



# MONTANA LEGISLATIVE AUDIT DIVISION

## Performance Audit

### FWP Enforcement Division: Managing Resources and Culture (Follow-Up)

#### Fish, Wildlife & Parks

#### A Report to the Montana Legislature

### Background

The Department of Fish, Wildlife & Parks (FWP) Enforcement Division enforces state laws and Fish and Wildlife Commission rules related to conservation, recreation, and property.

Montana state law requires game wardens to report monthly on the enforcement of fish and game laws, their daily duties, and any other information required by management.

Wardens use SmartCop, a mobile forms system, to collect information that accurately represents their daily duties and can help Division management prioritize regional response and resources.

The FWP Enforcement Division: Managing Resources and Culture (22P-02) report was issued to the Legislative Audit Committee in August 2023. The audit included four recommendations to the Department of Fish, Wildlife & Parks. Our original audit found the department was not effectively or accurately collecting data regarding Enforcement Division activities, such as the number of warnings and citations issued; hunter, angler, and landowner contacts made; and activity hours. Our initial work also indicated there was a lack of direction for warden duties. All of this created cultural divides between field staff and management in Helena. We found that these cultural divides were impacted by the changing nature of recreation in the state that affected warden duties and responsibilities. Based on our follow-up work, we determined that the department has implemented two and partially implemented two of the recommendations. While FWP has made some positive efforts to respond to the report's recommendations, the agency has not yet thoroughly addressed needed operational improvements with the Enforcement Division's ongoing cultural issues and continued lack of trust between wardens and management.

Based on our assessment, we have determined the following implementation status. For full context, see the "Agency Actions Since the Audit" and "Audit Follow-Up Results" sections.

### **Recommendations:**

In this report, we issued the following recommendations:

**Implemented: 2**

**Being Implemented: 0**

**Partially Implemented: 2**

**Not Implemented: 0**

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## **Agency Actions Since the Audit**

In January 2025, we conducted follow-up work to assess implementation of the report recommendations. We interviewed FWP staff; reviewed SmartCop instructions and data; examined HR grievance training and hiring documents; and reviewed the agency's 2023 culture survey and results. We found that FWP has authorized streamlined data collection in SmartCop mobile forms, but has not yet developed a data management plan or effective training that addresses SmartCop changes and wardens' daily activities. Management has prioritized wardens' statutory duties in fish and wildlife conservation, although it is still unclear how changing recreational demand will further impact game wardens' duties. FWP Human Resources developed training on how to file a grievance, but wardens are still concerned about possible retaliation practices by division leadership which limits grievance filings. FWP conducted a cultural survey of all employees but did not request access to the raw data, which inhibits the agency's ability to identify issue areas in specific divisions and address the breakdown in trust within Enforcement. FWP has refined the Enforcement hiring process by requiring documented consensus among the hiring committee and HR has retained hiring documents for game wardens according to state record retention policies.

## **Audit Follow-Up Results:**

### **RECOMMENDATION #1**

We recommend the Department of Fish, Wildlife & Parks:

- A. Develop and implement a SmartCop data management plan to determine the appropriate data to gather, how to define the data, how to analyze the data, and data quality standards.
- B. Provide training to wardens on the data management plan to ensure it is universally understood and implemented by Enforcement staff.

### **Implementation Status: Partially Implemented**

Based on follow-up work, we determined the agency has partially implemented the recommendation. Enforcement made changes to the SmartCop mobile forms in early 2024, prior to the implementation of new data collection instructions on March 1, 2024. Management provided these instructions to warden supervisors at a central meeting in Helena and emailed the instructions to wardens in the field. However, FWP staff indicate training was not conducted for the new categories or definitions. We reviewed a SmartCop report of all warnings, citations, and activity counts from March to November 2024 and found that categories unrelated to wardens' statutory duties were removed, including administration hours, equipment maintenance, and court appearances. Wardens have indicated that changes to SmartCop have reduced time spent on reporting activities but some wardens remain unclear about management's expectations of daily reporting. Enforcement management told us they will analyze the data after the new collection categories have been in place for one year.

While SmartCop changes have reduced administration time, FWP has not developed a management plan for data collection describing how the data will be analyzed, what standards will be used to ensure data quality, and how the data will inform distribution of warden resources. Data collection ensures that Enforcement complies with statutory reporting requirements. However, wardens expressed concern that management continues to use data as a disciplinary tool based on game warden performance, contributing to the division's ongoing cultural issues. Creating performance measures from the data collection could instead help the division determine warden resources in response to changing outdoor recreation.

## **RECOMMENDATION #2**

We recommend the Department of Fish, Wildlife & Parks formally prioritize and communicate warden duties based on statutory emphasis on wildlife enforcement and conservation, and regional recreation demands.

### **Implementation Status: Implemented**

Based on follow-up work, we determined the agency has implemented this recommendation. Management indicated that while no MOUs to deputize wardens for mutual assistance were actively terminated, they are not being renewed upon expiration, and no new MOUs have been entered into since the original audit. However, management did not have documentation of these changes. In the meantime, management and wardens said SmartCop instructions direct wardens to provide assistance to local law enforcement agencies only upon request through the mutual aid statute (§44-11-101, MCA). Our review of the division's data collection report shows citations issued by game wardens in the past year are largely based on fish and wildlife statutes. Before the audit, wardens issued citations for driving and insurance violations, and alcohol offenses. Those categories were removed after changes to SmartCop categories in 2024 and no longer appear on the current data report. Management indicated statutory warden duties are prioritized and communicated to the field.

## **RECOMMENDATION #3**

We recommend the Department of Fish, Wildlife & Parks:

- A. Provide training and oversight to the Enforcement Division and Human Resources to educate employees on their ability to file a grievance free from retaliation.
- B. Conduct an annual cultural survey of the Enforcement Division and create a formal plan to respond to issue areas.

### **Implementation Status: Partially Implemented**

Based on follow-up work, we determined this recommendation was partially implemented. FWP Human Resources developed training to educate employees on their ability to file grievance, which was provided to Enforcement staff in May 2024, thus implementing this part of the recommendation. Despite these efforts, interviews with staff and wardens reveal a continuing sense of anxiety and unease about filing complaints against Enforcement management.

FWP contracted with a professor from Montana State University to conduct a culture survey of the entire agency, distributed to all FWP employees in December 2023. The survey instructions stated, and management confirmed, that FWP would not have access to the raw data, “only to the aggregated results.” The agency received more than 500 completed surveys and several themes emerged, including: a lack of trust, perceived inconsistency and lack of transparency between staff and management, as well as a culture of fear and retaliation within the agency. However, because FWP received only aggregated results, the agency did not identify issues specific to particular divisions. FWP has developed an action plan to address organizational culture issues agency-wide, but because there is no Enforcement-specific plan to respond to issue areas, this recommendation is considered partially implemented.

#### **RECOMMENDATION #4**

We recommend the Department of Fish, Wildlife & Parks:

- A. Ensure the Human Resources Unit has documentation showing agency hiring policy is followed for Enforcement hirings, including documented independent oversight of hiring decisions.
- B. Follow the Secretary of State’s record retention schedule for documenting hiring, promotions, annual evaluations, and all other relevant personnel documentation.

#### **Implementation Status: Implemented**

Based on follow-up work, we determined FWP has implemented this recommendation. The Enforcement Division utilizes a hiring committee and now requires consensus and documentation of each member’s decision for selection. We reviewed all sergeant and captain hires since the audit and found complete hiring records including hiring plan, interview questions and skills review, applicant evaluation and ranking, and reasons for hiring had been documented for each individual. We also reviewed FWP HR policy which now includes a record retention requirement.

In addition, as a result of concerns identified in this audit, we conducted a separate review of the FWP HR function. That work found FWP inconsistently followed hiring and performance evaluation requirements but is making efforts to improve compliance. That audit also found that the agency continues to face ongoing challenges with low morale and other workplace culture issues. Without proactive management and routine assessment of employee morale across the agency, organizational culture in divisions like Enforcement may not improve.