

# Deer Decoy Set Up and Use for Night Operations in Wildlife Law Enforcement

**J. C. Story**, *District Captain, Enforcement Division, North Carolina Wildlife Resources Commission, 112 Ramblewoods, Valdese, NC 28690*

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*Abstract:* A basic guide is provided for safety, setup, and use of deer decoys to assist the wildlife officer in apprehending night deer hunters.

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In 1990, the North Carolina Wildlife Resources Commission approved the use of deer decoys for use during nighttime only. Extensive studies were conducted into the legal problems that might arise from this use. District attorneys and judges were contacted statewide by the enforcement officers to get their opinions and support for this project. The following policy was drawn up and adopted by the Wildlife Resources Commission to ensure the safety of the general public, and the officers.

## **Purpose**

Public acceptance of methods used for effective game law enforcement is extremely important. One such method is the use of decoys which has been adopted by various states as a means to enhance game law compliance. Decoys, if used properly, can be an effective tool in detecting and educating the law breakers. The use of decoys by enforcement officers is of concern to the public and the Wildlife Resources Commission Enforcement Division. To avoid adverse public opinion, improve game law compliance and to promote the safety in the use of decoys, the following policy must be followed:

## **Policy**

*A. Education*—To promote public support and acceptance, enforcement officers under the direction of district supervisors, should make contact with wildlife organizations, newspaper editors, and outdoor writers and explain the concept of decoy utilization. The importance of this is to gain their support rather than to simply publicize the program.

Before any decoys are used in any jurisdiction, the respective district attorneys and judges should be thoroughly advised of the program. The concern of entrapment is of the utmost importance. Be thoroughly knowledgeable of case law which relates that "merely affording the opportunity of facilities for the commission of the offense does not constitute entrapment."

*B. Safety*—Prior planning must be accomplished before decoys are used in a field environment. Plans shall be submitted to the district supervisor for his approval. As a minimum the following guidelines must be considered in each plan.

1. The location and general vicinity shall be observed during daylight hours to ensure that all of the following guidelines can be adhered to at all times.
2. Decoys will not be utilized at or near intersections or sharp turns, or extremely winding roads or hilly terrain where vehicles cannot be observed approaching from either direction.
3. The area behind the decoy setup must have an adequate backstop that will serve for shots originating from any angle on the road in which the decoy is visible.
4. Ensure that the chance of people, livestock, etc. will not be present along the line of fire at any time during the period of time the decoy is being used.
5. Consider all types of firearms that might be used in this environment.
6. As a minimum, 2-person teams should be utilized. No observer shall be stationed on the same side of the road as the decoy unless the terrain allows for safe viewing location. The other team member must man an enforcement vehicle and have voice or radio communications with the observer at all times while there is a decoy setup in operation.
7. While setting up or taking down the decoy, an enforcement officer in an enforcement vehicle will remain in open view on the road until his partner, dressed in solid blaze orange clothing from the waist up as a minimum, complete the setup or takedown operation.

*C. Public Relations*—Decoys may be used on public lands, Wildlife Management Areas, etc., wherever it is normally open for public hunting. However, decoys shall not be used on private lands without the permission of the landowner or operator.

Media publicity prior to the high violation rate seasons can do much to gain public support and compliance with the game laws and regulations.

*D. General Guidelines*—To assist wildlife officers in apprehending night deer hunters.

1. Do not use decoys which may be considered as trophy size wildlife or decoys with excessively large antlers as the courts may consider this negatively even though it technically does not constitute entrapment.
2. Do not use live animals other than those naturally moving about in the wild.
3. When issuing citations, avoid multiple charges unless it is appropriate for the situation. More appropriately, individuals can be charged with "hunting during

closed season,” “attempting to take big game between the hours of 30 minutes after sunset and 30 minutes before sunrise with the aid of a motor vehicle,” and any violation of road and local laws.

4. Any unusual or serious incidents shall be reported by the most expeditious means through the district captain to the colonel.

With the implementation of this program, officers in the field had varying degrees of success with the decoys. In 33 counties of North Carolina there is a prohibition against shining lights in search of deer from 2300 hours until one-half hour before sunrise. In another 50 counties the prohibition against shining lights is from one-half hour after sunset until one-half hour before sunrise. This creates problems in the setup and availability of the night hunters to see the deer decoy. In the counties that have the shinning law, it has been our experience that the night hunters ride the roads at a slow rate of speed never shinning a side light, but looking for a deer on the side of the road. The wildlife officer has to follow the vehicle for a considerable distance and the violator may not see a deer or do anything that would give the wildlife officer the chance to make an arrest.

At the outset the officers were setting the decoy up in a field away from the road waiting for the night hunters to shine a light out into the fields.

Obviously this did not work very well and we had very little success.

The officers then started setting the decoy up in a position that could be seen by all passing vehicles, in a slight curve, at the end of a road, or on the shoulder of the road on the gamelands.

In one instance, on a dead end U.S. Forest Service road, the decoy was set up in a position so that all hunters in the road would see it coming out at the end of the day's hunting. There were 12 vehicles in the road. After sundown the vehicles started coming out of the road. The first vehicle, with 2 hunters, shot the decoy and when it didn't fall, started to shoot again and in their haste the gun went off before they could aim. They drove away and were stopped at a check point about one-quarter of a mile below the decoy. Three more vehicles came by and didn't shoot at the decoy. They stopped at the check point and praised the officers for using the decoy. The next vehicle shot the decoy twice, and was getting out to go to it when the officer approached and placed him under arrest. Out of the 12 vehicles there were only 2 that shot the decoy. This speaks well for our hunters and was a real pleasant surprise for the officers. This seemed to be a norm for all areas that used the decoys. After a short period of time the violators seemed to get wise to the standard archery target decoy.

Officers covered several of the decoys with deer hides. Then one officer borrowed a radio control device and installed a movable tail. Just 2 twitches of the tail and usually a shot would ring out. This same officer is now working on a movable head that will move from left to right. Several taxidermists are working with the officers covering the deer and soft tanning the capes. Soft tanning of the capes allows the decoy's head to move within the covering. It also gives it a natural look when viewed through a scope. The body of the decoy can be covered with a deer hide that

is fleshed and saturated with taxidermy powder. This makes the hide stiff but it will not effect the performance of the decoy. The hide is then glued to the body of the decoy and is ready for field testing.

Officers are using several different devices to make the decoys eyes glow when a light hits them. One is reflective tape cut to the eye shape. Another is tacks with the glow tape on them of the type used to put in trees to find your deer stand.

Of all the tricks of the trade, the setup is the most important factor in the success of the decoy. The decoy must be set in a position that all passing vehicles can see it. It must be in an area that has a good backstop for safety reasons. An officer must be out on foot across the road from the decoy so he can observe all the activities that take place, and a chase car must be in a position to apprehend the violators as they leave the scene. The decoy may be placed in tall weeds, or brush just coming up to its chest to make it look natural. It can be set up in the woods or in a field if all safety guidelines are met.

With the success of the first deer season using the decoys the wildlife commissioners were shown a video of the activities in District Eight and briefed by the district captain on the use of the decoy. After discussion, the commissioners voted to allow the decoy to be used during the daylight hours as long as the safety guidelines and the existing policy on decoy use were followed. Daylight use of the decoys almost requires that it be covered with a deer skin prior to use. The decoy can be set up a greater distance from the roadway so that it looks like a deer just coming out of the woods.

The decoy is one of the most beneficial tools that a wildlife officer has had in many years. We have made a video of some of our activities showing proper setup and actual night hunting cases made with the decoy.