

The Decoy Deer Sting Operation

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Abstract: The decoy deer sting operation identifies one way the Virginia Game Department approached a specific illegal hunting activity. The paper places emphasis on circumstances surrounding the implementation and operation of this activity. Cooperation by the courts secured the operation as a complete success.

Proc. Annu. Conf. Southeast. Assoc. Fish and Wildl. Agencies 41:474-476

In spring 1986, a delegation of concerned landowners attended the Department of Game and Inland Fisheries Headquarters board meeting in Richmond, Virginia, to bring to the attention of the board members an acute road hunting problem which was occurring each fall in a tri-county area of northern Virginia. The problems included: (1) hunters stopping their vehicles on the roadway and blocking traffic flow, (2) slow moving traffic, (3) shooting firearms from the road, (4) shooting onto posted property, (5) shooting toward livestock, outbuildings, and dwellings, and (6) shooting at unlawful hours. The vast majority of the reported hunting violations occurred during the deer season which opened on 17 November 1986 and, excluding Sundays, ran until 5 January 1987. In Rappahannock County (one of the problem counties) antlerless deer were legal during the last 12 days of the season. In Orange and Culpeper counties the season was the same, but antlerless deer were legal on the last 6 days of the season.

The board members who represented the sportsmen of Virginia listened to the concerned landowners and advised them that the Law Enforcement Division would work with them in an attempt to curtail the road hunting problems in their area. The board members gave Colonel Gerald P. Simmons, Chief of Law Enforcement, the responsibility of addressing and satisfying the problem. Colonel Simmons's first step was to meet with the enforcement representative of the counties and district, along with representatives of the landowners. In April 1986, this group met again at the Richmond Office.

Game Warden Jim Bankston of Rappahannock County confirmed that the problem was at least as severe as the property owners had stated. The extended antlerless season, along with a very high population of deer, was an attraction to the type of illegal activity previously described. Recognizing that the probability

of the violator, the deer, and the conservation officer all being in the same location at the same time is rare, Colonel Simmons began investigating the possibility of presenting one of the elements. If a "decoy" deer could be positioned and game wardens placed in strategic locations, then the violator himself would complete the triangle necessary for the law infraction to be taken into a court room. However, a Virginia game warden does not just go out into the forest or field and set up a decoy deer. There are a number of strategies and concerns which need to be addressed:

(1) Proper authorities need to be contacted. The commonwealth's attorney, and, in fact, the opinions of the judges which will try the cases might be solicited. Also, these authorities may want to ask the game warden questions pertaining to the operation.

(2) Landowners should be contacted in advance of the actual operation. The sites selected should be in areas where complaints and violations have been prevalent. Information on the "decoy" operations may be shared with the landowner; however, dates and other covert information should be withheld.

(3) Several alternate sites should be selected.

(4) Only posted property should be selected so trespass charges may be filed against individuals who attempt to disturb the operation.

(5) The site should also allow the officer to remove the violator from the immediate area to prevent interference with the operation while the summons are being issued.

(6) Select a decoy for daytime use that is of average size and legal for harvesting.

(7) Use a doe deer if available.

(8) Select an area with an ideal backstop for shooting when stationing the decoy.

(9) Place the decoy within a 75–125 yard range from the roadway. Place the decoy in a natural habitat.

(10) The site must allow an observation point for officers so the person shooting may be identified and the decoy visible at the same time.

(11) Radio contact must be maintained by all officers involved in the detail at all times.

(12) There should be 2 officers assigned to each pursuit vehicle, and the ideal plan calls for 1 vehicle on each side with a spare to be available if needed.

(13) Safety is the most important consideration. The officers involved in the detail should be reminded of the importance of safety and remaining calm during pursuits. Select sites which might minimize the need for high speed pursuit driving. The safety of the officer, the landowners, other hunters in the area, private citizens traveling the roads, and the violators must be considered.

(14) There will be at least 1 covert vehicle required for each "decoy" detail. The mounted deer should be hauled by the covert vehicle.

(15) Coordinate the operation with other law enforcement agencies in the county. This notification can be the day before.

(16) It is policy to notify and receive approval from Colonel Simmons, Chief of Law Enforcement, on each individual "decoy" activity.

Our Agency was wise to allow media coverage from the commencement. After the initial meeting between the landowners and the board members, there was a news release. The groups of concerned citizens on several occasions publicized their plight with different media releases. In fact, everyone in the tri-county area, including the potential road hunters and violators, was aware that the problems existed.

Our Game Department was comfortable that the public's sentiment and approval was for some corrective measure to transpire.

Much interest was generated from the general public through knowledge of the incidents, citizen band radio transmissions, word-of-mouth among local residents, newspaper coverage, and other media coverage. For a period of time this activity was the topic for discussion at local service stations, country stores and, in fact, throughout the area.

Colonel Simmons scheduled a 3-day activity for 1, 2, and 3 January. Our reasoning, of course, was to be set up during the holiday and the last weekend of the deer season.

We were prepared and in place on 1 January. The first vehicle that approached our position was occupied by 1 female and 2 males. The vehicle stopped and both male subjects shot 3 times each at the deer. In fact, they shot twice and then exchanged firearms and each fired another round before they heard the game warden's vehicle approaching. The incident was recorded on video tape. The second day of the schedule we were in position by 1100 hours. It is interesting to note that on that day every vehicle that traveled the road violated the game law by firing shots at the decoy deer with exception of the individuals who resided on that road. A total of 29 violations were written. On Saturday, 2 January, the decoy deer was positioned in a different area of the county, also a high complaint area, but not a single shot was fired toward the deer.

On the date of the court hearings, there were several spectators in the court room monitoring the proceedings. These people were extremely vocal in their satisfaction of the success of decoy deer activity. One landowner offered to pay all cost for an additional deer for future use. Surprisingly, to everyone involved, the question of "entrapment" was not an issue. On one occasion, while the game warden was issuing a summons, the violator made a single statement questioning "entrapment." Under Virginia's laws, the criminal may be provided the opportunity to commit a crime as long as he is not encouraged to commit it. The Colonel's opinion is that this type of "sting" operation is not entrapment.

The decoy deer "sting" operation to date has been a success. It is important that it not be over used or misused. It is most important that the enforcement officers recognize the responsibility that is associated with each "decoy" operation.