here, although the officers initially had probable cause to arrest defendant for possession of a controlled substance, that probable cause went away when they discovered that the rock in defendant's pocket

was not contraband. Upon this discovery, reliance upon *Atwater* was no longer valid. Defendant was not lawfully subject a custodial arrest or booking for the traffic violation.

Note: As to the *Atwater* argument, I found the Court's reasoning to be a bit strained, and I'm not sure I buy it from a purely legal standpoint. Why the products of a search incident to an arrest for an infraction or non-bookable misdemeanor are not subject to suppression (per *Atwater*; *McKay*; *People v. Donaldson* (1995) 36 Cal.App.4th 532; *People v. Trapani* (1991) 1 Cal.App.4th Supp. 10; *People v. Gomez* (2004) 117 Cal.App.4th 531, 538-539; *People v. Gallardo* (2005) 130 Cal.App.4th 234, 239, fn. 1; and *People v. Bennett* (2011) 197 Cal.App.4th 907, 918.), but you can't get a valid consent to search under the same circumstances, is beyond me. The only thing I can see justifying this decision is that the officers in this case never really intended to physically arrest the defendant for speeding. But I can't fault the Court's ultimate conclusion. I don't encourage officers to be making physical arrests for minor offenses where state statutes dictate a cite and release (e.g., P.C. §§ 853.5, 853.6, V.C. §§ 40303, 40500). This inevitably leads to officers conveniently changing their minds after finding nothing during a search incident to an arrest for speeding, for instance, and writing him a ticket instead. This is not only dishonest, but also damages good police-public relations. I'm of the school (noting that not everyone agrees) that the statutory restrictions on making custodial arrests for infractions and misdemeanors should be respected, whether or not there is a suppression sanction for violating them. In other words, it shouldn't take an exclusionary rule to motivate police officers to follow the dictates of the state Legislature.

This case is also noteworthy on the issue of using handcuffs to detain. I've been getting reports of police officers routinely using handcuffs in effecting detentions under the theory that any such contact is potentially dangerous. That may be true, but an officer must still be able to articulate why, under the circumstances of the particular case in issue, he or she reasonably believed that this particular suspect was going to resist or flee. This case is correct in noting that the use of handcuffs, absent an articulable reason for doing so (i.e., the suspect's lack of cooperation or likelihood that he will attempt to flee), converts such a contact into a de facto arrest, and is illegal absent probable cause supporting that arrest.

Call For Papers

2017 California Parks Training and Conference

February 27 through March 1, 2017

Embassy Suites, La Quinta

The Park Rangers Association of California is looking for presenters for the 2017 California Parks Training and Conference. If you would like to make a presentation or have a suggestion for a topic or speaker we would like to hear from you. Please contact the appropriate track chair person by *September 1, 2016*.

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Resource Management/Park Operations Track

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