

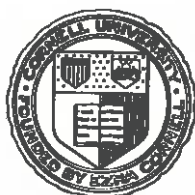
DEER HUNTING VIOLATIONS AND LAW ENFORCEMENT
IN NEW YORK: The TJs' and ECOs' Perspectives

by

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Daniel J. Decker, Tommy L. Brown, and Chad P. Dawson

January, 1980



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SUMMARY

Previous studies related to wildlife law violations have provided law enforcement personnel and wildlife managers with some initial insights into understanding wildlife law violations. To add to this understanding in New York, we conducted a study of town and village justices (TJs) and Environmental Conservation Law Enforcement Officers (ECOs), to determine their experiences and attitudes concerning deer hunting law violations.

TJs were picked as a survey audience because during the course of earlier studies conducted by the authors in the peripheral Adirondacks it was often suggested that 1 reason why illegal deer take continued in the region was that local TJs were too lenient with violators. The validity of this allegation could be partially tested by comparing the attitudes and actual records of TJs from that region with those of TJs from other regions of New York. Additionally, we sought TJs' evaluations of various aspects of deer hunting law violation cases to help us in understanding their perspective on deer law enforcement. To complement the information and insights gained from the TJ survey, similar attitudinal information was sought from ECOs.

Our objectives were:

- (1) to evaluate the importance ECOs and TJs place on the arrest and prosecution of deer hunting law violators as a means to protect the deer resource;
- (2) to determine ECOs' and TJs' attitudes about the discretionary nature of the NYS Environmental Conservation Law as it relates to deer hunting law violations;
- (3) to evaluate the importance of various factors which are considered when ECOs make recommendations and TJs make decisions concerning the level of penalties for deer hunting law violations;
- (4) to determine the types and occurrences of deer hunting law violation cases handled by ECOs and TJs across the state;
- (5) to obtain ECOs' evaluation of various impediments to effective wildlife law enforcement;
- (6) to obtain ECOs' assessment of trends in (a) public cooperation in law enforcement and (b) number of deer hunting law violations;
- (7) to obtain TJs' assessment of the ECOs' ability to collect and present evidence; and
- (8) to compare the responses of TJs and ECOs from the peripheral Adirondacks to those from other regions of the state.

TJs and ECOs from throughout upstate New York were surveyed. The study area was divided into 4 regions for analysis purposes: southeastern New York, central - western New York, central Adirondacks, and peripheral Adirondacks.

Brief mail questionnaires covering the aforementioned objectives were developed for each audience. These were sent to 1907 TJs with jurisdictions in our study area and to the 196 members of the ECO force in our study area.

The TJ survey had 12 nondeliverable questionnaires, reducing the survey size to 1895. Of these, 72% (1360) were returned and useable. All 196 questionnaires in the ECO survey were deliverable; 84% (165) were returned and useable.

After the TJ questionnaires were returned, a list of respondents who cited hearing deer hunting law violation cases between 1 January 1977 and 31 December 1978 was compiled. The case records of 165 of these TJs were reviewed from the files of the Bureau of Justice Court Records, NYS Department of Audit and Control, and were used to determine the relative number, type and disposition of deer hunting law violation cases occurring in New York.

A sample of 51 nonresponding TJs was also drawn and their case records were checked to help evaluate the effect of nonresponse on the study findings.

The contention that TJs in the peripheral Adirondacks are more lenient than TJs from other regions of New York in their treatment of deer hunting law violators could not be substantiated. Neither the opinion data collected via questionnaire nor the actual court records data indicate that significant discrepancies exist between TJs within and outside the peripheral Adirondacks. In fact, more TJs (as well as ECOs) from the peripheral Adirondacks than from downstate regions believed that the arrest and prosecution of deer hunting law violators were extremely important to protect the deer population in their area. This greater importance expressed for enforcement may reflect a greater level of concern for the limited deer resource of the region and could be an outgrowth of DEC's past efforts to increase awareness of the peripheral Adirondack deer problem.

More striking than regional differences found in TJs' records of actual fines levied were the seemingly low fines imposed across the state for flagrant deer hunting law violations. There were some notable exceptions; fines of \$1,000, and even one of \$2,000, were documented in the sample cases reviewed, but these were truly exceptional. The actual fines carried by violations involving

deer hunting with an artificial light were generally lower than those indicated by TJs in response to the hypothetical case presented in the questionnaire.

It is on this point of severity of penalties that TJs' and ECOs' opinions seem most divergent. ECOs statewide believe that penalties for various situations should be more severe than do TJs. Most ECOs recognize that this disparity in opinion exists, and for many a change in the Environment Conservation Law that would stipulate a minimum penalty for violations would be welcomed. However, more ECOs like than dislike the wide discretion allowed in the current law, as do the majority of TJs.

A marked similarity between TJs and ECOs are the proportions of both groups who identified a defendant's previous record of violations as being the most important factor in evaluating the appropriate penalty for a deer "jacking" case. Few ECOs or TJs rated the sociological consideration of "the defendant's ability to pay a fine or impact on family if the defendant is imprisoned" as being the most important factor in their decision regarding a penalty.

TJs apparently think well of the ECO's ability to handle cases; 4 out of 5 TJs indicated that ECOs were good at collecting and presenting evidence in deer hunting law violation cases. TJs' responses to this simple evaluation of ECOs, considered in light of the positive response of one-half of the ECOs concerning the nature of the Environmental Conservation Law allowing TJs wide discretion in handling deer-related cases, indicates a considerable degree of mutual respect between ECOs and TJs. Furthermore, less than one-third of the ECOs rated lack of TJ support as a moderate to severe hindrance in their efforts to prosecute deer law violators.

The degree to which the penalties imposed by TJs constitute a deterrent for deer hunting law violations is difficult to assess. The probability of being apprehended for such an offense is unknown, and may have a greater influence on a potential violator's decision to commit an offense than the possible severity of punishment if caught and convicted.

ECOs from the peripheral and central Adirondacks were more inclined than those from downstate regions to consider lack of public cooperation a moderate to severe hindrance to their law enforcement efforts. It is encouraging to note, however, that the majority of ECOs from the peripheral Adirondacks believed that public cooperation was on the upswing; most ECOs from the central Adirondacks and southeastern New York shared this belief relative to

their regions. Additionally, the trends in deer law violations reported by ECOs from the periphery were similar to those reported by ECOs from downstate, all of which were less positive than those reported by ECOs from the central Adirondacks, where two-thirds were of the opinion that deer law violations had decreased in recent years.

Unfortunately, with the current reporting systems available to TJs and data summary facilities available to ECOs it is nearly impossible to assess accurately the incidence of specific types of violations. With the new complaint forms and uniform appearance tickets being used by ECOs, the possibility exists to identify trends in certain types of violations, and to make more accurate comparisons of penalties levied by TJs from region to region for various violations.

Generally, TJ attitudes toward deer hunting law enforcement in New York are positive. TJs consider law enforcement essential to the protection of the deer resource; they convey a positive evaluation of ECOs; and they express a low tolerance for deer law violations, as indicated by their penalty recommendations for the hypothetical cases reviewed. Although jail sentences are seldom used and actual fines levied tend to be lower than the TJs' responses on the questionnaire indicated, a few TJs do levy what can be considered heavy fines of \$1,000 or more.

ECOs differ in opinion from TJs' on the severity of penalties that are appropriate for serious deer hunting law violations, as one might expect. Nevertheless, few ECOs rated lack of cooperation from TJs as a significant hindrance to their law enforcement efforts. Surely more support from TJs is desirable, but no region seems to have a pervasive problem in TJ - ECO relations. Isolated trouble spots may exist, but none seem to be of sufficient magnitude regionally to warrant special regional attention, not even in the peripheral Adirondacks. A statewide effort by DEC to increase TJs' awareness of and knowledge about the impact of illegal deer kill might significantly enhance law enforcement and management programs in the future.

TABLE OF CONTENTS

	<u>Page</u>
SUMMARY	i
TABLE OF CONTENTS.....	v
LIST OF TABLES.....	vi
LIST OF FIGURES.....	vi
BACKGROUND.....	1
PURPOSE.....	2
STUDY AREA.....	4
METHODS.....	5
RESULTS.....	5
Survey Response.....	5
Experience With Deer Hunting Law Violations.....	6
Opinions About TJ Discretion Under the NYS Environmental Conservation Law.....	6
Importance of Enforcement to Protect Deer Resource.....	7
Factors Considered in Evaluating a Deer "Jacking" Case.....	7
Penalties Recommended in 6 Hypothetical "Jacking" Cases.....	8
Actual Penalties Imposed by TJs for Deer Hunting Law Violations.....	14
ECOs' Evaluation of Impediments to Law Enforcement.....	15
Trends in Public Cooperation and Deer-related Law Violations.....	17
TJs' Evaluation of ECOs.....	17
DISCUSSION AND CONCLUSIONS.....	17
LITERATURE CITED.....	21
APPENDIX: Supplementary Tables.....	24

LIST OF TABLES

<u>Table</u>	<u>Title</u>	<u>Page</u>
1	Penalties recommended by TJs and ECOs for first and second offenses of "jacking" deer under various situations.....	9
2	Severity index values for TJs and ECOs for first and second offenses of "jacking" deer under various situations, by region.....	13
3	Average fines actually levied by TJs for various deer-related hunting law violations, as determined from the records of a sample of TJs.....	16

LIST OF FIGURES

<u>Figure</u>	<u>Title</u>	<u>Page</u>
1	New York State, showing regions used in analysis.....	4
2	Relative severity of penalties recommended by TJs and ECOs for first and second offenses of "jacking" deer under various situations (see text for explanations of the hypothetical situations presented in the questionnaires).....	11
3	Relative severity of penalties recommended by TJs and ECOs, by region, for first and second offenses of "jacking" deer under various situations (see text for explanations of the hypothetical situations presented in the questionnaires).....	12

BACKGROUND

Wildlife law enforcement was the first wildlife management practice, as we know such practices today, to evolve in the United States (Beattie et al. 1977) and is still a vital part of current wildlife management programs (Giles 1978). It is the oldest, yet least researched aspect of wildlife management (Beattie et al. 1977). Furthermore, deer hunting law enforcement was among the first wildlife law enforcement efforts attempted in the U.S. (Bavin 1978). Ironically, curbing illegal deer kill remains one of the most important thrusts of current wildlife law enforcement efforts.

The detrimental impacts of deer hunting law violations are often notable. Such violations may result in damaging the public's image of sportsmen, straining relationships between sportsmen and landowners, and, in some situations, suppressing deer populations below range carrying capacity, thus unnecessarily limiting deer-related recreational experiences for law-abiding hunters and nonhunters alike.

Past wildlife law enforcement research has concentrated on the violator (Vilkitis 1968, Amidon 1968, Nelson and Low 1970, Shafer et al. 1972, Ritter 1975, Sawhill and Winkel 1974, Kesel 1974, Stoll 1975), improving enforcement (Beattie 1976a, 1976b, Cowles 1976, Ritter 1975, Kaminsky 1974), and violation impact and agency effectiveness (Vilkitis 1968, 1971, Stork and Walgenbach 1973; McCormick 1970). Beattie et al. (1977) have provided a brief overview of several of these research efforts. Additionally, some research has been directed at evaluating public attitudes toward wildlife law violations (Melnyk 1977, Hill et al. 1978, Decker et al. [in press]).

The ideal situation in law enforcement is to have public understanding and support so that people comply with laws voluntarily, since enforcing a law which is not supported by the public is difficult, if not impossible (Bavin 1978). Historically, the lack of public support for strict enforcement of wildlife laws has been the number 1 enforcement problem (Bavin 1978). That this problem remains today was underlined in a survey of state wildlife law enforcement chiefs, where the most frequently mentioned recommendation for improving law observance was better community relations (Smith and Matthews 1976). Several studies in New York have dealt with public attitudes toward illegal deer kill in towns of the Adirondack periphery (refer to Decker et al. [in press] for a summary of these studies), where the occurrence of illegal deer killing has long been considered a widespread activity (Darrow 1948,

Severinghaus and Brown 1956, Severinghaus and Free 1963). These attitude studies indicate that illegal deer kill is not generally acceptable socially in the peripheral Adirondacks. However, despite prevailing public opinion against illegal kill, it apparently occurs at a level sufficient to prevent an increase in the deer population of the peripheral Adirondacks, which has been estimated to be only one-quarter to one-third of its potential long-term level (Gallman and Sarbello 1975). This, together with the authors' experiences studying the problem (Brown and Decker 1976, Brown et al. 1977, Decker 1976), led to the initiation of the present study.

PURPOSE

The various studies related to wildlife law violations have provided law enforcement personnel and wildlife managers with some initial insights into understanding wildlife law violations. To add to this understanding in New York, we conducted a study of 2 important groups in the criminal justice system relative to wildlife law enforcement, village and town justices (TJs) and Environmental Conservation Law Enforcement Officers (ECOs), to determine their experiences and attitudes concerning deer hunting law violations. This study falls under 2 of the areas of wildlife law enforcement research needs identified by Beattie et al. (1977:183): (1) Consequences of Violations and (2) Courts and Fines.

Local justices were chosen as a survey audience because during the course of the earlier studies in the peripheral Adirondacks it was often suggested that 1 reason why illegal kill continued in the region was that TJs there were too lenient with deer hunting law violators². The validity of this allegation

² Additionally, 2 recent publications dealing in part with wildlife law enforcement (Bavins 1978, Giles 1978) have underscored that wildlife laws and violations of such laws are taken less seriously than other laws. Giles (1978:344) states that "Poaching may be considered more like 'stealing bases' than stealing a public resource". Bavins (1978:356) expressed a similar concern: "Another cause of public apathy is the small fine, sometimes as low as \$1, that many courts continue to assess for violations. Some people rationalize that if the government were really serious about compliance, the penalties would become greater. It must be remembered that judicial support of wildlife law enforcement varies greatly from jurisdiction to jurisdiction and even from court to court. Some judges apparently are not convinced of the need for strict enforcement of these laws and either make it difficult to bring cases before them or reduce the penalties to absurdity."

could be partially tested by comparing the attitudes and actual records of TJs from that region with those of TJs from other regions of the State. In addition, we sought TJs' evaluations of various aspects of deer hunting law violation cases (e.g., opinions about the Environmental Conservation Law, opinions about the importance of law enforcement for protecting the deer resource, evaluation of the ECO's ability to handle cases) to help us in understanding their perspective in deer law enforcement. To complement the information and insights that might be gained from the TJ survey, similar types of information were sought from Environmental Conservation Law Enforcement Officers.

Our objectives were:

- (1) to evaluate the importance ECOs and TJs place on the arrest and prosecution of deer hunting law violators as a means to protect the deer resource;
- (2) to determine ECOs' and TJs' attitudes about the discretionary nature of the NYS Environmental Conservation Law as it relates to deer hunting law violations;
- (3) to evaluate the importance of various factors which are considered when ECOs make recommendations and TJs make decisions concerning the level of penalties for deer hunting law violations;
- (4) to determine the types and occurrences of deer hunting law violation cases handled by ECOs and TJs across the state;
- (5) to obtain ECOs' evaluation of various impediments to effective wildlife law enforcement;
- (6) to obtain ECOs' assessment of trends in (a) public cooperation in law enforcement and (b) number of deer hunting law violations;
- (7) to obtain TJs' assessment of the ECOs' ability to collect and present evidence; and
- (8) to compare the responses of TJs and ECOs from the peripheral Adirondacks to those from other regions of the state.

STUDY AREA

TJs and ECOs from throughout upstate New York were surveyed. TJs from Long Island, Westchester County and Rockland County were omitted from the survey, as were ECOs from Long Island and New York City. This study area was divided into 4 regions for analysis purposes: southeastern New York, central - western New York, central Adirondacks, and peripheral Adirondacks (Fig. 1).

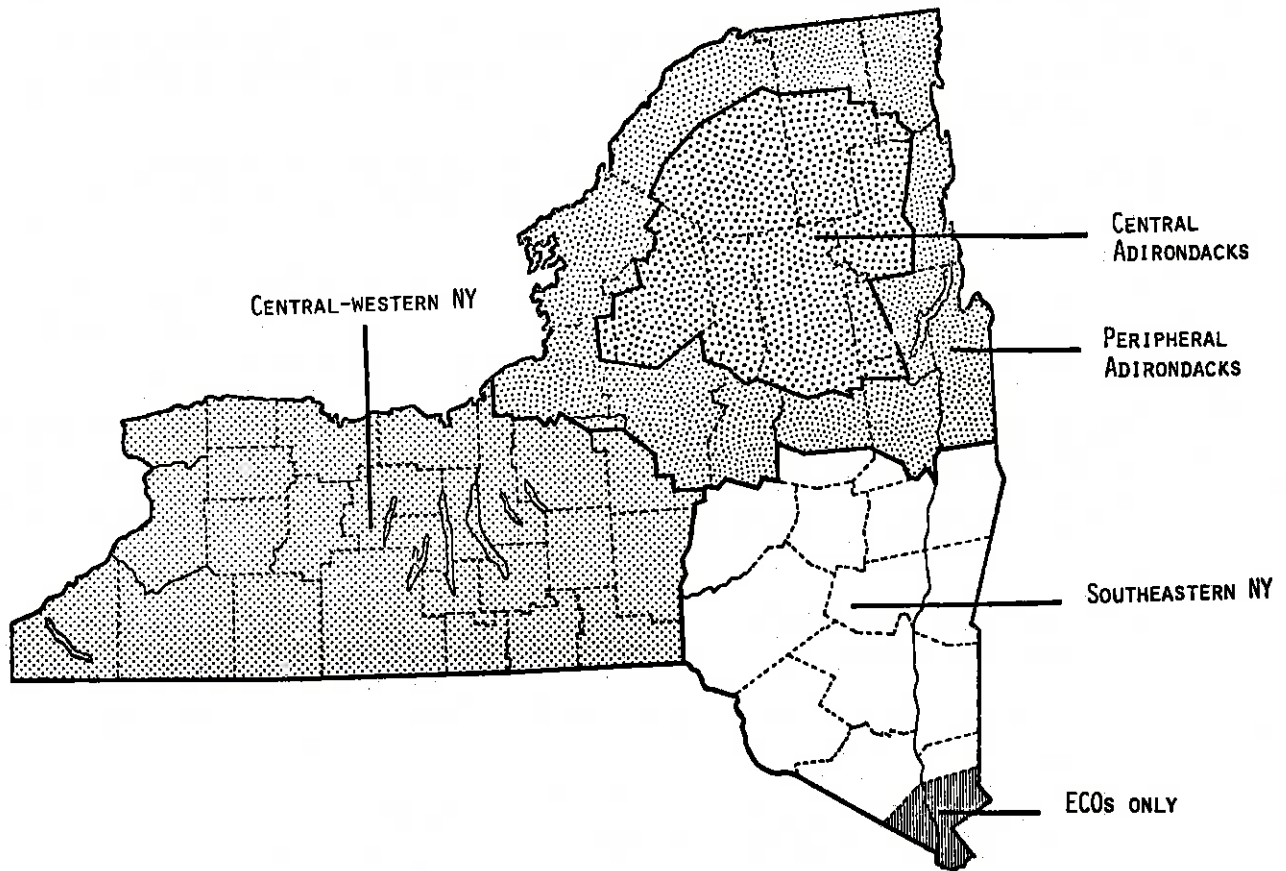


Fig. 1. New York State, showing regions used in analysis.

METHODS

Brief mail questionnaires covering the objectives listed above were developed. The topics examined by the TJ questionnaire were reviewed by a small group of TJs to identify problems in terminology and accessibility of information requested. A similar review was made with ECOs for their questionnaire. After these critiques, the questionnaires were modified and finalized.

Names and addresses of the 1907 town and village justices with jurisdictions in our study area were acquired from the NYS Office of Court Administration. Names and addresses for the 196 members of the ECO force in our study area were provided by the Division of Law Enforcement, NYS Department of Environmental Conservation. The study included surveys of all 1907 TJs and 196 ECOs. A 4-wave mailing chronology was used for each survey, with up to 3 follow-up mailings to nonrespondents.

After the TJ questionnaires were returned, a list of respondents who cited hearing deer hunting law violation cases between 1 January 1977 and 31 December 1978 was compiled. The case records of a sample of 165 of these TJs were reviewed from the files of the Bureau of Justice Court Records, NYS Department of Audit and Control, and were used to determine the relative number, type and disposition of deer hunting law violation cases occurring in New York.

A sample of 51 nonresponding TJs was also drawn and their case records were checked to help evaluate the effect of nonresponse on the study findings.

RESULTS

Survey Response

The TJ survey had 12 nondeliverable questionnaires, reducing the survey size to 1895. Of these, 72% (1360) were returned and useable. All 196 questionnaires in the ECO survey were deliverable; 84% (165) were returned and useable³.

³This relatively high response rate contradicts McCormick's (1969:79) assertion that the evaluation of law enforcement effort is resisted by law enforcement personnel.

Experience With Deer Hunting Law Violations

Nearly all responding ECOs (99%) and over one-third (38%) of the TJs reported having been involved with a deer hunting law violation case during the 2-year period of 1977-78. Relatively few TJs (18%) from the peripheral Adirondacks reported having such cases, less than half the proportion from other regions (Table A-1).⁴

Records of the sample of 51 nonresponding TJs indicated that 20% of them had presided over a deer hunting law violation case during the 1977-78 period. In downstate New York (southeastern and central-western regions) considerably fewer nonrespondents (14%) than respondents (43%) had cases. Similar percentages of nonrespondents and respondents (17 and 18%, respectively) from the peripheral Adirondacks had deer hunting law violation cases. Only 4 nonresponding TJs' from the central Adirondacks were in the sample checked, 3 of whom had cases, compared to 58% of the nonrespondents from that area.

Opinions About TJ Discretion Under the NYS Environmental Conservation Law

In 1977 the penalties for taking deer illegally were changed to be almost entirely discretionary, with TJs being allowed to levy fines of from \$0 - \$2,000 and/or jail sentences of up to 1 year. Previously, the minimum and maximum penalties for a first conviction were \$300 to \$1,000 and/or up to 1 year imprisonment. For a second conviction (within 5 years of the first) the punishment was \$500 to \$1,500 and/or up to 1 year imprisonment. For third or subsequent convictions (within 5 years of the first 2), the penalty was \$1,000 to \$2,000 and/or up to 1 year imprisonment. Thus, the new law abolished the minimum penalties which had been specified in the old law. Since this recent change has been somewhat controversial, we sought ECOs' and TJs' opinions about it. Most (70%) TJs liked the wide discretion permitted by the new law, whereas among ECOs majority opinion was split between liking (49.7%) and disliking (40.5%) it (Table A-2). The reason given most frequently by both TJs and ECOs for liking the wide discretion was that people and circumstances

⁴Table references preceded by the letter A refer to Appendix tables, which begin on page 24.

differ from case to case and the new law allows the TJ to levy penalties appropriate for each situation. The most common reason given by both TJs and ECOs for disliking the law was the absence of a minimum penalty. Other ECOs disliked the law because they considered the TJs to be too lenient; thus they, too, would like at least a minimum penalty.

Importance of Enforcement to Protect Deer Resource

Since the importance one believes that enforcement has in protecting the deer resource might be reflected in the treatment given a deer hunting law violation case, we asked TJs and ECOs about this. The majority of ECOs (60%) and a plurality of TJs (46%) considered the arrest and prosecution of deer hunting law violators to be extremely important to protect the deer population (based on a scale from "not important" to "slightly", "moderately", and "extremely important"). About one-third of both the ECOs and the TJs believed these to be moderately important. More TJs (73 and 64 vs. 39 and 38%) and ECOs (65 and 70 vs. 55 and 55%) from the Adirondack regions than from downstate considered the arrest and prosecution of deer hunting law violators to be extremely important to protect the deer population (Table A-3).

Factors Considered in Evaluating a Deer "Jacking" Case

Regardless of their prior experience related to illegal deer hunting violations, we sought some insight into how TJs and ECOs make decisions regarding the level of penalty for a particular case. One way to do this is to obtain an indication of the importance placed on various factors when arriving at either a recommendation for a penalty in the case of ECOs or an actual penalty in the case of TJs. This was approached by asking TJs which factors they would consider first, second, third and fourth when determining the penalty for the following hypothetical violation:

Consider a situation in which you are hearing a case involving a defendant who has used a spotlight to hunt deer. The defendant is obviously guilty. The criminal penalty for this offense can run from a conditional discharge (no fine or imprisonment) to a fine of \$2,000 and imprisonment of up to one year.

ECOs were simply asked which factors they would consider first, second, third, and fourth in importance when recommending a penalty, if requested to do so by a TJ. Responses of TJs and ECOs were remarkably similar. The factor identified as being of highest importance to 67% of ECOs and 63% of TJs was the defendant's record of previous violations. Factors mentioned less frequently by respondents as the primary consideration were: reason given for violation (ECO - 10%; TJ - 12%); whether or not a deer was actually killed (ECO - 8%; TJ - 11%); ability of defendant to pay a fine or impact on defendant's family if he or she were imprisoned (ECO - 4%; TJ - 11%). Responses of TJs in the 4 regions were very similar. Though not mentioned by TJs, ECOs placed minor importance on whether the violation was premeditated or spontaneous and on whether other violations were committed simultaneously with the deer law violation (Table A-4).

Looking at mean importance values for various factors, where first in importance = 4 and fourth in importance = 1, yields a similar picture of the relative influence of the various factors in how an ECO or TJ views a particular case. That is, the defendant's record is most important, while ability to pay fine or effect of jail term on family, reason for violation, and whether or not a deer was actually killed were secondary. Both ECOs and TJs considered the value of a deer's meat and hide and the defendant's socioeconomic background to be of little consequence (Table A-5).

Penalties Recommended in 6 Hypothetical "Jacking" Cases

Both TJs and ECOs were asked the level of penalty (fine and/or imprisonment) they would consider appropriate for a case in which a person is found guilty of taking a deer at night by use of an artificial light. Respondents were asked to recommend the penalty for a first and second offense (assuming the second occurred within 1 year of the first) given each of the following 3 situations: (A) The violator is unemployed and the family is on welfare. The hunter says his family needs meat for food. (B) The violator is employed and pleads guilty with no stated reason, although he indicates that he would use the meat for food. (C) The violator is employed and pleads guilty with no stated reason, but evidence is provided which indicates he had a market for the meat and was going to sell it. For each situation (A,B, or C) and for both first and second offenses, ECOs suggested higher penalties (fines and/or days imprisonment) than did TJs (Table 1).

Table 1. Penalties recommended by TJs and ECOs for first and second offenses of "jacking" deer under various situations.^a

<u>Penalty Recommended</u>	<u>Situation A</u>				<u>Situation B</u>				<u>Situation C</u>			
	<u>First Offense</u>		<u>Second Offense</u>		<u>First Offense</u>		<u>Second Offense</u>		<u>First Offense</u>		<u>Second Offense</u>	
	TJ	ECO	TJ	ECO	TJ	ECO	TJ	ECO	TJ	ECO	TJ	ECO
No fine or jail (%)	7.5	1.9	1.2	0.0	0.3	0.0	0.1	0.0	0.0	0.0	0.0	0.6
No fine and some jail (%)	20.9	12.5	35.6	17.4	1.0	0.0	4.5	1.2	2.0	1.2	6.2	3.7
(mean jail days)	(30)	(74)	(74)	(159)	(35)	(0)	(74)	(197)	(77)	(97)	(145)	(212)
Some fine and no jail (%)	36.9	53.7	32.3	30.4	78.7	64.0	57.0	39.5	61.9	41.6	33.3	17.3
(mean \$ fine)	(157)	(350)	(370)	(791)	(303)	(597)	(661)	(1273)	(674)	(1093)	(1110)	(1671)
Some fine and some jail (%)	15.1	31.9	29.1	52.2	19.1	36.0	38.4	59.3	36.1	57.2	60.5	78.4
(mean jail days)	(33)	(51)	(62)	(104)	(38)	(58)	(66)	(110)	(62)	(111)	(107)	(189)
(mean \$ fine)	(232)	(440)	(488)	(917)	(351)	(633)	(766)	(1260)	(765)	(1207)	(1291)	(1802)
Conditional discharge (%)	19.6	0.0	1.8	0.0	0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total percent	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Item N	1109	160	1074	161	1125	161	1099	162	1127	161	1098	162

^a See text for explanations of the hypothetical situations A-C. Appendix tables A-6 through A-8 give regional breakdowns.

The majority of ECOs recommended a fine for the first offense and a fine plus imprisonment for the second offense under situations A and B; the majority recommended a fine plus imprisonment for both first and second offenses under situation C. While penalties suggested by ECOs increased from situation A to B and B to C, second offenses under the same situation were viewed more seriously than were changes from one situation to another, as evidenced by both the level of penalty (fine and/or days imprisonment) and the use of combination fine plus imprisonment. This was consistent with respondents' opinion that a defendant's record of previous convictions was the most important factor in determining the disposition of a case.

The trends in TJs' endorsement of fines and fines plus imprisonment paralleled those of ECOs; however, penalties recommended by TJs were consistently less severe than those recommended by ECOs for all situations. TJs frequently chose fines alone rather than a combination of fines plus imprisonment, except for the most extreme case (C-2).

Regional differences occurred in the proportion of TJs indicating different types and levels of penalties for each situation (Table A-6 through A-8). TJs from the peripheral Adirondacks were more inclined to use a fine plus imprisonment than were TJs from downstate for first offenses in both situations A and B. For second offenses under situation B, TJs from both Adirondack regions chose to levy fines plus imprisonment more frequently than did TJs from downstate.

TJs from the Adirondack regions (especially the periphery) also were more inclined to suggest fines plus imprisonment than were their counterparts from southeastern New York for a first offense under situation C and were more inclined to do so than TJs from either downstate region for a second offense.

To evaluate the overall severity of the punishment recommended by ECOs and TJs, a severity index combining both fines and jail sentences was calculated for TJs and ECOs for each of the 6 hypothetical violation situations they had evaluated. Each dollar of fine equalled 1 severity unit and each day of imprisonment equalled 12 severity units. The conversion was made by computing the average dollar/day ratio for those respondents reporting a fine or imprisonment. The index for ECOs was about double that for TJs for all situations considered (Fig. 2).

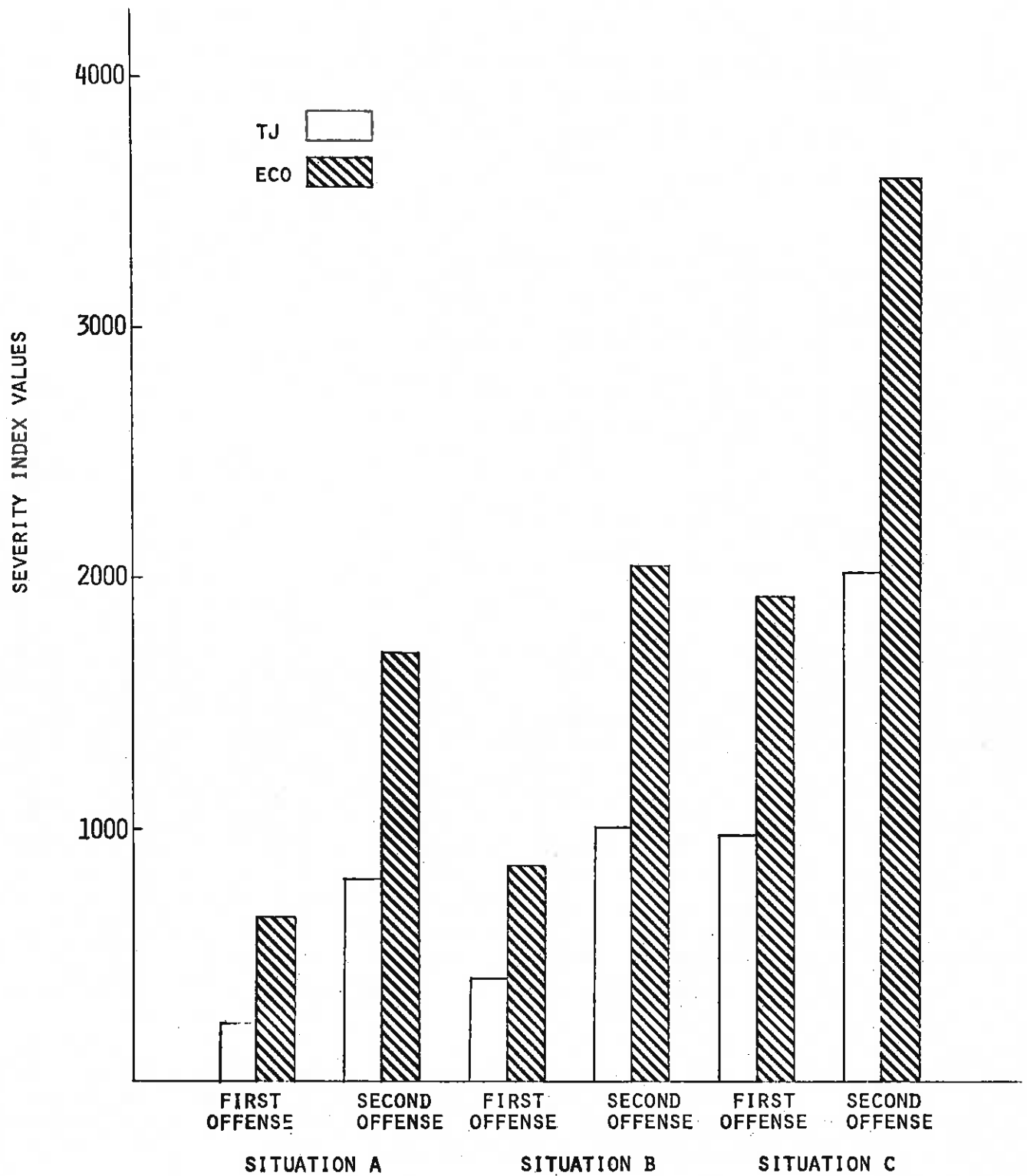


Fig. 2. Relative severity of penalties recommended by TJs and ECOs for first and second offenses of "jacking" deer under various situations (see text for explanations of the hypothetical situations A-C).

The regional differences in the severity index show TJs from the 2 Adirondack regions slightly, but consistently higher than the downstate regions in their recommendations for all situations (Fig. 3). However, the actual Justice Court records show the reverse, with the average fine levied for hunting deer with a light in the 2 Adirondack regions being \$214 (12 cases), vs. \$278 (9 cases) for such cases downstate (Table 2).

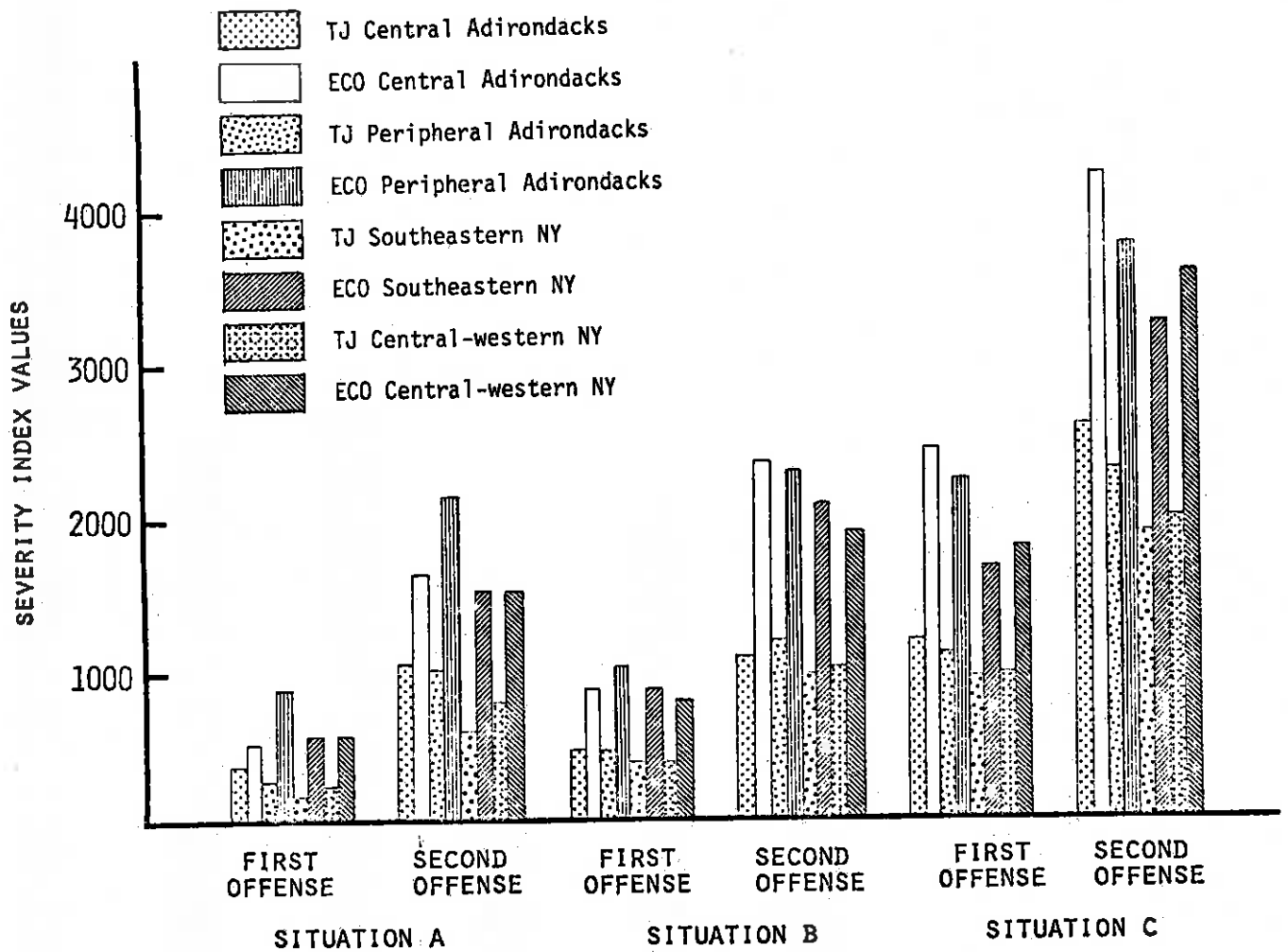


Fig. 3. Relative severity of penalties recommended by TJs and ECOs, by region, for first and second offenses of "jacking" deer under various situations (see text for explanations of the hypothetical situations presented in the questionnaire).

Table 2. Severity index values for TJs and ECOs for first and second offenses of "jacking" deer under various situations, by region.^a

Situation/Offense	Region									
	Central Adirondacks		Peripheral Adirondacks		Southeastern New York		Central-Western New York		Statewide	
	TJ	ECO	TJ	ECO	TJ	ECO	TJ	ECO	TJ	ECO
Situation A										
First offense	367	495	266	860	160	568	220	532	225	631
Second offense	1015	1613	980	2108	581	1507	783	1498	792	1691
Situation B										
First offense	452	849	435	997	388	859	374	781	395	865
Second offense	1045	2315	1157	2259	942	2058	984	1854	1015	2056
Situation C										
First offense	1166	2407	1074	2201	925	1611	923	1767	971	1933
Second offense	2549	4187	2245	3724	1850	3216	1931	3546	2018	3604

^aSee text for explanations of the hypothetical situations A-C.

ECOs were asked their opinion about the congruence they would expect between the penalties they recommended and those that would be imposed by TJs in their area. About one-third (35%) of the ECOs believed that the penalties they recommended were about the same as those that TJs in their region would impose for the same case. Nearly half (46%) of the ECOs thought their recommendation was greater and one-fifth (19%) believed it was less than that expected of TJs in their region. Responses from the ECOs in the regions varied considerably. A plurality of ECOs from the central Adirondacks (41%) and southeastern New York (48%) believed their recommendations would agree quite closely with those of TJs in their area. A plurality of ECOs from central - western New York (46%) and a majority from the peripheral Adirondacks (61%) believed their suggestions were greater than that expected from TJs in their area (Table A-9).

Actual Penalties Imposed by TJs for Deer Hunting Law Violations

To assess how well TJs' recommendations for punishment reflect actual dispositions of deer-related hunting law violation cases brought before TJs, we reviewed the records of a sample of 165 of those who indicated on their questionnaire that they had such cases. Only two-thirds (111) of those who reported cases for the 1977-78 2-year period were found to have such cases. This discrepancy may be due to at least 3 factors: the brief violation descriptions recorded were too cryptic (e.g., "ECL violation") for us to identify it as a deer hunting violation; a violation may be specific (e.g., "shooting across highway"), but not specify that it was committed while attempting to take deer; and some TJs may have been mistaken about hearing a case during the time period specified (e.g., they had one prior to 1977). A total of 396 cases were identified for the 111 TJs. Of these, 354 cases had a disposition involving either a fine or imprisonment; 347 involved only a fine, 5 involved only a jail sentence, and 2 involved both a fine and imprisonment. Fines for serious violations (e.g., selling venison, taking deer without a permit, hunting deer out of season, using spotlight to hunt deer at night) ranged from \$10 to \$2000 and jail sentences ranged from 5 to 15 days. For the 21 cases found in the records involving hunting deer with an artificial light, the use of jail sentences was much more infrequent

and fines were generally lower than the results of the TJ questionnaire hypothetical cases would indicate. From the questionnaires, the average fine recommended for only the first situation on a first conviction was similar to the actual average fine found in the records. However, a more significant observation probably is the great variation in penalties found, even within regions, for both the actual case records and the hypothetical cases.

Comparisons of actual fines given for major violations and improper tag violations were made for the regions (Table 3). For improper tag violations, the range in average fines was narrow, \$27 to \$33. For major violations, average fines ranged from \$166 in the peripheral Adirondacks to \$260 in south-eastern New York. These means included a few cases (4) with atypically high fines of \$1,000 or more. Omitting these from the computations considerably narrows the mean differences in fines between regions - \$157 to \$207. Again, considering the variation in fines levied within regions, there is little evidence of truly important regional differences in fines actually imposed by TJs.

ECOs' Evaluation of Impediments to Law Enforcement

ECOs were requested to rate the extent to which various impediments hinder their deer hunting law enforcement efforts. The potential problems cited frequently were: too few ECOs in the field (98%), lack of public cooperation (91%), too many other Environmental Conservation Law enforcement duties (80%), lack of support from TJs (70%), and complexity of deer hunting laws (56%). While each of these was considered a problem to some degree by a majority of ECOs, lack of public cooperation and too few ECOs in the field were cited by a majority of ECOs as moderate to severe hindrances.

Regional differences occurred in ECOs' assessment of impediments to their law enforcement efforts (Table A-10). A majority of ECOs from all but the southeastern New York region believed that their numerous other Environmental Conservation Law enforcement duties presented a moderate to severe hindrance to their deer law enforcement work. Lack of support from TJs was considered a problem to some degree by more ECOs from the peripheral Adirondacks than from other regions, but this was rated as a moderate to severe problem by more ECOs from the central Adirondacks than from any other region. Fewer

Table 3. Average fines actually levied by TJs for various deer-related hunting law violations,
as determined from the records of a sample of TJs. (Number of cases is in parentheses.)

Type of Violation	Regions				
	Central Adirondacks	Peripheral Adirondacks	Southeastern New York	Central-Western New York	Entire State
"Jacking"	\$233 (3)	\$207 (9)	\$300 (7)	\$203 (2)	\$241 (21)
Improper tagging or transporting	\$32 (13)	\$27 (24)	\$29 (63)	\$33 (58)	\$30 (158)
Major violations ^a	\$222 (41)	\$166 (40)	\$260 (49)	\$174 (51)	\$206 (181)
Major violations-modified ^b	\$203 (40)	\$166 (40)	\$207 (47)	\$157 (50)	\$183 (177)

^aThis aggregation includes violations such as selling venison, taking a doe without a permit, hunting deer out of season, using a spotlight to hunt deer at night, etc.

^bThe mean fines recalculated, omitting a few atypically high fines of \$1,000 or more, as follows: central Adirondacks, 1 fine of \$1,000; southeastern New York, 1 fine of \$1,000 and 1 fine of \$2,000; central-western New York, 1 fine of \$1,000.

ECOs from southeastern New York than from any other region considered the complexity of deer hunting laws (32 vs. 55 to 68%) and lack of public cooperation (77 vs. 92 to 100%) to be problems.

Trends in Public Cooperation and Deer-related Law Violations

ECOs were asked to evaluate the trends in public cooperation (Table A-11) and deer-related law violations (Table A-12) in recent years. The majority of ECOs from all but the central-western New York region believed public cooperation in aiding authorities with the apprehension of deer hunting law violators has increased. Nevertheless, a plurality of ECOs from the downstate regions believed that the number of deer-related law violations had increased in recent years. In the peripheral Adirondacks, majority opinion was split between believing violations had remained the same and increased (37% each). Quite the opposite of other regions, a majority (65%) of ECOs from the central Adirondacks believed that the number of deer-related law violations had generally decreased in recent years.

TJs' Evaluation of ECOs

Most TJs (81%) who reported having deer-related law violation cases rated ECOs' ability to collect evidence as "good" (on a scale of good-fair-poor). Very few (2%) considered ECOs' ability to be poor in this regard. Similarly, most experienced TJs (78%) believed ECOs' ability to present evidence was good; and again, few (3%) considered ECOs' ability in this area as poor. Interestingly, slightly greater proportions of TJs from the peripheral Adirondacks than from other regions rated ECOs as good for both aspects (Table A-13).

DISCUSSION AND CONCLUSIONS

The contention that TJs in the peripheral Adirondacks are more lenient than TJs from other regions of New York in their treatment of deer hunting law violators could not be substantiated. Neither the opinion data collected

via questionnaire nor the actual court records data indicate that significant discrepancies exist between TJs within and outside the peripheral Adirondacks. In fact, more TJs (as well as ECOs) from the peripheral Adirondacks than from downstate regions believed that the arrest and prosecution of deer hunting law violators were extremely important to protect the deer population in their area. This greater importance expressed for enforcement may reflect a greater level of concern for the limited deer resource of the region and could be an outgrowth of DEC's past efforts to increase awareness of the peripheral Adirondack deer problem.

More striking than regional differences found in TJs' records of actual fines levied were the seemingly low fines imposed across the state for flagrant deer hunting law violations. There were some notable exceptions; fines of \$1,000, and even one of \$2,000, were documented in the sample cases reviewed, but these were truly exceptional. The actual fines carried by violations involving deer hunting with an artificial light were generally lower than those indicated by TJs in response to the hypothetical case presented in the questionnaire.

It is on this point of severity of penalties that TJs' and ECOs' opinions seem most divergent. ECOs statewide believe that penalties for various situations should be more severe than do TJs. Most ECOs recognize that this disparity in opinion exists, and for many a change in the Environmental Conservation Law that would stipulate a minimum penalty for violations would be welcomed. However, more ECOs like than dislike the wide discretion allowed in the current law, as do the majority of TJs.

A marked similarity between TJs and ECOs are the proportions of both groups who identified a defendant's previous record of violations as being the most important factor in evaluating the appropriate penalty for a deer "jacking" case. Few ECOs or TJs ranked the sociological consideration of "the defendant's ability to pay a fine or impact on family if the defendant is imprisoned" as being the most important factor in their decision regarding a penalty.

TJs apparently think well of the ECOs ability to handle cases; 4 out of 5 TJs indicated that ECOs were good at collecting and presenting evidence in deer hunting law violation cases. TJs' responses to this simple evaluation of ECOs, considered in light of the positive response of one-half of the ECOs concerning the nature of the Environmental Conservation Law allowing TJs wide discretion in handling deer-related cases, indicates a considerable degree

of mutual respect between ECOs and TJs. Furthermore, less than one-third of the ECOs rated lack of TJ support as a moderate to severe hindrance in their efforts to prosecute deer law violators.

The degree to which the penalties imposed by TJs constitute a deterrent for deer hunting law violations is difficult to assess. The probability of being apprehended for such an offense is unknown, and may be more of a factor in a potential violator's decision to commit an offense than the possible severity of punishment if caught and convicted. We concur with the suggestion of Beattie and Giles (1979) that the deterrent value of enforcement needs to be assessed, but for this study we had no way to compare the probability of apprehension between the peripheral Adirondacks and other regions. However, Shafer et al. (1972) reported no significant difference in the number of ECO contacts reported by violators or nonviolators from the peripheral Adirondacks vs. other regions.

ECOs from the peripheral and central Adirondacks were more inclined than those from downstate regions to consider lack of public cooperation a moderate to severe hindrance to their law enforcement efforts. It is encouraging to note, however, that the majority of ECOs from the peripheral Adirondacks believed that public cooperation was on the upswing; most ECOs from the central Adirondacks and southeastern New York shared this belief relative to their regions. Additionally, the trends in deer violations reported by ECOs from the periphery were similar to those reported by ECOs from downstate, all of which were less positive than those reported by ECOs from the central Adirondacks, where two-thirds were of the opinion that deer law violations had decreased in recent years.

Unfortunately, with the current reporting systems available to TJs and data summary facilities available to ECOs it is nearly impossible to assess accurately the incidence of specific types of violations. We again concur with the findings of Beattie and Giles (1979) that a need exists to quantify violations more accurately. As suggested by Cowles et al. (1978), any techniques to improve and standardize methods of recording citizen reports of wildlife law violations (e.g., the H.O.W. format and the new complaint forms used by ECOs) also would be helpful. With the new complaint forms and uniform appearance tickets being used by ECOs, the possibility exists to identify trends in certain types of violations,

allowing an adjustment in enforcement emphasis, and to make more accurate comparisons of penalties levied by TJs from region to region for various violations.

In conclusion, general TJ attitudes toward deer hunting law enforcement in New York are positive. TJs consider law enforcement essential to the protection of the deer resource; they convey a positive evaluation of ECOs; and they express a low tolerance for deer law violations, as indicated by their penalty recommendations for the hypothetical cases reviewed. Although jail sentences are seldom used and actual fines levied tend to be lower than the TJs' responses on the questionnaire indicated, a few TJs do levy what can be considered heavy fines of \$1,000 or more.

ECOs differ in opinion from TJs on the severity of penalties that are appropriate for serious deer hunting law violations, as one might expect. Nevertheless, few ECOs rated lack of cooperation from TJs as a significant hindrance to their law enforcement efforts. Surely more support from TJs is desirable, but no region seems to have a pervasive problem in TJ - ECO relations. Isolated trouble spots may exist, but none seem to be of sufficient magnitude regionally to warrant special regional attention, not even in the peripheral Adirondacks. A statewide effort by DEC to increase TJs' awareness of and knowledge about the impact of illegal deer kill might significantly enhance law enforcement and management programs in the 1980's.

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APPENDIX: Supplementary Tables

<u>Table</u>	<u>Title</u>	<u>Page</u>
A-1	Percentage of TJs who reported having 1 or more deer-related law violation cases during the 2-year period 1977-78, by region.	26
A-2	TJs' and ECOs' opinions about TJ discretion under the NYS Environmental Conservation Law, by region.	26
A-3	TJs' and ECOs' opinions about the importance of enforcement (arrest and prosecution) to protect the deer resource, by region.	27
A-4	Primary factors considered by TJs and ECOs when determining an appropriate penalty for a deer "jacking" violation, by region.	28
A-5	Relative importance of various factors TJs and ECOs consider when determining an appropriate penalty for a deer "jacking" violation, by region.	29
A-6	Penalties recommended by TJs and ECOs, by region, for first and second offenses of deer "jacking" where a violator is unemployed and the family is on welfare (situations A-1 and A-2).	30
A-7	Penalties recommended by TJs and ECOs, by region, for first and second offenses of deer "jacking" where a violator is employed and gives no stated reason for the offense, but would use the meat for food (situations B-1 and B-2).	31
A-8	Penalties recommended by TJs and ECOs, by region, for first and second offenses of deer "jacking" where a violator intended to sell the meat (situation C-1 and C-2).	32

Appendix (Continued)

<u>Table</u>	<u>Title</u>	<u>Page</u>
A-9	ECOs' perceptions of the magnitude of ECO recommended vs. TJ imposed penalties, by region.	32
A-10	ECOs' evaluation of impediments to law enforcement, by region.	33
A-11	ECOs' impressions of the trend over the past several years in public cooperation in their efforts to apprehend deer hunting law violators, by region.	34
A-12	ECOs' impressions of the trend over the past several years in deer-related law violations, by region.	34
A-13	Experienced TJs' evaluation of ECOs' ability to collect and present evidence, by region.	34

Table A-1. Percentage of TJ's who reported having 1 or more deer-related law violation cases during the 2-year period 1977-78, by region.

Regions	Percent of TJs reporting cases	Percent of TJs reporting no cases	N
Central Adirondacks	42.0	58.0	81
Peripheral Adirondacks	18.3	81.7	278
Southeastern New York	53.8	46.3	320
Central-Western New York	37.6	62.4	680
Statewide	37.7	62.3	1359

Table A-2. TJs' and ECOs' opinions about TJ discretion under the NYS Environmental Conservation Law, by region.

Opinion about wide discretion allowed TJs	Regions				
	Central Adirondacks	Peripheral Adirondacks	Southeastern New York	Central-Western New York	Statewide
	Percent				
<u>Favor wide discretion</u>					
TJs	70.1	65.6	72.8	70.8	70.3
ECOs	53.0	44.7	48.4	53.0	49.7
<u>Dislike wide discretion</u>					
TJs	14.3	11.6	11.8	10.2	11.1
ECOs	29.4	46.8	41.9	38.2	40.5
<u>No opinion</u>					
TJs	15.6	22.8	15.4	19.0	18.6
ECOs	17.6	8.5	9.7	8.8	9.8
<u>Total N</u>					
TJs	77	241	280	586	1184
ECOs	17	47	31	68	163

Table A-3. TJs' and ECOs' opinions about the importance of enforcement (arrest and prosecution) to protect the deer resource, by region.

	Regions				
Importance	Central Adirondacks	Peripheral Adirondacks	Southeastern New York	Central-Western New York	Statewide
	Percent				
<u>Extremely important</u>					
TJs	72.7	64.5	38.8	37.7	45.8
ECOs	64.7	70.2	54.8	55.2	60.5
<u>Moderately important</u>					
TJs	16.9	18.4	37.1	35.0	30.9
ECOs	35.3	19.1	35.5	40.3	32.7
<u>Slightly important</u>					
TJs	3.9	5.7	8.3	9.2	7.9
ECOs	0.0	4.3	3.2	1.5	2.5
<u>Not important</u>					
TJs	0.0	4.5	3.6	6.8	5.1
ECOs	0.0	2.1	0.0	1.5	1.2
<u>No opinion</u>					
TJs	6.5	6.9	12.2	11.3	10.3
ECOs	0.0	4.3	6.5	1.5	3.0
<u>Total N</u>					
TJs	77	245	278	586	1186
ECOs	17	47	31	67	162

Table A-4. Primary factors considered by TJs and ECOs when determining an appropriate penalty for a deer "jacking" violation, by region.

	Regions				
Primary factor considered	Central Adirondacks	Peripheral Adirondacks	Southeastern New York	Central-Western New York	Statewide
	Percent				
<u>Previous violations</u>					
TJs	58.7	62.2	65.2	62.0	62.6
ECOs	70.6	57.4	67.9	72.7	67.1
<u>Reason for violation</u>					
TJs	12.0	12.9	13.1	12.0	12.4
ECOs	17.6	17.0	3.6	4.5	9.5
<u>Deer taken during violation</u>					
TJs	12.0	11.6	11.0	11.1	11.2
ECOs	5.9	4.3	17.9	7.6	8.2
<u>Ability to pay fine or effect of imprisonment on family</u>					
TJs	12.0	11.2	8.5	12.1	11.1
ECOs	5.9	4.3	0.0	4.5	3.8
<u>Value of deer meat</u>					
TJs	4.0	1.2	1.1	1.9	1.7
ECOs	0.0	0.0	0.0	0.0	0.0
<u>Suggestion of ECO</u>					
TJs	0.0	0.0	0.7	0.5	0.4
ECOs	---	---	---	---	---
<u>Socioeconomic background</u>					
TJs	0.0	0.8	0.4	0.2	0.4
ECOs	0.0	4.3	3.6	3.0	3.2
<u>Other</u>					
TJs	1.3	0.1	0.0	0.2	0.2
ECOs	0.0	12.7	7.0	7.7	8.2
<u>Total N</u>					
TJs	75	249	283	594	1201
ECOs	17	47	28	66	158

Table A-5. Relative importance of various factors TJs and ECOs consider when determining an appropriate penalty for a deer "jacking" violation, by region.

Factors used to determine a penalty	Regions				
	Central Adirondacks	Peripheral Adirondacks	Southeastern New York	Central-Western New York	Statewide
Mean Level of importance ^a					
<u>Previous violations</u>					
TJs	3.22	3.31	3.44	3.36	3.36
ECOs	3.35	3.29	3.64	3.56	3.47
<u>Ability to pay fine or effect of imprisonment on family</u>					
TJs	2.25	1.88	1.97	2.08	2.02
ECOs	1.35	1.42	0.96	1.51	1.37
<u>Reason for violation</u>					
TJs	1.73	1.91	2.12	1.95	1.97
ECOs	1.94	1.72	1.46	1.19	1.48
<u>Deer taken during violation</u>					
TJs	1.82	1.77	1.56	1.73	1.70
ECOs	2.05	1.31	1.67	1.48	1.53
<u>Value of deer meat</u>					
TJs	0.41	0.37	0.31	0.28	0.31
ECOs	0.23	0.34	0.17	0.31	0.29
<u>Socioeconomic background</u>					
TJs	0.05	0.11	0.07	0.07	0.07
ECOs	0.35	0.40	0.71	1.07	0.73
<u>Suggestion of ECO</u>					
TJs	0.00	0.01	0.04	0.03	0.03
ECOs	----	----	----	----	----

^a Means were computed by assigning a values of 4,3,2 and 1 to factors rated first, second, third and fourth in importance, respectively.

Table A-6. Penalties recommended by TJs and ECOs, by region, for first and second offenses of deer "jacking" where a violator is unemployed and the family is on welfare (situations A-1 and A-2).

First Offense (A-1) Penalty Recommended	Regions							
	Central Adirondacks		Peripheral Adirondacks		Southeastern New York		Central-Western New York	
	TJ	ECO	TJ	ECO	TJ	ECO	TJ	ECO
No fine or jail (%)	4.2	0.0	4.7	0.0	10.1	0.0	7.8	4.4
No fine & some jail (%)	22.2	17.6	26.3	12.8	15.0	7.1	21.4	13.2
(mean jail days)	(43)	(25)	(25)	(137)	(23)	(20)	(33)	(61)
Some fine & no jail (%)	44.4	35.3	31.1	44.6	40.9	78.6	36.4	54.5
(mean \$ fine)	(266)	(266)	(209)	(478)	(140)	(425)	(130)	(246)
Some fine & some jail (%)	15.3	47.1	23.7	42.6	11.2	14.3	13.4	27.9
(mean jail days)	(56)	(35)	(28)	(49)	(30)	(66)	(35)	(55)
(mean \$ fine)	(211)	(425)	(175)	(426)	(315)	(725)	(246)	(402)
Conditional discharge (%)	13.9	0.0	14.2	0.0	22.8	0.0	21.0	0.0
Total %	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total N	(72)	(17)	(232)	(47)	(267)	(28)	(538)	(68)

Second Offense (A-2)								
Penalty Recommended								
No fine or jail (%)	0.0	0.0	0.9	0.0	2.7	0.0	0.8	0.0
No fine & some jail (%)	36.3	17.6	38.6	14.9	28.7	17.2	37.6	19.1
(mean jail days)	(113)	(60)	(79)	(269)	(59)	(121)	(72)	(137)
Some fine & no jail (%)	29.0	23.5	26.3	25.5	38.0	44.9	32.6	29.4
(mean \$ fine)	(420)	(525)	(426)	(1000)	(360)	(900)	(349)	(650)
Some fine & some jail (%)	33.3	58.9	33.3	59.6	27.1	37.9	27.7	51.5
(mean jail)	(67)	(116)	(78)	(119)	(42)	(90)	(63)	(93)
(mean \$ fine)	(386)	(1200)	(569)	(873)	(442)	(1160)	(483)	(802)
Conditional discharge (%)	1.4	0.0	0.9	0.0	3.5	0.0	1.3	0.0
Total %	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total N	(69)	(17)	(228)	(47)	(258)	(29)	(519)	(68)

Table A-7. Penalties recommended by TJs and ECOs, by region, for first and second offenses of deer "jacking" where a violator is employed and gives no stated reason for the offense, but would use the meat for food (situations B-1 and B-2).

First Offense (B-1) Penalty Recommended	Regions							
	Central Adirondacks		Peripheral Adirondacks		Southeastern New York		Central-Western New York	
	TJ	ECO	TJ	ECO	TJ	ECO	TJ	ECO
No fine or jail (%)	0.0	0.0	0.0	0.0	0.4	0.0	0.4	0.0
No fine & some jail (%)	0.0	0.0	2.1	0.0	0.4	0.0	0.9	0.0
(mean jail days)	(0)	(0)	(28)	(0)	(30)	(0)	(43)	(0)
Some fine & no jail (%)	80.8	52.9	71.0	57.4	84.0	69.0	79.2	69.1
(mean \$ fine)	(351)	(677)	(327)	(738)	(318)	(670)	(280)	(470)
Some fine & some jail (%)	17.8	47.1	26.5	42.6	14.5	31.0	18.4	30.9
(mean jail days)	(48)	(39)	(37)	(59)	(36)	(42)	(37)	(73)
(mean \$ fine)	(357)	(568)	(288)	(635)	(439)	(766)	(356)	(600)
Conditional discharge (%)	1.4	0.0	0.4	0.0	0.7	0.0	1.1	0.0
Total %	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total N	(73)	(17)	(234)	(47)	(269)	(29)	(549)	(68)

Second Offense (B-2)								
Penalty Recommended								
No fine or jail (%)	0.0	0.0	0.0	0.0	0.4	0.0	0.0	0.0
No fine & some jail (%)	1.5	0.0	4.3	0.0	4.6	3.3	5.0	1.5
(mean jail days)	(15)	(0)	(88)	(0)	(96)	(365)	(61)	(30)
Some fine & no jail (%)	52.9	35.3	47.6	31.9	64.6	46.7	57.8	42.6
(mean \$ fine)	(587)	(1166)	(673)	(1566)	(681)	(1435)	(655)	(1065)
Some fine & some jail (%)	45.6	64.7	48.1	68.1	30.4	50.0	37.2	55.9
(mean jail days)	(68)	(121)	(71)	(112)	(58)	(91)	(66)	(113)
(mean \$ fine)	(779)	(1590)	(789)	(1239)	(801)	(1383)	(738)	(1135)
Conditional discharge (%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total %	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total N	(68)	(17)	(233)	(47)	(263)	(30)	(535)	(68)

Table A-8. Penalties recommended by TJs and ECOs, by region, for first and second offenses of deer "jacking" where a violator intended to sell the meat (situations C-1 and C-2).

First Offense (C-1) Penalty Recommended	Regions							
	Central Adirondacks		Peripheral Adirondacks		Southeastern New York		Central-Western New York	
	TJ	ECO	TJ	ECO	TJ	ECO	TJ	ECO
No fine or jail (%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
No fine & some jail (%)	2.7	0.0	2.6	2.1	1.9	0.0	1.6	1.5
(mean jail days)	(272)	(0)	(42)	(14)	(32)	(0)	(83)	(180)
Some fine & no jail (%)	58.1	17.6	50.6	29.8	69.6	55.2	63.5	50.0
(mean \$ fine)	(741)	(1166)	(686)	(1214)	(709)	(1243)	(643)	(966)
Some fine & some jail (%)	39.2	82.4	46.8	68.1	28.5	44.8	34.9	48.5
(mean jail days)	(66)	(112)	(66)	(123)	(60)	(74)	(60)	(115)
(mean \$ fine)	(910)	(1321)	(736)	(1187)	(844)	(173)	(728)	(1190)
Conditional discharge (%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total %	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total N	(74)	(17)	(235)	(47)	(270)	(29)	(548)	(68)

Second Offense (C-2)								
Penalty Recommended								
No fine or jail (%)	0.0	0.0	0.0	2.1	0.0	0.0	0.0	0.0
No fine & some jail (%)	1.4	5.9	7.3	2.1	5.8	3.3	6.5	4.4
(mean jail days)	(365)	(365)	(173)	(30)	(128)	(365)	(131)	(171)
Some fine & no jail (%)	30.4	11.8	22.3	12.8	40.7	26.7	34.9	17.6
(mean \$ fine)	(1009)	(1500)	(1186)	(1833)	(1114)	(1812)	(1098)	(1525)
Some fine & some jail (%)	68.2	82.3	70.4	83.0	53.5	70.0	58.6	78.0
(mean jail days)	(139)	(225)	(115)	(193)	(95)	(151)	(102)	(191)
(mean \$ fine)	(1567)	(1857)	(1228)	(1756)	(1348)	(1880)	(1258)	(1791)
Conditional discharge (%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total %	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Total N	(69)	(17)	(233)	(47)	(258)	(30)	(538)	(68)

Table A-9. ECOs' perceptions of the magnitude of ECO recommended vs. TJ imposed penalties, by region.

ECOs' opinion of fine they recommended vs. expected of TJs	Central Adirondacks	Peripheral Adirondacks	Southeastern New York	Central-Western New York	Statewide
	Percent				
Greater than TJ	29.4	60.9	31.0	46.3	45.9
Same as TJ	41.2	21.7	48.3	35.8	34.6
Less than TJ	29.4	17.4	20.7	17.9	19.5
Total N	17	46	29	67	159

Table A-10. ECOs' evaluation of impediments to law enforcement, by region.

Impediments	Regions				
	Central Adirondacks	Peripheral Adirondacks	Southeastern New York	Central Western New York	Statewide
	Percent				
<u>Too few ECOs in the field</u>					
No Problem	0.0	4.3	3.2	1.5	2.5
Slightly hinders - 1	18.7	8.5	12.9	18.5	14.5
2	6.3	10.6	3.2	13.8	10.1
Moderately hinders - 3	12.5	12.8	22.6	13.8	15.1
4	18.7	10.6	9.7	10.8	11.3
Severely hinders - 5	43.8	53.2	48.4	41.6	46.5
(N)	(16)	(47)	(31)	(65)	(159)
<u>Lack of public cooperation</u>					
No problem	0.0	6.2	22.6	7.7	9.4
Slightly hinders - 1	25.0	6.2	32.3	20.0	18.8
2	0.0	16.7	16.1	12.3	13.1
Moderately hinders - 3	25.0	18.8	3.2	26.2	19.4
4	18.8	12.5	16.1	9.2	12.5
Severely hinders - 5	31.2	39.6	9.7	24.6	26.8
(N)	(16)	(48)	(31)	(65)	(160)
<u>ECOs have too many other duties</u>					
No problem	12.5	20.8	29.0	18.2	20.4
Slightly hinders - 1	18.8	14.6	32.3	18.2	19.9
2	12.5	12.5	16.1	13.6	13.7
Moderately hinders - 3	12.5	14.6	19.4	18.2	16.8
4	24.9	20.8	3.2	18.2	16.8
Severely hinders - 5	18.8	16.7	0.0	13.6	12.4
(N)	(16)	(48)	(31)	(66)	(161)
<u>Lack of support from TJs</u>					
No problem	31.2	19.1	45.1	31.3	30.4
Slightly hinders - 1	25.0	25.6	9.7	18.8	19.6
2	0.0	25.6	16.1	23.4	20.3
Moderately hinders - 3	25.0	10.6	16.1	15.6	15.2
4	6.3	10.6	6.5	7.8	8.2
Severely hinders - 5	12.5	8.5	6.5	3.1	6.3
(N)	(16)	(47)	(31)	(64)	(158)
<u>Complexity of deer hunting laws</u>					
No problem	37.4	31.9	67.7	44.6	44.5
Slightly hinders - 1	25.0	34.1	19.4	27.7	27.7
2	12.5	14.9	3.2	10.8	10.7
Moderately hinders - 3	18.8	8.5	0.0	13.8	10.1
4	0.0	8.5	9.7	3.1	5.7
Severely hinders - 5	6.3	2.1	0.0	0.0	1.3
(N)	(16)	(47)	(31)	(65)	(159)

Table A-11. ECOs' impressions of the trend over the past several years in public cooperation in their efforts to apprehend deer hunting law violators, by region.

Trend in Public Cooperation	Regions				
	Central Adirondacks	Peripheral Adirondacks	Southeastern New York	Central-Western New York	Statewide
	Percent				
Moderately decreased	5.9	4.2	3.1	10.6	6.7
Somewhat decreased	0.0	8.3	3.1	3.0	4.3
No change	35.3	29.2	37.5	42.5	36.8
Somewhat increased	23.5	41.6	40.7	34.8	36.8
Moderately increased	35.3	16.7	15.6	9.1	15.4
Total N	17	48	32	66	163

Table A-12. ECOs' impressions of the trend over the past several years in deer-related law violations, by region.

Trend in Violations	Regions				
	Central Adirondacks	Peripheral Adirondacks	Southeastern New York	Central-Western New York	Statewide
	Percent				
Moderately decreased	17.6	6.4	6.3	4.5	6.8
Somewhat decreased	47.1	17.0	18.8	21.2	22.2
No change	23.5	38.3	34.3	25.8	30.9
Somewhat increased	5.9	27.7	31.2	37.9	30.2
Moderately increased	5.9	10.6	9.4	10.6	9.9
Total N	17	47	32	66	162

Table A-13. Experienced TJs' evaluation of ECOs' ability to collect and present evidence, by region.

Abilities Evaluated	Regions				
	Central Adirondacks	Peripheral Adirondacks	Southeastern New York	Central-Western New York	Statewide
	Percent				
<u>Collect evidence</u>					
Good	68.6	84.6	82.3	81.3	81.1
Fair	25.7	13.5	14.0	17.9	16.7
Poor	5.7	1.9	3.7	0.8	2.2
(N)	(35)	(52)	(164)	(240)	(491)
<u>Present evidence</u>					
Good	60.0	84.6	77.3	79.5	77.9
Fair	34.3	9.6	18.4	19.2	19.0
Poor	5.7	5.8	4.3	1.3	3.1
(N)	(35)	(52)	(163)	(239)	(489)