

Decriminalization of Minor Violations and the Future Effect on Law Enforcement Agencies

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Abstract

This independent study examines the issues surrounding the decriminalization of a minor Florida law and how compliance rates with the law were affected by the change. The relationship between users, enforcement officers and compliance with the law requiring a fishing license in the State of Florida were investigated through the use of surveys. Users' attitudes, opinions and knowledge about penalties contribute to their decisions to comply with or violate minor laws. Enforcement officers may not agree with penalties attached to laws, but, their commitment to duty outweighs their personal feelings. Users generally do not know how license fees are spent and educating them could lead to an increase in compliance.

Introduction

This research project will seek to determine whether and how decriminalization of minor violations affects compliance rates of the violations. The primary reasons proponents have cited for decriminalizing minor laws include, changes in community standards, relief for an overburdened court system and increasing the efficiency of law enforcement officers. Violations viewed as "victimless," such as traffic, licensing and administrative violations, are especially attractive targets for decriminalization legislation. Society is sympathetic to the decriminalization of certain violations viewed as "victimless," but does not favor total elimination of penalties (Katz, Magee & Hudson, 1991).

One area of concern that has not been considered, when evaluating decriminalization legislation, is what happens to the compliance rates of the decriminalized laws. We are entering the era of mandated Performance-Based Planning and Budgeting, and compliance rates are being included as part of the outcome measures of law enforcement performance. Agency leaders should consider the effect decriminalization has on compliance rates since agencies are being held accountable for these measures.

Furthermore, decriminalizing the penalties for violations of licensing laws that generate revenue for agencies should be a primary concern to agency leaders. Agencies such as the Florida Game and Fresh Water Fish Commission rely on license revenues for a major part of their budget. A drop in compliance rates of license laws will adversely affect revenue and the ability of the agency to meet its goals. Conversely, raised compliance will increase revenues. Agencies charged with the enforcement of these decriminalized laws now have a genuine interest in all factors that may influence the compliance rates of the laws. The purpose of this study is to gain information about how compliance may be affected by decriminalization, not to advocate re-criminalization of laws already decriminalized.

For this study I will be considering the compliance rates pertaining to the law requiring a license to take freshwater fish in the State of Florida. The penalty for violating this law was decriminalized on October 1, 1991. Before this date the penalty was a second degree misdemeanor, punishable by a fine of up to \$500 and/or, up to 60 days incarceration in a county jail. If a violator was adjudicated guilty, they were also

saddled with a criminal record. After decriminalization of the fishing license law, the penalty became a uniform, statewide fine, of \$50 plus the cost of the required license.

Determining compliance rates for many decriminalized laws is impossible. This is because of the sheer number of people participating in regulated activities, and the lack of data available to calculate the rates. Statistical data is available, from the Florida Game and Fresh Water Fish Commission (GFC) archives, to calculate estimated compliance trends for laws requiring a fishing license. I will use data gathered from the Game and Fish Information System (GFIS), the agency's Annual Report and the Division of Law Enforcement's Annual Performance Report. The compliance trends will be estimated for equal periods of time before and after the October 1, 1991 implementation date.

Additionally, this project will attempt to document if human attitudes contribute to changes in compliance rates after the decriminalization of penalties. It has been reported that law enforcement officers, who may not agree with the severity of criminal penalties for certain violations, will not fully enforce the laws, thus negatively affecting the compliance rate (Dichara & Galliher, 1994). If decriminalization takes place these officers may begin enforcing the law more diligently and compliance rates should improve. Public attitude toward penalties and the public's perception of penalties, may also influence the compliance rates of decriminalized laws. Criminal penalties may serve as a greater deterrent to potential violators, than non-criminal penalties, resulting in higher compliance rates. The public may perceive that enforcement of decriminalized laws is not as important as criminal law enforcement leading to an increase in the violation rate.

I will survey three groups to determine if and how human attitudes contribute to compliance rates of decriminalized laws. The surveys will target law enforcement officers, compliant users, and noncompliant users.

The literature available addressing compliance is remarkably sparse. Limited research has been conducted concerning the effect of decriminalization on the compliance rates of drug laws, but, no literature has been found that specifically addresses the effect on minor violations.

The answers to the questions raised will be valuable to leaders within the GFC, and other law enforcement agencies. Although this study will only examine the relationship between decriminalization and the compliance rate of the one law studied, the results may be used to inform policy makers as to what may happen when similar minor violations are decriminalized.

Method

Research Archival Data

The first step in this research project was to determine fishing license compliance trends for the years before and after decriminalization of fishing license laws. Data used to estimate compliance trends was obtained from three sources generated by the Florida Game and Fresh Water Fish Commission (GFC). The Game and Fish Information System (GFIS), the Agency Annual Report, and the Division of Law Enforcement Annual Performance Report were each searched for data covering the years 1986 through 1996.

Data from the GFIS report was available from October 1987, until September

1996, and was extracted for nine yearly periods, the first period beginning on October 1, 1987, and ending on September 30, 1989. The last period data was obtained from was October 1, 1995, through September 30, 1996. This source provided the numbers of citations issued for all license violations, the total number of users checked by officers and the number of license violation warnings issued for five of the nine yearly periods.

The GFC Annual Report was broken down into calendar years from January 1985 until December 1993. This report provided data on the total number of citations and warnings issued, the total number of users checked, and the number of hours worked, during each calendar year. The number of license violations could not be determined from this source.

The GFC Division of Law Enforcement Annual Performance Report covered the calendar years 1991 through 1996 and was more specific than the previous two reports. This source provided data on the number of citations issued for license violations as well as other categories of violations. The total number of users checked and the number of hours worked on specific activities, such as patrol and administrative duties, was also obtained from this source.

Information pertaining to the number of licenses sold was obtained from the agency's Bureau of Licensing and Permitting. This data was compiled yearly and covered all years of the study.

Surveys

Because human attitudes may contribute to the enforcement action taken by law enforcement officers, as well as the behavior of users, surveys were developed to obtain information from these groups. Surveys were distributed to GFC officers to determine their opinions about existing penalties for selected violations, including both criminal and non-criminal penalties. The surveys also served to collect pertinent background information on the responding officers and to determine how their attitudes and opinions may affect their decisions to issue citations (See Appendix A for the Officer Survey instrument).

Additionally, officers were provided with a survey that they administered to users found violating the fishing license law. This survey was intended to identify the non-compliant user's attitudes, knowledge and opinions about fishing license violations (See Appendix B for the Non-Compliant User Survey).

A third survey was mailed to users who had purchased fishing licenses since January 1, 1997. This survey was sent to 15 licensed users, in each of the GFC's five statewide regions. The licensees were randomly picked from a list generated from the agency's license database. The survey sought to determine compliant users attitudes, knowledge and opinions about fishing license laws and violations (See Appendix C for the Compliant User Survey).

Results

Archival Data

Data was obtained from the Game and Fresh Water Fish Commission's Annual Report, Law Enforcement Annual Performance Report, and the GFIS system. The first two reports contain data compiled by agency personnel for calendar year periods. The GFIS system allows the generation of reports for specific time periods established by

the requestor. During this study, the GFIS system was undergoing software modification which made data extraction difficult and time consuming. The data obtained from the GFIS system is not complete, however; it is the best available at the time of this study.

The data from each report was compiled into tables with the same 11 headings each of which describes a specific type of collected data. The heading "372.57 Citation" reports the number of fishing and hunting license citations issued by GFC officers. Similarly, the heading "372.57 Warning" reflects the number of hunting and fishing license violations GFC officers documented with warnings. "372.57 Violations" is the sum of both citations and warnings issued for violation of these laws.

The heading "Total GFC Related Citation" reports the total number of citations issued for all violations except traffic and boating law violations. "Total GFC Related Warning" includes all warnings issued by GFC officers except boating and traffic violations. The sum of both the above headings appears under the "Total GFC Related Violations."

The next two headings reflect the total number of citations and warnings GFC officers issued for all violations. The heading "Total Violations Documented" is the sum of both these citation and warning categories.

The "Total Hours Worked" reflects all the reported hours worked by sworn, law enforcement employees of the GFC. The heading "Total Users Checked" includes the number of users GFC officers reported checking for compliance while performing their law enforcement duties.

The data collected from each of the three sources was first analyzed independently to determine trends in compliance rates. The trends from each source were then compared to each other to validate the findings in the individual data sets.

Data extracted from the GFIS system is compiled in the table titled "Raw Data From GFIS Report" (See Appendix D.) The data is complete for the headings 372.57 Citation, Total GFC Related Citations, and Total Users Checked. The first comparison made, using this data, was between the number of hunting and fishing license citations issued and the number of GFC related citations issued. This comparison was computed for each yearly period during the eight year period beginning on October 1, 1987, and ending September 30, 1995. The mean for the eight year period was determined to be 47% of the GFC related citations were for hunting and fishing license violations. The same calculation was performed for the four year periods prior to and following decriminalization. The mean for both these periods was determined to be 47% of the GFC related citations were issued for violations of hunting and fishing license laws.

The estimated compliance rate was calculated using the data in the GFIS report. The reported number of users checked for each yearly period was divided by the number of hunting and fishing license citations issued during the period. The mean for the eight-year period was calculated as 110.7 users checked for every license violation citation issued. The mean for the period prior to decriminalization was computed to be 102.8 users checked per license violation and after decriminalization the mean was 118.6 users checked. The higher numbers suggest higher rates of compliance since officers are checking more users to find a license violation. Interpretation of this data suggests a steady trend of increasing compliance throughout the whole period.

The final calculations performed using the GFIS data compared the number of users checked with the total number of GFC related citations issued. These calculations were made for the same time periods as above. The mean for the eight year period was 52.3 users per citation, ranging from 37.2 to 63.9 users checked for each GFC related citation. The mean for the four years prior to decriminalization was 48.2 users checked per citation and the mean for the four years following decriminalization was 56.3 users checked for each citation issued. These comparisons, also, show a trend of increasing users checked per citation issued.

The Law Enforcement Annual Performance Report has been compiled for calendar year periods beginning January 1, 1991, and ending December 31, 1996. This report contains violation data on the number of hunting and fishing license citations issued, the number of GFC related citations and warnings issued, and the total number of citations and warnings issued. Additionally, the report contains data on the number of users checked and the number of hours worked by GFC law enforcement officers during each of the annual periods. The number of hours worked was further refined to count the hours spent on administrative tasks that included time appearing in court. This data appears in the table titled "Raw Data From LE Annual Performance Report" (Appendix E).

Compliance was estimated using the data from the Law Enforcement Annual Performance Report in a similar manner as the GFIS data was used. The number of hunting and fishing license citations issued was compared to the total number of GFC related citations over the six year period. The percent of license violations averaged 58.8%, with a range of 57.5% to 60.7%. The number of users checked was divided by the number of license citations issued, for each of the years 1991 through 1996. The mean number of users checked per license citation was 122.4 and ranged from 114.9 to 133.1 users checked per license citation. Again, the higher numbers suggest a higher compliance rate and the trend seems to be toward higher compliance throughout the whole period.

The reported number of users checked was divided by the number of GFC related citations issued for the six years covered by this report. The number of users checked, per citation issued, ranged from 65.7 to 76.5 and had a mean of 71.6.

The total number of officer hours worked was divided by 1854, the estimated hours worked each year per officer. This number is provided by the State Office of Planning and Budgeting and accounts for annual leave, sick leave and vacancies. The quotient represents the approximate number of officers working during each yearly period. These numbers were used to determine the average number of users each officer checked per year. The number of users checked per officer ranged from 2124 to 2330 per year for the six calendar years 1991 through 1996. The mean number throughout the six years was 2247 users checked per officer.

The last source of data used to estimate compliance trends was the Commission's Agency Annual Report. This report provided usable data from the calendar years 1988 through 1993. This included the number of citations issued for GFC related violations and all violations. The report did not provide the number of citations for license violations. The Annual Report, also, included the number of officer hours worked and how many users the officers checked for each yearly period. The data from this report is detailed in the table titled "Raw Data From Agency Annual

Report" (Appendix F).

The last comparison made was between the number of users that were checked by GFC officers and the number of GFC related citation issued for the years 1988 through 1992. This number ranged from a low of 35.2 users per citation to a high of 62.7 users checked per citation. The mean was 50.5 users checked per GFC citation issued.

The total officer hours worked per year were divided by 1854 hours to determine the number of officers working during each yearly period. The number of reported users checked was then divided by the number of officers for each year to determine the number of users checked per officer. The average number of users checked for the period 1988 through 1992 was 2188. The number of users checked per officer ranged from a low of 1948 to a high of 2330.

A summary of the pertinent data comparisons, from the three above sources, appears in the table titled "Compliance Data Comparison" (Appendix G). This table reports the comparisons between the number of officers working, the number of license violation citations issued, the number of fishing users and the number of users checked by officers. The number of fishing users was determined by adding the reported number of licenses sold to the number of license violations reported for each yearly period. The data from the Law Enforcement Annual Performance Report and the agency's Annual Report were combined together to cover the years this study examined. The data from the GFIS report is for different periods than the data from the other two reports. This made yearly comparisons of the data difficult. However, when the data from each source is examined for the total nine year period and then compared, it demonstrates that the data is valid for use in comparing trends. The differences in total numbers reported in the categories, from each source, for the nine year period are within 0.5% of each other.

An internal study conducted by the GFC documented fishing license compliance for two consecutive 28 day periods: February 10, 1995, through March 9, 1995, and March 10, 1995 through April 6, 1995. The data contained in this source was collected by GFC law enforcement officers in the five statewide regions and is very accurate. The data reported from the study includes the number of users participating in fishing activity, the number of fishing license citations issued and the number of fishing license warnings issued. A query of the GFIS system was made for both of the 28 day periods and provided data on the total number of users checked, total number of citations and warnings issued, and the total officer hours worked. This study offers a snapshot view of GFC officer's activity and can be used to determine an accurate compliance rate for the specific time periods. What can't be factored into this data is seasonal variances in user and officer activity.

The comparison of data from the first period of the study showed that 70% of all the users checked by officers were fishing users, 60% of the citations issued were for fishing license violations and 26% of the warnings issued were for fishing license violations. The number of reported officer hours worked was divided by 143 hours, the average number of hours an officer works during a 28 day period based on the Office of Planning and Budgeting, to estimate the number of officers working during the period. The results estimated 276 officers worked during the first period. The number of users checked was divided by the estimated number of officers working. This quotient was

multiplied by 13, the number of 28 day work periods in a year, to yield an estimate of 2023 users checked by each officer per year. The reported number of fishing license violations was determined to be 45% of all violations, warnings and citations, documented during this 28 day period.

The same calculations were performed on the data reported for the second 28 day period of the study. It was estimated that 371 officers worked during the period and 46% of the documented violations were for fishing license violations. Fishing license citations comprised 61% of all citations issued and 27% of warnings were issued for fishing license violations. Each officer checked an average of 139 users during the period which translates to an average of 1808 users per year. Fishing users accounted for 58% of all users checked.

The data from the two 28 day periods were combined together and compared as above. During the 56 day period 64% of the users checked were fishing, 61% of the citations and 27% of the warnings issued were for fishing license violations. Fishing license violations accounted for 45% of all documented violations. An average of 323 officers worked during the period each checking 293 users. This relates to an estimated annual average of 1903 users checked per officer.

Surveys

The survey of non-compliant users was administered by GFC law enforcement officers in the field. Officers conducted 366 interviews and only 13 people declined to answer. The results of this survey were compiled into a table titled "Non-Compliant Fishing User Survey Results" (Appendix H). The respondent's answers are categorized into three reporting groups. The first group reports all the respondents answers. The second and third groups report the answers given by non-compliant users who considered the penalties before violating the law and those who did not consider the penalties, respectively.

Question number three on the survey established if the non-compliant user considered the penalties of violating the fishing license law before deciding to fish without a license. Only 22 % of the respondents said they considered the penalties, while 78% said they did not consider them.

The first question in the survey asked if the respondent knew the difference between criminal and non-criminal penalties. 53% said they did know the difference and 47% said they did not know the difference. Of the users who considered the penalties, prior to violating the law, 67% said they knew the difference between criminal and non-criminal penalties. Forty-nine percent of the users who did not consider the penalties said they knew the difference.

Question two asked the users if they knew what the penalty was for fishing without a license. Only 24% of all the respondents said they knew. Of the respondents who said they considered the penalty prior to fishing, 56% said they knew what the penalty was for the fishing license violation. Only 15% of the respondents who did not consider the penalty said they were aware of the penalty.

Question number four asked the respondents about the severity of the penalty and how it would affect their decision to violate the fishing license law. Seventyfive percent said they would be less likely to violate the law if the penalty was criminal, while 23% said it would make no difference.

The last question of the survey sought to determine what non-compliant users thought about current compliance with the fishing license laws. Out of all the respondents, 75% think at least 50% of the users are licensed.

The survey of compliant fishing users was conducted by mail. A total of 75 surveys, fifteen in each of the agency's five geographical regions, were mailed to licensed users. This survey asked questions similar to those in the non-compliant survey. Twenty-nine completed surveys were received and 11 were returned as undeliverable. The results are reported in a table titled "Compliant Fishing User Survey Results" (Appendix I.)

The second question of the survey sought to establish if respondents knew what the existing penalty was for fishing without a license, while question one tested their knowledge of the differences between criminal and non-criminal penalties. Fifty-two percent of the respondents either answered question two incorrectly or said they did not know what the penalty was for fishing without a license. Of the respondents who actually knew what the penalty was for the fishing license violation, 86% said they understood the difference between criminal and non-criminal penalties.

Question three asked the respondents to tell why they purchased a license before participating in fishing activity. This revealed that 76% of the respondents purchased a license because they did not want to receive a citation or pay a fine. Only 24% said they purchased the license to help pay their part for resource management.

Sixty-nine percent of all the respondents felt that people would be more likely to purchase a license if the penalty were criminal rather than non-criminal. The responses from users who did not know the penalties for fishing without a license indicate 73% believe criminal penalties would make it more likely people would purchase licenses before fishing, while 64% of the users who knew the penalties, responded similarly.

The last question asked for the respondents' opinions about compliance rates for fishing license laws. Of all the respondents, 93% had the opinion that 50% or more of the fishing users had licenses. All of the respondents who know the existing fishing license penalty expressed the opinion that 50% or more of the users had licenses. Approximately, 87% of the compliant users who do not know the penalty felt 50% or more of the fishing users possessed licenses.

The officer surveys were sent to all sworn members of the GFC Division of Law Enforcement and resulted in 222 responses. Question number 21 was intended to establish if the respondent thinks about the impact a penalty has on a violator. A majority of the officers, 66%, said they do consider the impact, while only 23% said they do not consider it. The responses for all the other questions on this survey are reported in three groups. These are the answers from all respondents, answers from those officers who consider the impact a penalty will have on a violator, and finally, the answers from officers who said they do not consider the impact a penalty will have on a violator. The survey results are reported in the table titled "Responses to Officer Survey" (Appendix J).

Questions one through four were used to establish credibility of the respondents. The two most important questions, of these four, are number three and four. Question three serves to separate the respondents by their number of years of law enforcement experience. The 16 to 20 years of service group has the most respondents at 29%. The responses to this question indicate 72% of the officers responding have more than

10 years of service. All 222 respondents to question four said they routinely enforce both criminal and non-criminal laws.

The 16 questions numbered five through twenty were used to determine if the officers' opinions about penalties differ between those officers who consider the impact penalties have on violators and those officers who do not consider the impact. Of the officers who said they consider the effect the penalty will have on a violator, the responses to 14 of the 16 questions seem to indicate, they are more likely to want the penalty to be less severe.

Question number 22 asked the officers if they would be more likely to issue a citation for a non-criminal violation rather than criminal violation. Of all the respondents, 21% said they would be more likely to issue citations for non-criminal violations. Sixty-seven percent answered they would not be more likely to issue these citations. Officers who said they don't consider the impact penalties have on violators responded to question 22 much differently than officers who consider the impact the penalty will have on violators. Only 8% of the officers who do not consider the impact would be more likely to issue a citation for non-criminal violations, while 29% of the officers who consider the impact said they would be more likely to issue the non-criminal citation.

Questions 23 and 24 asked the officers for their opinions about compliance trends of fishing and hunting license laws since 1991. More officers were of the opinion that compliance has increased for both of these laws. Of the officers who don't consider the impact a penalty has on a violator, only 36% think fishing license law compliance has gone up, while 40% think it has declined.

The last question on the survey asks for the officers' opinion about the effect written warnings have on gaining compliance. Thirty-eight percent of the officers feel a warning has the same effect as a citation for gaining compliance, while 54% disagree. Of the officers who consider the impact a penalty will have on a violator, the percentages are about the same with 40% who think the effect is the same and 53% who disagree. Of the respondents who do not consider the impact a penalty has on a violator, only 30% feel a warning has the same effect on compliance, while 64% disagree. Since compliance is the goal of enforcement action it appears that many the officers who consider the impact a penalty has on a violator would be satisfied with issuing a warning to violators. The impact warnings have on compliance could not be determined in this study, but, they most likely do play a part in this issue.

Discussion

The best way to determine compliance rates is to count the actual number of users participating in the activity and divide by the number of documented violations. Data of this type was not available for the study, making actual compliance rate determinations impossible. In lieu of calculating the actual compliance rates, I compared the relationships of the several sets of data obtained from archival sources. This provided somewhat of a standard by which compliance trends, for each set of data, could be measured and compared.

The internal study of fishing users conducted by the GFC does contain data that can be used to determine actual compliance rates. Comparison of data collected from this study is significantly similar to the calculations performed using data from the other sources. This lends validity to the data extracted from all the sources used to estimate

compliance trends.

There are many variables involved with determining compliance trends. The first step in calculating these trends is to establish known information and accept certain presumptions for the purpose of this study. These include; GFC officers check all users they find engaged in any type of regulated activity, they accurately report the number of users checked on their activity sheets each 28 days, there is a maximum number of users an officer can check during each year while there is no expectation that all users will be checked. If the officer's work habits remain similar throughout the study period then the number of citations issued should increase as compliance goes down. If more people are fishing without licenses then there is a higher expectation that violators will be encountered.

The raw numbers of citations issued and users checked can't be used alone to determine compliance rates. Many factors, not associated with compliance, affect these data. The number of officers working will have the greatest effect on the reported number of citations issued and users checked. The officer's work patterns will also contribute to differences in the yearly reported activity. An increase in the number of citations issued may indicate lower compliance or a change in the officers' attitudes about enforcing the law.

Analysis of the data from the GFIS report indicates that GFC officers maintained similar enforcement patterns throughout the study period. The data shows that 47% of citations issued by GFC officers were for violations of license law. This same percentage was found in the periods before and after decriminalization, suggesting the officers were enforcing this law with minimal influence from the penalty issue.

The data from each of three sources was computed to determine the number of users checked, for each license citation issued, and each GFC citation issued per year. The trends show a general increase in the number of users checked for each citation issued. This could be interpreted to mean compliance rates are increasing, but, there are too many variables present to accept this suggestion. The important piece of this comparison is the fact that similar trends exist in all three sources. This lends validity to the data collection methods and the data sources.

During the study period, the number of GFC officers working during any one time period varies widely and will account for differences in the total number of reported license violations. To neutralize this variable I considered the relationship between the number of license citations issued, per officer, each year. If the compliance rate is changing then the number of violations each officer encounters, and documents with a citation, should also change. If compliance increased during the study period, then the number of license citations each officer issued per year should decrease. The number of users each officer checks will also influence the number of citations issued. If compliance rates remain about the same it should be expected that more citations will be issued when more users are checked. If more users are being checked and less citations are being issued then compliance rates are probably increasing and, conversely, if user checks are decreasing without a corresponding decrease in license violation citations, then compliance is probably going down.

The number of licensed fishing users steadily decreased during the years of this study. This number is not affected by officer activity. If the decrease is the result of lower compliance then the number of citations each officer issued for license violations

should go up. If the decrease in fishing users is the result of fewer people participating in the activity, then the number of license violations issued per officer should remain nearly constant when compared to the number of users actually checked by officers. During the nine year study period the average number of license violation citations issued by each officer per year varied by only four citations and increased or decreased, correspondingly, with the number of users checked per officer.

The three pertinent comparisons, of the refined data, are the number of users checked per officer, the number of 372.57 citations issued per officer and the number of documented fishing users per license citation issued. These three statistical comparisons were performed for each yearly period of the study and are depicted graphically in Figure 1 for the data computed from the GFIS report, and Figure 2 for data obtained from the Law Enforcement Annual Performance Report and Agency Annual Report combined. The relationship between each of the graphed statistical sets indicates that compliance rates remained about the same throughout the whole nine year study period. As the number of users checked per officer increased, so did the number of license citations issued per officer. The number of documented users per license citation issued showed the expected decrease during the study period.

The evaluation of the refined data shows no discernable pattern that would indicate compliance rates were affected by the decriminalization of the license laws. The decrease in the number of licenses sold appears to be a nationwide trend caused by fewer, non-exempt, people participating in this activity, rather than a decrease in compliance. Even though fewer people required to have a license are participating in the activity, interpretation of the data suggests compliance remained about the same in Florida for the years this study covered.

The surveys of the three groups produced excellent data about how each of the groups thinks about penalties attached to minor violations such as fishing without a license.

The questions on the "Non-Compliant Fishing User Survey" were structured to first determine if the respondents considered the penalty of fishing without a license, prior to committing the violation. Only 22% of the violators said they considered the penalty. This indicates that the penalty had no deterrent effect on 275, or 78%, of the responding non-compliant users. It would make no difference to these users if the penalty was criminal or non-criminal.

Of the 78 non-compliant users who said they considered the penalty before deciding to violate the law, 34 said they did not know what the penalty was for the violation. Only 44 of the respondents said they both considered the penalty before deciding to violate the law and knew what the penalty was for the violation. This represents 12.5 % of the total respondents. The conclusion drawn from this data is that for 87.5% of the non-compliant users, the issue of criminal or non-criminal penalties is not a factor in their decision to violate these particular laws.

When the non-compliant users were presented with the question about how criminal penalties would affect their decision to violate the fishing license laws, 75% said they would be less likely to violate the law. Of the 78 respondents that said they considered the penalties, 64 said they would be more likely to comply with the law if the penalty was criminal. However, only 44 of those users knew what the penalty was before they were caught violating the law. Even though 75% of the non-compliant users

think criminal penalties will increase compliance, this probably wouldn't happen since only 12.5% of these users know what the penalty is currently.

The answers received from the "Compliant Fishing User Survey" reinforce much of what was found from the survey of non-compliant users. While the non-compliant survey was aimed at investigating why users chose to violate the law, the questions in this survey focused on why the users decided to comply with the law.

The first objective of the survey was to determine if the users knew what the penalty was for fishing without a license. Less than half of the respondents, 48%, knew the penalty was non-criminal. Fifty two percent either answered wrong or said they did not know what the penalty was for violating the law. These respondents knew it was a violation to fish without a license, but, they didn't know whether the penalty was criminal or non-criminal. Of the 14 respondents that answered correctly, 12 said they knew the difference between criminal and non-criminal penalties. This demonstrates that only 41% of the compliant respondents know both the penalty for violation of the fishing license laws and the difference between criminal and non-criminal penalties. More than half of the respondents, 59%, complied because they knew there was a law requiring a license, but they did not know what the penalty was for violating the law. This suggests that these users would purchase their licenses whether the violation was criminal or non-criminal.

A majority of all users surveyed said they would be more likely to purchase a license if the penalty was criminal rather than non-criminal. This implies that criminal penalties may present a greater deterrent effect. But, examining the responses about knowledge of penalties, from both the "Non-Compliant User Survey" and the "Compliant User Survey" together, suggests that only 31% of all the fishing users surveyed, know what the penalty is for violating the fishing license law. For 69% of the fishing users the issue of the penalty being criminal or non-criminal was not considered in their decision to comply with, or violate the law.

Most of the compliant users purchased the required license because they feared law enforcement action. This applied to both the compliant users who knew the penalty for violating the law and the group of users that did not know what the penalty was. It was surprising to find that only 24% of the users purchased their licenses because they felt they were helping perpetuate the resource. This suggests that GFC law enforcement officers are presenting an adequate deterrent toward violating this law. It also suggests that the users are not receiving enough education or information about how license revenues are spent.

Both of the user surveys asked the respondents for their opinions about compliance with fishing license laws. Of the non-compliant users, 75% said they thought 50% or more of the fishing users were properly licensed. The responses from the compliant users indicated that 93% thought 50% or more of the users were licensed.

This shows that the perceived compliance rate may affect the users decision to comply with the law.

The main objectives of the Officer Survey were to determine how GFC officers feel about enforcing a law when they may not agree with the penalty and if their feelings influence their enforcement decisions. This was accomplished by asking a series of questions meant to establish what type of penalties each officer considers appropriate for the varied types of violations. The questions included the violation of fishing without

a license, as well as, four other similar and 14 miscellaneous violations. The responses from the officers indicate a majority felt non-criminal penalties were appropriate for all five of the violations similar to the fishing license violation. Questions number nine and 18 asked about the penalties for fishing without a freshwater and saltwater license, respectively. More than 85% of the officers felt both these violations should carry non-criminal penalties.

Of the five similar violations only one has a criminal penalty attached. Question number 10 asked for the officer's opinion about the penalty for taking a tarpon without a valid tag. A majority of the officers, 55%, said they felt this violation should be non-criminal even though it currently is punishable as a second degree misdemeanor.

The respondents' answers to the survey indicate at least 72% of the officers have been enforcing the fishing license law since before decriminalization. This is important since it allows for the proper perspective when answering the questions. These officers have experienced enforcement of the law with both criminal and non-criminal penalties. The respondent's answers to question number nine suggest that there is a difference in perspective between the group of officers who were not working when the violation was criminal and the group that was working. All of the officers with less than six years of service believe the penalty for the two fishing license violations should be non-criminal. These are officers who began enforcing the law after decriminalization took place. Of the officers who have been enforcing the freshwater fishing license law since before decriminalization, 84% or 134 officers said they believe the penalty should be non-criminal. This data suggests that the culture of the organization may influence how officers think about penalties. Respondent officers who have never been exposed to the culture where criminal penalties were accepted for fishing license violations all think non-criminal penalties should apply. Of the officers who were working during the time when criminal penalties were in effect 16% said they still think a criminal penalty should be attached to this law.

Another aspect to consider is that 134 officers, who believe the penalty should be non-criminal, were enforcing the fishing license law when the penalty was still criminal. If they allowed their feelings about the penalties to affect their enforcement decisions prior to decriminalization then there should be a marked increase in the number of citations issued, after decriminalization. This study found no large increase in the number of citations issued which suggests the officers' enforcement decisions were not greatly influenced by their feelings about the penalties.

The respondents' answers to question number 21 indicate that 66% percent of the officers consider how the penalty will impact the violator when making a decision to issue a citation. This is an important factor in determining how officers' feelings may affect their enforcement decisions. Examination of the responses from the two groups of officers, those who consider the impact and those who do not, suggests there is a difference in their opinions involving the severity of penalties for violations addressed in the survey. A higher percentage of the officers in the group that considers the impact penalties have on the violator, indicated they felt lesser penalties were appropriate for the violations addressed in the questionnaire. Of the officers who do not consider the impact of a penalty on a violator, a higher percentage indicated the thought more severe penalties should apply to the violations. This seems to indicate that the officers' feelings about penalties may influence their enforcement decisions. However, question number

22 asks if the officers would be more likely to issue a citation for a non-criminal violation rather than a criminal violation. A majority, 67% of the respondents, said they would not be more likely to issue non-criminal citations. This suggests that even though a majority of the GFC officers consider the impact of the penalty on a violator, most do not allow their feelings to influence their enforcement decisions.

This study found that decriminalization of fishing license laws did not produce a measurable effect on the compliance rates of this law. Human attitudes appear to contribute to the finding that there was no perceived change in the compliance rate after decriminalization. Fishing users were found to be mostly ignorant about the penalties attached to violation of the fishing license law. Generally, they know it is a violation to fish without a license, but, they do not know what penalty applies. It seems that GFC officers' attitudes also contributed to the finding that compliance didn't change. The study suggests that GFC officers accept their enforcement duties no matter how they feel about the applicable penalties.

This study found that after decriminalization of the license laws the compliance rate did not change enough to make a substantial difference in the financial health of the GFC. However, the study did find that a major portion of users were ignorant about how license fees are used by the agency, and that may be a reason non-compliant users choose to violate this law.

Raising compliance in the area of licensing should still be a priority for the GFC. This research suggests that law enforcement is having an appropriate effect toward gaining compliance, as shown by the answers from the licensed users. Only 24% of these users purchased their license because they wanted to help the resource. This should be the primary reason users comply with the license law. The GFC should concentrate on educating all users, compliant and non-compliant, about how the license revenues are spent and highlight the benefits these users can expect to receive for their investments.

A healthy environment in Florida supports a growing segment of the state's economy. Fishing, hunting and wildlife viewing activities generate an estimated 5.1 billion dollars annually in the state of Florida (Southwick & Felder, 1995). As more people travel to Florida to enjoy the natural resources this financial benefit is expected to grow. Naisbitt (1994) forecasts that the business of tourism will grow faster than the global economy and that eco-tourism will spur much of the growth. Florida is primed to become one of the best eco-tourism destinations and must maintain a healthy environment. In order to properly manage these resources the GFC must, also, remain financially healthy. The message that should be presented to all the users of Florida's resources is that their payment of license fees is really an investment in the future of the state's economy and the potential return far exceeds the investment. License fees constitute a major portion of the GFC budget and are integral to the success of the agency accomplishing its mission of providing healthy resources and a safe environment for users to enjoy.

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