

Ninja Crawlers—Special Investigation of the Interstate and International Turtle Trade

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Abstract: The southeastern United States is home to numerous species of endemic reptiles. The public's desire to possess reptiles, especially turtles, has increased substantially in recent years, perhaps because of the "ninja turtle craze." A new lucrative interstate and international market for the sale of "pet" turtles has developed. Loss of suitable habitats combined with commercialization have depleted populations of several species resulting in their being listed as threatened or endangered or otherwise being legally protected. Rareness of a species increases market demand. Covert investigators with the Alabama Department of Conservation and Natural Resources' Game and Fish Division and the United States Fish and Wildlife Service infiltrated operations in the turtle trade in Alabama and Louisiana. After 12 months of work, targeted suspects were identified and prosecuted.

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The word herpetology has never gained a significant foothold in the vocabulary of most wildlife enforcement personnel. In fact many "old timers" with several decades of service if asked to define the term most likely would be unable to do so.

During the first century in the history of wildlife law enforcement in the United States, the primary focus was on conservation of game birds, fishes, and mammals. Politics, public sentiment, and allocation of funds dictated that wildlife law enforcement be directed toward relatively few species.

During the late 1970s and early 1980s many conservation departments sensed an increasing public concern for the welfare of non-game species and began to institute non-game programs and hired personnel to fill program positions. Studies by numerous public and private organizations revealed alarming declines in many non-game species. The general public responded by exerting pressure on resource management agencies to broaden their spectrum of concern to include enhancement of non-game animals.

In the 1980s the Enforcement Section of the Game and Fish Division, Alabama Department of Conservation and Natural Resources (ADCNR), began to

receive increasing amounts of information concerning the illegal trade in reptiles. In 1984, a covert unit was formed and began working the illegal commercial wildlife and fish trade in Alabama.

In the summer of 1990 the unit received information from the United States Fish and Wildlife Service (USFWS) indicating that certain protected species of turtles were probably being wild-caught and shipped and sold as captive-bred individuals. The Assistant Chief of Enforcement ordered a preliminary investigation and contact with possible suspects. A covert investigator immediately began procurement of several large alligator snapping turtles (*Macroclemys temmincki*), a species fully protected in Alabama, for use in the operation.

In July 1990 the covert officer contacted a suspected turtle dealer ("suspect No. 1") by telephone. The officer was able to use referrals obtained during previous covert game fish operations at commercial fish houses where the officer had witnessed turtles being processed commercially. During the contact, suspect No. 1 inquired as to the origin of the turtles. When told they were wild-caught Alabama alligator snappers, he informed the covert officer that the turtles were illegal to possess. The suspect then referred the officer to another individual whom he said would discreetly purchase the turtles. Subject No. 1 informed the officer that he was interested only in animals exceeding 150 pounds. A contact was made with the second suspect (suspect No. 2) in person and after extensively questioning the covert officer regarding his background and employment, he purchased the illegal turtle from the covert officer. During this contact the covert officer was schooled by suspect No. 2 in how to avoid arrest by wildlife enforcement personnel and what to say regarding the turtles' origin. Suspect No. 2 gave in-depth information as to suspect No. 1's involvement in the turtle trade. Suspect No. 2 informed the covert officer that suspect No. 1 would in fact buy any "loggerhead turtle" over 120 pounds and many other species of turtles. Prices were quoted to the covert officer ranging from \$2.00 each for pet-trade species to \$2.00 per pound for alligator snappers. Suspect No. 2 stated that Suspect No. 1 received from between \$1000 to \$5000 from dealers in Japan for certain large alligator snapping turtles.

A uniformed officer was contacted and instructed to capture "loggerheads" in excess of 100 pounds. The officer was able to procure 2 large specimens and was removed from uniform duty and placed on covert status.

Two covert officers made contact in person with Suspect No. 1 at the suspect's residence. The suspect inspected the turtles and informed the covert officers that the turtles were too small.

The suspect invited the officers into his home and began showing the officers numerous live turtles and pictures of turtles. During this time at the suspect's residence the covert officers were able to confirm that the suspect's main income was derived from trading in turtles.

The suspect stated candidly that current state and federal wildlife laws and regulations were merely inconveniences to him in his illegal activities. The suspect explained that any illegally caught alligator snapping turtles from Alabama would be transported and sold to a dealer in Louisiana and later repurchased with clean

paperwork by the suspect. The suspect also offered to purchase several types of native turtles including live wild-caught Alabama red-bellied turtles protected by the federal law as an endangered species. He stated to the officers how he had retained an inventory of "grandfathered," preact red-bellied turtles captured prior to the listing of the species as endangered. Until an official inventory was made, he could supplement his collection with illegally caught turtles. The suspect then instructed the covert officers where to go to catch Alabama red-bellied turtles and gave them basic instructions in methods of capturing turtles and avoiding apprehension.

The suspect told officers how other individuals had been hired to capture red-bellies, and that his intention was to bring about extinction of the species. He said he could then obtain a grant to restock the species into the wild from his captive collection.

The covert officers departed the suspect's residence and traveled in silence, dumbfounded by the realization that the suspect was serious in his intention to carry out his plan.

The covert officers reported their findings to their superiors and the USFWS was contacted immediately. The ADCNR entered into a cooperative agreement with the USFWS on 30 July 1990 to place 2 state covert officers and 1 federal covert agent on permanent assignment to the case.

Within 16 days a contact was made between the covert officers and Suspect No. 1. The suspect purchased 3 endangered Alabama red-bellied turtles from the covert officers. During this contact the covert officers were once again schooled in methods of operation to avoid detection by wildlife enforcement personnel. The covert officers realized that the individuals they were dealing with were extremely knowledgeable of all state and federal laws, rules, and regulations governing interstate and international trade in reptiles.

The investigation expanded to Louisiana where the covert officers transported and sold illegally caught turtles. The contacts were arranged by Suspect No. 1.

As winter approached, the operation was scaled down because of inability to capture turtles. Spring arrived and the officers resumed full scale operations to capture legal and illegal turtles. The covert officers perfected the methods taught them by these suspects and became adept at procuring turtles.

The investigation ended in July 1991. Five suspects were indicted on separate charges ranging from conspiracy to violate the Endangered Species Act, violation of the Endangered Species Act, violation of the Lacey Act, conspiracy to violate the Lacey Act and violation of ADCNR wildlife regulations. All suspects in the case pled guilty to federal and state charges with the exception of Suspect No. 1 and 1 of his associates.

Suspect No. 1 entered a plea of guilty upon condition that the court agree to allow an appeal on the grounds that DNA studies might show the Alabama red-bellied turtle was not a distinct species and/or that the ADCNR Commissioner may have incorrectly listed the alligator snapping turtle as a protected species in Alabama. Suspect No. 1 received a sentence in federal court of 13 months to prison and was ordered to pay \$5,000 in restitution to the ADCNR.

The case, which received widespread media attention, is now on appeal before the 11th Circuit Court of Appeals in Atlanta. Suspect No. 1's associate was allowed by the court to postpone his trial plea until the outcome of the appeal.

During and after this operation, the investigators documented that enforcing provisions against illegal taking and commercial trade in protected non-game reptiles and amphibians requires specialized training of both uniformed personnel and special investigative teams. Uniformed officers must be trained in identification of both protected and nonprotected species as well as methods used by violators to capture various species.

The most important ploy used by violators to avoid detection and prosecution is the inability of enforcement personnel to identify protected species and lack of knowledge of the species' geographic distributions. Training by professionals in the field of herpetology is essential. Field guides should be supplied for field identification and geographic ranges. Investigators should also have knowledge of scientific terminology, methods of capture, current monetary values, and appropriate methods to mark evidence for future identification.

Subjects involved in the "illegal herp trade" are extremely clandestine and suspicious of any new members entering the "herp family circle." Applicants for such membership are carefully scrutinized. Be aware that background checks of your credentials will be made. If doubts arise, you will not be accepted.

Remember that people involved in the interstate and international illegal herp trade are not your "everyday" violators. Most are very intelligent and extremely knowledgeable in their field. Communication is a strong point between herp buyers and collectors, and computer terminals are set up in their homes and businesses.

During "Operation Ninja Crawlers" suspects were able to inform covert investigators for as long as a year in advance of the date certain species were to be placed on the federal list of threatened and endangered species. They also knew the types of equipment and methods used by legitimate research and law enforcement personnel to mark species for future identification and the location and nature of any contacts made between uniformed enforcement personnel and herp collectors.

If an agency plans to initiate a covert operation on known illegal herp traders and/or collectors, it should be ready to go for the "long haul." It requires an enormous amount of planning, equipment, and man hours to break into selective circles of violators. Once a covert operative is unconditionally accepted, the case can and will readily expand into interstate, and possibly international contacts. Premature closure of a case is a serious mistake and serves only to further the education of the illegal herp community in methods to avoid future detection and prosecution. The main weakness of illegal herp buyers and collectors is their ego. They love to flaunt their expertise and knowledge of their fields. Once they trust you, they impart their knowledge willingly.

In summary, untrained uniform personnel are no obstacle to a seasoned herp collector. All covert investigations must be conducted with the highest degree of security, preparation, and dedication.

Court Relations

One of the most difficult obstacles to overcome is acceptance by the courts of the seriousness of cases involving reptiles. Remember that most people outside the herpetological community do not have serious concern for reptiles. It is difficult to compare a picture of Bambi and a young turtle and elicit comparative sympathetic responses.

Court and prosecutors must be educated as to the importance of cases involving reptiles to ensure adequate prosecution and sentencing. Without extensive documentation revealing the seriousness of the violation and the extremes used by violators to avoid prosecution, a herp case may not receive adequate attention.

Finally, keep in mind that most prosecutors love a good case involving a diabolical plot by a violator to outwit the legal system.

Method of Transport and Handling of Reptiles

Because of the variable metabolic rate of reptiles, illegal herp collectors use a wide variety of ways to transport and smuggle protected species. Most reptiles make little or no noise and move very slowly when secured and secreted. Thus, reptiles can be stored or hidden in innumerable objects.

The major consideration in transporting reptiles is temperature. Temperatures exceeding 29° C or below 2° C are likely to increase mortality rates. One of the means most frequently used to smuggle reptiles internationally is by direct overnight mail.

If you plan to handle reptiles, you need to familiarize yourself with the techniques and hazards involved. No enforcement officer should ever handle reptiles of unknown or questionable identity. Proper training is essential to avoid serious injury or even fatality. A fitting example involving turtles is the difference between handling a 4.5-kg common snapping turtle and a 45-kg alligator snapping turtle. Anyone experienced in handling turtles knows the chance of being bitten is far greater with the 4.5-kg common snapper. Handling venomous reptiles is exceedingly dangerous, and extensive training should be undertaken before any wildlife employee attempts such.

The operation described above represented a new area of illegal wildlife trade law enforcement for the ADCNR. The extensive dedicated hard work of both the state and federal officers involved resulted in overwhelming evidence, including audio- and video-documentation depicting the remarkable determination of illegal herp collectors to successfully ply their trade.

Special credit is due the United States Assistant Prosecutor for the Southern District for spending countless hours preparing the cases for prosecution. His determination and zeal can be characterized by his own statement, "All wildlife, everything God placed on this earth, deserves protection from anyone who would illegally exploit it for a dollar."