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PUBLIC HEARING:

ASSEMBLY STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION

Testimony of the PBA of New York State

Remarks delivered by:

Cynthia Harcher, DEC Investigator on behalf of the PBA of NYS

SUBJECT:

The Effectiveness of New York's Restrictions on the Sale of Ivory

PURPOSE:

To examine ways to improve the effectiveness of the State's laws and regulations protecting endangered species and restricting the sale of ivory.

**New York City
Assembly Hearing Room
250 Broadway, Room 1923, 19th Floor
Manhattan
Thursday
January 16, 2014
11:00 a.m.**

Assemblyman Sweeney and other members of the panel, I thank you for the opportunity to speak to you today. My name is Cynthia Harcher, and I am a 26 year police veteran with the New York State Department of Environmental Conservation's Division of Law Enforcement. I spent 20 of those years as a Uniformed Environmental Conservation Officer and the last six as an investigator. I am here today representing my union, the Police Benevolent Association of New York State. All of my comments today are in that capacity with the approval of the union leadership; I wish to make it clear I am not speaking in my capacity as an employee of the Department of Environmental Conservation or the State of New York.

There are many parts of my job that I am passionate about, and investigating and arresting those involved in the illegal ivory trade certainly qualifies at the top of that list. In 2012 I was involved in a search warrant where we inventoried ivory jewelry pieces for over 12 hours. It was disgusting to imagine how many elephants were killed to fulfill the illegal market for ivory. Carved elephant tusks, hundreds of bracelets, thousands of small charms and pendants piled into boxes and drawers strewn throughout a small jewelry wholesaler in the middle of Manhattan.. Our investigation and discovery of evidence, including recent invoices, prove that there continues to be a market for the illegal elephant ivory.

It's not just the ivory that is being traded; other parts of these beautiful animals are being sold as well, like the matching elephant foot stools I recently seized with a valued between \$1750-\$3500. The criminals involved in this trade have no respect for the law, they have no respect for endangered species – it's all about the money – and as you know these illegal distributors make a lot of it.

I am very encouraged by this hearing today, and applaud you Assemblyman Sweeney, the other members of this panel, and the legislative staff that will endeavor to strengthen the laws and take other steps to ultimately stop the senseless slaughter of elephants.

I see many difficulties in accomplishing the protection of endangered species: the mere possession is not a crime, but instead simply a violation of law with a fine of 0-\$250.00. A person would have more problems if they received a traffic ticket than an arrest for the offense of ivory possession. The minimal illegal commercialization fines are the cost of doing business for some. Prosecutors are not always receptive to these cases. These investigations are usually lengthy; these cases are added to an already large caseload that most of the investigators carry.

New York has the largest market for ivory in the United States. Environmental Conservation Officers are the only New York police officials at the state or local level that have the training, jurisdiction, and experience to conduct investigations and make arrests in the illegal trafficking of ivory. We are spread so thin, and investigate a large number of different environmental crimes other than ivory sales.

Early in my career, in 1990 and 1991, I filled a position in Region 3(Hudson Valley) as an endangered species officer, which was funded by Return a Gift to Wildlife. There were two such positions as well as a Lieutenants position in Region 2 (NYC) then, however I am sorry to say there are no such positions today.

We do commend Governor Andrew Cuomo and Commissioner Joe Martens for their support of the Division of Law Enforcement and the funding for the first DEC police academy in 5 years. That academy graduated last year and the new officers have been a welcome addition to a depleted force, but both the downstate and upstate regions remain understaffed. The PBA has had promising discussions with the agency about future academies, but nothing has been confirmed, and it takes over a year to hire and train new officers. Meanwhile, attrition continues to take its toll.

Let me make it clear, without aggressive enforcement, the ivory sales will continue unabated, and without a fully staffed Division of Law Enforcement, there cannot be sustained aggressive enforcement.

Even if a new law was put on the books tomorrow banning the sale of all ivory in the state, no exceptions allowed, the Department would still be faced with the daunting task of finding a way to apprehend all of those involved in the illegal ivory trade in NY. Unless and until this changes, we will be fighting an uphill battle.

The only way to stem this trade is more restrictive laws, higher fines, along with consistent enforcement and prosecution. I am encouraging the Governor and Legislature to take all steps possible to fully staff the DEC's Division of Law Enforcement so we can properly investigate these crimes and put the criminals who are ultimately responsible for the continued slaughtering of elephants and other endangered species behind bars. Thank you for the honor of speaking to you today, and would be happy to answer any questions.