

Washington State Department of Fish and Wildlife  
**ENFORCEMENT PROGRAM**



**2004 Annual Report**





# *Message from Chief Bruce Bjork*

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I am very pleased to introduce the Washington Department of Fish and Wildlife (WDFW) Enforcement Program 2004 Annual Report. This report acknowledges the hard work of the men and women of the Enforcement Program who are charged with an extremely diverse set of duties and responsibilities within a state known for its fish, wildlife, and habitats. In order to preserve these limited and valuable resources for future generations, officers communicate and cooperate with communities, educate citizens, and enforce all state laws.

In addition to the data showing our officers' continual diligence in enforcing the laws, summaries of significant cases and events are provided for each region. These narrative accounts give a broader view of the variety of issues, complaints, violations, and challenges that enforcement officers encounter year-round.

As Chief of the Enforcement Program, I am very proud of the work our officers and staff perform every day to help promote the quality of life we value in Washington State. The information contained in this annual report summarizes activities in some critical areas, compares our efforts this year to last year, and attempts to demonstrate the dedication each member of the WDFW Enforcement Program has for the fish and wildlife resources we are sworn to protect.



## *Agency Mission*

### **Sound Stewardship of Fish and Wildlife**

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To serve Washington's citizens by achieving compliance with fish and wildlife related laws, responsive public service, prompt resolution of conflicts between humans and wildlife, and by forming partnerships with public and other agencies to benefit fish and wildlife.



Washington  
Department of  
**FISH and  
WILDLIFE**



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# Agency Goals and Objectives

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## **GOAL I: HEALTHY AND DIVERSE FISH AND WILDLIFE POPULATIONS AND HABITATS**

**Objective 1:** Develop, integrate, and disseminate sound fish, wildlife, and habitat science.

**Objective 2:** Protect, restore, and enhance fish and wildlife populations and their habitats.

**Objective 3:** Ensure WDFW activities, programs, facilities and lands are consistent with local, state and federal regulations that protect and recover fish, wildlife and their habitats.

**Objective 4:** Influence the decisions of others that affect fish, wildlife, and their habitats.

**Objective 5:** Minimize adverse interactions between humans and wildlife.



## **GOAL II: SUSTAINABLE FISH AND WILDLIFE-RELATED OPPORTUNITIES**

**Objective 6:** Provide sustainable fish and wildlife-related recreational and commercial opportunities compatible with maintaining healthy fish and wildlife populations and habitats.

**Objective 7:** Improve the economic well being of Washington by providing diverse, high quality recreational and commercial opportunities.

**Objective 8:** Work with Tribal governments to ensure fish and wildlife management objectives are achieved.

## **GOAL III: OPERATIONAL EXCELLENCE AND PROFESSIONAL SERVICE**

**Objective 9:** Provide excellent professional service.

**Objective 10:** Improve the effectiveness and efficiency of WDFW's operational and support activities.

**Objective 11:** Provide sound operational management of WDFW lands, facilities, and access sites.

**Objective 12:** Develop Information Systems infrastructure and coordinate data systems to provide access to services and information.

**Objective 13:** Recruit, develop, and retain a diverse workforce with high professional standards.

**Objective 14:** Maintain a safe work environment.

**Objective 15:** Reconnect with those interested in Washington's fish and wildlife.



# *Enforcement Program Description*

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The Enforcement Program is the fourteenth largest law enforcement agency in Washington State out of 278 agencies. It is under the command of the Chief of the Enforcement Program, who reports to the Director of WDFW. Our staff is composed of 150 sworn officers and 18 non-sworn staff. Most officers are assigned to field duties in one of six regions, a Statewide Marine Division, or Statewide Investigations Unit (SIU). All non-sworn staff are assigned to Headquarters in Olympia.

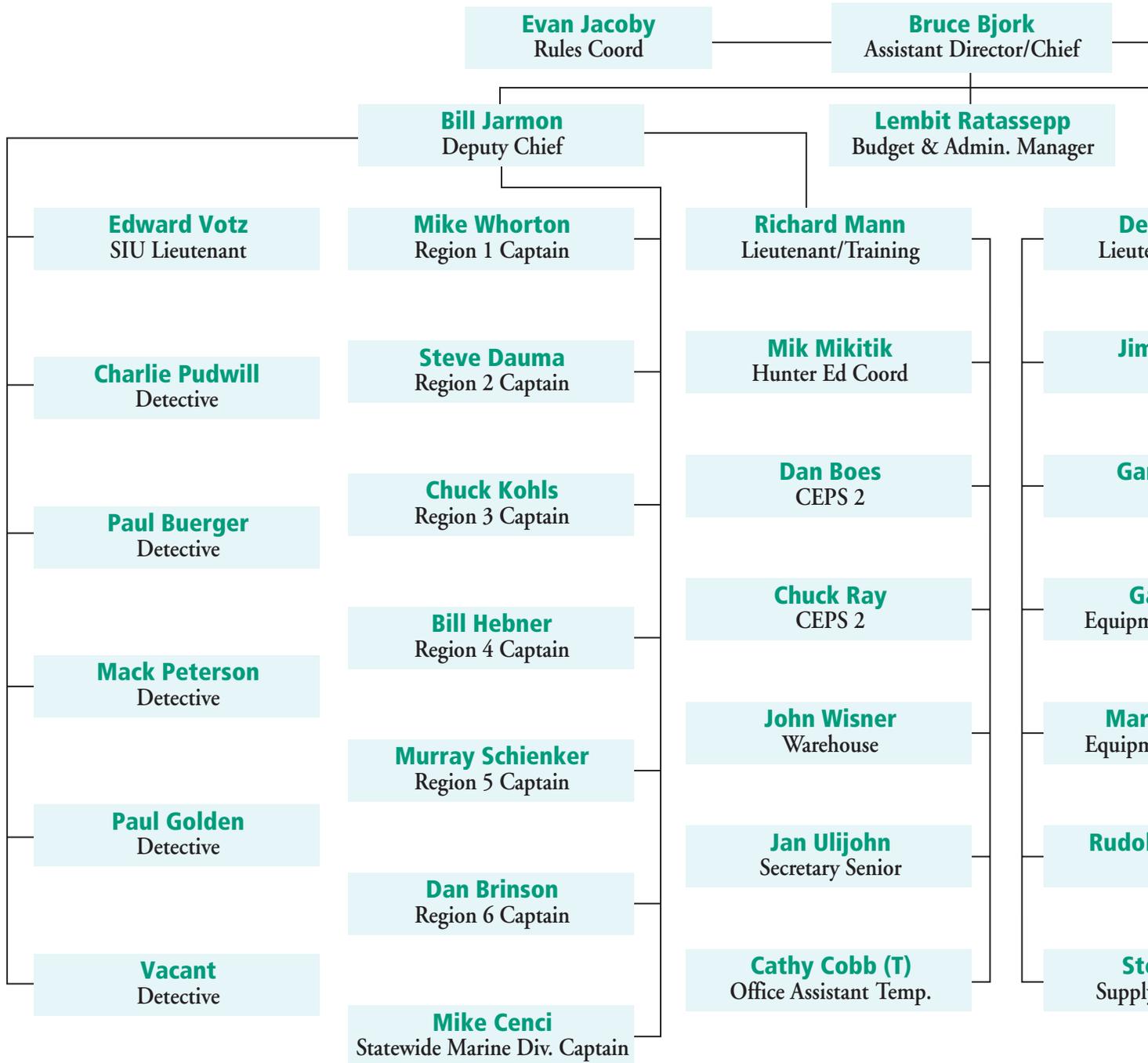
Officers are charged with a diverse set of duties and responsibilities including:

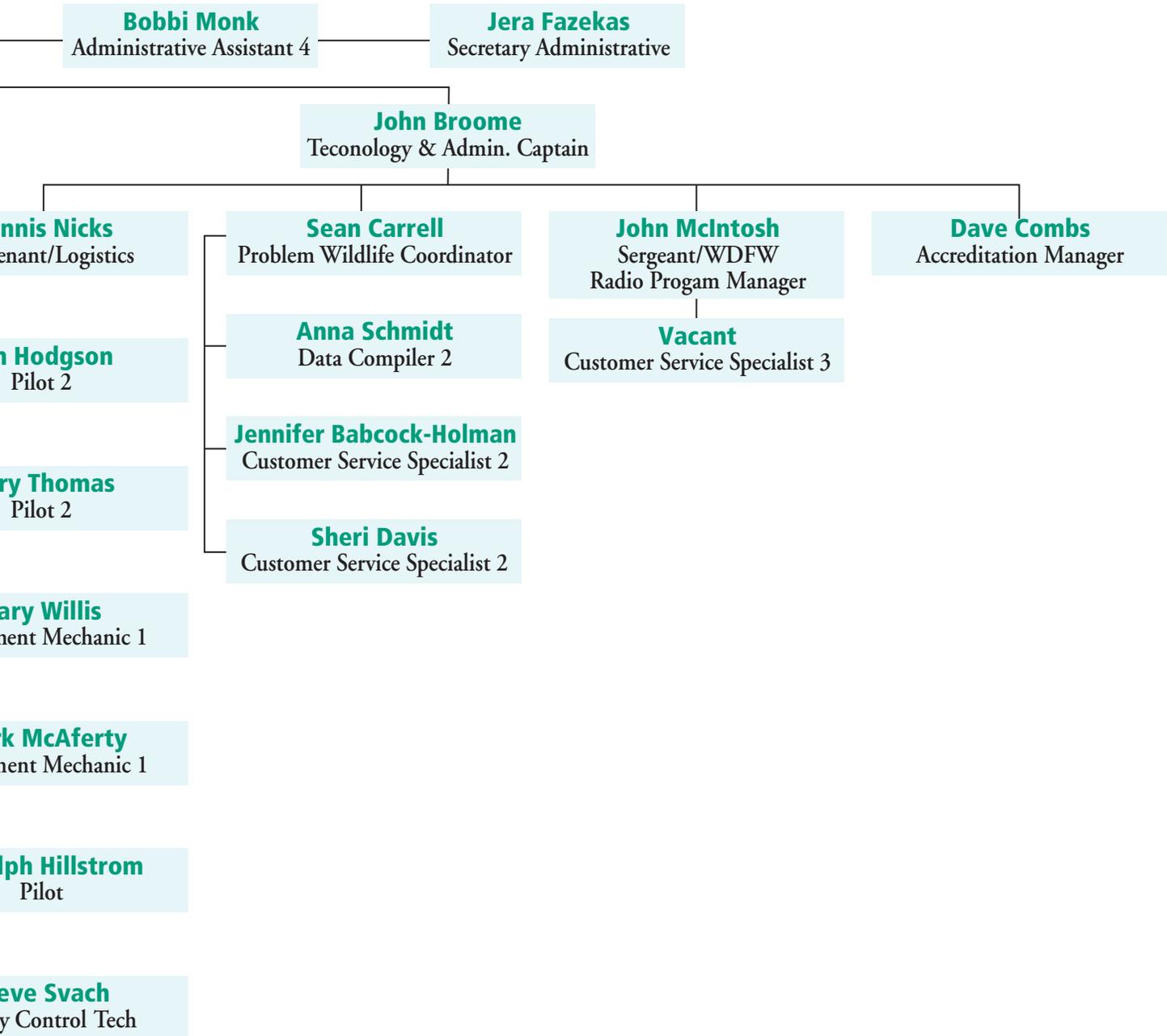
- Enforcing recreational and commercial harvest regulations.
- Ensuring compliance with fish passage/diversion standards and hydraulic project requirements.
- Responding to dangerous bear and cougar complaints.
- Preventing unsanitary shellfish from entering the marketplace.
- Enforcing boating rules and regulations and all criminal laws.
- Responding to and assessing commercial agricultural crop damage.
- Ensuring legal harvest of forest products.
- Providing hunter education.
- Working with local communities.





# Organizational Chart

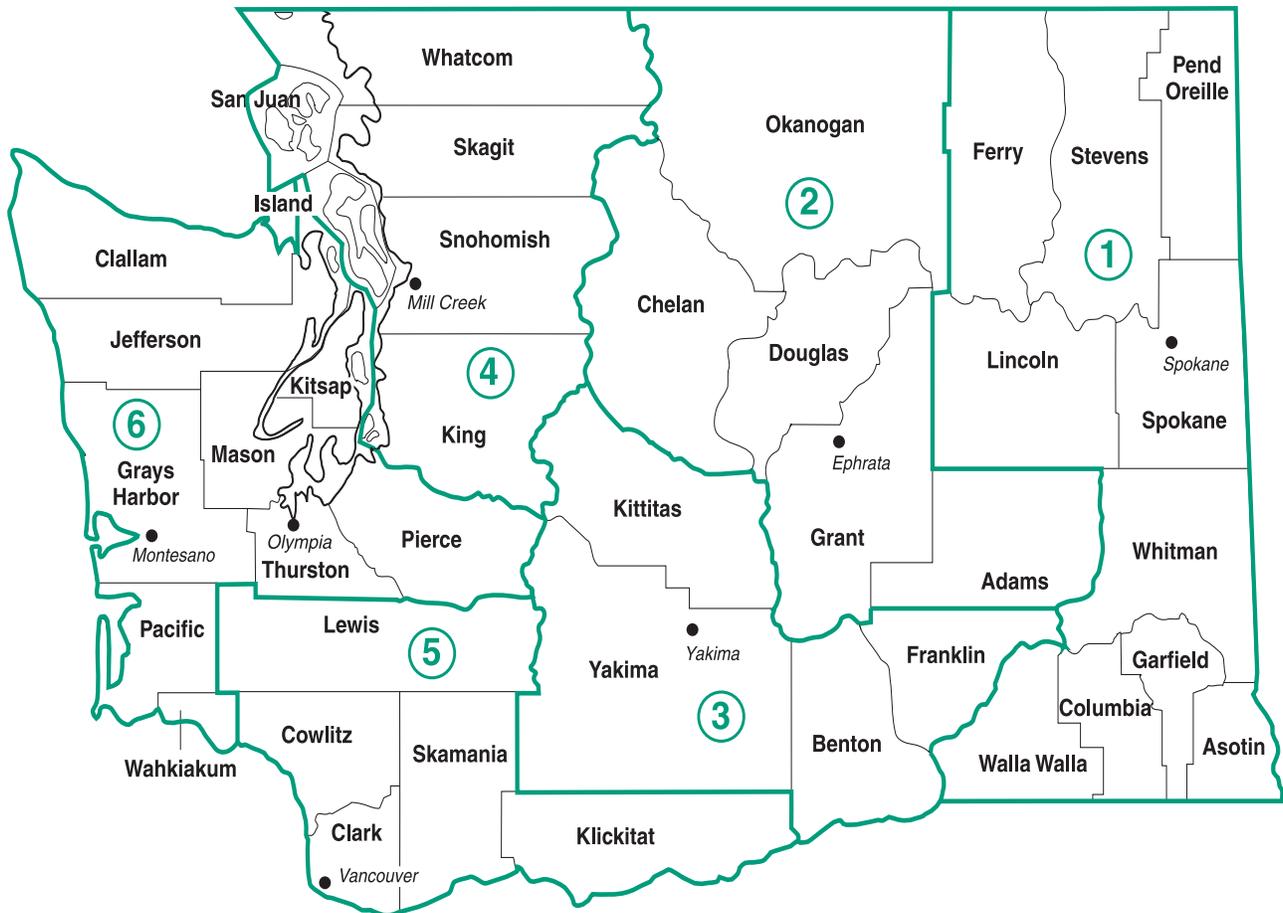






# Regional Offices

Regional offices are located in Spokane, Ephrata, Yakima, Mill Creek, Vancouver, and Montesano. An Enforcement Program captain oversees the enforcement activities in each region. Captains, sergeants and officers work closely with other WDFW personnel, the community, local landowners, and other law enforcement agencies due to the diverse issues, locations, and natural resources in each region.



**Region 1**  
2315 North Discovery Place  
Spokane Valley, WA 99216-1566  
(509) 892-1001

**Region 2**  
1550 Alder Street NW  
Ephrata, WA 98823-9651  
(509) 754-4624

**Region 3**  
1701 South 24th Avenue  
Yakima, WA 98902-5720  
(509) 457-9317

**Region 4**  
16018 Mill Creek Boulevard  
Mill Creek, WA 98012  
(425) 775-1311

**Region 5**  
2108 SE Grand Boulevard  
Vancouver, WA 98661  
(360) 906-6700

**Region 6**  
48 Devonshire Road  
Montesano, WA 98563-9618  
(360) 249-4628



# Region One



**Captain Mike Whorton, a 29-year veteran of the WDFW, began his career in 1975 as a Fish and Wildlife officer in Stevenson and Longview. He was promoted to sergeant in 1984 and to commander of Region One in 1987. Captain Whorton has a Bachelor of Science in Biology and a Masters Degree in Public Administration.**



## A Year in Region One

### January - Hunting Cougar with the Aid of Dogs:

Officers Weatherman, Cram, and Taylor scheduled a closed season cougar/bobcat patrol south of the Hunters/Springdale summit. The patrol was coordinated around information received by Officers Taylor and Hood of illegal hound hunting for cougar and bobcat in the Fruitland Valley area of Stevens County.

**March - Deer Poaching Ring Busted:** Officer Lantieng finalized his investigative report on a deer-poaching ring from the Spangle area. Twenty charges were filed that included: 4 hunt/take deer closed season, 1 possess big game without antlers, 3 possess big game taken closed season, 1 exceeding annual limit complicity, 4 unlawful use/transfer of a tag, 1 attempt to exceed annual limit, 5 exceed annual limit on deer, and 1 fail to tag deer.



### May - Interstate Investigation of Trafficking:

Officer Taylor prepared a search warrant for a residence

near Clayton where a subject was caught in Idaho removing parts from a black bear on two separate occasions. The warrant was signed and served with two Idaho Officers, Sergeant Charron, and Officers Hahn and Lantiegne. The residence was full of rifles and handguns as well as numerous bear heads and hides. There was also a Grizzly bear mount along with a Grizzly bear skull and numerous claws. A cougar skull was also found. Two rifles were seized; one pertaining

to the incident that occurred in Idaho and one for testing of a Grizzly bear that was shot last year in Idaho. The suspect residence also had numerous trophy deer heads with antlers attached in various stages of decay. The case was investigated by authorities in Idaho, Washington, and the U.S. Fish and Wildlife Service.

**July - Wandering Cow Moose:** Officer Stiffarm, Sergeant Jundt, Detachment 20 Officers, Wildlife Area (WLA) Manager Dice, Biologists Paul Wik and Woody Myers, and several other WDFW personnel, were able to successfully capture and relocate a cow moose that wandered into the Clarkston Heights vicinity. WLA Manager Dice handled the TV interview in a very commendable manner, and the footage aired on the 6 p.m. newscast. There was also an article in the *Lewiston Morning Tribune*. The Asotin County Fire District and Asotin County Sheriff Wayne Webber also assisted. It was truly a team effort.

**September - Illegal Shooting from Vehicle:** Officer Hahn received a report of two subjects shooting shotguns out the car window onto private property. The landowner was able to get a license plate on the suspect vehicle. Fifteen shotgun shells were located in the middle of the road. The subjects were contacted and cited for shooting doves from a power line, unplugged shotgun, loaded rifle in a motor vehicle, and shooting quail closed season.



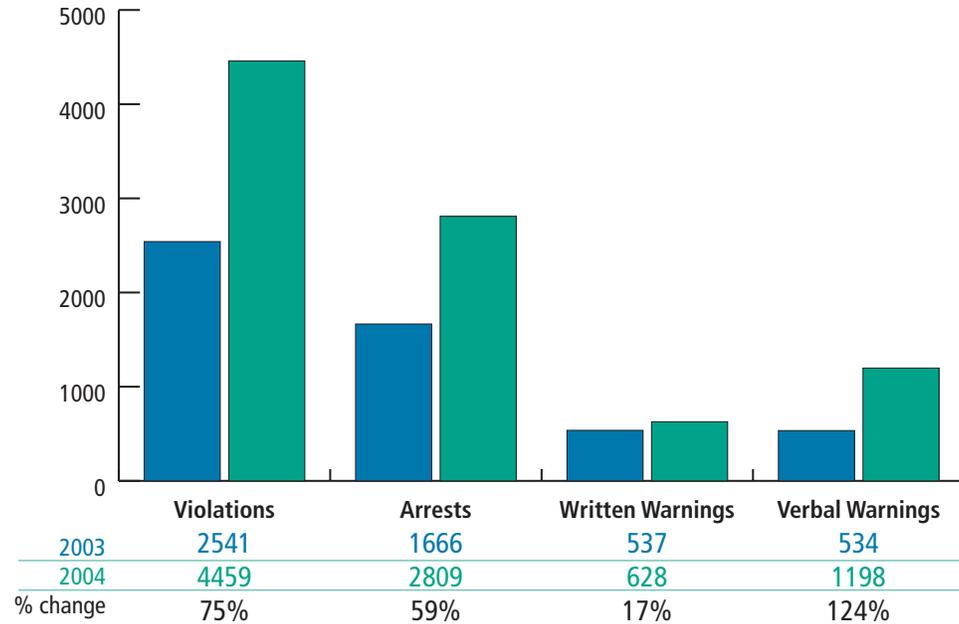


**November - Illegal Killing/Possession of Mule**

**Deer:** Officer Hahn received information of a vehicle with a mule deer on the roof near Cheney. Officer Hahn located the subject in Spokane and cited him for killing/possessing mule deer closed season. While at the residence he located another freshly killed 5x5 mule deer in the backyard. A roommate at the residence was

cited for killing/possessing the mule deer closed season and hunting without a license or tag. While Officer Hahn was at the same residence, a fight occurred between the first poacher and his father-in-law. Officer Hahn called Spokane Police Department to help him with the situation and the father in-law was eventually arrested for burglary.

**REGION ONE FISH AND WILDLIFE ENFORCEMENT ACTIVITY**



**Definitions:**

- Enforcement Contacts – Each person an officer personally checks for compliance
- Violations – The number of violations of the Revised Code of Washington (RCW) state law or Washington Administrative Code (WAC)
- Arrests – Number of offenses on the citation, infraction or booking
- Written Warnings – Number of offenses on the written warning
- Verbal Warnings – Number of verbal warnings given for offenses

*Region One Officer of the Year*



**Officer Alan Myers** currently serves as the Fish and Wildlife Officer within Pend Oreille County. He is a dedicated professional who consistently demonstrates his commitment to protecting natural resources. During his two-year tenure in Pend Oreille County, Officer Myers has distinguished himself as a tenacious and astute investigator who has detected and apprehended numerous violators of wildlife laws within Pend Oreille County. Additionally, Officer Myers works in close partnership with other law enforcement entities. His active role in other facets of law enforcement has contributed to enhance public safety and detection of rural crimes. Through his team effort and involvement in the community, public awareness and apprehension of wildlife violators has clearly increased.

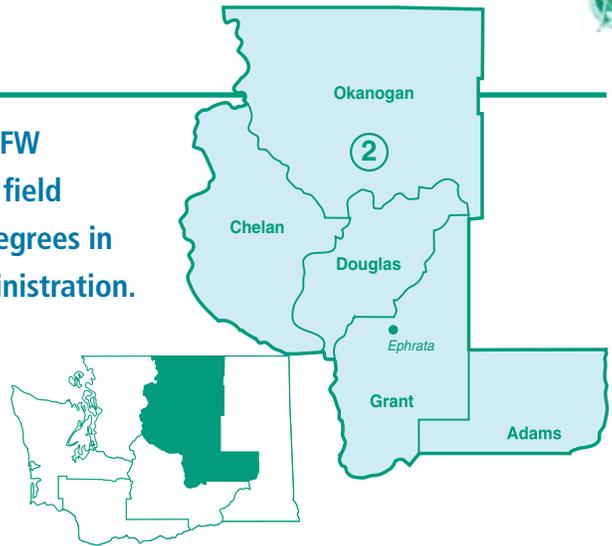
Officer Myers has been a member of the Pend Oreille County methamphetamine response team and he serves as Region One’s Defensive Tactics instructor.



# Region Two



**Captain Steve Dauma's career with WDFW spans 28 years, including 16 years in the field and 9 years in headquarters. He holds degrees in Wildlife Management and Business Administration. Captain Dauma oversees twelve officers organized into three detachments, each supervised by a sergeant.**



## A Year in Region Two

**January - Cougar Incident:** Officer Erhardt and Captain Dauma responded to Leavenworth at the urgent request of the Chelan County Sheriff's Office and Washington State Patrol (WSP) Communications after a large cougar attacked and killed a dog inside a garage. The cat consumed part of the dead dog and had a second dog trapped inside the dwelling with a frantic owner outside. Officer Erhardt advised the deputies to shoot the cat if necessary due to a 1.5-hour response time. By the time the officers arrived, the cougar had been shot and killed by the deputies as it attempted to run from the building. The deputies advised that they had wounded the cat as it ran from the garage and were forced to track it into a nearby orchard where they found it perched in a tree. The cougar was then shot and killed when it jumped from the tree. Officer Erhardt and Captain Dauma collected the carcass and cleared the scene at 2:00 a.m.

that resulted in him holding five suspects in custody until Officer Erhardt and a Moses Lake officer arrived. A search of the area turned up the 9mm pistol used in the shooting and a .22 rifle. Numerous arrests for a variety of driving violations, alcohol violations, illegal drugs, fishing violations, and warrants were made by the agencies involved.



### **March - Gang Members**

**Arrested:** The annual Moses Lake walleye snag fishery began. Officers were

called out Thursday night to find two local rival gangs (who also are into fishing) at the spillway. Night vision equipment enabled officers to observe the activity that escalated until shots were fired and the other gang threatened to return with their guns. Assistance was requested from Washington State Patrol, Moses Lake Police Department, and Grant County Sheriff's Office to contact two vehicles that left the scene. Meanwhile, Sergeant Anderson became involved in a foot pursuit

**May - Bobcat in Captivity:** Sergeant Brown accompanied Officer Jorg on a report from the Oroville Police Department of a lynx in captivity. The suspects were contacted and found to have had a bobcat for over four months that had been caught by another person while it was raiding chicken coops near Chesaw. They were intending to catch another and propagate the cats for pets. They obtained statements and contacted the trapper, who also had pelts from two other bobcats he had unlawfully trapped. Several citations were issued. The live bobcat was released to the wild.

**July - Young Rafters Missing:** Officer Crown and Sergeant Anderson ran the jet boat up Lind Coulee from the Potholes on Sunday evening after being advised by the Sheriff's Office there were three young female rafters who were missing and long overdue. The officers ran a couple of miles up the river and located the young women who were then transported by boat back to the road where they were reunited with their worried parents.

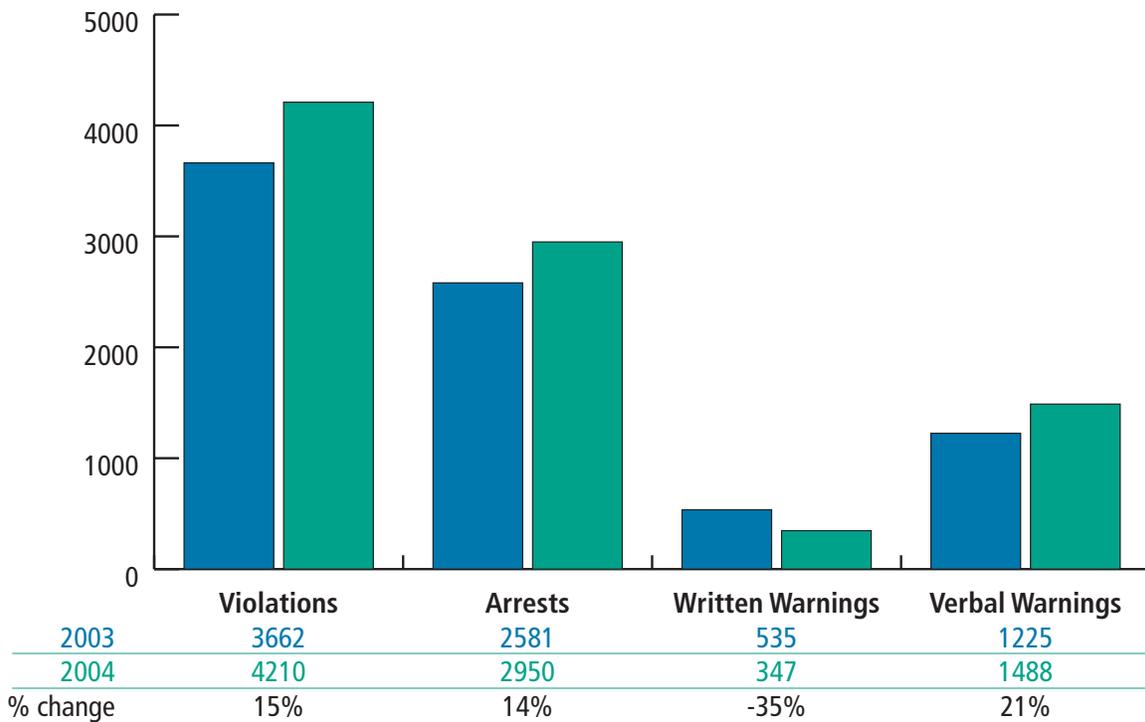


**September - Illegal Fishing Activities:** Officers conducted an undercover emphasis patrol near the I-90 bridge on Moses Lake to address the large number of complaints received that fishermen were routinely exceeding bag limits and retaining sub-legal crappie. Several subjects were observed catching limits of fish and leaving for short periods before returning in different clothing and catching more limits. Officers issued 17 citations, including 7 for exceeding the limit on crappie, 6 for retaining undersized crappie, 2 for fishing without a license, and 2 for fail to submit catch.

The largest number of fish seized from one fisherman was 28 crappie, including 19 that were of legal size and 9 that were sub-legal.

**November - Moose Case:** Officer Danielson arranged for a witness to come from California in a moose closed season case. The jury trial convicted the suspect of taking a moose in closed season but found him not guilty for wastage (we never found the carcass). This was a lengthy investigation of over one year and culminated in this conviction. The second suspect has a warrant for his arrest and is believed back in California.

### Region Two Fish and Wildlife Enforcement Activity



### Region Two Officer of the Year



**Officer Steve Crown's** commitment to fish and wildlife resources, along with his initiative, dedication, and dependability are recognized throughout Region Two. He readily accepted responsibility for coordinating the annual "Chief for a Day" event with the Grant County Sheriff's Office. This event recognizes and honors children with special needs. Officer Crown regularly interacts with the District Team members in Grant, Adams, and Douglas counties.

This same cooperative attitude and commitment to resource protection is evident in his relationship with Bureau of Reclamation, US Fish and Wildlife staff, and local law enforcement agencies. Officer Crown maintains open lines of communication and makes himself available to provide assistance. As the assigned evidence officer, Officer Crown maintains the evidence for Detachment 16. Officer Crown has developed and maintains excellent landowner contacts throughout the northern portion of Grant County and Douglas County. Officer Crown consistently maintains a high arrest record. His enforcement activity covers a broad spectrum of issues to include complex investigations. In all situations, Officer Crown conducts himself with the highest level of professionalism. Due to his expertise and judgment, his advice is frequently sought out by less experienced officers. He also serves as a Field Training Officer.

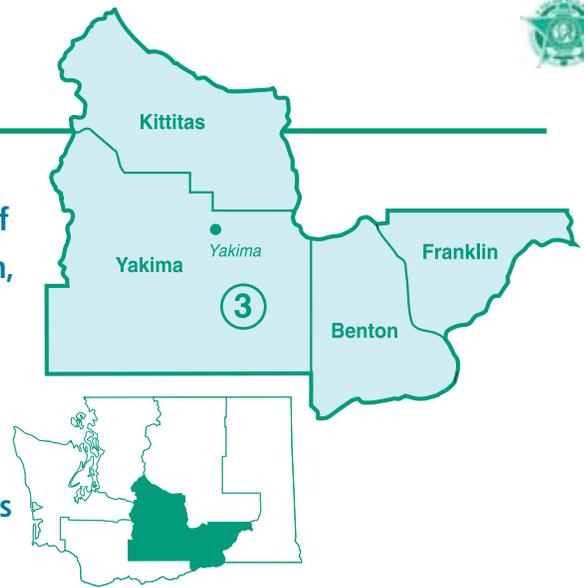


# Region Three



**Captain Chuck Kohls** was hired as a State Wildlife Agent in 1975. During his 29 years of service, Captain Kohls has worked in Thurston, Pacific, and Yakima Counties. Captain Kohls has a Bachelor of Arts Degree in Biology. There are currently three sergeants and thirteen officers in Region Three that work in

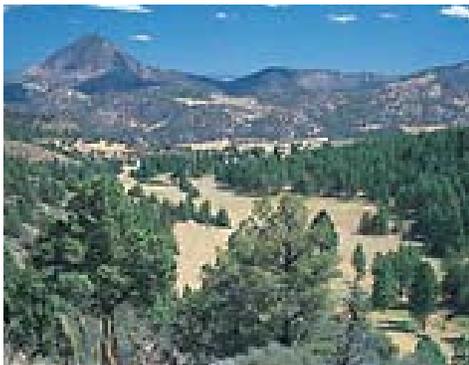
Kittitas, Yakima, Benton, Franklin, and Klickitat Counties. Officers are organized into three detachments.



## A Year in Region Three

**February - Methamphetamine Arrest:** Officer Jones assisted a Forest Service Enforcement Officer on a stop near Money Creek regarding a couple involved with methamphetamine; the male left the scene. Officer Jones took the female into custody and transported her to Monroe.

injuries. Officers waited until the subject was at the jail to complete a thorough search of the subject's crotch area where he had been reaching. During a search by the jail staff, they recovered a baggie of methamphetamine from the subject's crotch. He is on probation for drug charges and he was recently released from the Benton County Jail on assault charges. He was charged with fishing without a license, obstructing, resisting arrest, and possession of methamphetamine. Richland Police also arrested the female that was in the group for providing false information, and during the search they found several bags of methamphetamine and marijuana on her person. Richland Police seized the cash both subjects had on them, as they are both suspected dealers. The other two males were cited for fishing without a license and they were both well known in the drug scene by Richland Police officers.



**April - Fishing Without Licenses/ Drug Arrest:** Officer Fulton contacted a group of five subjects on the Columbia

River near Bateman Island in Richland. Three males in the group were fishing and did not have fishing licenses. Two of the subjects produced identification, and the third subject had a wallet, but claimed he did not have any identification. Officer Fulton went to pat the subject down and he took off running. Officer Fulton pursued on foot and caught the subject approximately 50 yards down the riverbank. When Officer Fulton tackled the subject, they both fell onto a large rock at the edge of the river. The subject continued to resist arrest and began stuffing his hands down his waistband. After a brief struggle, Officer Fulton handcuffed the subject and arrested him. The subject claimed his wrist was broken during the fall and he suffered minor scrapes and abrasions, as did Officer Fulton. Richland Police Department sent five officers to assist and an ambulance responded to look at the suspect's



**June - Elk Damage:** Officer Flohr continued to aerial haze elk away from wheat fields in the Rattlesnake Hills

area. He reported there were still about 300 head that continued attempts to damage these crops. These flights increased to 4 days per week.

**August - Possession of Protected Wildlife:** Officer Fulton completed his investigation on the eagle in captivity case in Richland. Officers Fulton and Horn conducted a knock and talk at the suspects residence.



The suspect showed Officers the bird, which ended up being an injured juvenile red tail hawk. The suspect had the bird for around 2 weeks and had cut its tail and wing feathers so it could not fly. He was cited for possessing protected wildlife and also arrested and booked into jail on a no bail felony warrant for being an alien in possession of a firearm. The bird was euthanized and stored for evidence.

### **October - Fort Lewis Investigation on Yakima**

**Training Center:** Sergeant Grant was contacted by the Department of the Army (DOA) at Fort Lewis to assist them on an investigation potentially involving military police and training center contract employees. Sergeant Grant and a gang detective from DOA met with an informant who provided accurate information on subjects unlawfully entering the training center to hunt over baiting sites. Working through the night, officers were able to confirm informant information and Officers Hobbs, Baird, and Captain Kohls were called out at 4:30 a.m. to man escape routes. Due to the security nature and possible military involvement on the training center, local Military Police (MP) personnel could not be involved in the investigation. After hours of unsuccessful surveillance, Officers Hobbs and Baird were released from their assignments. In a last effort, Sergeant Grant and the DOA detective called for a helicopter from Fort Lewis. While awaiting its arrival, Sergeant Grant spotted the suspect vehicle on a remote area of the training center. As the vehicle moved along, two firearms were spotted hanging out the windows

of the vehicle. After a short pursuit, the subjects were stopped and taken into custody. Numerous firearms and alcohol were found in the vehicle. Sergeant Grant and Captain Kohls interrogated the subjects and obtained confessions of the unlawful baiting, and illegal entry onto the center and failure to register their firearms. The two suspects are employees of the center. Their vehicle was towed, firearms seized, both cited for trespass and, according to ranking officials, both will be fired and prohibited from entering the center in the future.

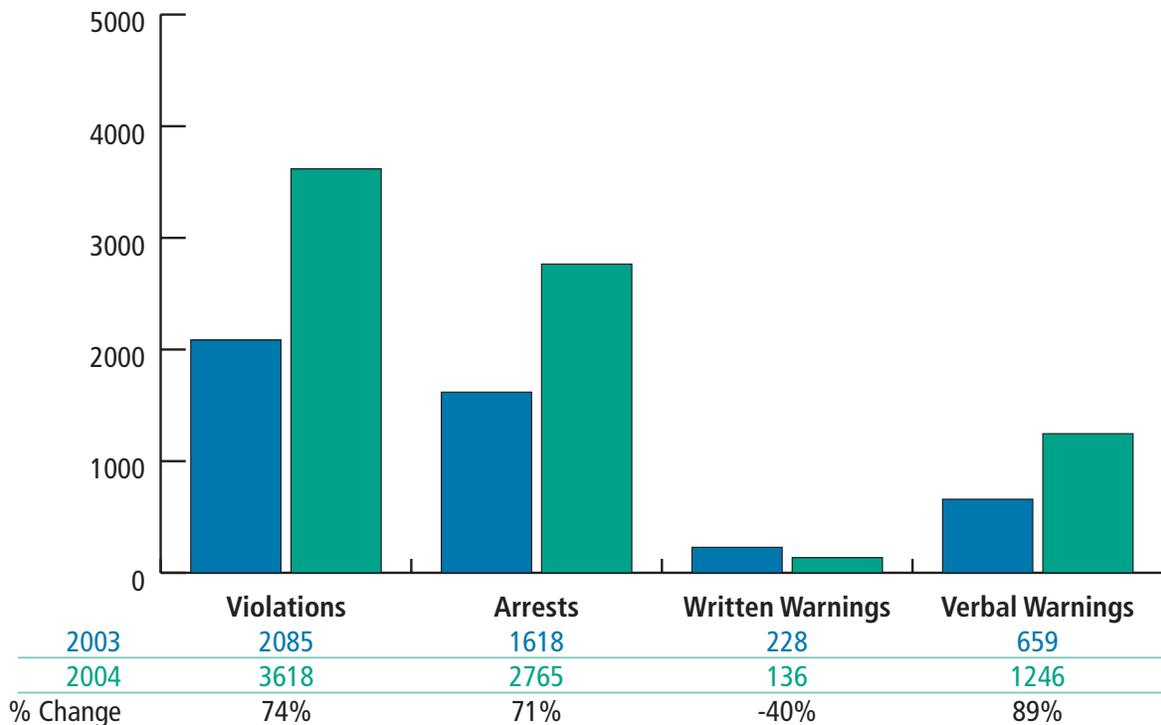
**December - Russian Boars Located:** Officers Grant and Myers were able to get a warrant based upon information that a subject was in possession of Russian Boars. Region Three Officers served the warrant at a residence near Grandview. Twenty Russian boars were located in pens on the property. Upon entry into the residence, officers located numerous loaded firearms strategically placed at the doors and windows of the residence. A total of 18 firearms were inventoried during the search. With the assistance of Dr. Peter Tran of the Department of Agriculture, a Hold Order was issued to the suspect/possessor. Officers will be meeting next week to acquire a court order to remove or dispose of the boars within 30 days. During the search officers found amounts of personal use marijuana and unlawful firearms. The suspect was booked on unrelated warrants.





## Region Three Continued...

### Region Three Fish and Wildlife Enforcement Activity



### Region Three Officer of the Year



**Officer Brian Fulton** came to Region 3 Detachment 19 in January 2003. Since that time he has accorded himself with high activity and a professional demeanor. Officer Fulton has an outstanding arrest record, not only in Fish and Wildlife Code offenses, but with Public Safety activities including numerous warrant, drug and traffic arrests. He has also handled Problem Wildlife cases well, even though his experience has been limited in that area.

Officer Fulton was the lead officer in a recent complex criminal investigation involving a theft ring. Officer Fulton managed the case with dedication characteristic of veteran officer.

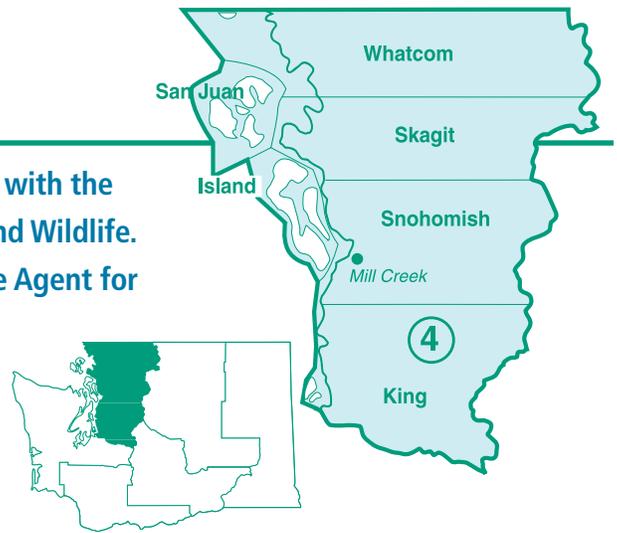
Officer Fulton's low-key approach in dealing with violators has served him and the Department effectively. His supervisors have received numerous compliments directly and indirectly about Officer Fulton's treatment of the public with quiet dignity.



# Region Four



Captain Bill Hebner is a 30-year veteran with the Washington State Department of Fish and Wildlife. He began his career in 1975 as a Wildlife Agent for the State Department of Game in Okanogan County. In 1985, Captain Hebner was appointed as one of the state's first wildlife detectives.



The Region Four Enforcement staff includes nineteen officers, a captain, and three sergeants. Their area of responsibility includes King, Snohomish, Skagit, Whatcom, and Island counties.

In 2004, a three and a half year cooperative compliance project was brought to a successful conclusion in King County that the enforcement program had facilitated. This project involved working collaboratively on an agriculture drainage/pumping station on Cherry Creek in the Snoqualmie Valley that was discovered in 2000 to have been grinding up and killing small fish, including federally listed species. Local enforcement staff spearheaded a collaborative problem solving process involving the local drainage district, Washington Trout, Snohomish County Conservation District, Ducks Unlimited, WDFW, National Marine Fisheries Service, and others that resulted in successfully securing approximately \$600,000 in public funds. These monies were used to conduct a hydrological/feasibility study and to retrofit the pump station that is, as of the fall of 2004, fish friendly and Endangered Species Act (ESA) compliant. The same coalition is now working enthusiastically together to secure private and public funds for two different fish and wildlife restoration projects on both private and public properties within the drainage district infrastructure. What was once a highly contentious, emotionally charged issue with no hope of resolution, was metamorphosed into a positive coalition of groups and individuals with a “can-do attitude” that discovered and implemented a solution that is a win for fish and a win for agriculture.

As a result of the success realized on Cherry Creek, Region Four enforcement staff has recently undertaken several more collaborative problem-solving initiatives in Skagit, and Whatcom Counties. Collaborative problem solving in natural resource management illustrates the dramatic successes possible of people working with government together toward a common goal.

## A Year in Region Four

**January - Stolen Mail:** Sergeant Lambert contacted two young female subjects at the WDFW Ben Howard boat access site in Monroe. Sergeant Lambert noticed immediately that the two subjects were sorting mail, and, upon further inspection, he determined the mail to be stolen. Further investigation determined their vehicle was also stolen and one of the young girls had a warrant out for her arrest. The suspects were taken into custody and questioned further at the Monroe Police Department. Sergeant Lambert contacted the U.S. Postal Inspectors Office in Seattle, and, based on the quantity of stolen mail, they immediately dispatched seven special agents to assist in the investigation. A

search warrant for their residence was obtained and executed where additional stolen mail and other incriminating evidence was discovered.

**March - Illegal Bear Hunting:** Officer Jeff Lee culminated a lengthy illegal bear hunting investigation by writing affidavits for and serving two search warrants late last week. The two search warrants were served simultaneously in both Snohomish and King counties by participating officers from all three detachments in Region Four and the marine detachment. In addition to the original bear baiting and illegal possession of bear charges, officers discovered evidence to support charges



## Region Four Continued...

for the illegal taking and spotlighting of a Nooksack elk calf near Concrete, the illegal taking and possession of an elk from Pacific County, the illegal taking and possession of a cougar from Walla Walla County, and over the limit of turkey from Walla Walla County. In addition to weapons and meat from elk, bear, cougar, and turkey, a new four-wheel off-road vehicle was seized for forfeiture.

**May - Chief for a Day:** Officers Lee and Livezey represented the agency and displayed the WDFW Skagit River jet sled and a patrol truck at the Criminal Justice Training Commission for the annual “Chief for a Day” event. Fifteen disabled and terminally ill students participated in the event.

**July - Illegal Commercial Crabbing:** Officer Pinasco received a report of the Asian commercial fleet continuing to crab (reportedly in commercial quantities) under the guise of participating in the sport fishery. Officers Pinasco, Oosterwyk, and Jones staked out the fleet (5 boats) and contacted fishers on several, apprehending two subjects using at least ten commercial type pots, four on a ground line, and possessing 62 crab. The pots were seized and plans are being made to seize the boat. Charges are pending for closed season commercial crabbing, among others.

**August - The Famous Rainier Beer Drinking Bear:** Sergeant Heinck answered worldwide media requests for information and interviews concerning the now famous “Rainier Beer Drinking Bear.” The bear caught our attention by raiding an ice chest in a campground where he discovered and drank 36 cans of Rainier Beer. The bear ended up losing consciousness in the Baker Lake Resort. After receiving the complaint call from a park ranger, Sergeant Heinck and Officer Bauman responded. After photographing the scene, they trapped and relocated the bear using donuts, honey, marshmallows, and two cans of Rainier Beer for bait. Sergeant Heinck and Officer Bauman did on-camera interviews for KING and KIRO television stations. They then took the reporters and camera crews to the Baker Lake Resort for more interviews and photographs. Sergeant Heinck did a live interview for BBC Radio, which was broadcast from London, England. He also did a live interview for KMPS radio based in Seattle. Saturday morning, Sergeant

Heinck participated in a live radio panel discussion aired from Utah by Friends of the Animals. This is a national broadcast with affiliates in Los Angeles and Chicago. He gave advice on how to secure your food and beverages in bear country and what to do during an encounter or attack by a cougar or bear. Sergeant Heinck also returned calls, which included interviews to FOX Network News in New York, Metro Network News, KCPQ News, Reuters News Service, The Skagit Herald, and the Fort Worth Texas Newspaper. The bear story ran on the Associated Press. Sergeant Heinck and the bear were a topic on the Paul Harvey Radio Show. The story also was aired on the Today Show broadcast from the Olympics in Athens, Greece. In addition, Web sites such as Noncom, KING 5.com. and MSN.com featured the beer drinking bear story.



**October - Taxidermist Charged:** Officers Lee and Downes conducted an inspection of a new Skagit County taxidermist. They found numerous violations of untagged

waterfowl in the freezer and hunting licenses and tag numbers missing on the ledger. Officers seized the ledger and Sergeant Heinck and Officer Bauman assisted in reviewing the ledger and the hunters. Several well-known poachers were on the ledger as having brought animals in for work. One had a bull elk brought in with what appears to be a non-existent WILD number and tag. Officers followed up on this entry up as well as the general taxidermy ledger for additional charges.

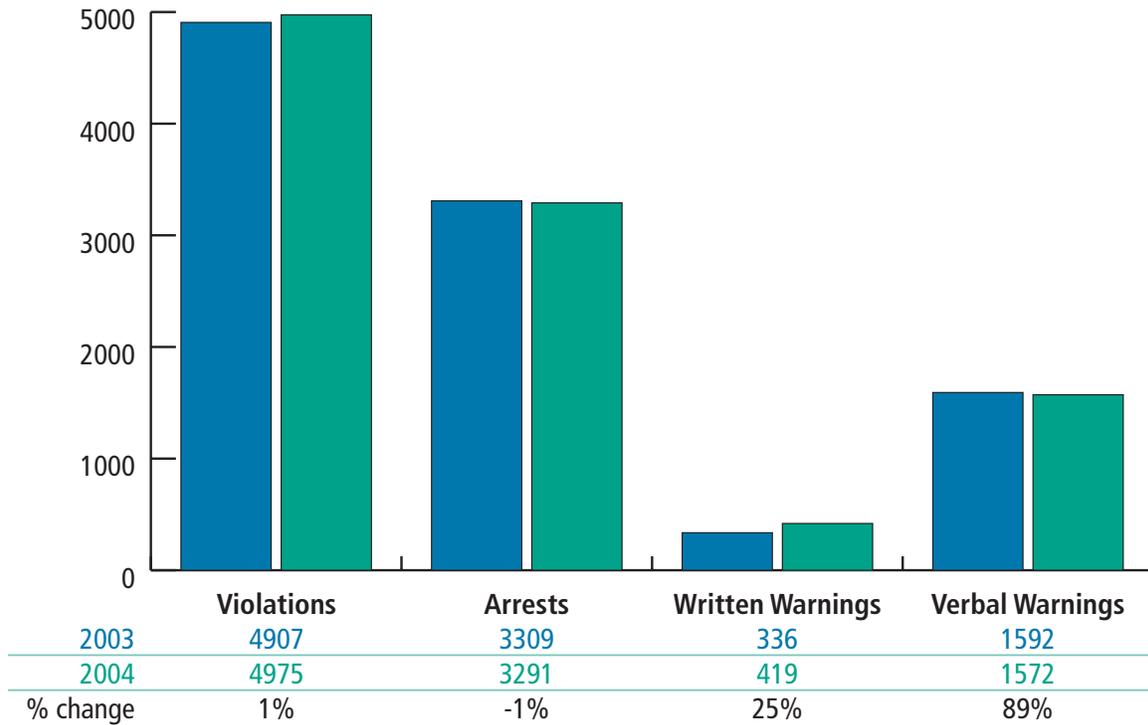
**December - Crime Does Not Pay:** As Sergeant Chandler was driving by an abandoned pier on Elliott Bay, he noticed a subject carrying something and went back for a closer look. He witnessed the subject tie a knot in a black garbage bag, put it down on the pier and walk away. The subject then got in his car and drove away. Sergeant Chandler investigated and found 5 Red Rock crab in the bag, two of which were undersize. Nearby were two unmarked crab pots hanging from the pier. Sergeant Chandler found a hiding spot and



after about 45 minutes the subject returned. He looked all over the pier for the bag he had previously left, but couldn't find it. He finally went over and pulled the two pots as Sergeant Chandler came up behind him. He did have a license, but the pots were unmarked and illegal because of no escape rings, and set during the closed season. As Sergeant Chandler was writing the citations, he noticed in his rear view mirror the subject dancing around behind the tailgate of his patrol vehicle. As it turned out, he thought he would reach into the

bag of crab in the back of the patrol vehicle and take one of his crabs back, putting it into the pocket of his hooded sweatshirt. What the subject hadn't planned on was the crab latching on to his finger while in the pocket. Not wanting to draw any attention to himself he grinned and bared it as he danced a jig trying to get the crab off his finger. The subject signed the citations with a bloody finger and a warning about tampering with evidence.

## REGION FOUR FISH AND WILDLIFE ENFORCEMENT ACTIVITY



## Region Four Officer of the Year



His peers and supervisors selected **Officer Jeff Lee** as Region Four's 2004 Officer of the Year. Officer Lee is a retired Sergeant from the Washington State Patrol, and, like many of the rest of us, has had a strong lifelong interest in our fish and wildlife resources. During his distinguished law enforcement career in the State Patrol, then Trooper and later Sergeant Lee regularly enforced fish and wildlife regulations. In 2001, Officer Lee was hired by the Washington Department of Fish and Wildlife and is stationed in Mt. Vernon. Officer Lee has attained an excellent reputation throughout his community for his skills, knowledge, and professionalism. Jeff brings a refreshing degree of enthusiasm to work with him every day. Officer Lee has earned the reputation of being an excellent investigator. One of his cases last year involved an incident with multiple suspects in three different counties that ended up with the filing of 24 charges involving big game and license fraud violations in Skagit, Snohomish, Asotin, King, Ferry, and Pacific Counties. Another memorable investigation resulted in

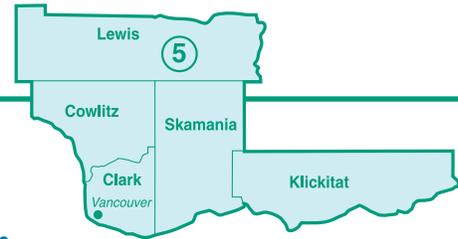
Officer Lee apprehended a waterfowl poacher last year for shooting 19 snow geese in one day! Yet another case involving several suspects who had 827 clams! Officer Lee participates regularly in the agency's Hunter education programs, attends local sport club meetings, is on the Executive board of the Burlington Kiwanis Club, and is a volunteer for the American Cancer Society Relay for Life event. He is a highly effective and reliable Department representative and problem solver.



# Region Five



Captain Murray Schlenker holds a Bachelor's of Science Degree in Wildlife Biology. He began his career with WDFW as a Biological Technician with the Game Department in 1985. The Region Five enforcement staff consists of two sergeants and an authorized staff of eleven officers.



## A Year in Region Five

**February - Catch-And-Release:** Officers Meyers and Orr made an excellent case after watching a sturgeon angler fishing from the bank on a remote beach during a catch-and-release day for sturgeon. The subject caught a 58-inch sturgeon and promptly disappeared into the brush. After making contact, only to hear that the fish had been released, they searched the surrounding area to find the fish had been tethered up in a nearby shallow pond. The subject was cited as he continued to deny, in an unconvincing way, that the fish was not his.

**April - Sturgeon Violation:** Officer Meyers had one arrest for removing an oversize sturgeon completely from the water in a closed area. In addition to that, Officer Orr observed a sturgeon angler catch a fish, tie it off to the bank, and then go to his vehicle to get some bags. Upon watching this, Officer Orr contacted Officer Hart and Officer Hart was able to make the contact as the angler was bringing the fish up to his vehicle. Upon contact, Officer Hart was able to determine the fish had not been recorded on the man's catch record card.

**June - Minors in Possession:** Officer Schroeder stopped at the Mickey Mouse Hole on the Toutle River on his way to Kelso. He observed five (5) males drinking alcoholic beverages in the afternoon sun. When he contacted them to ask for identification, none of the males had identification. Officer Schroeder ran the information that the males gave him and three of the subjects came back with Cowlitz County warrants. Officer Thomas arrived at the scene shortly thereafter. Unfortunately, the Cowlitz County Jail did not have room for the subjects. Two of the males were cited for minor in possession and one male cited for furnishing alcohol to minors.

**August - Hydraulic Violation:** Officer Jeschke and Habitat Biologist Bell investigated a hydraulics violation on the Tilton River. They discovered that a fifty-foot long, six-foot high earthen dam had been constructed on the Tilton River without any type of authorization. Officer Jeschke interviewed the equipment operator and obtained a full confession. One charge of unlawful hydraulics project was sent to the prosecutor's office by information for charging.

**October - Mount St. Helens:** Officers Thomas, Martin, and Foster spent one day and evening working SR 504 assisting Cowlitz County deputies with crowd control (volcano watchers). Sergeants Holden and Webb conducted a patrol of the St. Helen's monument and met with United States Forest Service Law Enforcement Officers. Sergeant Holden spent one day in meetings with local law enforcement and Emergency Management Service folks concerning emergency response to volcano activity. Sergeant Holden contacted the Lewis County Sheriff's Office concerning assisting their personnel with emergency response to volcano activity. Sergeant Webb had contacts with a Washington State Patrol Captain and staff, Sheriffs



Lucas, Mahoney, and Brown as well as under-sheriffs and staffs.

**December - Goose Emphasis Patrol:** Officers Hughes, Moats, and Hart conducted a Dusky

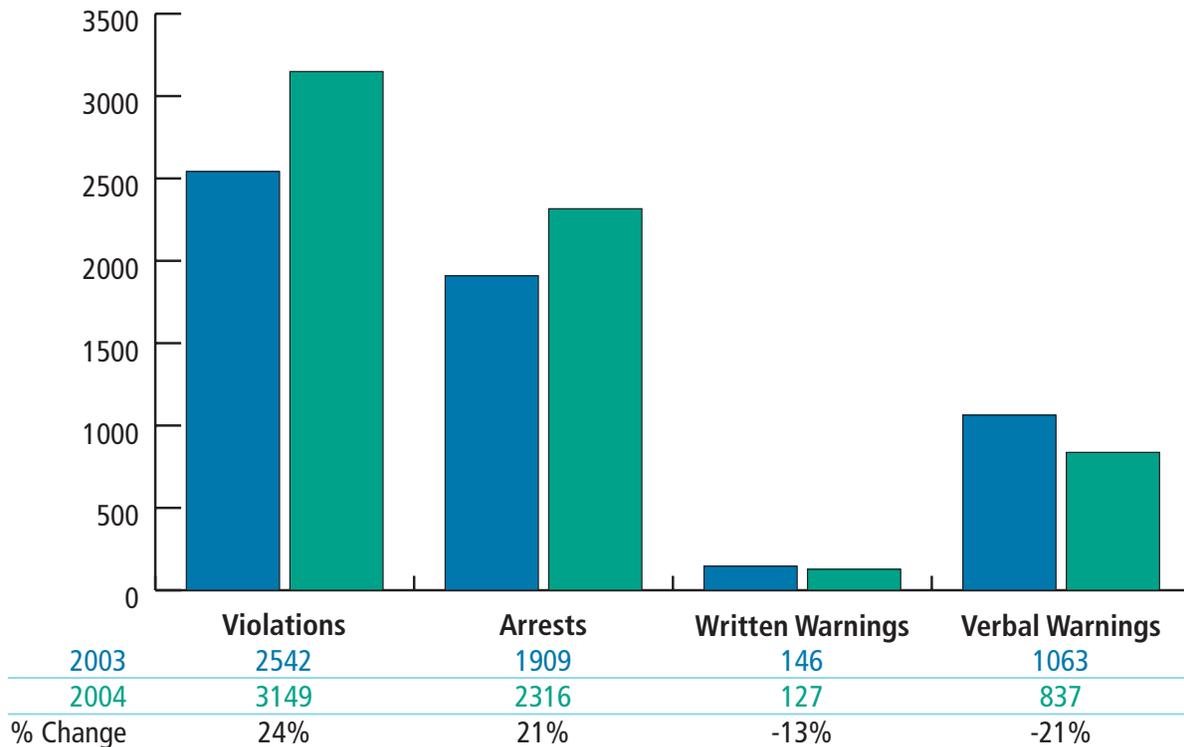
Canada goose emphasis patrol. Officers Moats and Hart utilized an unmarked vehicle for surveillance. Officer Hughes stopped vehicles as they left for goose checks.



Officers in the unmarked vehicle watched as three pheasants crossed the road while a hunter jumped out of his truck, grabbed his shotgun and dog and began pursuing them. The pheasant season closed November 30th. The subject was cited for hunting pheasant during the closed season. Another hunter was contacted just as he was about to leave with three unrecorded geese. He had the times he had killed the geese written down on

a piece of paper so he could record them quickly, but he was not expecting to be contacted by a plain clothes officer. He was cited for failure to record, and his goose card was revoked. Three other arrests were made, one for litter, one for no state migratory bird stamp, and one for unplugged shotgun.

## REGION FIVE FISH AND WILDLIFE ENFORCEMENT ACTIVITY



## Region Five Officer of the Year



**Officer Gary Orr** is stationed in the Carson District located near Stevenson, adjacent the Columbia River Gorge. He works closely with the Columbia River Intertribal Enforcement Officers and assists with investigations of both tribal and non-tribal members. Officer Orr is heavily involvement in ESA Bull Trout enforcement and protection in the Upper Lewis River Valley and he has contributed greatly to the success of a recovering adult breeding population to that area. Officer Orr monitors the rugged Wind River Canyon, the popular Drano Lake steelhead and salmon fisheries, as well as many fisheries of the Columbia River. These are some of the most popular and heavily used fisheries in the state.

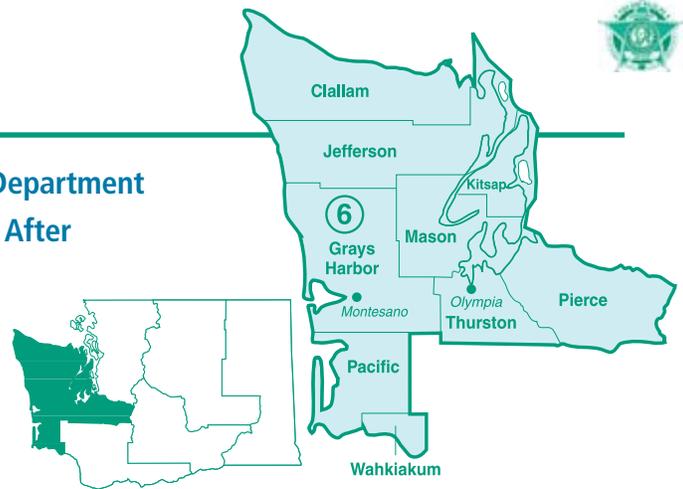
Officer Orr's enforcement efforts toward protecting the sensitive White Sturgeon population in the area and his coordination with Oregon State Police led to several key arrests during 2004.



# Region Six



Captain Dan Brinson was hired by the Department of Fisheries as a Patrol Officer in 1987. After Captain Ralph Woods retired, he became the Captain of Region Six in July 2004 after serving seven years as an officer and ten as a sergeant. Captain Brinson earned a Bachelor of



Science Degree in Wildlife Management with a Minor in Criminal Justice from Washington State University. He supervises three sergeants and 17 officers.

## A Year in Region Six

**January - Cougar Sightings:** Officers in Region 6 were inundated with cougar complaints. The cougar attack on the California bike rider precipitated more sightings and complaints. As of 1/10/04, nineteen (19) calls for service regarding cougars. Out of the 19, two (2) were verified and the other 17 were determined to be domestic dogs or bobcats. Officer Johnson responded to a verified cougar sighting in the Prairie Ridge housing development adjacent to Bonney Lake. A Pierce County K9 unit witnessed a cougar and a kitten walking near a residence. Officer Johnson arrived, photographed the tracks, and spoke to a few of the near-by residences. At approximately 0030 hours, Officer Johnson was notified that the cougar and cub were treed. Officer Prater then responded to Officer Johnson's location to assist. However, while Sergeant Jackson was en route it was determined that the treed animals were raccoons.

**March - Suspects Pled Guilty:** Three (3) suspects in a big game case Officer James put together, pled guilty to multiple charges of hunting big game (deer and elk) closed season, possession of big game (deer and elk) closed season, exceeding bag limit (deer and elk), failing to tag, wastage and unlawful use of a license, in Grays Harbor District Court. The prime defendant was sentenced to 90 days and \$7,000 in penalties. He immediately began serving his time. The case involved the killing of multiple elk and deer in the Quinault area and started when Officer James responded to a call for assistance by a Grays Harbor County Deputy at 0200 hours one morning in December 2003. The suspects

still face charges in Jefferson County District Court for the killing of two (2) spike elk in the same case.

**May - Overharvest of Oysters:** Officer John issued citations to one subject for several Title 69 violations. Violations included commercially harvesting oysters on two uncertified beaches in the Union area. There were a total of 418 sacks of illegal oysters on the beaches. Two of the beaches harvested involved property that the owners did not want to be harvested. The subject was also cited for trespass, as well as not monitoring his crew during the harvest.

**July - Ward Lake Access Site in Thurston County:** Captain Brinson met with Olympia Police Department (PD) regarding community concerns over the Ward Lake Access site. The neighboring residents are complaining about the loud summer crowds, litter, and underage drinking. Sergeant Jackson and Officer Haw attended a community meeting with Olympia PD on Friday to address their concerns.

**September - Illegal Salmon Fishing:** While on patrol along the Hump Tulips River, Officers Alexander, and James observed a subject tending a short gillnet near a residence. The officers observed four subjects at a residence, on the river where the net was being tended. They contacted Sergeant Rhoden, Lieutenant O'Hagan, and Officer Klump for assistance. Officer James observed the subject in the boat tend the net several times and remove 5 salmon, taking the fish to the residence. Upon contact, they arrested the subject in the boat and found numerous fish. Arrests where

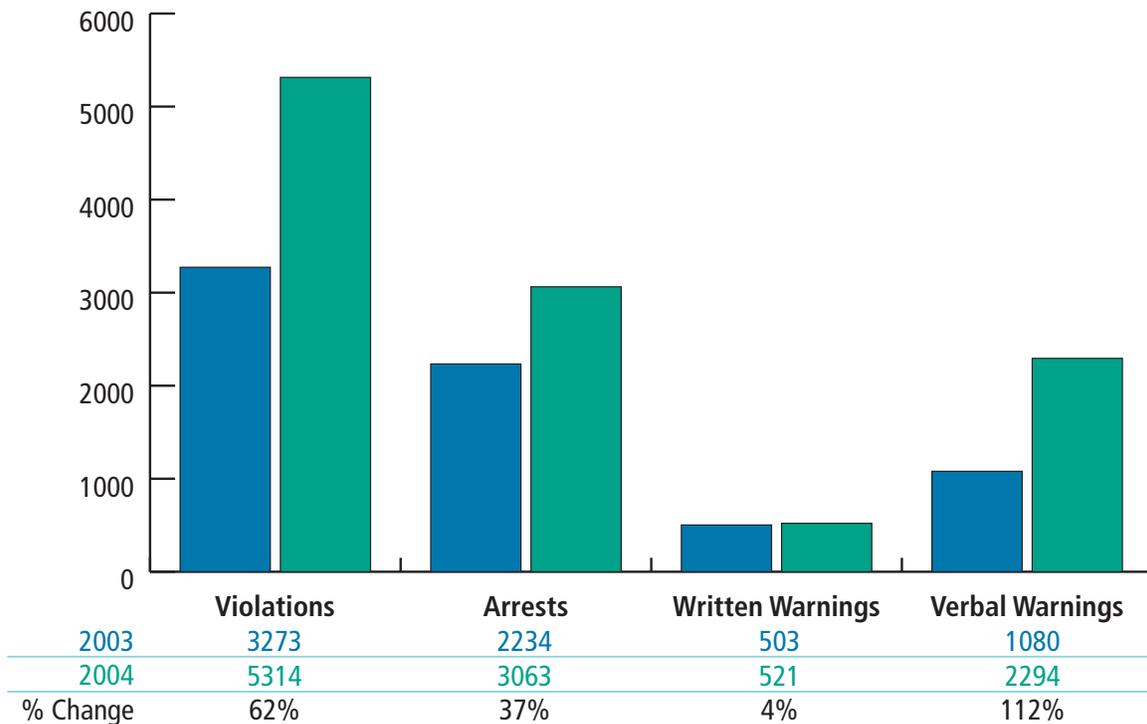


made for illegal use of a net, closed waters, no license, marijuana under 40g, and drug paraphernalia. The boat and the nets were seized. The Humptulips River does not open for salmon until October.

**November - Multiple License Violations:** Officer Wickersham developed information following a tip in July of 2004 about several subjects poaching elk and transporting them into Oregon. Officer Wickersham found that the subjects were purchasing resident hunting and fishing licenses in Oregon and Washington. Using the information, Officer Wickersham wrote a search warrant for several residences in the Naselle area.

Last week, Oregon State Police (OSP) advised Officer Wickersham that one of the subjects was stopped with elk meat taken in Oregon. The subject used an Oregon resident hunting license and tag and is a Washington resident. Officer Wickersham finalized his search warrant that was served at one residence in Wahkiakum County with the assistance of Officers Spurbeck, Brightbill, Alexander, Chadwick, Hopkins, and Captain Cenci, Oregon State Patrol (OSP) troopers, Wahkiakum County Deputies, and Cowlitz drug task force officers. Officer Wickersham located evidence of multiple license violations and seized elk meat and other evidence. OSP plans to charge the subject with felony license fraud.

## REGION SIX FISH AND WILDLIFE ENFORCEMENT ACTIVITY



## Region Six Officer of the Year



**Officer Phil Henry** demonstrates his commitment to the fish and wildlife resources of the State of Washington through his professionalism and his unique ability to work through tough issues by bringing diverse groups of people together. He was recognized for the Region Six “Espirit de Corps” award this year for working so closely with the other programs in the Department of Fish and Wildlife and local governments and communities. The knowledge and skills he has developed throughout his career have given him the reputation as mentor to our new officers and recently earned him a promotion to rank of Sergeant, where he supervises one of the four Marine Detachments.



# Statewide Marine Division



**Captain Mike Cenci, who has a Bachelor of Science Degree in Environmental Science, was originally hired as a Fisheries Patrol Officer in 1990. He was promoted to Sergeant in 1997. In 2001, he was promoted to Captain and was assigned as the first commander of the newly created Statewide Marine Division.**



In July 2001, three enforcement detachments were merged to create a Statewide Marine Division. A fourth detachment was added in July 2002. This alignment was designed to provide uniformity in enforcement priorities, coordination of patrols, and consistent policy implementation. The division is comprised of eighteen officers, including one captain and four sergeants that enforce state and federal fish and wildlife laws within the 3,026 miles of the Puget Sound and coastal marine waters. The division fleet consists of a variety of vessels from 27-foot rigid hull inflatable boats to a 56-foot patrol vessel.

## Marine Division Detachments:

- *Columbia River / Coastal Marine Detachment:* Operational responsibility includes coastal waters from the U.S. –Canada Border at the mouth of the Strait of Juan de Fuca to the Oregon- Washington border and the Columbia River from its mouth upstream to Longview.
- *Strait / Hood Canal Marine Detachment:* Officers conduct fish and wildlife enforcement efforts on the marine waters of the Strait of Juan de Fuca to the Foulweather Bluff area and Hood Canal.
- *South / Central Sound Marine Detachment:* Fish and Wildlife Officers have the primary responsibility for enforcing sanitary shellfish laws delineated in Title 69 of the Revised Code of Washington (RCW). The detachment is also responsible for monitoring all commercial food fish and shellfish trafficking at the wholesale dealer and retail levels in the areas within the detachment boundaries, including Sea-Tac International Airport.
- *North Sound Marine Detachment:* These officers are responsible for commercial and recreational fishing activities in Puget Sound waters from Edmonds north to the U.S./Canada border.

## A Year in the Marine Division

**February - Unlicensed Dealers:** An emphasis patrol in Westport was coordinated by Officer Klump and focused on the detection of undocumented product purchased or transported off the fishing vessels by unlicensed buyers or directly by the fishers in violation of take-home limits. The weather did not cooperate as a severe windstorm caused most of the fleet to stay at port. However, officers still managed four separate arrests for possessing commercial crab without documentation on a fish ticket, exceeding take-home limits, and purchase or barter shellfish without a Wholesale Dealer License.

**April - Shrimp Emphasis Patrol:** Sergeants Chandler and Mullins designed “Operation Jumbo Shrimp 2004” to meet the enforcement demands of a wildly popular recreational shrimp opening in the marine waters between Elliot Bay and the San Juan Islands. This two-day emphasis was a cooperative effort involving all North Sound Marine Officers and four Region Four Land Officers. Officers contacted as many shrimpers





as possible, both on the water and at local marinas and boat launches. Overt and covert presence was emphasized where there has been a history of non-compliance, such as Edmonds and South Lopez Island. Approximately 350 contacts were made and 15 citations were issued for various shrimp violations. While success appeared to be fair to good, and compliance relatively high, major overlimit violations were found. Sergeant Chandler contacted three individuals at the private moorage at Edmonds Marina with about 1,800 shrimp stuffed in just about every void of their vessel. Another individual eventually confessed to dumping his illegal catch when he saw WDFW officers approach. The illegal shrimp were recovered and the violator cited.



**June - Operation Monkey Fist:** Nine (9) Marine Division Officers and five (5) Region Four Officers participated in Operation Monkey Fist. The three-

day emphasis patrol, designed by Sergeant Mullins, was intended to provide comprehensive law enforcement coverage for the 2004 recreational crab fishery season openings. Four patrol vessels were utilized in conjunction with coverage on the docks. In recent years, the recreational pressure on the Dungeness crab fishery has significantly increased in each of these areas and co-managers expressed concern over the perceived high violation rate. Participating officers made 868 citizen contacts and issued 173 citations and 184 warnings for a variety of offenses, to include: failure to record crab catch, possession of undersized crab, exceeding the daily and possession limits for crab, mutilating crab so that sex and size could not be determined, failure to submit catch for inspection upon request, fishing in a closed area, possession of soft shelled crab, possession of female crab, exceeding the daily limit for hard shell clams, possession of shellfish without a license or record card, possession of drugs and drug paraphernalia, minor in possession of intoxicants, no life jackets, failure to register vessel and other violations. Compliance with overall recreational crab rules is estimated at only 60%.



**August - Closed Season Commercial Crab Investigation Concluded:** Marine and Land

Detachments successfully concluded a collaborative investigation into closed season commercial crab poaching by seizing two 30' vessels for



forfeiture proceedings. The suspects, who are licensed commercial fishers, have been previously investigated for harvesting and selling thousands of pounds of crab taken during the closed season (about 70K worth). The discovery of the illegal harvest actually became the reason behind an early closure of the commercial season last year. Action by the King County Prosecutor's Office on those problems is still pending. In the meantime, the suspects continued to poach crab and we continued to get the complaints. The investigator on the original case was Nick Jorge, and because of his excellent follow-up work and the recent work by both land and marine, we were able to observe additional violations and justify the vessel seizures. The modus operandi (MO) is to fish with crab pots attached to submerged long lines. The invisible gear was deployed before any commercial or sport season. Crabs are stockpiled. The sport season is simply a cover for being active on the grounds. A few legal crab pots were deployed with single visible buoys in an effort to blend in with the sport fishers. Officer Vandivert put together a 24-hour surveillance plan after Officers Pinasco and Oosterwyk caught one of the suspects using groundlines and possessing over limits of crab during the sport season. One of the main suspects in the original case fished during the closed sport or commercial season and was observed checking two different ground lines. Officers worked all night at the marina and long days on the water in an undercover capacity from Thursday to Saturday. Participants included: Officers Pinasco, Jones, Vandivert, Beauchene, Maurstad, McCormick, Sergeants Mullins, Lambert, and Captain Cenci.

**October - DUI/Auto Theft:** Captain Cenci attempted to stop a suspected drunk driver when the suspect cruised by him on I-90 at a speed exceeding 90 MPH. The subject attempted to elude him and a chase ensued, ending with the suspect crashing over an embankment. The engine caught fire and Captain



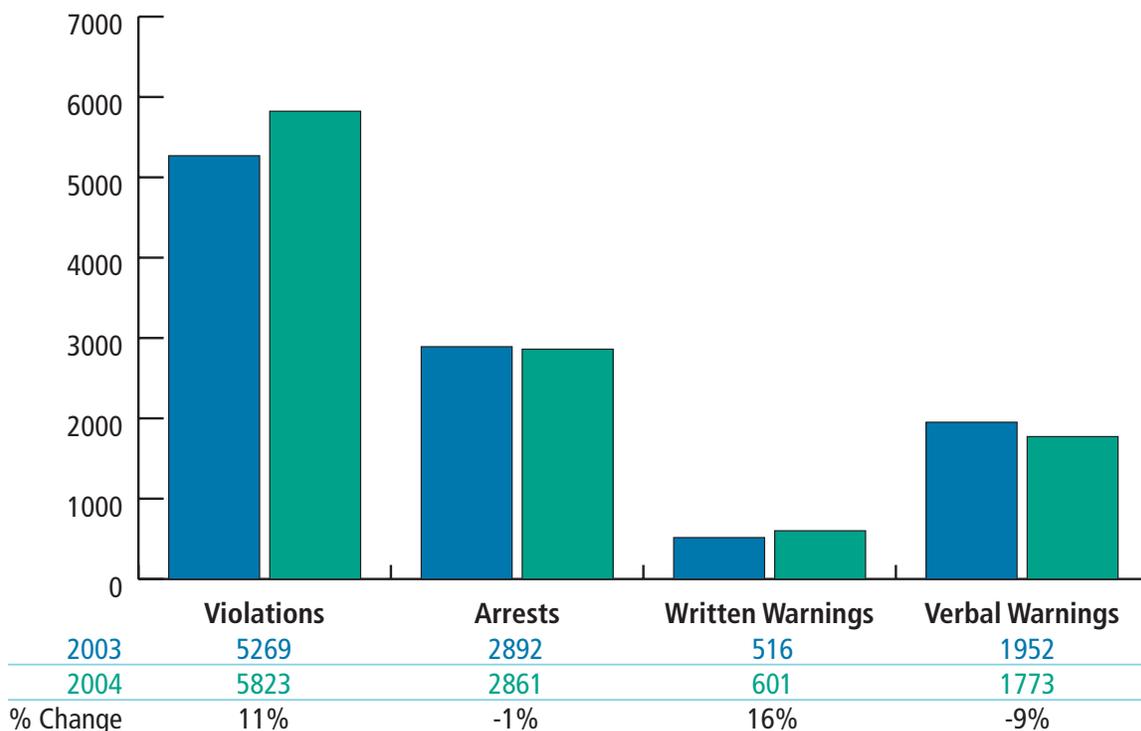
## Statewide Marine Division...

Cenci was not able to extinguish it. He pulled the subject from the car. Captain Cenci learned that the car was stolen and had been reported as erratically driven on I-5 near the Mercer turnoff three hours earlier. Troopers were unable to locate the car at that time. The suspect was intoxicated and had an extensive criminal history, including active arrest warrants, felony convictions, and four previous convictions for driving while intoxicated. This is his fifth DUI arrest. He was hospitalized with broken bones and when he was released three days later, WSP troopers booked the suspect into the Kittitas County jail.

**December - Sea Urchin Season:** The opening day of the Commercial Red Sea Urchin season in the Strait of Juan de Fuca resulted in a much lighter participation than anticipated. The lower effort resulted in a meager harvest (5000 lbs.), which resulted in the season being longer than expected. An additional twist is that the seasons overlapped, which was not caught when the regulation was initially set. The overlap will have

a possible enticement for the fishermen to violate a closure. The Red Sea Urchin fishery will be open in Urchin District 4 and closed in Urchin district 3, while on the same day it will be legal for fishermen to harvest Green Sea Urchins in Urchin district 3. A stepped up presence on the water is the only way to counter the possibility of fishermen harvesting Red Urchins while “fishing for Greens” then scooting into the open area. Officers Anderson, Miller, and Schmidt along with Clallam County Deputy Gary Velie conducted on the water monitoring in Urchin district 4. The boat patrol was conducted aboard the patrol vessel “Guffler” and went from Port Angeles west to Pillar point. The patrol focused on patrolling the closed area (Urchin district 3) while in-route to check the fishermen in the open water. No illegal activity was encountered in either area. The boat patrol was then followed up with offload monitoring being conducted by Officers Anderson, Baker, and Mossman.

### MARINE DIVISION FISH AND WILDLIFE ENFORCEMENT ACTIVITY





## *Marine Division, WDFW Officer of the Year*

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**Officer Todd Vandivert** typifies what is expected of Fish and Wildlife Officers. He has excellent people skills, excels as a boat operator, and is an effective investigator and enforcer of fish and wildlife laws. Todd maintains a very high caseload related to investigations and felony arrests resulting from the discovery of high profile fish and wildlife crimes.

The Washington Department of Fish and Wildlife (WDFW) has named Officer Todd Vandivert statewide Officer of the Year. He is a veteran fish and wildlife enforcement officer with a distinguished record of service on both sides of the Cascades.

Vandivert, a WDFW Marine Patrol officer stationed in Anacortes, won top honors from supervisors and fellow officers for his law enforcement work in Skagit and San Juan counties from July 1, 2003 to June 30, 2004.

During that period, Vandivert made more than 2,400 public contacts and 533 arrests in cases involving everything from commercial fishing violations to big game poaching. That represents more than half of all the arrests made by officers in WDFW Detachment 13, which includes five counties in northwest Washington.

Not a single complaint was filed in any of those cases, said Chief Bruce Bjork. “In fact, we received favorable comments from several violators about how professionally they were treated,” Bjork said. “Officer Vandivert is a highly skilled investigator, who consistently makes good cases. He is an excellent example for all of our officers.”

In that capacity, Vandivert has been an active participant in WDFW’s training program for new officers and taught special classes in crime investigations. He also teaches classes focusing on methamphetamine labs, a health hazard increasingly encountered by officers enforcing fish and wildlife laws.



# Statewide Investigative Unit (SIU)

The SIU is comprised of four (4) detectives who investigate major complex and organized criminal conspiracies involving Washington State fish and wildlife resources, and one detective who does background investigations on officer candidates. In 2004, detectives reported directly to the Deputy Chief of Operations, Bill Jarmon.

SIU investigations may be covert or overt and are confidential and sensitive in nature. These investigations are the most difficult to conduct because of the numerous and complex federal, state and tribal laws and rules.

Detectives regularly operate undercover vehicles and vessels and work in various covert capacities. They are experts in working with and managing informants. Some investigations may last for a year or more and the detectives must be available for duty 24 hours a day, 7 days a week to deal with problems as they arise. Each detective has skills in the use of computer spreadsheets, presentation programs, databases and is able to conduct forensic analysis of business documents to help prepare a case for prosecution.



In 2004, Detective Bill Jarmon was promoted to the Enforcement Program position of Deputy Chief and Detective Kevin Harrington retired after 30 years of state employment. Detective Paul Golden was promoted from his field officer position in Port Ludlow to the position of Detective in SIU. These actions resulted in the net loss of one SIU detective position. Detective Golden spent a good portion of 2004, after his promotion in August, attending career development training as mandated by the position of Detective. Some of the classes he attended as part of his training included Scientific Content Analysis and the (2 week) Western States Wildlife Investigators

Covert/Overt Training Academy, which he attended with Detective Mack Peterson. Detective Golden also attended 80 hours of Firearms Instructor Course training and became a Firearms Instructor for the Enforcement Program.

During 2004, more than 33 background investigations were completed on individuals who had applied for vacant officer positions. Detectives tested more than 100 applicants for officer vacancies. Detective Buerger oversaw the recruitment committee and participated in four college/Criminal Justice Committee Recruitment fairs. These background investigations are an important component in ensuring that future Fish and Wildlife officers are of the highest quality.

In 2004, all SIU detectives participated and provided officers with assistance in a major marketplace emphasis in King, Pierce, and Thurston counties. Detective Ed Volz prepared an instructional PowerPoint Presentation which was presented by Captain Mike Cenci to state, federal and tribal officers/agents at the NOAA facility in Seattle. In attendance for this training were National Marine Fisheries Service (NMFS) agents from throughout the northwestern United States, Immigration and Customs Enforcement (ICE) agents, and several tribal representatives. Detectives Paul Golden and Mack Peterson identified suspicious marketplace targets for the emphasis patrol and then collected all the records recovered by officers which identifying sales and shipments of foodfish/shellfish via major airlines. Detectives Peterson and Golden organized thousands of these documents into spreadsheets and subsequently provided the spreadsheets to officers and detectives for investigations.

SIU Detectives also participated with the Marine Unit in "Operation Orange Crush" off the north coast of Washington. This operation was an emphasis to monitor the sport halibut fishery and protect the closure areas adjacent to the fishery. Detectives monitored the fishing fleet by air and interacted with sport fishers while working in a covert capacity aboard the SIU undercover vessel. Marine Officers were able to effect several arrests as a direct result of the undercover work of SIU detectives.

Detectives worked on joint investigations with Canadian federal and provincial officers throughout the British Columbia area. Detective Pudwill interacted with Idaho Fish & Game Investigators, Oregon Fish/Game Officers,



United States Coast Guard (USCG) Investigators, and British Columbia Provincial Officers in the arrest and prosecution of a habitual big game violator, Christian Witt. For years Witt poached dozens of species of big game in Oregon, Washington, and Idaho. Detective Pudwill's extensive cooperative investigation included violations of: Unlicensed Charter operations (salmon and sturgeon) in Washington and British Columbia; hunting during closed seasons, bag limits and tagging violations in Idaho; and the illegal importation of illegally taken/possessed big and small game in Washington and Oregon. Multiple felony and misdemeanor charges are still pending in Idaho and Washington and both Christian Witt and his father were arrested in British Columbia for unlicensed chartering/guiding. Their vehicles, vessels and gear were seized and forfeited (\$100,000) and they were charged with unlicensed guiding and violating Canadian labor laws. They were fined \$25,000 in British Columbia and are awaiting charges by the USCG for operating a charter vessel without USCG licenses.

Detective Peterson worked extensively with other law enforcement agencies establishing wireless video surveillances on subjects under SIU investigations. These subjects have been landing commercial harvests without reporting as required and then shipping the product to out of state/country businesses. Detective Peterson worked several case investigations in part with field officers. Multiple charges were filed in Skagit County for failure to report harvests of quota species on Fish Receiving Tickets. A vessel crewmember made illegal sales of halibut to a Port Angeles restaurant and eventually pled guilty to felony Trafficking in Sport halibut while the market owner is still awaiting trial. Detective Peterson also worked with local Fish and Wildlife Officer in undercover sales of subsistence razor clams from uncertified beaches. The tribal members involved in these violations were both arrested and charged with Trafficking charges. Detective Peterson worked several investigations with federal NMFS agents involving commercial buyers in the Neah Bay area. One of these cases was presented to the United States Attorney's office for prosecution. In addition, Detective Peterson worked extensively with agents from Homeland Security, USCG, ICE, and the Olympic Peninsula Narcotics Enforcement Team.

Detective Volz was the lead investigator on two major investigations. The first case against Clearbay Fisheries, Inc., is a civil extension of an organized crime (RICO) prosecution. Detective Volz worked with Assistant Attorney Generals from the Attorney General's Office to file a civil lawsuit in Thurston County against the company. Allegations against the owners of Clearbay Fisheries, Jeff Abuhlet and Julian Ng financed the Doug Tobin conspiracy and as a result benefited from a financial point of view. The investigation began when Detective Volz discovered underlying liens of Tobin's vessel, the Typhoon. The liens, attached to the vessel by Clearbay had to be satisfied prior to liquidation and despite the vessel forfeiture to the state as a part of the Tobin conviction, the vessel liens had to be remedied. In consultation with the Attorney General's Office (AGs), the WDFW and Department of Natural Resources (DNR) agreed to attempt to recover damages and relieve the vessel of Clearbay liens. Based upon civil statutes the AGs are seeking to recover up to \$11 million dollars of restitution and complete ownership of the vessel.



Detective Volz, with help from other SIU detectives, was assigned to complete the investigation of an individual who was involved in a criminal conspiracy beginning in 2001, which involved the alleged theft from Pierce County of more than 380,000 pounds of geoduck with an estimated value of \$2.6 million. The case involves the United States Attorney, NMFS, Pierce County criminal and civil prosecutors/ investigators, and potentially the Federal Bureau of Investigation and Internal Revenue Service. Detective Volz also was the contract manager in establishing a contract with a forensic accountant to verify financial records for both the Clearbay Fisheries investigation and the geoduck theft case from Pierce County. The investigation in Pierce County is far reaching and potentially may address issues of public official corruption, organized crime charges, and violations including tax fraud and tax evasion prosecuted through the United States Attorney's office.



# Headquarters

Headquarters staff includes the Chief, Assistant Chief for Administration, Deputy Chief of Operations, one captain, two lieutenants, four professional staff, six clerical staff, four Hunter Education staff, two warehouse staff, two pilots, and two full-time equivalent support staff. Headquarters staff performs a variety of administrative and support functions including hunter education, recruitment, training, accreditation, supplies, policy writing, issuing of permits, customer service, records, research and planning, budget, legal and legislation.

## Recruitment

The Program, with support from WDFW and the State Department of Personnel, recruits, tests and selects applicants for Fish and Wildlife Officer positions. During March and September 2004, the Program conducted two recruitment cycles and received 88 applications for employment. On initial review, 12 applicants failed to meet the minimum qualifications for the position and 12 others were rejected based on background-related issues. Sixty-four candidates were notified of physical and written testing dates, with 22 failing to attend and eight failing the physical testing. An additional five applicants failed written testing, resulting in 29 candidates who completed oral testing and were placed onto the Fish and Wildlife Officer 1 register. Of those that were referred and continued through the psychological, polygraph, and final medical exams, 10 were offered positions. Five have completed the Basic Law Enforcement Academy, three are currently attending, and two were prior commissioned peace officers. Those not currently in the academy are completing field training and will move to independent work status during the first half of 2005.

## Accreditation



The Enforcement Program is one of only two fish and wildlife agencies in the United States accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). The WDFW Enforcement Program was awarded recognition status in March 2003 and is currently working toward full accreditation through the CALEA Alliance Program and the Washington Association of Sheriffs and Police Chiefs (WASPC). The program will be assessed by CALEA again in December 2005.

## Permits

Under the authority of RCW Chapter 77, headquarters personnel issued the following types and numbers of permits during 2004. Permits issued by regions are not indicated.

PERMIT TYPE	# PERMITS ISSUED 2004	# PERMITS ISSUED 2003	% Change
Special Trapping Permits	597	549	8.74%
Timber Damage Permits	178	16	1012.5%
Public Safety Cougar Permits	12	61	-80.3278% <sup>1</sup>
Snag Permits	10	9	11.11%
Salvage Permits	9	9	No Change
Special Wildlife Permit	5	4	25%
Nuisance Wildlife Operator Permits	19	25	-24%
Scientific Collection Permits	576	434	32.718%

<sup>1</sup> During 2004 a new pilot program was initiated that allowed the use of dogs to kill and pursue cougar in five eastern Washington counties. This new program replaced the Public Safety Cougar Permits in those counties.



## Hunter Education

RCW 77.32.155 requires all first-time hunters born after 1/1/72 to show evidence of successful completion of an approved hunter education safety-training program before purchasing their first Washington hunting license. The Hunter Education Division provides administrative support to the required Basic Hunter Education Program, including the Advanced Hunter Education, Bow Hunter Education, and Trapper Education Courses.

The Hunter Education staff's main functions are to coordinate class schedules statewide, recruit and train instructors—including both pre-service and annual in-service training—develop and distribute program manuals and materials, maintain program records and produce the Enforcement Program Hunter Education Division Annual Performance Report.

Fiscal Year (FY) 2004, witnessed a 15% increase in student numbers, with 14,907 students enrolled in hunter education programs. This includes 13,531 students in basic hunter education, 878 Advanced Hunter Education students, 451 home study students, and 68 Bow Hunter Education students. There were 701 instructors for this same period.

There were no fatal hunting incidents and 13 non-fatal hunting incidents recorded in FY 2004.



# Officer Conduct/Complaints (CALEA 52.1.11)

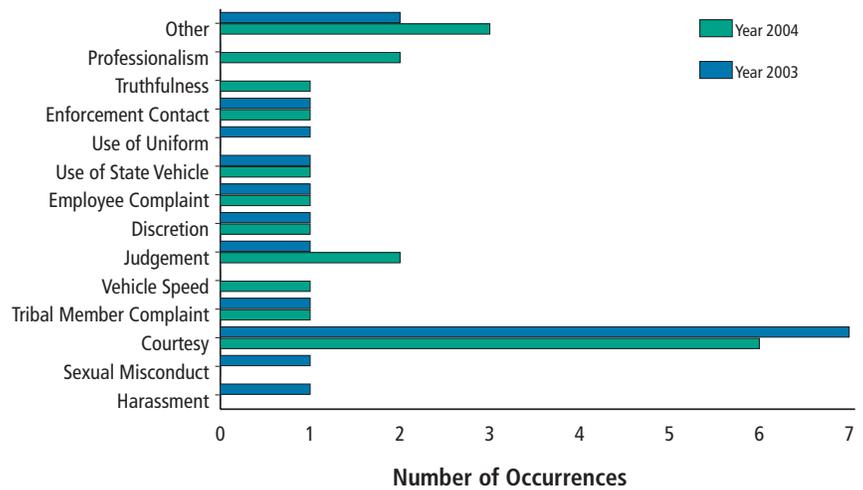
The Enforcement Program accepts verbal or written complaints against any of its employees. An Enforcement Program employee who receives a complaint is required to record the reporting party's name, phone number and name of the employee involved and attempt to immediately refer the reporting party to the employee's immediate supervisor. If a supervisor is not available, the employee is asked to courteously and promptly record as much about the complaint as possible. The complaint is forwarded to the employee's supervisor or next level supervisor. Complaints of misconduct against the Program or Department are forwarded to the Deputy Chief and Chief for review.

A complaint may be filed by calling (360) 902-2936, or any Regional office listed on our Web page (<http://wdfw.wa.gov/enf/enforce.htm>), Monday through Friday, 8 a.m. to 5 p.m. You may also file your complaint by mailing a letter to:

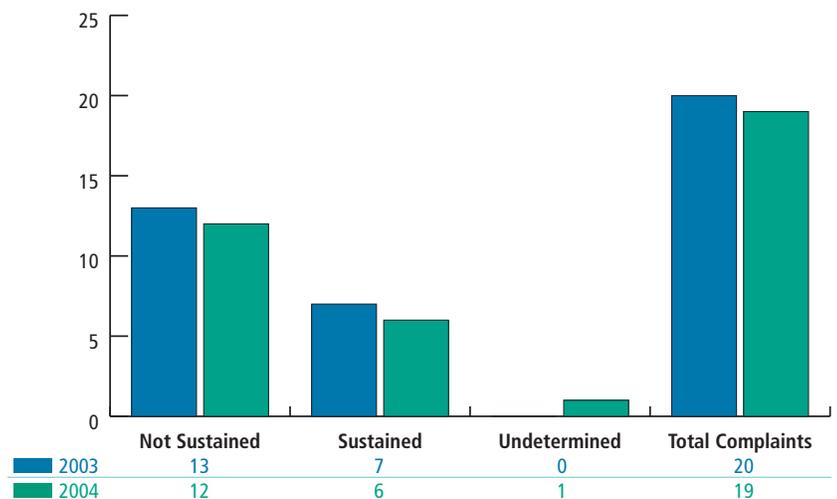
Chief Bruce Bjork  
Department of Fish and Wildlife  
Enforcement Program  
600 Capitol Way North  
Olympia, WA 98501-1091

Citizen complaints against officers in the Enforcement Program were down in 2004: 19 compared to 20 in 2003. As displayed in the first chart, courtesy continues to cause the greatest number of complaints.

## COMPLAINTS BY TYPE



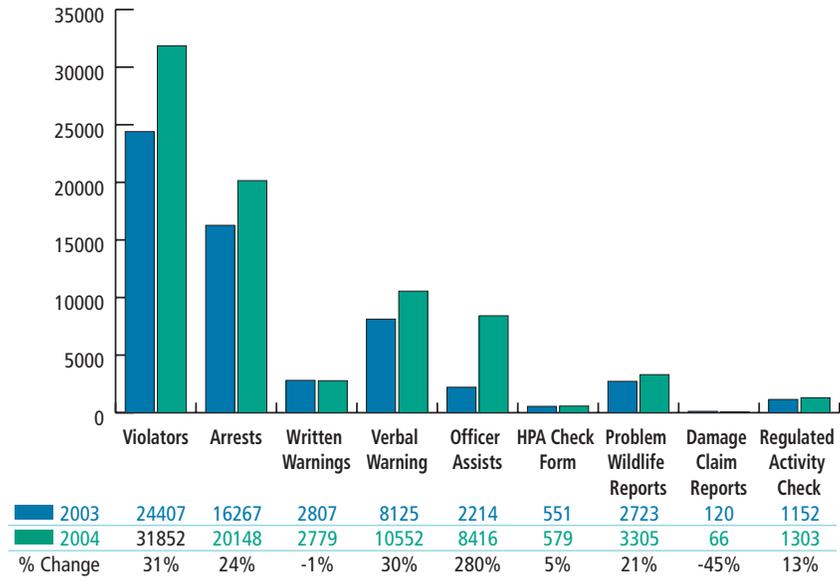
## COMPLAINT DISPOSITION



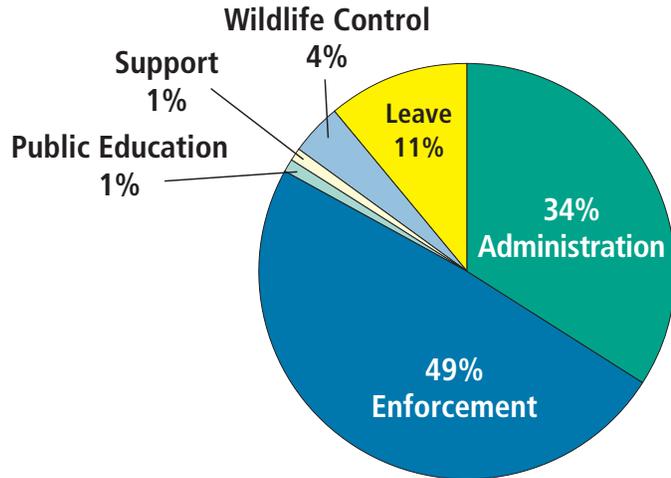


# Enforcement Statistics

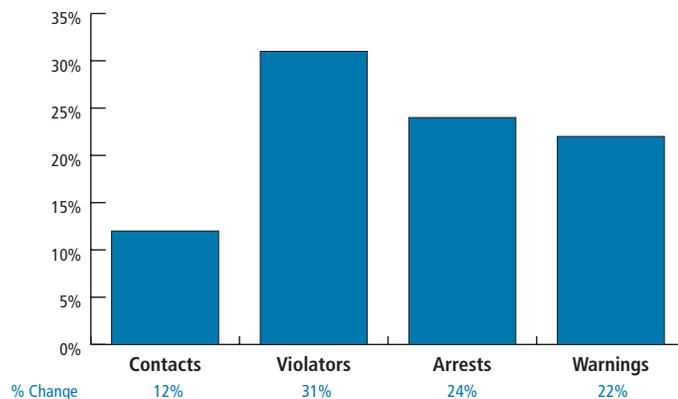
## TOTAL ENFORCEMENT PROGRAM ACTIVITY



## ACTIVITY CHART



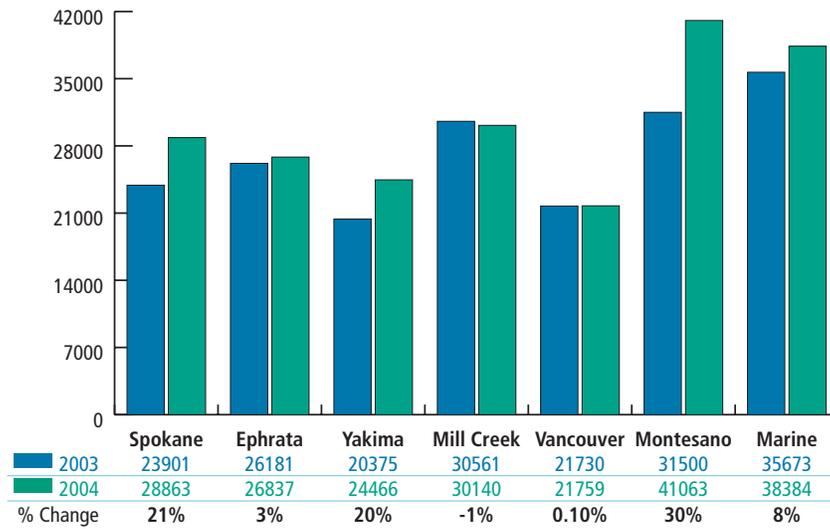
## ENFORCEMENT PROGRAM ACTIVITY PERCENT INCREASE 2003-2004



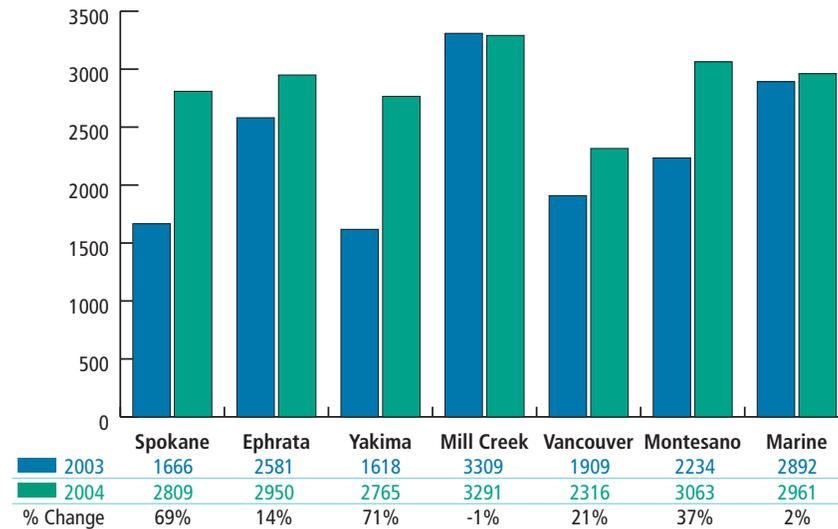


# Enforcement Statistics cont.

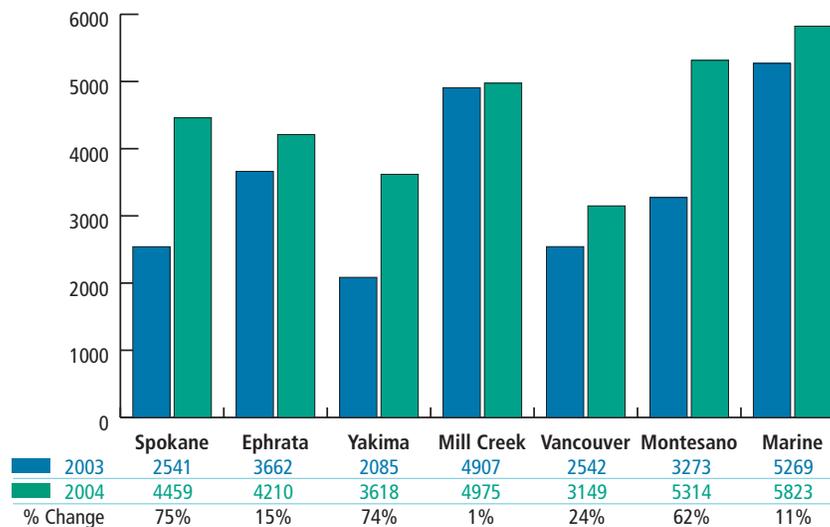
## ENFORCEMENT CONTACTS BY REGION



## ARRESTS BY REGION



## VIOLATORS BY REGION





# Enforcement Statistics cont.

## FISH AND WILDLIFE ENFORCEMENT CONTACTS

Region	Contacts		Violators		Arrests		Written Warnings		Verbal Warnings		Officer Assists	
	Years	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003
Spokane	23901	28863	2541	4459	1666	2809	537	628	534	1198	174	1180
Ephrata	26181	26837	3662	4210	2581	2950	535	347	1225	1488	358	1278
Yakima	20375	24466	2085	3618	1618	2765	228	136	659	1243	134	784
Mill Creek	30561	30140	4907	4975	3309	3291	336	419	1592	1572	714	649
Vancouver	21730	21759	2542	3149	1909	2316	146	127	1063	837	496	911
Montesano	31500	41063	3273	5314	2234	3063	503	521	1080	2294	168	1238
Marine	35673	38384	5269	5823	2892	2861	516	601	1952	1773	130	2244
HQ/SIU	935	2001	128	304	58	93	6	0	20	144	40	132
<b>Total</b>	<b>190856</b>	<b>213513</b>	<b>24407</b>	<b>31852</b>	<b>16267</b>	<b>20148</b>	<b>2807</b>	<b>2779</b>	<b>8125</b>	<b>10552</b>	<b>2214</b>	<b>8416</b>
<b>% Change</b>	12%		31%		24%		-1%		30%		280%	

## ENFORCEMENT HOURS BY FISH/WILDLIFE TYPE

Region	Big Game		Fish		Game Bird		Migratory Bird		Shellfish		Small Game		Total Contacts	
	Years	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003
Spokane	10025	8987	5710	7662	1156	1435	560	770	18	159	494	677	17963	19690
Ephrata	5969	5854	6980	7020	712	682	825	970	226	456	446	457	15158	15439
Yakima	4626	5632	4161	5207	270	266	569	803	206	282	100	135	9932	12325
Mill Creek	5349	5976	9832	7609	289	240	1592	1300	2266	2345	259	272	19587	17742
Vancouver	5614	6085	8507	7674	119	186	600	475	93	155	226	146	15159	14721
Montesano	6968	7051	5697	6080	160	197	476	384	2525	3685	265	328	16091	17725
Marine	2451	2566	11423	9456	140	36	355	179	6578	7187	96	62	21043	19486
HQ/SIU	202	790	1162	1329	7	7	47	27	4441	3938	16	3	5875	6094
<b>Total</b>	<b>41204</b>	<b>42941</b>	<b>53472</b>	<b>52037</b>	<b>2853</b>	<b>3049</b>	<b>5024</b>	<b>4908</b>	<b>16353</b>	<b>18207</b>	<b>1902</b>	<b>2080</b>	<b>120808</b>	<b>123222</b>
<b>% FW Activity</b>	34%	35%	44%	42%	2%	2%	4%	4%	14%	15%	2%	2%	% Change: 2%	

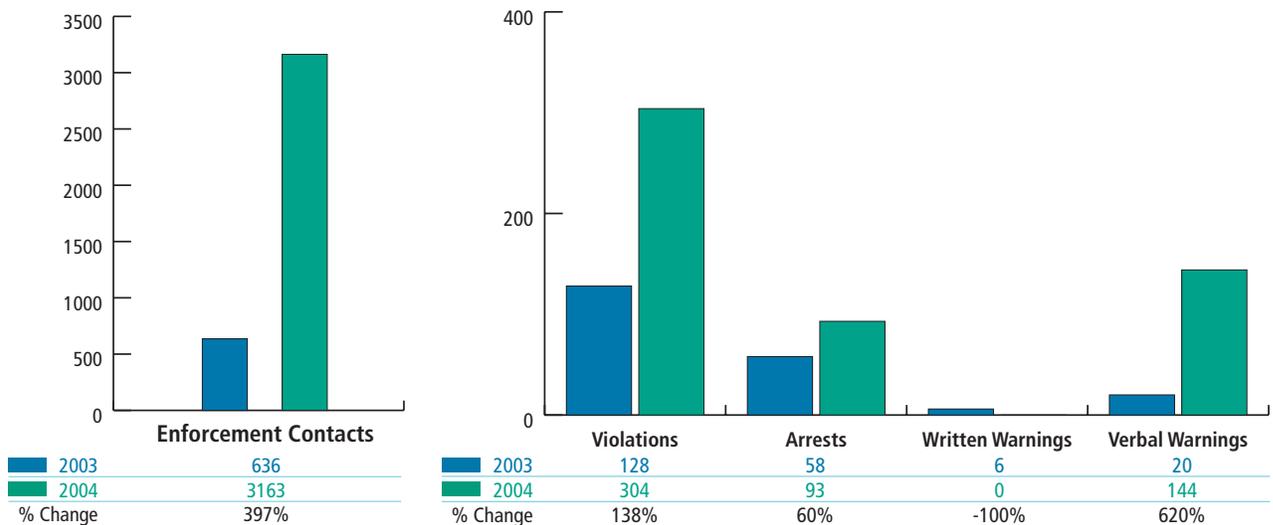


# Enforcement Statistics cont.

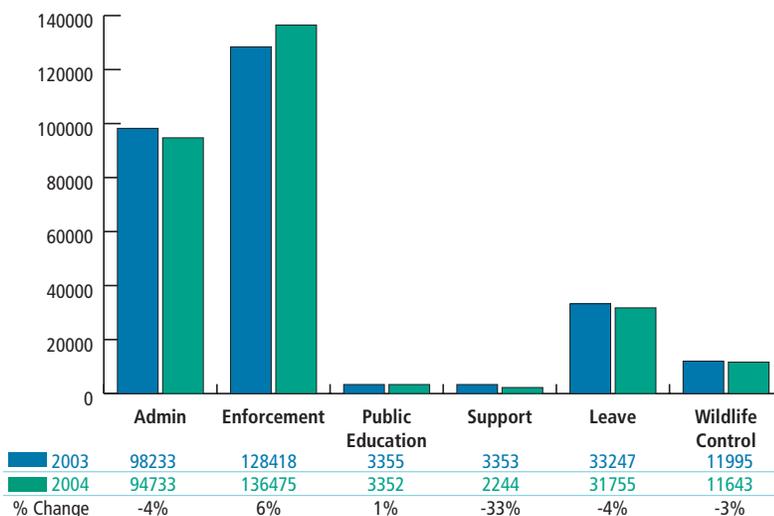
## STATEWIDE FISH AND WILDLIFE ENFORCEMENT ACTIVITY

Type	Enforcement Contacts		Violators		Arrests		Written Warnings		Verbal Warnings		Officer Assists	
	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Big Game	30371	31928	2015	2536	1466	1929	178	226	494	709	901	1033
Fish	88200	106201	1225	14179	7543	8388	1252	1256	4025	4461	3663	3820
Game Bird	3336	3594	234	311	159	201	30	39	95	122	25	45
Migratory Bird	4842	4559	440	621	273	355	59	60	180	250	86	167
Shellfish	21218	33013	3128	4561	2122	2833	337	525	1429	1930	1388	1113
Small Game	520	552	45	98	37	83	7	7	22	42	20	41
<b>Total</b>	<b>148487</b>	<b>179847</b>	<b>18087</b>	<b>22306</b>	<b>11600</b>	<b>13789</b>	<b>1863</b>	<b>2113</b>	<b>6245</b>	<b>7514</b>	<b>6063</b>	<b>6219</b>
<b>% Change</b>	<b>21%</b>		<b>23%</b>		<b>19%</b>		<b>13%</b>		<b>20%</b>		<b>3%</b>	

## HABITAT ENFORCEMENT ACTIVITY



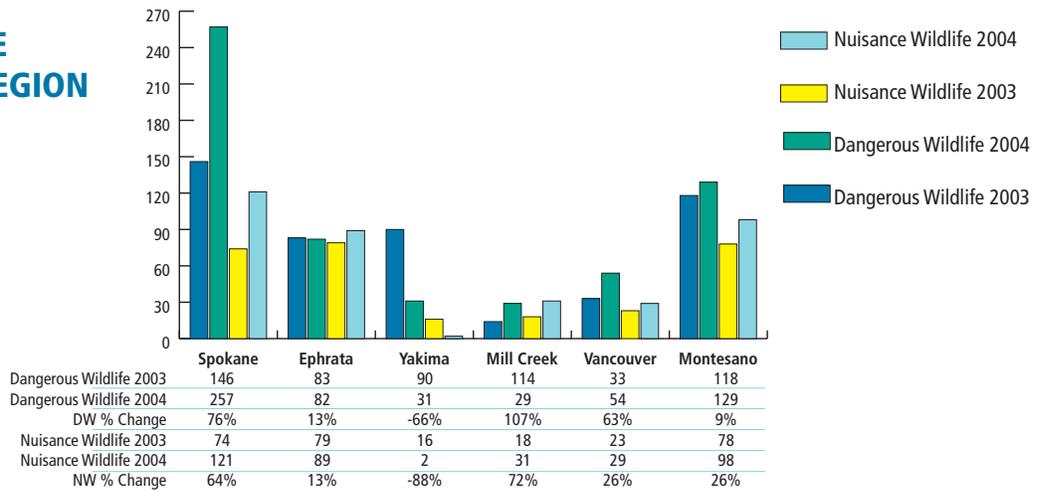
## OFFICER HOURLY ACTIVITY BY MAJOR CATEGORY





# Enforcement Statistics cont.

## PROBLEM WILDLIFE COMPLAINTS BY REGION



## PROBLEM WILDLIFE COMPLAINTS-STATEWIDE (EXCEPT BEAR AND COUGAR)

Region	Dangerous Wildlife		Nuisance Wildlife	
	2003	2004	2003	2004
Spokane	146	257	74	121
Ephrata	83	82	79	89
Yakima	90	31	16	2
Mill Creek	14	29	18	31
Vancouver	33	54	23	29
Montesano	118	129	78	98
<b>Total</b>	<b>484</b>	<b>582</b>	<b>288</b>	<b>370</b>
<b>% Change</b>	<b>20%</b>		<b>28%</b>	

## COUGAR AND BEAR COMPLAINTS-STATEWIDE

Region	Total Cougar Complaints		Confirmed Cougar Complaints/% Confirmed		Unconfirmed Cougar Complaints		Total Bear Complaints		Confirmed Bear Complaints/% Confirmed		Unconfirmed Bear Complaints	
	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Spokane	132	186	77/58%	87/47%	55	99	191	101	136/71%	75/74%	55	26
Ephrata	111	108	90/81%	64/59%	21	44	48	44	43/90%	40/91%	3	4
Yakima	19	3	6/32%	0/-	13	3	5	1	3/60%	0/-	2	0
Mill Creek	97	195	46/47%	89/46%	51	113	53	242	46/87%	209/86%	7	33
Vancouver	32	93	19/60%	33/35%	13	60	18	62	17/94%	44/71%	1	18
Montesano	91	163	66/73%	84/52%	25	79	91	146	83/91%	125/86%	8	21
<b>Total</b>	<b>482</b>	<b>748</b>	<b>304</b>	<b>357</b>	<b>178</b>	<b>398</b>	<b>404</b>	<b>596</b>	<b>328</b>	<b>493</b>	<b>76</b>	<b>102</b>
<b>% Change</b>	<b>55%</b>		<b>17%</b>		<b>124%</b>		<b>48%</b>		<b>50%</b>		<b>34%</b>	



# Enforcement Statistics cont.

## DAMAGE CLAIMS-STATEWIDE (DEER AND ELK)

Region	Deer		Elk		Damage Claims Filed		Dollar Claimed		Damage Claims Awarded		\$ Percentage Awarded		
	Years*	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Spokane		11	7	19	7	30	14	\$167,133.17	\$57,680.13	\$49,646.39	\$33,914.65	30%	59%
Ephrata		0	1	0	0	0	1	0	\$2,050.00	0	\$1,521.75	-	74%
Yakima		9	2	18	12	27	14	\$349,198.22	\$88,066.67	\$309,055.46	\$52,688.28	89%	60%
Mill Creek		0	1	2	4	2	5	\$4,870.00	\$26,286.50	\$4,494.00	\$14,491.00	92%	55%
Vancouver		1	0	3	10	4	10	\$37391.03	\$98,357.45	\$10,566.28	\$47,373.90	28%	48%
Montesano		3	1	8	19	11	20	\$59974.10	\$112,934.04	\$36,700.61	\$25,978.79	61%	23%
<b>Total</b>		24	12	50	52	74	64	\$618,566.52	\$385,374.79	\$410,462.74	\$175,968.37	66%	46%
<b>Change</b>		-50%		4%		-14%		-\$233,191.73		-\$234,494.37		-20%	

\* 2003 Data from July 1, 2002 to June 30, 2003 \* 2004 Data from July 1, 2003 to June 30, 2004

## DAMAGE CLAIMS BY CROP-STATEWIDE (DEER AND ELK)

Region	Fruit Claimed/Paid		Grain Claimed/Paid		Grasses Claimed/Paid		Legumes Claimed/Paid		Other Claimed/Paid		Total Claimed/Paid		
	Years*	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Spokane		\$0/ \$0	\$3619/ \$3600	\$60942/ \$36758	\$44183/ \$30315	\$15268/ \$3186	\$2346/ \$0	\$58872/ \$7651	\$7532/ \$0	\$17160/ \$2049	\$0/ \$0	\$167133/ \$49646	\$37680/ \$33915
Ephrata		\$0/ \$0	\$2050/ \$1522	\$0/ \$0	\$0/ \$0	\$0/ \$0	\$0/ \$0	\$0/ \$0	\$0/ \$0	\$0/ \$0	\$0/ \$0	\$0/ \$0	\$2050/ \$1522
Yakima		\$950/ \$206	\$0/ \$0	\$297220/ \$285942	\$62976/ \$38998	\$51028/ \$22857	\$25091/ \$13690	\$0/ \$0	\$0/ \$0	\$0/ \$0	\$0/ \$0	\$349198/ \$309005	\$88067/ \$52688
Mill Creek		\$0/ \$0	\$0/ \$0	\$3000/ \$1994	\$4923/ \$4491	\$0/ \$0	\$0/ \$0	\$0/ \$0	\$0/ \$0	\$1870/ \$2500	\$21364/ \$10000	\$1870/ \$4494	\$26287/ \$14491
Vancouver		\$26287/ \$14491	\$0/ \$0	\$7900/ \$0	\$30215/ \$16183	\$4017/ \$0	\$59223/ \$21642	\$0/ \$0	\$3176/ \$3175	\$25773/ \$10566	\$5743/ \$5743	\$37391/ \$10566	\$98357/ \$47374
Montesano		\$0/ \$0	\$40936/ \$4216	\$0/ \$0	\$3202/ \$2784	\$37884/ \$25440	\$50641/ \$14980	\$0/ \$0	\$0/ \$0	\$22090/ \$11260	\$18155/ \$4000	\$59974/ \$36700	\$112934/ \$25979
<b>Total</b>		\$950/ \$206	\$46605/ \$9338	\$369062/ \$324694	\$145499/ \$92771	\$108197/ \$51483	\$137301/ \$50312	\$58872/ \$7651	\$10708/ \$3175	\$66893/ \$26375	\$45262/ \$19743	\$615566/ \$410411	\$365375/ \$175969
<b>Difference</b>		+\$45655/ +\$9132		-\$106437/ -\$231923		+\$29104/ -\$1171		-\$48164/ -\$4476		-\$21631/ -\$6632		-\$250191/ -\$234442	

\* 2003 Data from July 1, 2002 to June 30, 2003 \* 2004 Data from July 1, 2003 to June 30, 2004





# 2004 Legislative Issues

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## House Bill 2583, Authorizing issuance of infractions and citations by electronic device.

### Background:

#### Civil Infractions

A civil infraction is a minor, non-criminal offense for which a fine may be imposed. A person who is issued a civil infraction must sign the notice of infraction and either pay the fine or challenge the infraction. In a hearing contesting the infraction, the state has the burden of proving the commission of the civil infraction by a preponderance of the evidence.

#### Traffic Citations

A traffic enforcement officer may issue a traffic citation whenever any person is arrested for any violation of the traffic laws or regulations that is punishable as a misdemeanor or by imposition of a fine. Traffic enforcement agencies authorized to issue traffic citations must issue notices of the citations in books with citations in quadruplicate. The chief administrative officer of such an agency must keep a record of every book issued to the employees of the agency along with a receipt for every book so issued.

### Summary:

Civil infractions and traffic citations may be issued by an electronic device capable of producing a printed copy of the infraction or citation.

In addition to being official misconduct, it is unlawful for a law enforcement officer or other officer or public employee to dispose of a notice of civil infraction, copies of the notice of civil infraction, or the record of the issuance of the notice of civil infraction in a manner not authorized by law.

**Effective: July 1, 2004**

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## Senate Bill 6105, Revising penalties for animal cruelty.

### Background:

Washington's Juvenile Justice Act, RCW 13.40, establishes procedures for superior courts to handle cases involving criminal offenses committed by persons under 18 years old. The act authorizes prosecution of certain juvenile offenders as adults. The juvenile courts have discretion to decline jurisdiction and transfer certain juvenile offenders to adult court.

If a juvenile is eligible for a deferred disposition, the juvenile court may continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty and place the juvenile under community supervision. The court will require payment of restitution and may impose other conditions of supervision it deems appropriate. At the conclusion of the period of deferral, if there has been full compliance, the court will vacate the juvenile's conviction.

Animal cruelty in the first degree is a class C felony and is classified as an offense category C for a juvenile. The standard range disposition for a juvenile who is found to have committed animal cruelty in the first degree is composed of "local sanctions." Local sanctions include all or any of the following: 0 to 30 days confinement, 0 to 12 months community supervision, 0 to 150 hours community restitution, and \$0 to \$500 fine. The standard range disposition for a juvenile offender who commits animal cruelty in the first degree and has two prior convictions for animal cruelty in the first degree is also local sanctions. The fourth conviction for animal cruelty in the first degree involves a standard range disposition of 15 to 36 weeks confinement.



## Summary:

The juvenile court may impose a deferred disposition on a juvenile convicted of animal cruelty first degree and require the offender to submit to a mental health evaluation. After consideration of the results, the court may order the offender to attend treatment as a condition of community supervision. At the conclusion of the period in the order of deferral, the offender's conviction for animal cruelty first degree is not vacated from his or her record. Animal cruelty first degree is ranked as offense category B that involves a standard range disposition of local sanctions for a first and second offense (0 to 30 days, 0 to 12 months community supervision, 0 to 150 hours community restitution, and \$0 to \$500 fine).

**Effective: July 1, 2004**

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## Substitute Senate Bill 6107, Preventing the spread of animal diseases.

### Background:

Washington's Animal Health Program regulates the movement and testing of animals coming into or being sold within the state and grants the Washington State

Department of Agriculture broad powers to protect the people of the state, their livestock, and other animals from harmful animal diseases.

The director may currently issue a hold order to isolate animals for up to seven days when there is reasonable cause to investigate the presence of or potential exposure to disease. Overt or immediately obvious evidence of disease or exposure is not required to issue a hold order. Upon evidence of animal infection or exposure to disease, the director may also issue a quarantine order to isolate any animal or animal reproductive product that has become diseased or exposed to disease.

With reasonable evidence of animal infection or exposure, the director may enter animal premises to perform tests or examinations on any animal. The director may order the destruction of animals infected with or exposed to disease to protect the public welfare. The director may also order destruction of animals where the animal owner fails or refuses to follow a herd or flock plan.

### Summary:

The quarantine and inspection powers of the director are clarified and broadened. The director may issue and enforce a quarantine when there is reasonable cause to investigate animal infection or exposure to disease. Overt or immediately obvious evidence of disease or exposure is not required to issue a quarantine order.

Reasonable cause provides a sufficient basis to enter premises and inspect animals or animal premises. The director is required to find probable cause that there is a serious risk from disease or contamination before the director may seize items needed to conduct tests, inspections, or examinations.

If access is denied, the director is expressly authorized to apply to the courts for a search warrant authorizing access to conduct tests, inspections or examinations of animals or animal premises and seize or destroy property. The warrant must be issued upon a court finding sufficient probable cause to show a potential threat to agriculture or a potential threat that seriously endangers animals, humans, the environment, or the public welfare. To show denial of access, the director must file an affidavit describing attempts to notify the animal owner and secure consent.

The director's authority to order the destruction of any quarantined animal when public welfare demands is clarified.

**Effective: June 10, 2004**



## **Senate Bill 6357, Modifying criminal trespass law.**

### **Background:**

Criminal trespass is committed if a person knowingly enters or remains unlawfully in a building or upon the premises of another. Defenses to a charge of criminal trespass include: (1) the building was abandoned; (2) the premises were open to the public and the defendant complied with any conditions imposed; (3) the defendant reasonably believed he or she had a license to enter or would have had license to enter; and (4) the defendant was attempting to serve legal process.

A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner. Land that is used for commercial aquaculture or for growing an agricultural crop or crops, other than timber, is not unimproved and apparently unused land if a crop or any other sign of cultivation is clearly visible or if notice is given by posting in a conspicuous manner. Similarly, a field fenced in any manner is not unimproved and apparently unused land.

### **Summary:**

A person who enters or remains upon improved and apparently used land that is open to the public at particular times, and is not fenced or enclosed in a manner to exclude intruders, does so with license and privilege unless notice of prohibited times of entry are posted in a conspicuous manner.

**Effective: June 10, 2004**

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## **Substitute Senate Bill 6560, Creating the crime of unlawful use of a hook.**

### **Background:**

The method of using treble hooks covered with rabbit fur to snag coyotes has been used in some states on the east coast. That practice appears to be legal in the state of Washington and does not violate the Fish and Wildlife Code. A dog was caught on one of these baited treble hooks in Olympia in 2003.

### **Summary:**

The animal cruelty statute is amended to provide that the use of a hook that pierces the flesh of a bird or mammal constitutes animal cruelty. The unlawful use of a hook is a gross misdemeanor.

**Effective: March 29, 2004**



WDFW Enforcement Program  
600 Capitol Way North  
Olympia WA 98501  
(360) 902-2936