



## RANGER ACTIVITIES INFORMATION EXCHANGE



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The Ranger Activities Information Exchange is a four-page monthly bulletin produced by the Washington Ranger Activities Office and distributed to the chief ranger in each park, regional office ranger staffs, and other interested parties. Chief rangers are strongly encouraged to duplicate each issue and share it with their staffs. If you have any information for the Exchange or any questions you'd like answered, please contact Bill Halainen at 202-343-4874.

### Chief Ranger's Comments

I've just returned from a very productive and rewarding meeting with the chief rangers from Rocky Mountain Region. Over the several days we spent together in Grand Junction, Colorado, we discussed a wide variety of topics, and I learned a great deal about their current concerns. These conferences provide a valuable forum for exchanging information, ideas and perspectives, and I look forward to attending others in the future.

One topic of particular concern was the number of reports required by Washington and the questionable value of parts or all of some of them. We will be examining all Visitor Service reporting requirements over the near future, and would like to hear your comments on the relative value of any of them - either directly or through your regional office. It's not possible to eliminate some of them due to requirements imposed upon us, but we will clarify, correct or eliminate them when and where we can. This review will be an informal one until we get a feel for the degree and character of your concerns.

I would particularly like to encourage sharing and communication between the field and this office. Budgetary restrictions make it more important than ever that we cooperate and work together on our common problems and goals.

- Walt Dabney  
Chief, Ranger Activities

### Fees Legislation

There hasn't been much action with the proposed fees legislation since it was introduced to the Senate by Senator McClure in mid-March. The Department, however, has asked for a new schedule of proposed fees which might be more acceptable to Congress. An alternative fee structure was submitted which would drop entrance fees from \$3, \$5 and \$10 to \$2, \$3 and \$5, lower the Golden Eagle pass from \$40 to \$25, and raise the Golden Age from a one-time \$10 administrative fee to a one-time \$25 administrative fee. The suggested revision also calls for a 100 percent return of revenues to the Service, whereas the current proposal passes 20 percent of collected fees to the Treasury. Although the fees would be lowered, the increase in the percentage returned to the Service would mean that the amount generated (\$59 million) would be the same as projected in the current proposal. The present feeling is that this alternative to the current fees legislation will be very favorably received by Congress, but no action has yet been taken.

## National EMS Conference

A conference was held in Phoenix last month to evaluate and discuss the Service's national EMS program. It was attended by EMS coordinators from 13 parks, 10 medical sponsors and nurse coordinators, and various state EMS officials.

The keynote address was given by Tom Scheib, the chief of EMS for the Department of Transportation, who said that the Service's program is now considered a model federal EMT program which he and others use in working with other agencies. Rocco Morando, executive director of the National Registry of EMT's (NREMT), gave an update on that operation. He said that the national registry will be designating certain Park Service EMS people as NREMT examiners, and that parks should speak to the Service's EMS coordinator (John Chew) if they are interested in having such examiners on their staffs. Morando also said that the registry will be informing states that haven't yet approved NPS-51 that NREMT will begin certifying Park Service EMT's without further delays.

Attendees at the conference established a number of goals for the coming year, including:

- development of certification standards for First Responders;
- development of Park Service certification for EMT instructors at all levels;
- distribution of a position paper on working with patients with severe communicable diseases (such as AIDS and hepatitis); and
- development of a program to implement critical incident stress debriefings nationally.

The conferees also developed recertification guidelines for level five park medics, revised the medical review board SOP's in NPS-51, and established a requirement that every park have an EMS coordinator.

## Proposed DUI Regulation

The proposed revisions to Part 4 of 36 CFR (Vehicles and Traffic Safety) contain a thoroughly-revised DUI regulation which will:

- prohibit the operation of a vehicle while under the influence of alcohol or drugs or a combination of both;
- establish a specific blood alcohol concentration limit (.10);
- allow flexibility in the use of state and federal training and equipment standards; and
- require an alleged violator to submit to quantitative blood-alcohol tests and leave the choice of tests to the officer or ranger rather than the alleged violator.

A number of people have asked why the Service is developing its own DUI regulation instead of assimilating appropriate state laws. Although there are several reasons, the principal and overriding concern is that it's not possible to adopt any administrative or procedural provision of state law under CFR. This means that a state's implied consent rules could not be assimilated, and any license revocation procedures would be inapplicable. Moreover, any penalty provisions which varied from those established in 36 CFR 1.3 could not be applied.

The proposed rule will probably be published toward the end of May. There will be a 60-day public (and NPS) review and comment period after publication.

## Supreme Court Rules on Police Liability

Rangers involved in law enforcement may be interested in a recent U.S. Supreme Court decision concerning civil liability for improperly issued warrants. In its ruling on *Malley v. Briggs* (No. 84-1586), the Court held that a police officer could be sued for wrongful arrest even though the arrest had been duly authorized by a warrant issued by a magistrate.

The case involved a Rhode Island state trooper who applied for a warrant for the arrest of a married couple on the basis of what the court called "vague suggestions" of marijuana possession and use. A state judge issued the warrant and the arrest was made, but the charges were later dropped and the couple filed a civil suit against the officer. The case was dismissed in U.S. District Court, but the Supreme Court ruled that the plaintiffs were entitled to have a jury decide whether a "reasonable police officer" would have concluded that there was probable cause for arrest.

In its decision, the court observed that a judge who issues an improper arrest warrant is guilty of "greater incompetence" than the police officer who applies for or executes the warrant, but upheld the common law principle of absolute immunity for judges. This immunity, which covers even intentional violations of Constitutional rights, applies to prosecutors as well.

As a result, a police officer executing an arrest warrant which has been issued without adequate probable cause is the only feasible target for a defendant's lawsuit. An article in a March *New York Times* offered this analysis: "Some observers speculated that the Court's primary motivation in the decision was to provide an avenue for redress for victims of unlawful search and seizure. It was noted that several recent decisions have resulted in a weakening of the exclusionary rule barring use of illegally obtained evidence; by affirming the right of citizens to sue at least some members of the justice system, the court maintained one deterrent to possible abuse of police powers."

The implication for field personnel seems clear: a warrant in hand is no guarantee of safety from litigation or the possibility of financial penalties.

- Bob Mackreth  
Fire Island

## Enforcement Notes

On April 9th, a ranger at Cape Hatteras exchanged shots with a man who'd allegedly stolen a plane and landed it in the park. Neither party was hit during the incident, which led to an intensive manhunt and eventual surrender by the assailant. The ranger had staked-out the plane, which had been reported stolen from a North Carolina airport. When a man approached the plane, the ranger asked him to place his hands on a wing; instead, the man drew a revolver and opened fire. The ranger returned fire as the man fled into a heavily-wooded area of the park. Park rangers were then joined by U.S. Park Police officers, state and county officers in a major, three-day search of the area. The assailant, a former Special Forces officer with combat experience who was beset with personal problems, finally gave himself up to local police on April 13th.

A hunter who killed a moose within Lake Clark park boundaries last fall and was caught by two rangers there has been successfully prosecuted for transportation of illegally taken wildlife, a Lacey Act violation. He was convicted by an Anchorage jury in January and sentenced to thirty days in jail. Last year, rangers contacted two Washington state hunters in the national preserve who had brown bear

hides in their possession and claimed to have killed them in defense of life (allowed under state law). The investigation by rangers and Alaska Fish and Wildlife Protection officers determined that they had not been killed in self-defense, and the hunters were fined \$3,000 (\$1,500 suspended), sentenced to forty days in jail, forfeited their rifles, lost their hunting privileges in Alaska for two years, and were placed on limited probation for five years. These cases were important to the Service in Alaska because they were cooperatively investigated and prosecuted by the state's Fish and Wildlife Protection Division and the Park Service, which has helped immensely in developing credibility and rapport between the two agencies.

Western Region Ranger Activities Directory

In the interest of improving communications among rangers, the Exchange offers the following diagram of the organization and duties of staffers in the Western Region's Division of Safety and Ranger Services. All persons in this office can be reached at FTS 556-1866; Jim Deason is at FTS 762-5135 and Dave McLean is at FTS 598-7908.

