

Oregon's Anti-Poaching Strategy

2019 House Bill 3035: A three-pronged approach to reducing crimes against fish, wildlife and habitat.

Oregon Department of Justice,

Jay Hall, Wildlife Anti-Poaching Resources Prosecutor

Oregon Department of Fish and Wildlife

Yvonne Shaw, Stop Poaching Campaign Coordinator

OSP Fish and Wildlife Division



What is Poaching?

The illegal taking of
fish and wildlife
or
destruction of habitat.

A snapshot in Oregon

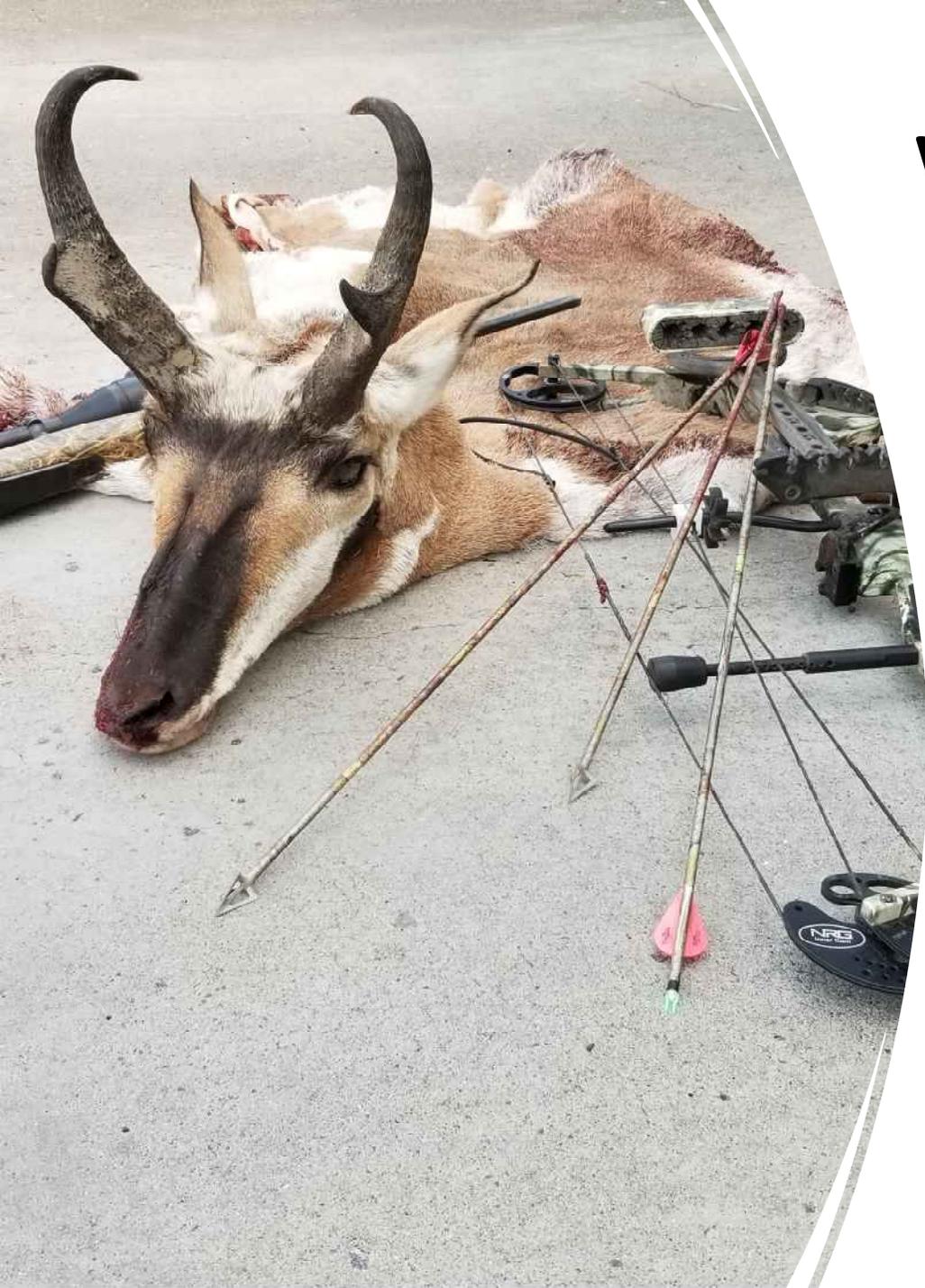
Species	2019	2020
PRONGHORN	10	15
BEAR	17	13
BIGHORN	0	1
BOBCAT	3	4
COUGAR	6	1
DEER	185	220
ELK	103	161
WOLF	0	2

Only a fraction of poaching is detected

Poachers steal natural resources from all Oregonians

Poaching and hunting are not the same

Species	2019	2020
BASS		74
SALMON	270	202
HALIBUT	18	13
STEELHEAD	17	19
STURGEON	44	15
TROUT	117	215
CRAB	3376	1931
CLAMS	3831	5644



Why do people poach?

Financial Gain

Opportunity

Trophy

Thrill Kills

Wildlife trade markets



Bear parts market globally is a \$2 B industry

Bear gall bladders sell for about \$150 each, bear paws for \$50 each and taxidermied bear hides with heads for up to \$1500 each.

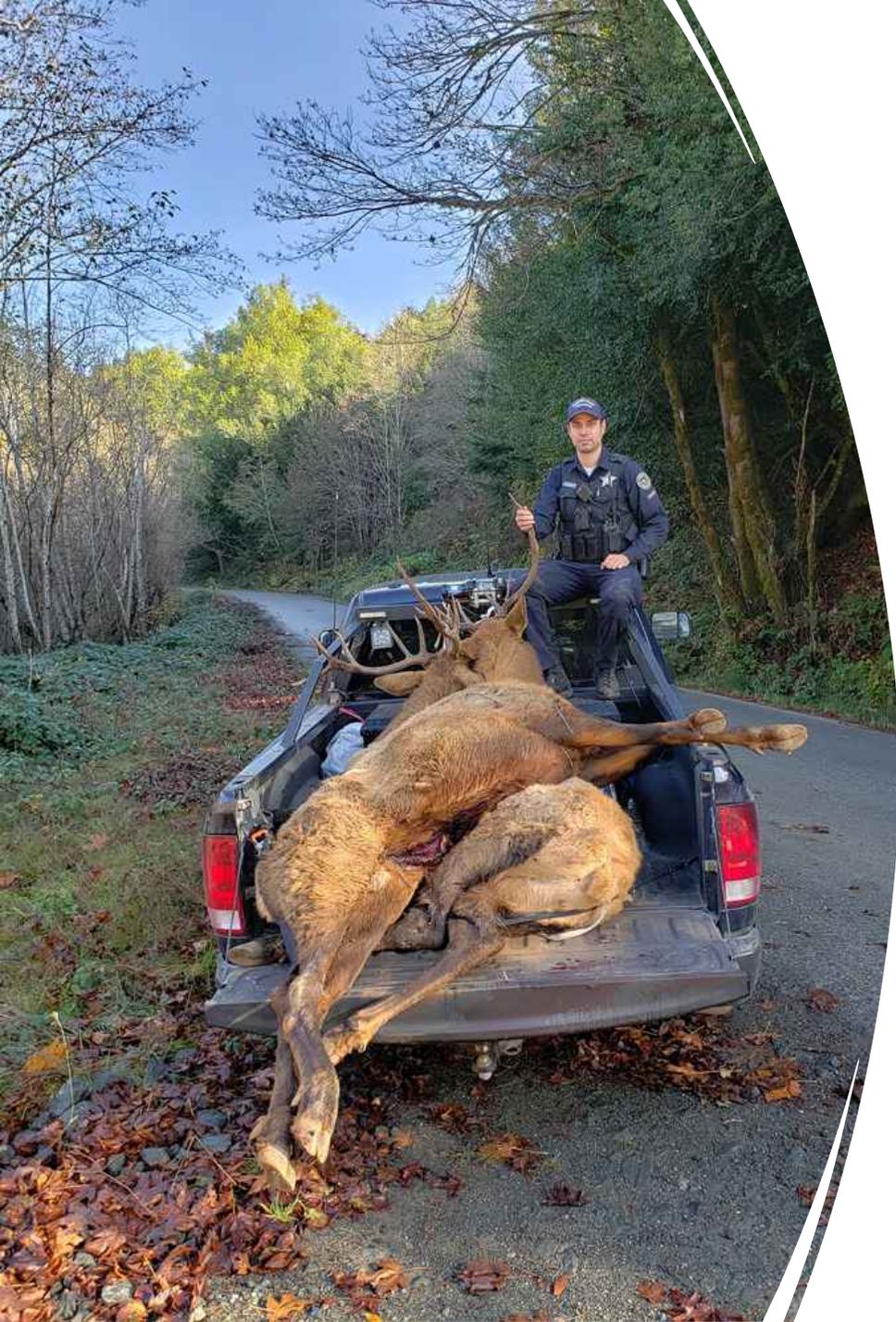
A sturgeon sells for about \$1 per inch in length. Caviar can sell for up to \$200 per ounce.

Pet stores pay for turtles, lizards and other aquarium species

Oregon has a poaching problem.

The 2019 Legislature had bi-partisan support to address it.





First, legislators increased penalties for poaching

House Bill 3035 Legislation co-sponsored by Rep. Ken Helm (D-Washington County) and Rep. Brad Witt (D-Clatskanie)

Depending on the offense and the intent, poachers can accumulate felony charges, especially if the subject is found to have culpable mental state, or if acts were committed intentionally, knowingly or recklessly.

Maximum five-year prison sentence and a \$125,000 fine.

Anti-Poaching resources like the TIP Line led to prosecutions and convictions for crimes against fish, wildlife and their habitats

PREFERENCE POINTS OR CASH REWARDS FOR REPORTING POACHING TO THE TIP LINE		
Bighorn sheep, Rocky Mountain goat or moose	\$1,000	or 5 Preference Points
Elk, deer or antelope	\$500	or 4 Preference Points
Wolf	\$300	or 5 Preference Points
Bear or cougar	\$300	or 4 Preference Points
Habitat destruction	\$300	
Illegally obtaining Oregon hunting/angling licenses or tags	\$200	
Lending/borrowing big game tags	\$200	
Game fish and shellfish violations	\$100	
Upland birds, waterfowl or furbearers	\$100	

Dial *OSP (*677)
or call the TIP Line at **800-452-7888**
or email TIP@OSP.oregon.gov



Then: Three powerful prongs

Increase **reporting** through Education and Awareness Campaign

Increase **enforcement** through additional OSPFWD funding

Increase **prosecution** by funding a DOJ anti-poaching special prosecutor.





ODFW Mission:

To protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations



Earned Media

70+ news releases

25 + interviews

Willamette Week feature

KGW spotlight

Bi-Mart partnership



Paid Media

Billboards

Ads in all regulations

State Fair and other displays

Trooper cards, banners, TIP signs

Wildlife Area Parking Permits

	2019	2020	Increase
• Daily	1,278	3,050	138.65%
• Yearly	2,646	4,967	87.72%

"There are no words that can tell the hidden spirit of the wilderness, that can reveal its mystery, its melancholy, and its charm."

—Theodore Roosevelt

OHA Generous with Rewards

- *Reward \$500 for buck deer at Reedsport boat launch*
- *Mule Deer darted in Burns \$1,000 reward*
- *\$6500 reward for three elk near Sisters/Bend*
- *\$10,000 reward 3 elk poached near Sisters*
- *\$1000 reward for buck deer poached near Wamic*
- *\$1,000 reward for information on two elk poached in Yamhill Co*
- *White-tailed buck, bull elk poached; Oregon hunters take it personally*
- *Oregon hunters raising the stakes on poachers; \$3500 reward offered during Halloween poaching spree*
- *Bighorn Ram reward \$3500 Bighorn Ram reward \$10,000*
- *Poachers leave bull, cow, spike near Sisters, Reward \$3,000*



Cash Rewards

2018:	\$20,400	(47)
2019:	\$22,800	(56)
2020:	\$18,299	(52)
2021:	\$10,900	(32)

Hunter Preference Points

Making a Difference

- 2018: 101 (20)
- 2019: 134 (29)
- 2020: 177 (34)
- 2021: 178 (41)





OSP Fish and Wildlife Division

To ensure compliance with the laws and regulations that protect and enhance the long-term health and equitable use of Oregon's fish and wildlife resources and the habitats upon which they depend



**Many tools for
enforcing Oregon laws**

Conservation K9 Buck

Cessna plane, trail cameras and custom vehicles

128 Troopers across the state



Wildlife Anti-Poaching Special Prosecutor



Guide and assist county prosecutors in the nuances of trying fish and wildlife criminal cases

Coordinate cases that cross jurisdictional lines

Advise law enforcement agencies in evidence collection, case process and penalty options

Jay Hall, Oregon's new Anti-Poaching Special Prosecutor, working for the Department of Justice.



Anti-poaching enforcement and prosecution

Jay D. Hall,
Wildlife Anti-poaching Resource Prosecutor
Senior Assistant Attorney General,

Photo Credit
The Bulletin

Difficulties:

Niche area
of law

Factually
complex

Remote
Crimes

Lack of
Resources

Crowded
dockets

Potential solutions:

Resources Available to
address this niche area of
law

Partnership with law
enforcement to address
factual complexities
(synopsis)

Remote Crimes:
witnesses are typically
professional law
enforcement and tipsters

Work to create more
resources, through
education and outreach

Crowded dockets
Build in an efficiency with
early recognition offers
Streamline criminal cases

Niche Area of the Law

- 1. Training: Specialized prosecutor in County D.A.'s office, L.E.O counterpart
- 2. Resource: investigations, complex issues, solutions, trial support
- 3. Prosecution: appointed as Special Deputy District Attorney on complex or multi-county cases (conflict cases)

2022 WILDLIFE OFFENSES GUIDE		
Suspension of Hunting License for unlawful acts (ORS 497.415) Permissive (Court may suspend)		Suspension of Hunting License for baiting bear, hunting, or pure bear/cougar with dogs (ORS 498.164)
1st offense:	3 years	1st offense: 5 years
2nd offense:	5 years	2nd offense: Lifetime
3rd offense:	Lifetime	
Fine amounts under ORS 496.992(14)(a)(B) are the damage amounts in ORS 496.705		
Animals		Amount
(A)	Each game mammal <u>other</u> than moose, mountain sheep, mountain goat, elk, gray wolf, black bear, cougar, silver gray squirrel, or deer or antelope described in (D) and (E)	\$1,000
(B)	Each moose, mountain sheep or mountain goat, other than those described in (F), (G) and (H)	\$10,000
(C)	Each elk, other than those described in (I)	\$5,000
(D)	Each deer with at least four points on one antler, gray wolf, black bear or cougar	\$7,500
(E)	Each antelope with at least one horn equal to or greater than fourteen inches	\$7,500
(F)	Each moose with antlers	\$50,000
(G)	Each mountain sheep that has at least one horn equal to or greater than one-half curl	\$50,000
(H)	Each mountain goat that has at least one horn equal to or greater than six inches	\$50,000
(I)	Each elk with at least six points on one antler	\$15,000
(J)	Each silver-gray squirrel	\$100
(K)	Each game bird other than wild turkey or sage grouse	\$20
(L)	Each wild turkey or sage grouse	\$1,000
(M)	Each game fish other than salmon, steelhead trout, halibut or sturgeon	\$25
(N)	Each sturgeon other than those specified in (O), salmon, steelhead trout, or halibut	\$750
(O)	Each oversized sturgeon, as specified by the commission by rule (OAR 635-041-0061)	\$5,000
(P)	Each fur-bearing mammal other than bobcat or fisher (<u>beaver</u> , marten, mink, muskrat, otter, raccoon, red fox and gray fox)	\$100
(Q)	Each bobcat or fisher	\$700
(R)	Each specimen of any wildlife species whose survival is specified by the wildlife laws/US laws as threatened or endangered	\$2,500
(S)	Each specimen of any wildlife species otherwise protected by wildlife laws/US laws, but not otherwise referred to within this table	\$50
(T)	Each bald eagle, golden eagle, goshawk, osprey, peregrine falcon or any other raptor listed as a threatened species or endangered species by the commission by rule	\$5,000
(U)	Each raptor except those specified in (T)	\$2,000
<p>In addition to fines above, upon conviction for <u>taking wildlife</u>, if the Court finds that the seizing agency suffered economic damage, the Court <u>may</u> include a requirement the convicted person pay to the seizing agency an amount equal to the cost incurred in seizing, storing, and disposing of the seized and forfeited wildlife. ORS 137.101 The compensatory fine statute requires proof of "economic loss." <i>State v. Haines</i>, 238 Or App 431 (2010).</p> <p>Upon conviction of a person for <u>taking wildlife</u> while violating any provision of ORS 164.245 (Criminal trespass in the second degree) to 164.270 (Closure of premises to motor-propelled vehicles) or 498.120 (Hunting on another's cultivated or enclosed land), <u>the court shall</u> include in the sentence a requirement that the convicted person pay to the seizing agency an amount equal to the cost incurred in seizing, storing and disposing of the seized and forfeited wildlife. ORS 496.680(5)</p>		
Forfeiture		
For any <u>criminal offense</u> in which a firearm/deadly weapon was possessed used or available for use to facilitate the crime the court <u>shall</u> declare the weapon contraband and that it be forfeited. ORS 166.279		
For any violation of <u>wildlife laws</u> any firearms/deadly weapons used in angling/hunting/trapping/taking-wildlife <u>may</u> be seized and forfeited. See ORS 496.680		
All wildlife taken by, or in the possession of any persons in violation of the wildlife laws, and all other implements used in angling, hunting or trapping or taking any wildlife in violation of the wildlife laws <u>may</u> also be seized and <u>may</u> be forfeited. All wildlife seized by any person while violating ORS 164.245, 164.270 OR 498.120 <u>shall</u> be seized and forfeited. See ORS 496.680(1)&(2)		

Factually Complex

- Building Partnerships
 - Identifying each county's specialty prosecutor
 - Pair them with regional L.E.O
- Joint regional training
 - L.E.O.s responsible for facts
 - D.D.A. responsible for the law
- Fostering collaborative relationships builds understands of the issues

REWARD



OREGON HUNTERS ASSOCIATION

In cooperation with Corporate America
Leupold & Stevens, Oregon State Police
and Oregon Department of Fish & Wildlife

1-800-452-7888

REPORT WILDLIFE VIOLATIONS

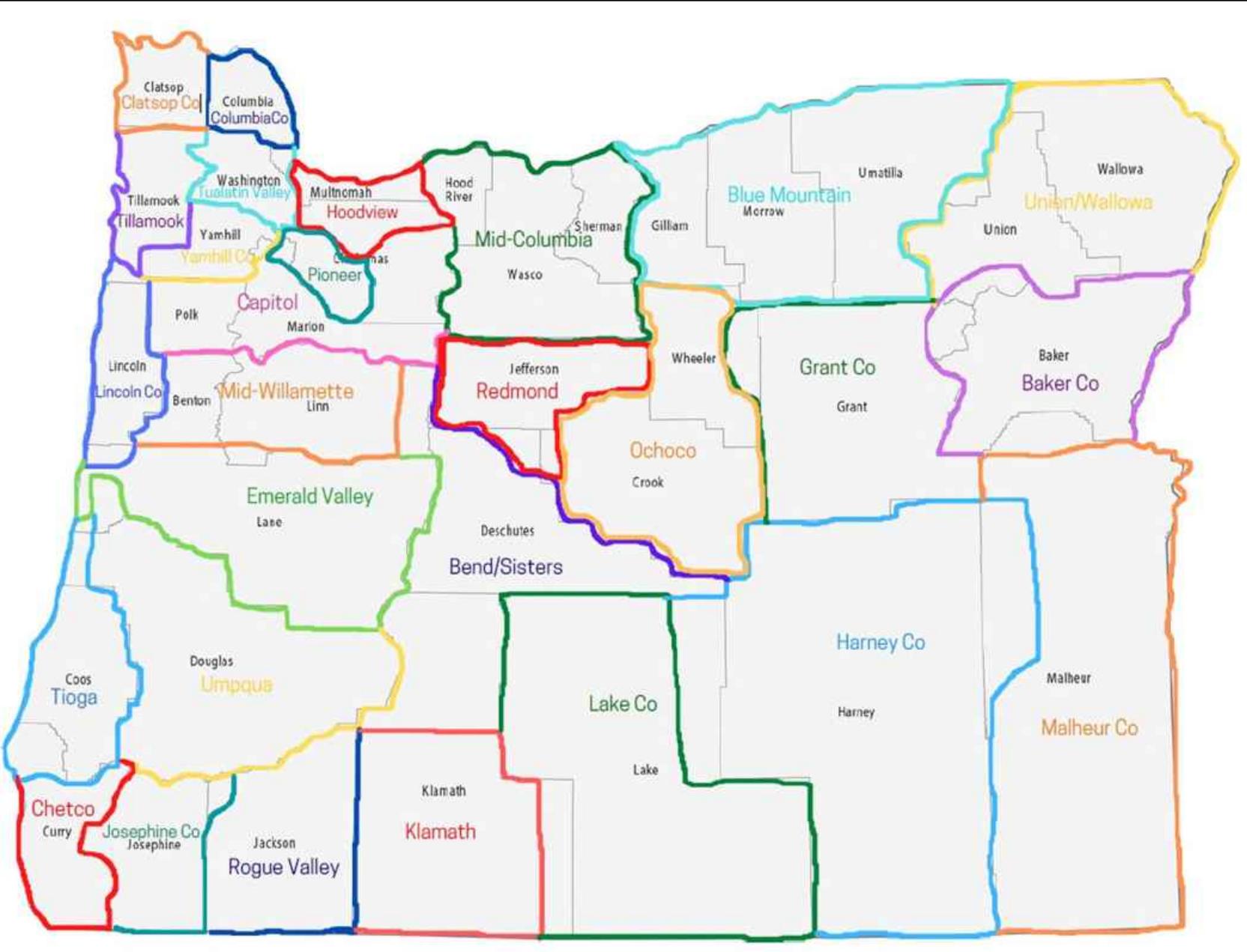


Remote Crimes: Tipsters streamline prosecutions

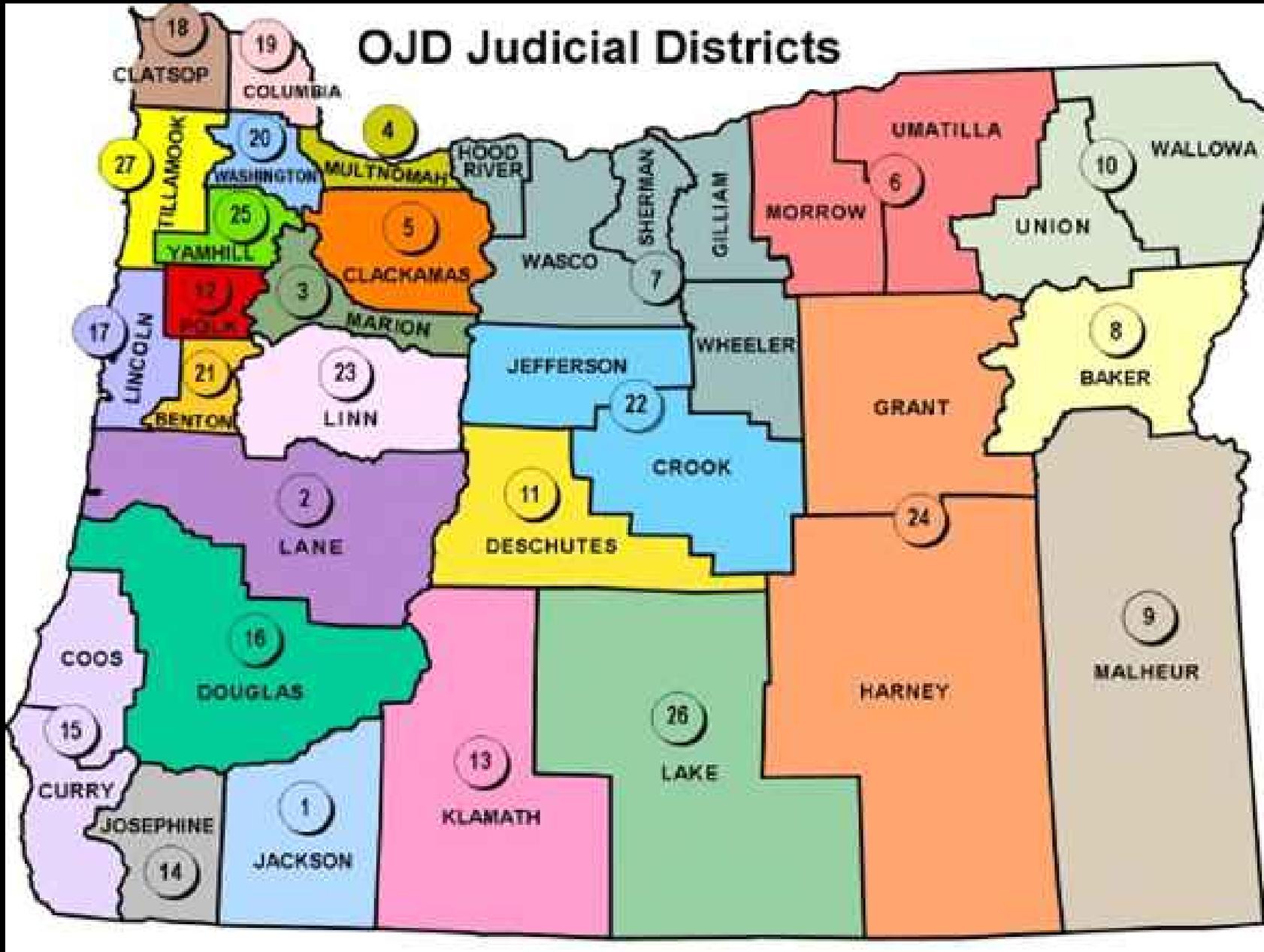
- Community members that care about poaching help establish equities for a prosecution.
- Impartial third parties that are eye-witnesses often strengthen a criminal case.
- Strong cases with high equities often resolve short of trial.
- Resolutions short of trial are efficient ways for fewer prosecutors to do more work

Lack of Resources

- Understanding the problem
 - 36 counties
 - 27 judicial districts
 - 1 in 10,000* should be a prosecutor
- * Prosecution creates an economy of scale problem



OJD Judicial Districts



Oregon District Attorneys

BAKER CO. DISTRICT ATTORNEY	Greg Baxter	gbaxter@bakercounty.org	(541) 523-8205
BENTON CO. DISTRICT ATTORNEY	John M. Haroldson	john.m.haroldson@co.benton.or.us	(541) 766-6815
CLACKAMAS CO. DISTRICT ATTORNEY	John Wentworth	Jwentworth@clackamas.us	(503) 655-8431
CLATSOP CO. DISTRICT ATTORNEY	Ron Brown	rbrown@co.clatsop.or.us	(503) 325-8581
COLUMBIA CO. DISTRICT ATTORNEY	Jeff Auxier	Jeff.auxier@columbiacountyor.gov	(503) 397-0300
COOS CO. DISTRICT ATTORNEY	Paul Frasier	pfrasier@co.coos.or.us	(541) 396-7550
CROOK CO. DISTRICT ATTORNEY	Kari Hathorn	Kari.Hathorn@co.crook.or.us	(541) 447-4158
CURRY CO. DISTRICT ATTORNEY	Joshua Spansail	spansailj@co.curry.or.us	(541) 247-3298
DE SCHUTES CO. DISTRICT ATTORNEY	John Hummel	john.hummel@dcda.us	(541) 317-3134
DOUGLAS CO. DISTRICT ATTORNEY	Rick Wesenberg	rlwesenb@co.douglas.or.us	(541) 440-4388
GILLAM CO. DISTRICT ATTORNEY	Kara K. Davis	kara.davis@co.gilliam.or.us	(541) 351-9500
GRANT CO. DISTRICT ATTORNEY	Jim Carpenter	carpenterj@grantcounty-or.gov	(541) 575-0146
HARNEY CO. DISTRICT ATTORNEY	Ryan Hughes	ryan.hughes@co.harney.or.us	(541) 573-8300
HOOD CO. DISTRICT ATTORNEY	Carrie Rasmussen	carrie.rasmussen@hoodrivercounty.gov	(541) 388-3103
JACKSON CO. DISTRICT ATTORNEY	Beth Heckert	heckerbe@jacksoncounty.org	(541) 774-8181
JEFFERSON CO. DISTRICT ATTORNEY	Steven Leriche	sleriche@jcda.us	(541) 475-4452
JOSEPHINE CO. DISTRICT ATTORNEY	Joshua Eastman	jeastman@josephinecounty.gov	(541) 474-5200
KLAMATH CO. DISTRICT ATTORNEY	Evelyn Costello	ecostello@klamathcounty.org	(541) 883-5147
LAKE CO. DISTRICT ATTORNEY	Ted Martin	tmartin@co.lake.or.us	(541) 682-4261
LANE CO. DISTRICT ATTORNEY	Patty Perlow	patty.perlow@lanecountyor.gov	(541) 682-4261
LINCOLN CO. DISTRICT ATTORNEY	Lane Danforth	ldanforth@co.lincoln.or.us	(541) 265-4145
LINN CO. DISTRICT ATTORNEY	Douglas Marteeny	dmarteeny@co.linn.or.us	(541) 967-3836
MALHEUR CO. DISTRICT ATTORNEY	Dave Goldthorpe	dave.goldthorpe@malheurco.org	(541) 473-5127
MARION CO. DISTRICT ATTORNEY	Paige Clarkson	pclarkson@co.marion.or.us	(503) 588-5222
MORROW CO. DISTRICT ATTORNEY	Justin Nelson	jnelson@co.morrow.or.us	(541) 676-5626
MULTNOMAH CO. DISTRICT ATTORNEY	Mike Schmidt	mike.schmidt@mcda.us	(503) 988-3162
POLK CO. DISTRICT ATTORNEY	Aaron Felton	felton.aaron@co.polk.or.us	(503) 623-9268
SHERMAN CO. DISTRICT ATTORNEY	Wade McLeod	wmcleod@co.sherman.or.us	(541) 565-3534
TILLAMOOK CO. DISTRICT ATTORNEY	William "Bill" Porter	wporter@co.tillamook.or.us	(503) 842-3410
UMATILLA CO. DISTRICT ATTORNEY	Daniel Primus	daniel.primus@umatillacounty.gov	(541) 278-6270
UNION CO. DISTRICT ATTORNEY	Kelsie McDaniel	kmcdaniel@union-county.org	(541) 936-1007
WALLOWA CO. DISTRICT ATTORNEY	Rebecca Frolander	wcda@co.wallowa.or.us	(541) 426-4543
WASCO CO. DISTRICT ATTORNEY	Matthew Ellis	matthewe@co.wasco.or.us	(541) 506-2680
WASHINGTON CO. DISTRICT ATTORNEY	Kevin Barton	kevin_barton@co.washington.or.us	(541) 846-8671
WHEELER CO. DISTRICT ATTORNEY	Gretchen Ladd	gladd@co.wheeler.or.us	(541) 763-4207
YAMHILL CO. DISTRICT ATTORNEY	Bradley Berry	berryb@co.yamhill.or.us	(503) 434-7539

Crowded Dockets

- The effect of the pandemic on our circuit courts
 - Court dockets
 - Prosecutor caseload
 - Defense delay
- Efficiency is key
 - Move cases easily by having law enforcement officers turning out strong investigations that have great detail and lack constitutional deficiencies
 - Move cases easily by having prosecutors highly educated in this field that are working within an array of options. (next 2 slides)

Other offense levels

- A Misdemeanor
 - Except as otherwise provided by this section or other law, a violation of any provision of the wildlife laws, or any rule adopted pursuant to the wildlife laws, is a **Class A misdemeanor** if the offense is **committed with a culpable mental state**. ORS 496.992
- A Violation (D.A.)
 - A prosecuting attorney may elect to treat any misdemeanor as a Class A violation. The election must be made by the prosecuting attorney orally at the time of the first appearance of the defendant or in writing filed on or before the time scheduled for the first appearance of the defendant. If no election is made within the time allowed, the case shall proceed as a misdemeanor. ORS 161.566
- A Violation (LEO.)
 - A violation of a provision of the wildlife laws, or a rule adopted pursuant to the wildlife laws, that involves the taking of wildlife, other than nongame mammals and game birds, [hunting from a vehicle or spotlighting] is a Class A violation if the offense is committed without a culpable mental state. ORS 496.992 (2) & (9)
- D Violation (LEO.)
 - a violation of a provision of the wildlife laws, or a rule adopted pursuant to the wildlife laws, that does not involve the taking of wildlife is a Class D violation if the offense is committed without a culpable mental state.

Misdemeanor or Felony

- Except as otherwise provided by this section or other law, a violation of any provision of the wildlife laws, or any rule adopted pursuant to the wildlife laws, is a **Class A misdemeanor** if the offense is **committed with a culpable mental state**. ORS 496.992
- A violation of a provision of the wildlife laws, or a rule adopted pursuant to the wildlife laws, is a **Class C felony** if the offense involves **any of the following and is committed intentionally, knowingly or recklessly**:
 - (a) Unlawful take with intent to sell, barter, import, export or exchange any part of wildlife
 - (b) Second or subsequent unlawful taking of game mammal in a 12-month-period (excluding gray-squirrel)
 - (c) Unlawful taking of moose, mountain sheep, Rocky Mountain goat or wolf
 - (d) Third or subsequent taking of game fish in excess of bag limit in a 12-month-period
 - (e) Second unlawful taking of wild steelhead in a year. (non-adipose clipped)
 - (f) The unlawful taking of green sturgeon or oversize white sturgeon
 - (g) The unlawful taking of wildlife that is a threatened species or endangered species

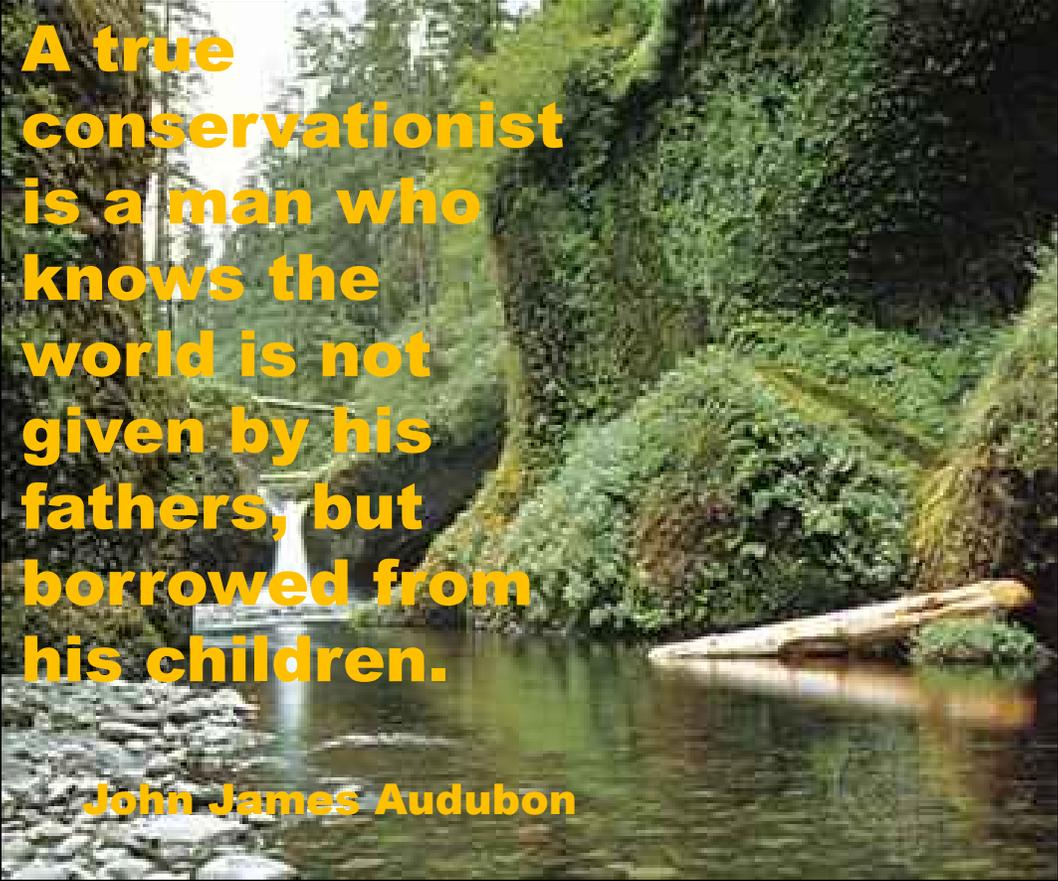


Legislative update
2019 HB 3035

Stakeholders, Agencies and Partner Sovereign Nations:

State Representatives:	Portland Audubon Society	Oregon Cattlemen's Association
Brad Witt and Ken Helm	Trout Unlimited	Lane County Audubon
Oregon Dept of Justice	Recreate Consulting LLC	Theodore Roosevelt
OSP Fish and Wildlife Division	Oregon Forest & Industries	Conservation Partnership
ODFW	Council	Oregon Backcountry Hunters
Oregon Hunters Association	The Wildlife Society	Association of Northwest
Rocky Mountain Elk Foundation	Confederated Tribes of Grand	Steelheaders
Traditional Archers of Oregon	Ronde	U.S. Forest Service
Oregon Zoo	Oregon Forest Resources	Oregon Chapter Foundation for
High Desert Museum	Institute	North American Wild Sheep
Mule Deer Foundation of	Legislative Commission on	Defenders of Wildlife
Oregon	Indian Services	Protect Animal Migration
Oregon Wildlife Foundation	Oregon Parks and Recreation	Cascade Raptors Center
Oregon Wild	Department	Oregon State Marine Board

QUESTIONS



**A true
conservationist
is a man who
knows the
world is not
given by his
fathers, but
borrowed from
his children.**

John James Audubon

- Evidence Admissibility Questions
- Investigation Support
- Search Warrant Review
- Constitutional analysis
- Special prosecutions
- Regional and in-service trainings

Contact Info:

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- Mobile number: 503-932-4394