

# The Signpost

January-February, 2016



## PRAC Webmaster 2015 Report by Jeff Price, Webmaster

This is a brief review of PRAC's Internet services provided to members over the past year, based on information recently submitted to the Board. In general, the website and group e-mail service have reflected the interests and activity level of the Board and the membership. Delivering rapid changes on short notice and keeping lines of communication open, have been the primary goals in service to our membership.

### *Services to Our Membership*

For over fifteen years we have maintained a members-only, group e-mail service called PRACnet. This professional forum was first established in April 2000 by then-president John Havicon, to promote the exchange of information, thought and opinion regarding the park profession, and the programs, activities and policies of PRAC. We regularly post information on career and job openings, as notified by agencies involved.

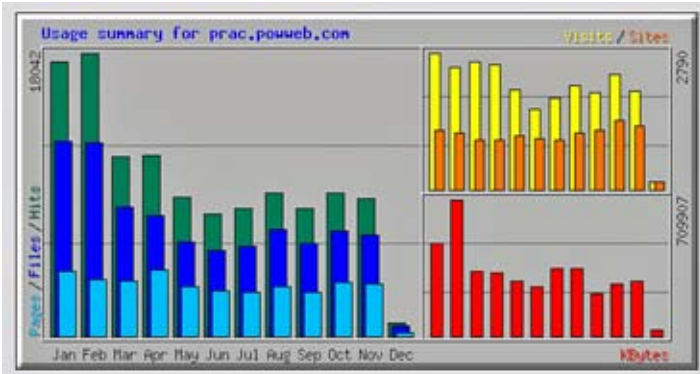
We currently have 156 members subscribed to PRACnet. This represents a 9% drop in member participation from last year at this same time. If you are a PRAC member, and not currently subscribed to PRACnet, just drop me a note with your home e-mail, and we'll get you online. Maintenance of

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# PRAC Webmaster 2015 Report

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private. At this time, we restrict access to details of the Professional Certification program, special training opportunities, PRAC’s JobMart, the Ranger Directory, and scholarship application information. The latest edition of the *Signpost* Newsletter is made available electronically to members and a limited archive of recent past issues is maintained, available for member use.

## Public Access

We continue to maintain a full service homepage with public access, where anyone browsing the Internet can find out information about the organization, how to contact an officer or director, how to become a member, general conference information, PRAC’s Certification program, and access limited merchandise sales.

## Website Visitation Comparison

During the past year, our website visitor traffic trend has followed prior norms. Use peaked during the months prior to the annual Parks Conference. In March. Stats seem to indicate this peak is due to members getting online information about the conference, downloading registration and reading information packages.

If members have questions or would like additional data, please contact me; 805-278-9201, [webmaster@calranger.org](mailto:webmaster@calranger.org)

this group service requires constant Moderator vigilance, frequent adjustments and can be time consuming, but any member can contact all other members with a mouse click on PRACnet.

A cursory analysis of PRACnet message data does not appear to show a link to any particular month or time of year, but rather seems to be topic dependent. When a member brings up an exciting or interesting topic or question, many others post answers or a comment, which then generates more chatter in the forum. We hope members find the forum useful and the Board welcomes suggestions or comments.

We have slowly moved away from a separate “members only” section on the calranger.org website. Members, using the password and login printed on their membership card, can access information the Board wants kept as internal or

Summary by Month										
Month	Daily Avg				Monthly Totals					
	Hits	Files	Pages	Visits	Sites	KBytes	Visits	Pages	Files	Hits
<a href="#">Dec 2015</a>	277	211	83	51	165	30810	153	250	634	832
<a href="#">Nov 2015</a>	292	213	111	66	1289	287004	1998	3335	6415	8774
<a href="#">Oct 2015</a>	295	217	111	75	1414	274582	2353	3459	6734	9151
<a href="#">Sep 2015</a>	270	195	93	65	1215	224311	1975	2814	5876	8107
<a href="#">Aug 2015</a>	295	218	100	68	1160	351173	2118	3111	6760	9151
<a href="#">Jul 2015</a>	262	184	91	60	998	352474	1869	2834	5719	8136
<a href="#">Jun 2015</a>	260	183	96	54	1033	259230	1624	2909	5505	7806
<a href="#">May 2015</a>	283	194	101	66	1086	283313	2048	3145	6041	8799
<a href="#">Apr 2015</a>	384	254	139	84	1007	331981	2544	4195	7645	11520
<a href="#">Mar 2015</a>	368	266	113	84	1002	337530	2616	3506	8261	11431
<a href="#">Feb 2015</a>	644	438	129	89	1150	709907	2504	3631	12268	18042
<a href="#">Jan 2015</a>	562	399	132	90	1202	481158	2790	4105	12379	17438
<b>Totals</b>						<b>3923473</b>	<b>24592</b>	<b>37294</b>	<b>84237</b>	<b>119187</b>

# Under the Flat Hat

By Matt Cerkel

The park ranger profession has at its core a duality. This duality is reflected in the National Park Service Organic Act of 1919 which stated the purpose of the parks and therefore the park rangers was “to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” Less than a year later my employer, the Marin Municipal Water District, stated the following as part of its first rules for the Mount Tamalpais Watershed: “The co-operation of the public in the strict enforcement of these rules is earnestly requested... You are welcome to enjoy this park if you observe the rules, and the Patrolmen (now called Park Rangers) of the District are instructed to use every courtesy to make your outing a pleasure and a success.” The duality of the profession is having the duty of protecting the resources of the park, while at the same time having the duty to help park visitors enjoy their time in the park. This duality at times can be contradictory, because some activities people enjoy may have significant impacts on the resources that park is protecting or negatively impact other people’s enjoyment of park. In my opinion the generalist park ranger is the best person in a park to deal with this duality because they have “tools,” “training,” “education,” and “ability” to effectively balance the need to protect the resources and the need to help the visitors enjoy their time in the park.

It would seem this duality in duties that park rangers may have played a role in the change in uniforms and badges for park rangers of Sonoma County Regional Parks. In a November 10, 2015 article in the Press Democrat called “New look for Sonoma County Regional Parks rangers” stated the following:

“Park rangers are not sheriff’s deputies, though, until recently, their uniforms might have suggested otherwise.”

Their star-shaped badges, which had been unchanged since the Sonoma County Regional Parks Department was formed nearly five decades ago, made them look more like law enforcement officers than stewards of the county’s 54 parks.

On Tuesday, an initiative by Regional Parks to revamp the way rangers interact with the public debuted its most visible change when 19 rangers received new badges to adorn their redesigned uniforms.

“Rangers are a combination of many things,” Regional Parks Director Caryl Hart told the rangers during a ceremony Tuesday at Spring Lake Regional Park in Santa Rosa.

“You’re explorers, you’re guardians, outdoorsmen and women, educators, police officers, tree lovers, nature guides, greeters, animal protectors, custodians of our natural wonders, and field and environmental scientists all rolled into one,” Hart said.

The new badges resemble a shield, emblazoned with an image of the sun shining over Mount Hood and the Russian River as a bird soars through the sky. Blue letters on the old star-shaped badges have been replaced by green letters. Tan shirts, like those worn by deputies, have been switched out for gray shirts and olive-green neckties.

“The new badges and uniforms are part of a larger department-wide initiative to make the rangers look less like the sheriff’s deputies that they’re so commonly mistaken for, and more like what they are: rangers”, said Bert Whitaker, park manager.

It’s also part of a wider policy change within Regional Parks to get rangers out of their trucks and talking with members of the public.

“We’re really making an emphasis on our rangers being out there firsthand in front of the public,” Whitaker said. “Rather than responding to the issues, we’re out there proactively talking to the community, explaining the challenges and providing that opportunity for the public to enjoy our facilities.” The department also is increasing rangers’ involvement in public outreach, planning more ranger talks and other programs to reinforce their roles as educators about a county park system that spans more than 11,000 acres.

Whitaker acknowledged that the moves by Regional Parks to distance itself from law

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# Under the Flat Hat

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enforcement follow high-profile incidents involving the use of force that have increased tensions in some communities between police agencies and the people they serve.

“Our goal is not to go out there and write the citations,” Whitaker said. “We’re not the police. We’re there to encourage and facilitate people”.

The new badge was designed by Jeff Mazzeo. A ranger with the park district for the past seven years, Mazzeo spent 25 years as a graphic designer, and so when the district decided a redesign was in order, they reached out to him.

“My boss came to me and said, ‘Hey Jeff!’” Mazzeo said, laughing, his braided ponytail sticking out from beneath his ranger hat.

The design took five to seven drafts, Mazzeo said, but going into it, he knew he wanted to draw inspiration from the badges worn by national park rangers.

“That was my first indoctrination to parks,” he said.

Like Whitaker, Mazzeo thinks stepping away from the star badge is a good thing.

“The conversation frequently with the public is that we look like sheriffs,” said Mazzeo, who can usually be found at Doran Regional Park on the coast.

“Any public service person that wears a uniform that is affiliated with law enforcement has seen a change, certainly (in the public),” he said. “With what’s in the news and what’s going on in the country, we’re aware. ... This is a proactive approach.”

I will be interested on how this turns out for Sonoma County’s park rangers. I like what their director said in the article. They key with handling the duality that park rangers have to manage is finding a balance. I believe generalist park rangers can be professional law enforcement/public safety officers and still be “protectors, explainers, hosts, caretakers, people who are expected to be knowledgeable, helpful, courteous and professional.”

Recently, I heard from a state park supervising ranger that the California State Parks has

decided not to split their ranger staff into nonsworn “generalist” rangers and park police rangers. I believe that this in a move in the right direction for State Parks. Let’s hope this move helps to get State Parks back on track. From what myself and others have seen and heard, both in and outside the park profession, too many state park rangers have seemingly forgotten how to be “protectors, explainers, hosts, caretakers, people who are expected to be knowledgeable, helpful, courteous and professional.”

A final point I’d like to make is that we need to do a better job explaining what we do and what our job is. I commend Sonoma County Regional Parks for their new proactive outreach with their park rangers. Many park agencies, including my own, could learn from this approach. Public perception can become reality and if a significant segment of your park’s visitors have a negative perception of what park rangers do that can be a problem. An example of this occurs every Thanksgiving in Marin County with the Appetite Seminar mountain bike ride, which is an unsanctioned event that attracts between 700-1000 mountain bikers annually. The ride is about 20 miles long and the majority of it occurs in the remote Pine Mountain area. Every year park rangers and members of Marin County Search and Rescue staff the event to provide EMS and assistance to the many mountain bikers, the role is not a law enforcement role for the event. The rangers and SAR are staged at gathering points and areas that tend to produce accidents. But this was how the most recent ride was portrayed in a popular mountain bike blog; “Rangers and Search and Rescue always have a strong showing, and they are often strategically located at the top or bottom of the most famous outlaw trails. This elicits some side-of-mouth commentary from the locals, but for the most part, everyone’s cool with riding fire road on this day.” The reality is the park rangers and SAR are there to make the mountain bikers “outing a pleasure and a success,” but the perception is the opposite with a significant portion of those on the ride. To deal with issue like this I would like to learn more about how Sonoma County Regional Parks is changing their public image and renewing and increasing their outreach. A future article will explore this topic more.

# Legal Update

**Robert C. Phillips, Deputy District Attorney (Retired) San Diego County**

*Consensual Encounters, Detentions, and Requesting Identification:*

*People v. Linn (Oct. 8, 2015) 241 Cal.App.4th 46*

**Rule:** Asking for and holding onto a person's identification documents is but one factor which may convert an otherwise consensual encounter into a detention, depending upon whether a reasonable innocent person would feel free to leave under the circumstances.

**Facts:** Motor Officer Thomas Helfrich of the City of Napa Valley Police Department observed defendant driving a motor vehicle from which the passenger was observed flicking an ash from a cigarette out the window. Suspecting this to be a Vehicle Code violation (V.C. § 23111), Officer Helfrich followed defendant's car as it pulled into a parking stall and stopped. Officer Helfrich did not use his siren or emergency lights, but rather pulled up to and stopped within three feet of defendant's already parked vehicle. From there, the evidence was conflicting. But based upon the officer's testimony, defendant's testimony, and the officer's body camera which was activated at a point part way through the contact, the following apparently occurred. As the officer dismounted his motorcycle, defendant and her passenger were already exiting their vehicle. Officer Helfrich walked up to defendant and told her why she was being contacted, explaining to her that her passenger had flicked a cigarette ash out the window. At some point during this initial contact, he asked her for her driver's license, using it to call in on his radio for a records check, but without explaining to her what he was doing, or why. He also apparently asked her to put out her cigarette and put down a soda can she was holding. Although the evidence was conflicting at this point, defendant may have been told either to "stand there," or at least not to walk away, while the officer contacted the passenger. It was during the officer's contact with the passenger that the body camera was first turned on. As he was talking to the passenger about his "ash flicking" offense, and getting his identification information, Officer Helfrich suddenly turned to defendant, standing nearby, and told her; "I'm smelling alcohol right now." Officer Helfrich

testified that it was perhaps two minutes into the contact that he first smelled the odor of alcohol on her person. Officer Helfrich finished his contact with the passenger, including calling in his identification information over the radio while writing it down onto a form, before he turned back to defendant. He then told defendant to stand next to him, checked her eyes, and "investigated her sobriety." Defendant was arrested for driving while under the influence. She was later charged in the Napa County Superior Court with one count each of misdemeanor driving under the influence of alcohol (V.C. § 23152(a)) and misdemeanor driving with a blood-alcohol concentration of 0.08% or higher (V.C. § 23152(b)). Defendant pled not guilty to both counts and filed a motion to suppress, alleging that she had been illegally detained by the time the officer noted the odor of alcohol, arguing that all the evidence related to the driving under the influence charges was therefore the product of an illegal detention. The trial court agreed and granted her motion. The Appellate Division of the Superior court reversed this decision, concluding defendant's encounter with Officer Helfrich was consensual up to the time that he reasonably suspected she had been driving while under the influence. The appellate division certified the case for transfer to the Appellate Court.

**Held:** The First District Court of Appeal (Div. 2) reversed, reinstating the trial court's suppression finding. The issue here was whether, by the time the officer noted indications of defendant being under the influence of alcohol, she was already being detained. It was conceded that up until the officer noted the odor of alcohol on her person, there was no legal justification for detaining her. The prosecution argued that up until that time, defendant was the target of a "consensual encounter" only, for which there was no need to justify. The defendant, on the other hand, argued that she was detained from the very beginning when Officer Helfrich first contacted her and took her identification. For the most part, the parties

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# Legal Update

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argued over conflicting case law discussing whether asking for, and receiving, a subject's identification constitutes a detention. The trial court had ruled in defendant's favor on that issue, finding the obtaining of defendant's identification and holding onto it to be the "definitive factor" in discussing the issue of defendant's possible detention.

The Appellate Court, however, ruled that while taking a person's identification is certainly one factor to consider, it is not dispositive of the issue. The "totality of the circumstances" have to be considered. The test is that while considering the "totality of circumstances," "whether an objectively reasonable person, who is innocent of any wrongdoing, would have believed he or she was free to go."

The totality of the circumstances here included: (1) the fact that the officer, in full uniform, stopped his marked police motorcycle within three feet of defendant's already stopped vehicle as she exited her vehicle; (2) talking with her about her passenger flicking ashes out of the vehicle's window for which, by "implicating her in the illegal activity of her passenger," she may reasonable have felt she bore some legal responsibility; (3) asking her for her driver's license without explanation and then retaining her license as he conducted an unexplained record check on her; (4) commanding her to put out her cigarette and put down her soda can; (5) and then questioning the passenger, asking for personal details that the officer recorded on a form, perhaps causing defendant to feel that she may be next. (The Court discounted the possibility that she may have been commanded to remain at the scene in that the evidence on that was conflicting.) Under these circumstances, according to the Court, a reasonable person in defendant's shoes would have felt like she was not free to leave. Defendant, therefore, had been detained before he officer noted the odor

of alcohol, with such detention unsupported by any reasonable suspicion, up to that point, of criminal activity on her part. "No objectively reasonable person would believe she was free to end this encounter under the totality of these circumstances, regardless of the officer's polite demeanor and relatively low-key approach." With the indications that defendant may have been under the influence not being observed until after she was unlawfully detained, the evidence of her being under the influence was properly suppressed by the trial court.

**Note:** There's a touch of "hair-splitting" going on here, but this case provides an excellent (and exhaustive) discussion of the rules on detentions in general, describing in detail the case law related to a police officer "asking for" identification, recognizing that such a request does not necessarily result in a contact being any more than a mere "consensual encounter." You may even be able to hold onto the ID documents for a limited time (which may or may not constitute detention), depending upon the "totality of the (other) circumstances." The Court does suggest, however, that if you wish to make sure you keep such a contact at the consensual encounter level, "(t)he taking of defendant's driver's license would be less significant if (the officer) merely take(s) defendant's driver's license, examine(s) it, and promptly return(s) it to her," preferably without ever leaving the person's immediate presence, and holding onto it no longer than it takes to write down the information that you need. Even still, however, the other circumstances surrounding the contact cannot be ignored, as illustrated by this case. So while you may not agree with the results of this case, in that some of its reasoning can be described as a bit "strained" at times, it's a great case with which to be familiar in keeping your contacts at the consensual encounter level.

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THE *Signpost* is published by THE PARK RANGERS ASSOCIATION OF CALIFORNIA (PRAC). THE ASSOCIATION MAILING ADDRESS IS P.O. BOX 1533, STEWARTS POINT, CA, 95480.

THE *Signpost* Editor is DAVID BROOKS. ARTICLES OF 1,000 WORDS, OR LESS ARE WELCOME. ALL SUBMISSIONS BECOME PROPERTY OF PRAC AND MAY BE EDITED WITHOUT NOTICE.

SUBMISSIONS CAN BE MAILED TO DAVID BROOKS, 560 HILLCREST DR., BEN LOMOND, CA, 95005. INFORMATION CAN ALSO BE SUBMITTED BY TELEPHONE AT (831) 336-2948.

**Submission deadlines ARE THE 15<sup>th</sup> of FEBRUARY, April, JUNE, AUGUST, OCTOBER, AND DECEMBER.**

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**Voting Membership**

REGULAR.....\$50 \_\_\_\_\_

RETIRED.....\$35 \_\_\_\_\_

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AGENCY:

(1-24 PERSONS—6 MAILINGS)..... \$100 \_\_\_\_\_

25 PERSONS—12 MAILINGS)..... \$150 \_\_\_\_\_

STUDENT.....\$20 \_\_\_\_\_

ASSOCIATE..... \$35 \_\_\_\_\_

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