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# **2018 Joint Legislative Public Protection Hearing Testimony**

**Submitted on behalf of the Police Benevolent  
Association of New York State**

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Testimony before: 2018 Joint Legislative Hearing Committee  
on Environmental Conservation

Date: February 7, 2018

**Introduction**

Good afternoon respected members of the joint committee. My name is Jason DeAngelis, and I am a New York State Environmental Conservation Police Officer and current Vice President of the Police Benevolent Association of New York State (“PBA of NYS”) and a current PBA board member.

My testimony today will focus on the budget priorities of the New York State Environmental Conservation Police Officers, which include Three Quarter Accidental Disability benefits and on Staffing Levels of Bureau of Environmental Crimes Investigation within the Division of Law Enforcement. The mission of the Environmental Conservation Officers (“ECO”) is to protect and enhance the environment and natural resources of the State of New York while also protecting the health and safety of its people through the enforcement of Environmental Conservation and related laws and public education." This mission is currently being accomplished by over 330 sworn members of the Division of Law Enforcement.

Our officers and investigators respond to a wide range of emergencies and special details throughout the year. DLE staff performs with dedication and professionalism, whether responding to heavy snows on Long Island, the Hoosick Falls drinking-water crisis, or multi-million dollar ivory seizures. DLE’s unique mission, wide-ranging expertise and specialized equipment continue to play an integral part in the U.S. Department of Homeland Security’s statewide operations, as well as DEC’s own Emergency Response Team.

**Three-Quarter Disability Legislation**

S.5594B Golden  
Same as A.7600B Abbate

A top budget priority for the New York State Environmental Conservation Offices is the enactment of three-quarter accidental disability legislation. Three-quarter disability is a benefit that is enjoyed by almost every other branch of law enforcement. Parity is desperately needed for the PBA of NYS membership. The job responsibilities are equally dangerous and present identical risk of injuries due to the wide range of incidents they respond too. These risks and dangers are completely out of our members' control which is no different from other branches of law enforcement.

Currently, three-quarter accidental disability legislation is not available to Environmental Conservation Officers. This must be changed. The legislature should immediately include three-quarter disability benefits in the one house budget proposals and ensure it is included in the final budget due April 1, 2018. There is no better justification than the recent shooting tragedy of New York State Environmental Conservation Officer James Davey who sustained a gunshot while investigating a call for "shots fired" in rural Columbia County, which was ultimately two men attempting to poach deer in a field at night. These types of terrible incidents demonstrate the risks that Environmental Conservation Officers, Forest Rangers, Regional Park Police and State University Police encounter on a day-to-day basis in performance of their job duties. They should receive the same accidental disability benefits as other law enforcement members.

There is 'same as' standalone legislation in both houses that grant members of the PBA of NYS with three-quarter disability legislation. S.5594B sponsored by Senator Golden same as A.7600B sponsored by Assemblyman Abbate. Last session, the Senate passed S.5594A. The Assembly failed to bring this legislation to the floor.

However, we remain confident that both houses will include Three-Quarter Disability legislation in their one house budget proposals. The fiscal impact of the legislation there would be an immediate past service cost of \$2.1 million and an annual cost to New York State of \$350,000. The fiscal note's estimated costs are based on 724 members having an annual salary for the fiscal year ending March 31, 2017 of approximately \$60 million.

Granting all members of the PBA of NYS Three-Quarter Disability benefits will also help lower the attrition rates because we will have parity with other branches of law enforcement. For these reasons, Three-Quarter Disability legislation for the EnCon officers should be included as part of the final 2018-2019 State Budget due April 1, 2018.

**Staffing Levels of Bureau of Environmental Crimes Investigation within the Division of Law Enforcement**

Next, I would like to direct the legislature’s attention to the staffing shortfalls within The Bureau of Environmental Crimes Investigation (“BECI”) within the Division of Law Enforcement. Our BECI investigators are currently operating at 50% staffing (40% staffing in the downstate regions). Due to the lack of investigators, it has become increasingly more difficult to properly investigate the most significant criminal complaints received by this Department.

The Bureau staffing numbers as of January 15, 2018, are as follows:

Title	Authorized Fill Level	Current Staffing Level	Deficit	% understaffed
ECI (Investigator)	30	15	15	50% understaffed
ECI 2 (Lieutenant)	11	8	3	28% understaffed
Captain	1	0	1	100% understaffed
Major	1	1	0	0%
<b>Totals</b>	<b>43</b>	<b>24</b>	<b>19</b>	<b>45%</b>
			<b>Positions</b>	<b>Understaffed</b>

Due to the approximate 50% understaffing, the following types of cases have been impacted:

- i. **Solid Waste Task Force** – With only 4 Investigators currently assigned in Region 1, 2 and 3 out of 10 positions (a decrease of 60%), the Task Force will use Uniform officers to issue tickets to truck drivers. The necessary follow up at the site of generation will be delayed or not accomplished at all.
- ii. **Bottle Bill Enforcement** – Transshipping of returnable beverages from New Jersey is costing New York State and New York businesses millions (estimates in excess of 100 million) in lost deposit money. Current bottle bill enforcement cases have a possible settlement in excess of \$1 million dollars. Beverage industry representatives have met with DEC program and DLE staff within the last six months requesting investigations into the illegal activity surrounding the transshipping and redemption of empty containers. These

cases will most likely be put on hold or significantly delayed without additional investigative staff to handle the cases.

- iii. **Long Term Undercover Wildlife Investigations** - Between 2007 and 2009, BECI Investigators led a nationally recognized undercover operation into the illegal trafficking in New York's native amphibians and reptiles. This operation ("Operation Shell Shock") uncovered a lucrative trade in New York snakes and turtles. The case involved USFW agents, Canadian game wardens in the province of Ontario, Environmental Canada law enforcement officers and multiple US states. This investigation led to changes in the ECL that halted the overharvesting of New York's native species. Information on similar wildlife poaching cases exist today, they include significant American eel poaching, illegal turtle trafficking, illegal salmon roe sales from Lake Ontario and illegal trafficking of all marine finfish to name a few. USFW has an open glass eel investigation dubbed "Operation Broken Glass". New York has organized an enforcement conference each year for the last three years to coordinate all the east coast state's efforts to crack down on these glass eel poachers. BECI Investigators play a major role in this enforcement and have executed two warrants related to glass eel poaching and have other significant open cases.

Nationally, all turtle species are under increased poaching by foreign interests. USFW Inspectors in NY's JFK airport have never seen this level of illegal activity involving native turtles in the past. Additionally, because of the lack of investigators in the downstate areas DLE is unable to initiate long-term investigations involving the Marine Commercial Fishery including illegal Stripe Bass, Black Fish, Flounder and lobster fisheries. Without investigators, these investigations will not be initiated, will be put on hold or will be significantly impacted.

- iv. **Elephant Ivory Enforcement** - With only 1 Investigator in Region 2, proactive ivory cases will be put on hold or delayed until additional investigative staff are assigned.
- v. **Impact on Background Investigations** - Without a full staff of investigators, background investigations will most likely cost considerably more due to overtime incurred by investigators traveling over two or three regions to complete the investigations. The timeframe to complete these backgrounds will also increase.

- vi. **Department Request For Criminal Investigation of Regulated Entities-** Some examples of recent cases requiring immediate and long-term investigative services: Niagara Falls Water Board sewage discharge, fatal HRSI in Sherman Chautauqua County, illegal disposal of hazardous waste cases, illegal C&D disposal site through New York State, Oil and gas industry investigations in Region 9, and trash net investigations to name just a few.

Timely response to and thorough criminal investigations of these types of significant cases are in jeopardy without additional investigators.

Given these enforcement problems facing the ECO's, the BECI staffing should also be immediately corrected. Since BECI investigations are long term, often taking one to two years to complete, retaining investigators in place would benefit those investigations. Filling only one or two investigator positions at a time is disruptive to the region and often negatively impacts our ability to timely complete an investigation.

To compound the problem, this impact is felt most severely in Regions 1, 2 and 3 where the turnover of staff is most significant. Additionally, this impact is felt in upstate regions because they no longer have the ability to promote local talent because transfers fill their positions. Filling all the positions at one time would benefit the Department by allowing senior officers the opportunity to be promoted within their regions thus retaining local knowledge. It would also stabilize the investigative team in NYC, Long Island and Region 3, and allow for continuity of investigations of our most critical cases. Finally, it would foster a productive working relationship between our investigators and regional program staff and bring stability to the BECI statewide.

### **Conclusion**

In closing, the New York State Environmental Conservation Officers respectfully ask that the Legislature enact Three-Quarter Disability benefits in the upcoming State Budget due April 1, 2018. It is a grave injustice that not all PBA of NYS members have three quarter accidental disability benefits. In addition, we ask the Legislature to encourage the DEC to properly fill all BECI investigator positions as soon as possible so that we can properly carry out our fulfilled mission. Thank you for giving me the opportunity to testify before you today.