

Operation Dalmatian—Covert Investigation of Dog Deer Hunting

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Abstract: Since the 1987 closure of Texas' Type II Public Hunting Lands to the hunting of deer with dogs and a subsequent statewide prohibition of the method in 1990, the Texas Parks and Wildlife Department has received numerous complaints about small bands of East Texas hunters who continue to use the method in open defiance of the prohibition. These complaints further allege that outlaw dog deer hunters have virtually taken over public hunting lands, intimidating lawful users and ignoring the rights of adjoining private landowners. Texas game wardens, operating in a covert capacity, infiltrated dog deer hunting groups in Jasper and Newton counties and took 25 defendants to the courts for violations of wildlife regulations.

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The use of dogs to hunt deer in East Texas has been a tradition for many generations. In the "old days," Texas hound-dog men pursued their quarry with something approaching religious zeal, and dog and hunter operated almost as a single unit (Sitton 1995). This zeal for the race still remained in East Texas where small bands of die hard dog deer hunters continued their method in open defiance of a 1990 statewide prohibition and landowner rights. Responding to sportsman, landowner, and resource needs, the Texas Parks and Wildlife Department (TPWD) stepped up law enforcement efforts to protect the wildlife resource and ensure the safe utilization of TPWD public hunting lands.

Dog Deer Hunting: How It's Done

Dog deer hunts begin with hunters driving logging or remote public back roads in search of crossing deer or fresh tracks. If a deer is sighted, dogs are released to push the animal from the dense forest into an open area where it can be taken by a waiting hunter. Often, the open area hunted is a public or private road near the dog release site. Usually, the hunters are very familiar with not only the topography of the area, but also the landowner sentiment toward dog hunting.

Dog deer hunters participate in the hunt as either a "driver" or a "stander."

A driver is a person who follows and coaches the dogs through the woods as they pursue deer. The organized activity of dogs pursuing a deer is known as a drive or race. Standers are persons who take positions along a roadway or other open area affording both a clear view and an unobstructed shot. Taking a stand is defined as the act of or the physical occupation of a location as a stander in a dog deer hunt. Standers, unlike still hunters, who remain in 1 location quietly waiting for game to pass, may change locations many times during a dog deer hunt. There is neither a minimum nor maximum number of hunters that can be involved in a dog deer hunt, but standers must distance themselves to prevent being shot by another hunter. A shotgun loaded with buckshot is the preferred weapon due to the quick, close-range shots, but some hunters use high powered rifles.

Dog breeds used in dog deer hunting include beagles, black and tans, walkers, and hybrids of those (Campo et al. 1987). The dogs are transported in the hunter's truck, confined in either commercial or homemade dog boxes. At the time the dogs are released, all available hunters line nearby roadways as the driver pushes the dogs in their direction. Once a dog catches the scent of a deer, control of the hunt shifts to the dogs and it is then the race that controls the hunters. The barking, bellowing, and baying of the dogs during the chase not only entertain the hunters, but also serve to inform them of the direction of travel. Sometimes when chased by dogs, deer will circle, giving the driver opportunity for the kill. However, the majority of the time the deer outruns the dogs and breaks into the open and the standers get the shot which is often hurried, wounding or missing the animal. Texas studies indicate the crippling loss of deer hunted by dogs to be 38% (Spencer 1986). If no kill is made, the dogs continue to pursue the deer and new locations for taking a stand are chosen until the hunt is terminated by the dog owners. In the event a deer is killed, distribution of venison usually follows established hunter group norms, with first claim usually going to the shooter and the dog owner. Any remaining meat is shared with the other members.

The citizens band radio is an invaluable tool of communication for dog deer hunters who use individualized radio names or "handles" to identify themselves. During the course of the hunt, the dogs may travel great distances in pursuit of deer, followed by hunters in their vehicles. Spencer (1986) found the greatest distance of dog dispersal in a dog deer hunt to be 6.8 km from the point of release. Citizens band radios aid the hunters in spanning this distance, thereby increasing the probability of a kill by keeping the hunter abreast of the location and direction of the dogs. Citizen band radios are also used as a warning system, should a game warden or other law enforcement official enter the hunting area.

Decline of Available Dog Deer Hunting Land

Having millions of hectares of forest and miles of dissecting logging roads, the sparsely populated areas of East Texas have in the past afforded the dog deer hunter with many of the essentials necessary to practice his type of hunting. Following passage of the Wildlife Conservation Act of 1983, the TPWD Commission allowed

this method of deer hunting in 10 East Texas counties (Table 1). However, changing land use practices by the forest industry and growing private landowner sentiment against dog deer hunting, diminished the land area available for continuation of this hunting method.

Loss of Timber Company Lands

Ninety-seven percent of the land in Texas is privately owned. Though the TPWD Commission authorizes seasons, bag limits, and means and methods for the taking of wildlife resources within the state, the landowner controls access to his land and can further restrict hunting activity. Between 1971 and 1986, 75% of timber company lands, representing 34% of the total deer range in the 10 dog-hunted counties, was closed to deer hunting using dogs (Spencer 1986). Prior to these closings, much of the land owned or controlled by the timber industry in East Texas was considered open and hunted free of charge by generation after generation of East Texans. In 1987, many of these open land areas, not previously committed under private hunting agreements, were leased to the TPWD for inclusion in their Public Hunting Lands Type II Wildlife Management Area Program (referred to hereafter as Type II).

Type II was created to provide public hunting opportunities to the citizens of the state. During its first year, the program included approximately 83,025 total hectares from 16 East Texas counties (TPWD 1987). Many of these hectares leased by the TPWD were those once considered open and hunted for free by local residents, including those who hunted deer with dogs. Much of East Texas was visited by many of the 25,648 individuals who purchased the Type II access permit. In a move designed to facilitate more equitable utilization by both consumptive and non-consumptive users of Type II lands, the TPWD Commission closed these lands to the hunting of deer with dogs at the beginning of the

Table 1. Cases filed for hunting deer with dogs, 1990 through 1994, in 10 East Texas counties formerly open to the hunting of deer with dogs.

County	Total cases	Disposition ^a
Hardin	10	5A, 4C, 1D
Harrison	0	
Jasper	2	2D
Newton	7	4C, 1D, 2P
Orange	0	
Panola	0	
Polk	7	7C
Sabine	7	2A, 5C
San Jacinto	1	1C
Tyler	0	
Total	34	

^aA - acquittal, C - conviction, D - dismissed, P - pending.

1987 hunting season. This significantly reduced the available land for dog deer hunters who did not have private hunting leases.

Private Landowner Attitude

Prior to the Type II program, many private landowners of East Texas also began to restrict the use of dogs to hunt deer. Results of a 1984 rural landowner attitude study in the 10 Texas counties where the method was legal indicated 73% were opposed to the hunting of deer with dogs (Spencer 1986). The landowner's objection to the method was based on their resentment of trespassing hunters and their dogs frightening livestock, causing property damage, and poaching game. Still hunters who leased East Texas land also complained of having deer driven off their leases by trespassing dogs. Spencer (1986) found 69% of other hunters in the 10 dog deer hunted counties objected to the hunting of deer with dogs. The most frequently heard complaint from hunters and landowners opposed to the practice was that deer dogs trespass on private property where they were not wanted (Spencer 1986). Though the method of hunting was legal, trespassing hunters and their dogs were not.

Retaliation

Losing their free hunting lands to the Type II program and the prohibition of hunting deer with dogs on those lands angered many of those who hunted with that method. A small group of unknown individuals became more than vocal about their displeasure for the Type II program, the TPWD, and the timber companies. Retaliatory measures designed to intimidate the "outsider" Type II hunter, the timber companies, and TPWD were carried out by suspected dog running enthusiasts. Most retaliatory measures were designed to inflict some type of economic loss, such as damaging tires by tacking logging roads, spiking bridges, destruction of gates and boundary signs, or burning woods. Measures designed to instill fear in the outsider patrons of the Type II lands were also practiced in hopes of frightening them away. These measures included late night shooting sprees, running dogs through camps, and suggesting campers move on with a show of force. Additionally, dog deer hunters continued their method of hunting on Type II land, disturbing the tranquil enjoyment of the still hunter and other user groups. Although 16 East Texas counties contained land in the Type II program, many of the early retaliatory problems occurred in Jasper and Newton counties which contained a combined total of more than 26,122 Type II hectares (TPWD 1987).

Private landowners standing up for their right to control hunting on their land historically have felt the sting of retaliatory strikes from trespassing dog deer hunters. One of the earliest and deadliest clashes between landowners and dog deer hunters occurred in December 1954. The Garlington family, owners of a 1,215-ha Brahman cattle ranch in Jasper County, had a reputation for their dislike of deer dogs. On Christmas Day, armed dog deer hunters confronted 2 of the Garlington men after losing a dog. When the shooting ended, 1 hunter was killed and both Garlingtons and another hunter were injured (Anon. 1955). Years later, another landowner who allegedly shot deer dogs running on his property, found the words "dog killer" burned

into his Jasper County log home. Additional property damage and minor skirmishes have also been reported. It is probable that these kinds of encounters have contributed to private landowners' distaste for the practice of hunting deer with dogs.

Statewide Prohibition of Hunting Deer with Dogs

Studies of the impact of hunting deer with dogs were conducted by TPWD biologists in 1984–85. Data from the 2-year study showed that dog-hunted deer populations were subjected to higher stress, more efficient harvest, and higher crippling losses than deer herds on non-dog hunted areas (Spencer 1986). In 1990, landowner and hunter attitudes were again measured concerning the use of dogs to hunt deer. The results of the 1990 inquiry in the 10 counties where the practice was lawful indicated 82% of landowners and 73% of non-dog hunters were opposed to the method (Campo and Spencer 1991). The inquiry also revealed only approximately 5% of the total deer range was available for the use of dogs to hunt deer and only 4% of hunters used that method in 1989. Concerning the biological impact Campo and Spencer (1990) went on to conclude that a danger of depletion of the deer resource existed on lands where deer hunting with dogs was permitted and that this danger of depletion was directly related to some factor or combination of factors associated with the practice of hunting deer with dogs.

Based on the overwhelming opposition of both landowners and hunters to the practice of hunting deer with dogs and the method's impact on the resource, the TPWD Commission closed all counties in Texas to the method beginning with the 1990–91 hunting season. As a result of this statewide closure, a resurgence of retaliatory strikes similar to those experienced at the 1987 creation of Type II hunting lands were once again witnessed. These strikes, believed to originate with dog deer hunting sympathizers, were aimed at the timber companies in hope of pressuring TPWD to reverse the statewide closure of hunting deer with dogs. A sign noticeably placed at a pine plantation arson site left little to speculate as to who was responsible: "Where the dogs can't go the pines won't grow" (Draper 1995).

Previous Law Enforcement Efforts

Since the statewide prohibition of the use of deer to hunt dogs, Texas game wardens have enjoyed voluntary compliance by the majority of those who once used the method. Understanding the nature of change brought on by population growth, landowner rights, and the conservation of wildlife resources, many former dog deer hunters joined the ranks of the still hunter and today assist in wildlife management efforts. However, a few former dog runners did not possess the spirit of voluntary compliance and required law enforcement action. Though outstanding efforts were made by Texas game wardens in the apprehension and prosecution of those who violated the prohibition, some areas experienced obstacles to successful prosecution. In those areas, unrealistic evidentiary demands and the intimidation of witnesses hampered the law enforcement effort. These hindrances, coupled with the difficulty of being in the right place at the right time, explained the small number of cases filed

for that specific offense since its prohibition in those counties where it was once lawful (Table 1). However, persons participating in an illegal dog deer hunt violate other laws as well. Due to the increased protection of land by landowners and lease hunters, many outlaw dog runners moved their hunting activities to Type II lands. There, dog deer hunters were violating regulations dealing with the utilization of public hunting lands and were fined accordingly.

Efforts by Texas game wardens to bring outlaw dog hunting under control did not come without cost. Intimidation and minor clashes with dog runners became commonplace for game wardens in some parts of East Texas. The minor nature of officer intimidation changed however, when in December 1994 a Sabine County game warden's home burned hours after the arrest of dog deer hunters who were believed to be responsible.

In response to the complaints of sportsmen and landowners, and with the responsibility to protect the state's wildlife resources, the TPWD initiated an undercover investigation in Jasper and Newton counties to expose and prosecute those in open defiance of the prohibition of hunting deer with dogs.

Undercover Operation

In February 1995 authorization was received from the TPWD Director of Law Enforcement to begin a 1-year undercover investigation into the unlawful use of dogs to hunt deer in East Texas. Two game wardens were selected to do the investigation, coined "Operation Dalmatian," which was to focus on the illegal activity in Jasper and Newton counties.

To go undercover is to abandon one's official identity and to assume a cover identity that will qualify the operative for acceptance by those he is investigating (Buckwalter 1983). The cover story selected for the operatives of Operation Dalmatian was one of a self-employed painter and his wife who moved to the area to make a fresh start, escaping undisclosed personal and financial problems. Requiring minimal investment to look the part, a self-employed painter also enjoyed increased availability to participate in hunts due to self-controlled work schedules. Painters also must curtail work during periods of wet weather which is prime time to turn hunting hounds loose on fresh deer scents.

The 2 operatives began living the cover story in April 1995 by renting a small house near the community of Kirbyville in Jasper County. This house served not only as a location to base the investigation, but also as a necessary residence for the operatives, who initially spent 2 to 3 days per week becoming familiar with the area and reviewing intelligence data.

Introduction and Infiltration

Most undercover investigations are initiated to document the buying and selling of contraband or other prohibited items. Investigations of this type capitalize on individual greed as the "ice breaker" to introduction and infiltration. Operation Dalmatian, however, was not a buy-bust type investigation and the infiltration strategy had to be focused on areas of human interaction other than greed. Without unlawful financial

transactions as a foundation from which to build a relationship, a slow process of introduction, infiltration, and assimilation into the dog deer hunting subculture was selected to prevent excess attention to the operatives. The infiltration strategy was to first be accepted as a local of the community; second, as a dog deer hunter; third, a friend of the target group; and finally, join the group.

Once possible suspects' residences and hunting areas were identified, advertisement signs bearing the alias name of the operatives were placed at conspicuous locations on trees and power poles to begin name introduction into those areas. Vehicles were also marked with magnetic company signs and caps were passed out which furthered the introduction objective. Name introduction was also fostered by purchasing necessary goods and services locally and making frequent appearances in public eating establishments in hopes of quickly removing the "outsider" or "stranger" label.

Information obtained from game wardens suggested the leader of a major dog running group owned a grocery and a liquor store in the Call community, located on the Newton and Jasper county line. This dog runner maintained a kennel of hunting hounds behind the liquor store. Over the next several weeks, the operatives frequented these locations, both observing and being observed by the leader and other members of his dog running group, while trying to move closer to recognition as a local. In late June, the undercover operatives asked the operator of the liquor store to put the word out that the operatives were missing a black and white hound. It was hoped a common bond would exist concerning the loss of a good hound and this would assist in the softening of barriers to personal introduction.

During July 1995, the operatives observed the leader of the dog running group building a new log home approximately 3 miles from the operatives's residence. Capitalizing on this opportunity, contact was made with the leader, who commented that he had seen the operative's advertisement signs around the area. After introductions were exchanged, the leader offered to employ the operative to paint the interior of his new home. This employment was not accepted. During a return visit in mid-July, the leader became comfortable with the operatives and spoke of his deer dogs and hunting in Newton County.

Upon having obtained the acquaintance level of acceptance with the leader of the dog hunting group, the operatives began to increase their efforts at becoming identified as dog deer hunters themselves. During the remainder of July and early August, return visits were made to the liquor store and other areas, spreading the story of the missing hound and requesting contact if anyone found it. Morning and evening drives through Type II hunting lands and area towns hauling dogs were also conducted for exposure and ready identification with the dog deer hunter subculture.

Late one August evening, contact was made with the leader's son at the kennels behind the liquor store. The operative told the story of the lost black and white Walker dog to the leader's son and fellow hunters who had gathered. Though the operative had never truly lost a dog, others there began to swear they had seen it just days earlier and vowed to catch it. Minutes later, the leader of the group arrived and also heard the story of the lost dog. After challenges to the operative's cover story and a thorough inspection of the operatives vehicle, the leader agreed to help find the lost dog. A

feeling of "dog hunter camaraderie" began to emerge. Sensing a connection had been made, the operative offered his help painting the leader's new residence. The offer was accepted and a meeting was set for the next morning. Operative painting company caps were then passed out to aid in introduction and bridge the gap between acquaintance and friend.

The following morning, while painting 1 of 8 doors, the leader invited the operative to participate in a dog deer hunt that was to occur after the next rain. This invitation was accepted and other offers were made by the leader to trade deer dogs for house painting.

During the last of August, the operatives received several contacts from members of the target hunting group concerning the whereabouts of the operative's lost hunting dog. Then, in early September, the leader's son invited the operatives to participate in a dog deer hunt that, for some unknown reason, did not materialize. Though the hunt did not occur, the operatives believed acceptance as fellow dog deer hunters had occurred.

Finally, in late October, the leader of the dog runners invited the operatives on a dog deer hunt which was to occur the next morning. Early the following morning, one operative awakened the leader just after dawn and followed him to his kennel where the dogs were loaded onto the leader's truck.

The Hunts

Before the first hunt began, the issue of the operative's initial acceptance into the hunting group was established when the respected leader advised the other members to take my man and put him on a stand. These were welcomed words for which many months of operative work had been devoted.

From 22 October 1995 to 7 December 1996, 8 dog deer hunts were made with the target group by either 1 or 2 operatives. The number of participants in the hunts ranged from as few as 5 to as many as 31. On more than one occasion, many hunters took stands on public farm to market roads without regard to the traffic. The majority of the hunts lasted all day, regardless of weather conditions. One to 4 releases of as few as 3 to as many as 10 dogs occurred each day. Four deer were taken, 2 were wounded, and 3 other were fired upon during these 8 hunts which occurred on Type II Unit 210 in Newton County. Deer taken during these hunts were not tagged as required by statute and were usually hidden in the underbrush alongside the roads until safe to move them without law enforcement detection. Several hunter vehicles were then assembled and sent in different directions in search of game wardens near the area. If a game warden was sighted by any member, that member was to warn the others using his citizens band radio and engage the warden in frivolous conversation, tying him up as the deer was slipped out using a convoy of vehicles. By offering to help clean the 4 killed deer, the operatives were able to secure evidentiary samples and photographs of each.

Late in the third dog release of the second hunt, a citizens band radio message was received warning of a game warden who was on his way to that location. Upon receiving this warning, an intoxicated, radical member of the hunting group made a

threat against the game warden, calling him by name. This radical member then took a lookout position on the roadway to intercept the game warden and detain him so the dogs could be caught. Luckily, the local game warden did not appear, thereby averting a confrontation with an already radical outlaw hunter who, feeling the effects of all-day alcohol consumption, was boasting his machismo and ready for a challenge.

During the third hunt, the operatives and the radical hunter were caught by the local game warden taking a stand on an improved logging road which ran through Unit 210. Fortunately, upon the game warden's recognition of the 2 operatives, he reacted properly and handled them as violators, issuing one a citation for failure to wear hunter orange. The radical hunter was also filed on for the unlawful possession of buckshot on public hunting lands. Both charges are violations of proclamations of the TPWD Commission to promote hunter safety and resource protection on Type II hunting areas. The citation inducted the operatives into the club of those dog hunters who have been filed on for violations of the very unpopular Type II law, thereby becoming a camaraderie building event for them. This citation also served as a diversionary topic of discussion when another key member of the group noticed and made an issue that the operatives' tires were of the same type as those used by the game wardens. The conversation was quickly focused back to the citation and many hunters offered their suggestions on how to beat the rap.

During the fourth hunt it was noticed by one operative that members of the hunting group were studying his movements through rifle scopes while all were taking their stands. These members had not acted suspicious of the operative during previous hunts and it was unknown what may have caused their suspicions to rise. No confrontation occurred.

During 3 of the hunts, the dogs crossed onto private hunting leases. On one of these occasions, 6 members of the hunting group trespassed onto a private hunting lease to retrieve their dogs and hopefully, get a shot at a deer. While inside the private lease, group members plotted the future theft of deer feeders and the destruction of property over their citizens band radios. Other group members remaining outside the private hunting lease were being rallied by older members to be ready to go in and help their comrades should they get caught. On another trespassing occurrence, members of the hunting group spoke of tacking the roads of an adjoining hunting lease in retaliation for calling the game warden. Face to face confrontations did not take place in either of the 2 incidents.

Evidence Collection

At the time of the first hunt, the total number of persons who were to make up the hunting party and their receptiveness to the operative presence was unknown and could only be evaluated as the day progressed. With the operatives' truck having been unexpectedly searched by the leader of the group at an earlier date, it was decided that nothing more than a disposable 35 mm camera would be risked to document the first hunt. Several photos having evidentiary value were taken during the first and subsequent hunts using this disposable type of camera.

As mentioned earlier, the dog deer hunter uses a citizens band radio to communi-

Table 2. Operation Dalmatian cases and dispositions, from March to September 1996

Charge	Filed	Conviction	Dismissed	Pending
Hunting deer with dogs	38	33	2	3
Unlawful possession/deer	6	6		
Sale of illegal fishing device	1	1		
Total	45	40	2	3

cate with other hunters. During all hunts other than the first, a micro-cassette recording was made of the hunters' transmissions during each dog deer hunt. An additional micro-cassette recorder was used by the operatives for note taking. These methods proved very beneficial to accurately document the hunts which sometimes lasted all day, having multiple dog releases and participants.

Understanding that the local courts favored overwhelming evidence against defendants in dog deer hunting cases, the operatives chose to gather much evidence on a few key members rather than a small amount on many. To have solid cases on those key members that would withstand the challenge of a reasonable defense, the operatives chose to single out participants in each hunt and document multiple evidentiary indicators of their participation. Though many were observed participating in the hunts, only those having additional supporting evidence of participation were considered as possible defendants. This requirement was considered paramount to the acceptance and successful prosecution of these and future cases by the local courts.

Closing

On the morning of 17 March 1995 Operation Dalmatian was ended as Texas game wardens executed arrest warrants on 25 defendants in Hardin, Jasper, Newton, and Orange counties for violations of Texas game and fish regulations. Game wardens were assembled into 2- and 3-man teams and given defendant intelligence packages prepared by the operatives, which included directions, maps, and photographs of locations where defendants could be found, as well as photographs of the defendants themselves. Twenty-three of 25 were arrested and posted cash bonds on that day. Included in that total is a single defendant from the town of Silsbee, who manufactured and sold prohibited devices designed to shock fish. Using the same cover story of a local house painter, the operatives located the subject and purchased 2 prohibited pulsating direct current electricity producing devices. These devices, commonly referred to a "zappers," were purchased during the months of September and October for \$65 each. Table 2 represents cases filed and their dispositions as a result of Operation Dalmatian.

Literature Cited

- Anonymous. 1955. The deerslayers. *Time*. 10 Jan 1955. P. 14.
 Buckwalter, A. 1983. Surveillance and undercover investigation. Butterworth Publ. Woburn, Me. 128pp.

- Campo, J. J. and G. E. Spencer. 1990. Hunting deer with dogs. Special staff report. Texas Park and Wildl. Spec. Rpt. Austin Tx.
- and ———. 1991. Regulatory response to deer hunting with dogs in eastern Texas. Proc. Annu. Conf. Southeast. Assoc. Fish and Wildl. Agencies 45:235–240.
- , ———, and B. Ortego. 1987. White-tailed deer hunting with dogs in east Texas. Proc. Annu. Conf. Southeast. Assoc. Fish and Wildl. Agencies 41:404–409.
- Draper, R. 1995. Burning the woods down. Texas Monthly. May 1995. Pp. 131–137, 183–188.
- Sitton, T. 1995. The race is the thing. Texas Parks and Wildl. Dec 1995. Pp. 24–27
- Spencer, G. E. 1986. Hunting deer with dogs. Texas Parks and Wildl Fed. Aid Rep. 56. Austin, Tx. 71pp.
- Texas Parks and Wildlife Department. 1987. Public hunting type II wildlife management areas map booklet. Pp. 1,19–23, 26–28.