



Memo

To: Advisory Board Members

From: Matthew A. Romero, MWRA Advisory Board Executive Director

Date: April 17, 2024

Attached you will find background materials related to the ongoing concern about the ability of Division of Water Supply Protection park rangers to adequately enforce DCR's rules and regulations against violators visiting the watersheds.

I worked with fellow Water Supply Protection Trustee Retired Brigadier General Bill Meehan to put together these materials. At his request, I am including some of the initial communications that started this ongoing discussion at the Water Supply Protection Trust.

I have asked General Meehan to attend our April Advisory Board meeting to speak to his concerns after a brief presentation by Advisory Board staff on the issue.

Following this cover memo you will find:

1. An email from Trustee Meehan sent on March 5, 2024 to lay out concerns for discussion at the Water Supply Protection Trust meeting
2. A list of options and alternatives proposed by Trustee Meehan attached to his March 5 email
3. A sample advisory drafted by Trustee Meehan attached to his March 5 email
4. An executive summary of the timeline and issues at stake that both Trustee Meehan and I drafted
5. Some visualizations of the violations data Trustee Meehan had provided to the Trust with some additional data added

As you know, protecting our watersheds is of critical importance to the Advisory Board, so we look forward to your thoughts and discussions at our meeting.



[EXTERNAL] WSPT March Meeting Materials - Ranger Enforcement

William J Meehan II <obmeehan2@verizon.net>

Tue 3/5/2024 10:40 AM

To: 'Rao, Vandana (EEA)' <vandana.rao@mass.gov>; 'Fred Heyes' <fredheyes@gmail.com>; Laskey, Fred <Fred.Laskey@mwra.com>; sanchezjg@msn.com <sanchezjg@msn.com>; Romero, Matthew <Matthew.Romero@mwraadvisoryboard.com>;

Cc: Fiore, Carolyn <Carolyn.Fiore@mwra.com>; 'Clark, Dan (DCR)' <dan.clark@mass.gov>; Coppes, Dave <Dave.Coppes@mwra.com>; Estes-Smargiassi, Stephen <Stephen.Estes-Smargiassi@mwra.com>; 'Gustavsen, Lisa (DCR)' <lisa.gustavsen@mass.gov>; Gregoire, John <John.Gregoire@mwra.com>; Favaloro, Joseph <Joseph.Favaloro@mwraadvisoryboard.com>; jpeirce@mass.rr.com <jpeirce@mass.rr.com>; 'Judith Eiseman' <judyeiseman@comcast.net>; Romero, Matthew <Matthew.Romero@mwraadvisoryboard.com>; 'Lexi Dewey' <info@wscac.org>; Grasso, Linda <Linda.Grasso@mwra.com>; 'Ria Convery' <Ria.Convery@mwra.state.ma.us>; 'Scannell, John (DCR)' <john.m.scannell@mass.gov>; Navin, Sean <Sean.Navin@mwra.com>; Durkin, Thomas <Thomas.Durkin@mwra.com>; 'Zimmerman, Joel (DCR)' <joel.zimmerman@mass.gov>; 'Katherine Haynes Dunphy' <khhdunphy@yahoo.com>; 'McNally, Trish (DCR)' <trish.mcnally@mass.gov>; Swirbalus, Carol <Carol.Swirbalus@mwra.com>; Ronan, Katherine <Katherine.Ronan@mwra.com>; Francisco-Murphy, Carolyn <Carolyn.Francisco-Murphy@mwra.com>; 'Gaertner, Kurt (EEA)' <kurt.gaertner@mass.gov>; Coyne, James <James.Coyne@mwra.com>; Cole, Michael <Michael.Cole@mwra.com>; Moran, Valerie <Valerie.Moran@mwra.com>; 'Liimatainen, Derek (DCR)' <derek.liimatainen@mass.gov>; 'Tassinari, Max J (DCR)' <Max.J.Tassinari@mass.gov>; Grasso, Linda <Linda.Grasso@mwra.com>; Favaloro, Joseph <Joseph.Favaloro@mwraadvisoryboard.com>; 'Freda, Kelley (DCR)' <kelley.freda@mass.gov>; BoardMemberWolowicz <JWolowicz@monson-ma.gov>; 'Skarin, Kathleen (EEA)' <Kathleen.Skarin@mass.gov>; 'Mulcahy, Peter C (EEA)' <Peter.C.Mulcahy@mass.gov>; 'Porter, Read (EEA)' <Read.Porter@mass.gov>; Rizzi, Colleen <Colleen.Rizzi@mwra.com>; Monahan, Hillary <Hillary.Monahan@mwra.com>; 'Dan Hammock' <imagine4@prodigy.net>; 'CLAYTON SYDLA' <syd79@comcast.net>;

 3 attachments (76 KB)

Ranger Activity Comparing 23-24 (3).xls; OPTIONS AND ALTERNATIVES (5).doc; Advisory.doc;

[EXTERNAL]: This is an external email. Do not click on links or attachments if sender is unknown or if the email is unexpected.

To the attached Ranger Activity report (as previously provided) I have added both 1st and 2nd Qtr stats for FYs 23 and 24, which show:

- Encounters/Contacts are declining, particularly in Quabbin
- Violations/verbal warnings are increasing, except for Quabbin
- Wachusett is the only watershed referring (a few) violators to law enforcement
- Ban/suspension usage is near non-existent
- 450 to 500 offenders who would have previously received written warning or citation, at most, now get only a verbal warning and no referral to law enforcement
- Note: source of statistics are the DCR qtrly and annual activity reports

For discussion at our meeting. Is it acceptable for those who would have received a written warning or citation for more serious or egregious violations to walk away with only a verbal warning? (Estimate 1 or 2 a day across all watersheds or 450-500 per year-re FY21 stats).

In not acceptable, a proposed solution (see attached Options):

- DCR initiate a non-punitive, non-judicial, non-voluminous, educational notice/advisory of individual violation (Sample Advisory attached).
 - No ticket or summons

- By name and ID with specific violation. Drop it and it's littering
- Encourages cooperation and understanding
- Only one or 2 per day across all watersheds; 20 rangers 1or 2 each per month
- Record of violations for repeaters (needed for law enforcement referral or ban)
- And, DCR use existing authority and energize/implement bans (suspension of access). Also, non-judicial, but punitive

I'd like a Trustee vote on these matters.

Bill

OPTIONS AND ALTERNATIVES

Doing nothing or wait and see are not answers.

DCR create new cautionary advice/notice (sample next under) —by name notice, advisory and educational in nature, cites violation, encourages respect for law/rules, and advises repeat could result in suspension of access or law enforcement involvement.

- Offender won't throw it on the ground with his/her name on it and citing violation (would become littering violation, too).
- Used once or twice a day across all watersheds. 20 rangers issue 1 or 2 a month
- Define the norm for written warnings/notice: recurring dog walker, biking, swimming, starting fires, polluting water or land, minor trespassing, etc. Same standards across all watersheds.
- Define common standard for dealing with minors and parental notifications.
- Analogy: Consider this as educators issuing "report cards". Non-judicial and non-punitive.

Suspension of access (Bans) allowed [302 CMR 12:20 (3)] but not being used as now established. Recommend DCR delegate authority from Dir, DWSP to regional watershed managers to suspend for up to six months.

Require annual or bi-annual cross training among rangers.

- Designate one ranger captain (promote one to major) or deputy regional director as training and standardization officer (among other chores certify new hires for duty and monitor quarterly statistics).
- Require new ranger hires spend a number of days service (training) at each of the other watersheds.

Complement the GIS iPad Incident Reporting capability with body cameras.

If necessary seek DEP opinion, legal and discretionary.

Note: not in order of priority; some may already be considered or in use.

MA Department of Conservation and Recreation (DCR)

Watershed Management

Advisory or Reminder

Mr/Ms/Mrs ___ (Name and address or ID) _____

Date: _____

DCR likes to have you enjoy these recreational opportunities provided in our watersheds: Quabbin, Ware , Wachusetts, and Sudbury. While encouraging folks like you to take advantage of these opportunities, we do have certain laws, rules and regulations to enforce. Our objective is to ensure quality water for years to come and continuing access to all members of the Commonwealth.

Those rules and regulations are contained in a Code of Massachusetts Regulations (CMRs), which establish “do’s and don’ts”for visitors in the watersheds. CMR 313 [11.09 2a7](#) says [No swimming or wading in the reservoir \(Example\)](#).

I’m bringing this to your attention to ask you to help us protect the watersheds and the waters coursing through them. We hope you understand the vital role you play in this endeavor and ask for you to help us fulfill the objective and goal we share.

Thank you.

Ranger [XXXXXXXXXXXXXXXXXXXXXXXXXXXX](#)

NOTE: Violations of rules and regulations and repeat offenses could result in suspension of access to the watersheds for as much as one year or referral to appropriate law enforcement agencies.



Executive Summary

DCR Rangers Enforcement Concerns in Watersheds

In June 2022, Department of Conservation and Recreation (DCR) rangers in Massachusetts lost the authority to issue citations or written warnings for violations of watershed rules and regulations. This change was made in response to the Massachusetts Police Reform Bill of 2020, which was passed in an effort to deescalate situations and ensure that park rangers are not acting as law enforcement officers.

Prior to the change, DCR rangers had the authority to issue citations for a variety of violations, including littering, speeding, and disorderly conduct. However, the Police Reform Bill limited the authority of park rangers to educational outreach and directed them to work with law enforcement to address violations.

The change has led to some concerns about the safety of the watersheds and the effectiveness of ranger enforcement. Some people have argued that the lack of citations is leading to an increase in violations, while others have expressed concern that rangers are less likely to enforce the rules if they do not have the authority to issue citations.

In the meantime, DCR watershed rangers are focusing on educational outreach and are supposed to be working with law enforcement to address violations. But they aren't, with few exceptions, engaging law enforcement, and that's a significant problem. However, some stakeholders are calling for a legislative fix to the issue. Efforts are underway to pursue a legislative solution to address the issue, and DCR is working with Massachusetts State Police (MSP) and the courts to identify additional options for enforcement.

Here is a timeline of the events leading up to and following the change:

December 2020

- The Massachusetts Police Reform Bill of 2020 is passed

July 2021

- Key provisions of the Police Reform Bill go into effect

June 2022

- DCR Rangers were informed that they can no longer issue written warnings or citations for watershed rules and regulation violations.





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September 27, 2022

- The Executive Office of Energy and Environmental Affairs (EEA) General Counsel attends the Water Supply Protection Trust (WSPT) meeting and explains that the authority for Park Rangers to issue non-criminal citations comes from a portion of the General Laws Chapter 132A, Section 7A, which only applies to Park Rangers who have been appointed as Deputy Environmental Police Officers.
- When the Police Reform Bill went into effect, it led to a review of the Deputy Environmental Police Office Program by the Office of Law Enforcement and an update to the general order.
- The review found that Park Rangers are not trained police officers and should not be issuing citations to individuals, as this could escalate situations rather than deescalate them.
- EEA issued a verbal directive to Park Rangers across the state to exercise their authority in a way that is primarily educational and to reach out to Law Enforcement if there is a situation that requires a citation

December 15, 2022

- Discussion among the Trustees regarding Ranger Enforcements and the idea to distribute educational brochures.
- Trustee Meehan expressed continued concern regarding Rangers' inability to issue tickets, particularly regarding the most serious offenses.

June 7, 2023

- At a WSPT meeting, Peter Mulcahy, EEA General Counsel, explained that Post Commission Certification requires that all law enforcement officers undergo training and meet certain standards in order to perform police work.
- He explained that Watershed Rangers are not Post Commission Certified, and therefore cannot issue citations or summons.
- He suggested working together to identify creative solutions to address problem points in the watershed, such as specific locations or individuals.

March 5, 2024

- For their Mar 7 Trust meeting, Meehan sent an email to trustees providing data from Ranger Activity Reports showing a decline in encounters/contacts, an increase in violations/verbal warnings, and a lack of referrals to law enforcement. If they understood and agreed to an existing problem, he offered corrective options, including a non-judicial and non-punitive warning notice for violators. After discussion, trustees could not agree a problem existed that needed to be fixed.

March 11, 2024

- In response to a trustee's request, Meehan sent an email to the WSPT with examples of egregious violations that have occurred in the watersheds since Rangers lost the ability to issue citations.



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March 12, 2024

- Trustee Meehan sent an email to various elected officials and Commissioners of DCR and Department of Environmental Protection (DEP) expressing concerns about the gap in security of the watersheds due to Rangers not being able to issue citations and asking for their assistance in addressing the issue.

March 21, 2024

- Trustee Meehan sent an email to a state representative, providing an update on the issue and requesting assistance in finding a legislative fix.
- The representative responded that they have been advised that Senator Lewis of the Massachusetts State Senate is exploring a legislative fix to this issue and that DCR is working with MSP and the courts to identify additional options for enforcement in the meantime.

Ongoing

- The issue of Ranger enforcements and the inability to issue citations and ask for individual ID is still being discussed by the WSPT and other stakeholders.
- There is a legislative effort underway to find a fix to the issue.
- DCR is working with MSP and the courts to identify additional options for enforcement in the meantime.

General References

- MGL 92A ½ Watershed Management-Section 8 directs DCR to “enforce” all applicable rules and regulations
- 302 CMR 12:00 Parks and Recreation 12:20 Violations and Enforcement
- 313 CMR 11:09 Watershed rules and regulations.

Specific Provisions – Citations Issued by DCR and Other Law Enforcement:

- DCR rangers, district forest fire wardens, district forest fire patrolmen, and other DCR personnel are authorized to issue citations for violations of all DCR regulations (302 CMR 12.02: Citation).
- DCR rangers and other authorized law enforcement officials are authorized to issue citations for violations of all DCR regulations, including violations of 302 CMR 11.00 (302 CMR 11.11: Enforcement).
- Failure to stop or position a vehicle when directed by a DCR ranger, authorized law enforcement official, or other authorized DCR personnel is considered a violation (302 CMR 11.04: Violations).



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Specific Provisions – Enforcement of Regulations:

- Authorized DCR personnel or authorized law enforcement officials may divert vehicular traffic or pedestrians when necessary (302 CMR 11.04: Violations).
- Authorized DCR personnel or authorized law enforcement officials may notify persons in violation of a DCR regulation or other Massachusetts or U.S. law or regulation on DCR property or roadways to exit DCR property immediately for a temporary period of time (302 CMR 11.02: Removal).
- DCR rangers, other DCR personnel, and other law enforcement officers are authorized to issue citations for violations of all DCR regulations (302 CMR 12.20: Enforcement).
- The Department may suspend or revoke a construction and access permit if the applicant has violated any of the provisions of the permit (302 CMR 11.08: Construction and Access Permits).
- For violations DCR may ban individuals from its property for a period not to exceed a year.



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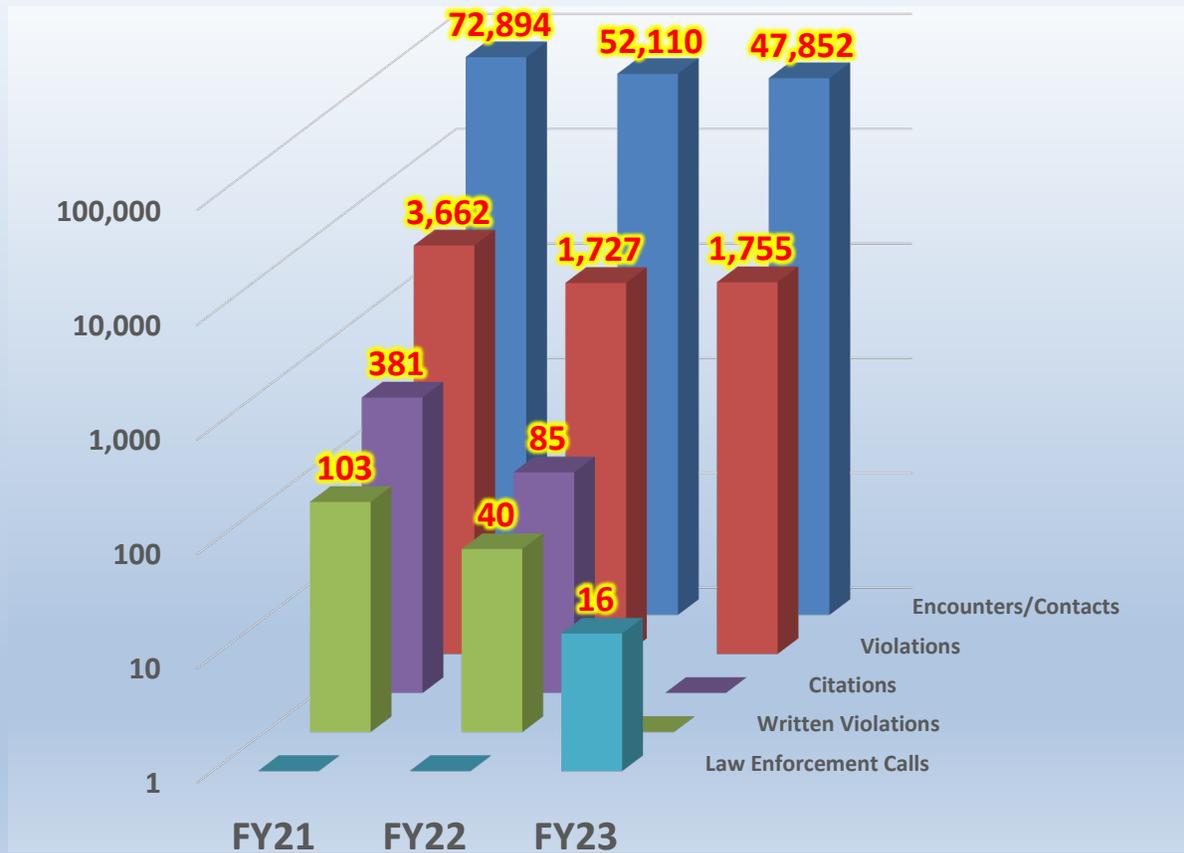


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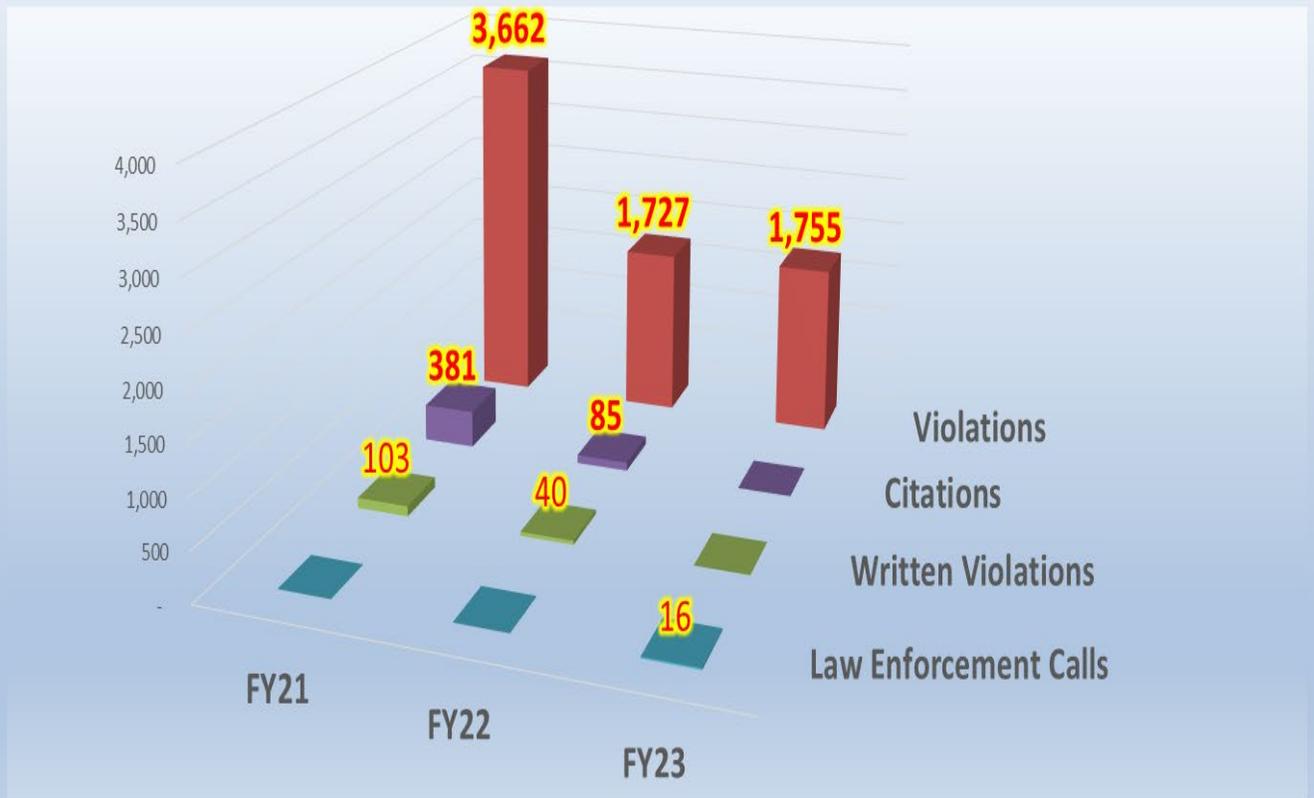
Matthew A. Romero
Executive Director

Ranger Interactions FY21-FY23 *(logarithmic scale)*



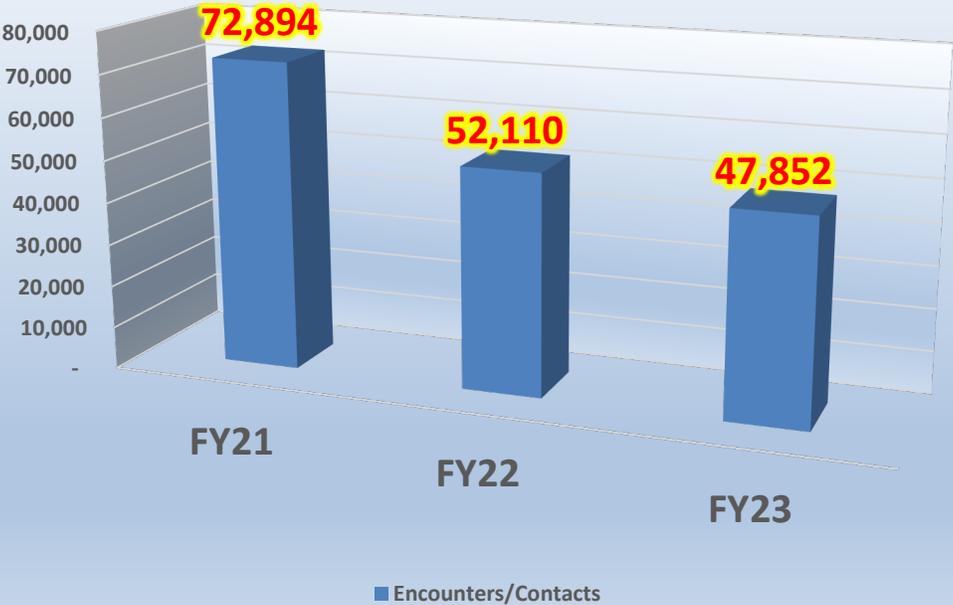
■ Law Enforcement Calls ■ Written Violations ■ Citations ■ Violations ■ Encounters/Contacts

Violations: Written Violations, Citations, and Law Enforcement Calls



■ Law Enforcement Calls ■ Written Violations ■ Citations ■ Violations

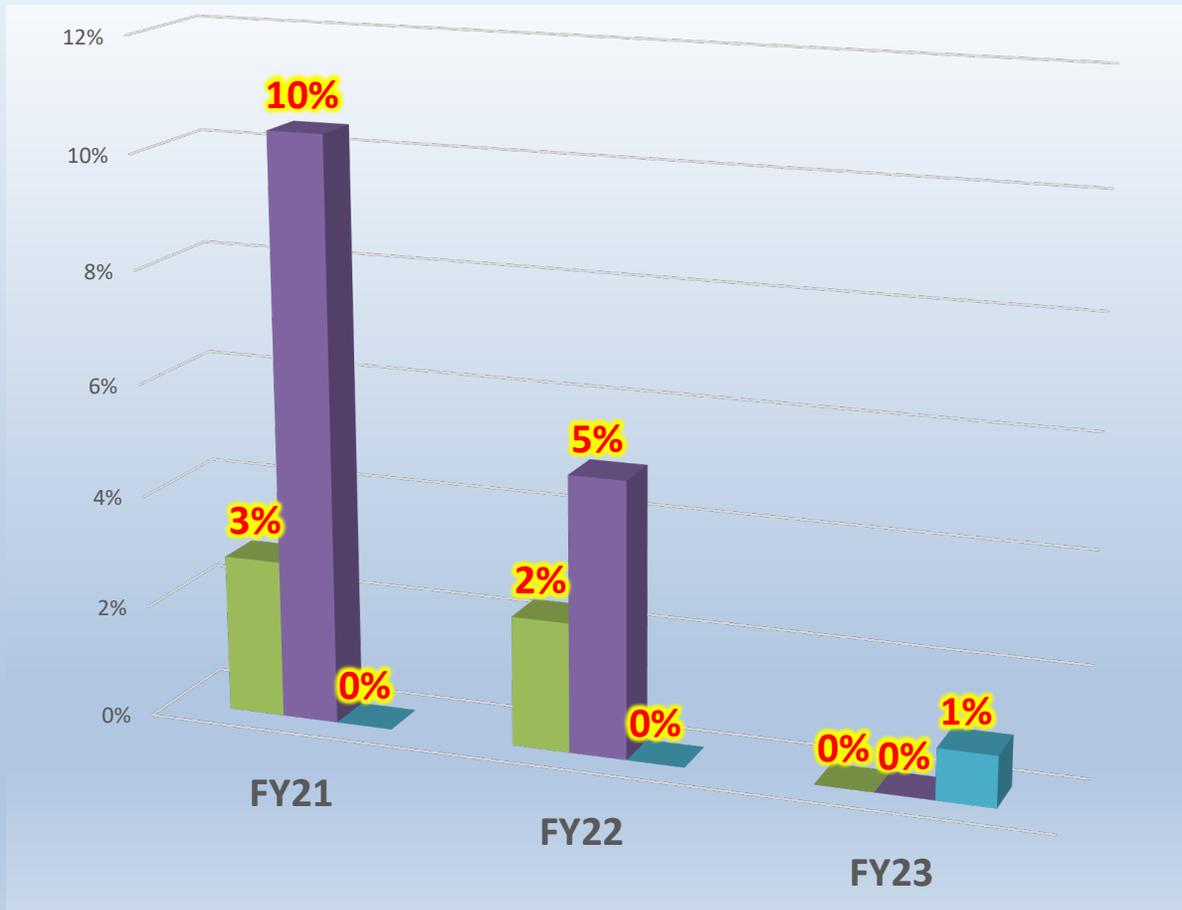
Total Encounters/Contacts



Violations

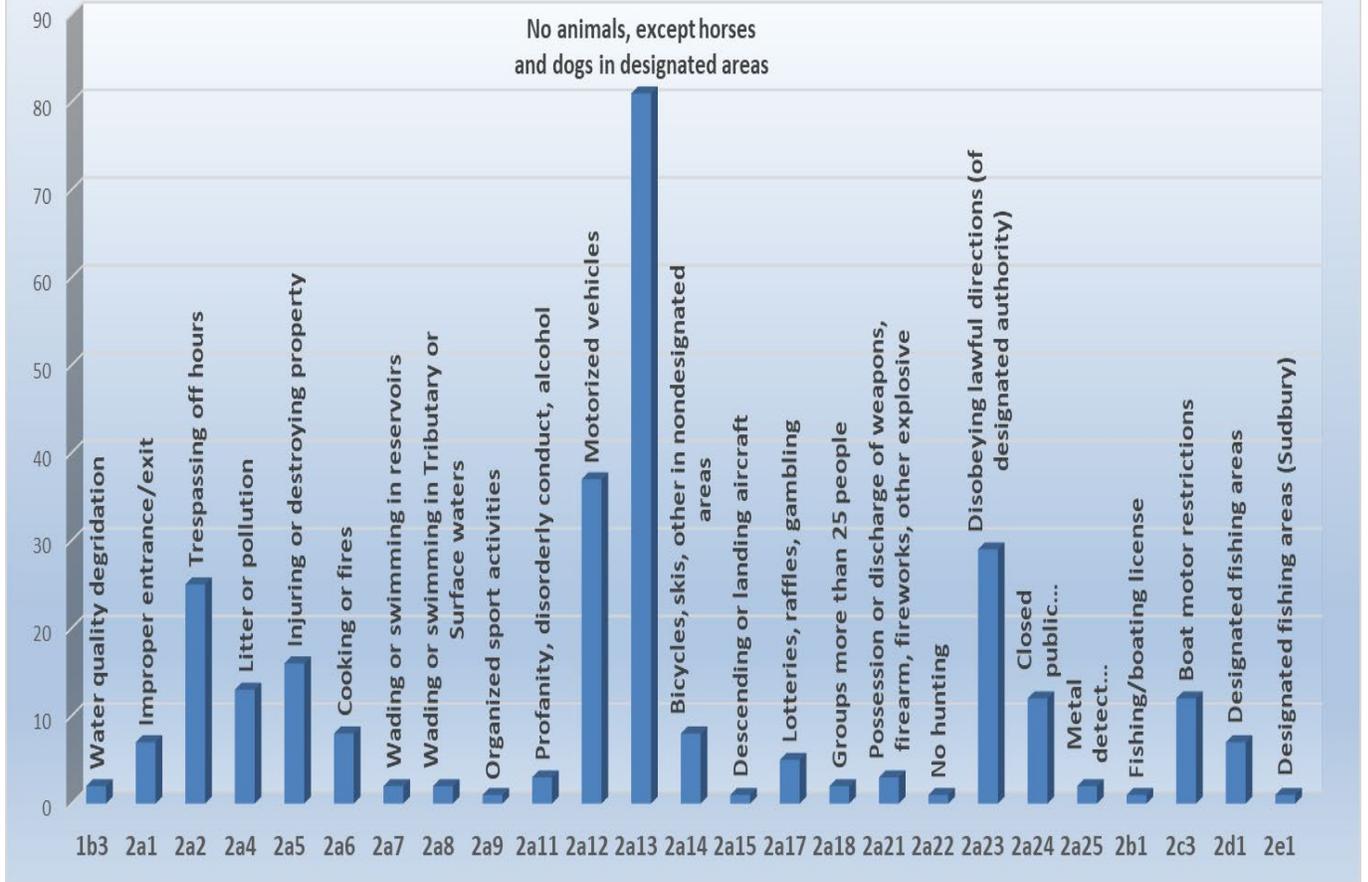


Percentage of Violations Enforcement Remedies



■ Written Violations ■ Citations ■ Law Enforcement Calls

313 CMR 11.09 Verbal Warnings 2nd Quarter FY2024 (Wachusett/Sudbury, Quabbin, and Ware)



313 CMR 11.09 Verbal Warnings 2nd Quarter FY2024 (Wachusett/Sudbury, Quabbin, and Ware)

