

# LAW ENFORCEMENT SESSION

## WILDLIFE HELD IN CAPTIVITY

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As a preface to this subject, I would like to state that the problem of wildlife in captivity is a complex one with which few states have been able to deal satisfactorily. This problem encompasses the phases of enforcement, management, inter-relations with other agencies, disease factors, and perhaps the greatest underlying factor of all—public relations. No regulation or restriction of captive wildlife can be successful without public support and the failure to require proper care and treatment of wild animals in captivity often releases an expression of public indignation which is long remembered by the conservation agency of the state. Unfortunately many such agencies are without authority to deal effectively with the problem. We, in Florida, are particularly conscious of the problem. In addition to the usual situations of persons keeping wild pets, and of the “rescuing” of supposedly lost animals of protected species, we have, by virtue of our being particularly tourist conscious, a great many wildlife exhibits ranging from high quality exhibits to shoddy installations operated on low standards of quality.

In order to get a better overall picture of the problem, a survey was made of the regulations of other states. A total of forty-one states, including Florida, is represented; but due to lack of detailed information, incompleteness of some laws, or other factors, it was not possible to tabulate all procedure or legislation on each question.

### Provision for License or Permit to Take Wildlife at Times Other Than Established Seasons:

For scientific and/or educational purpose .....	15
For scientific, educational, and propagation purpose .....	11
Provision without qualification .....	4
No Statutory provision .....	11
Provision for Permit to Possess Wildlife:	
By permit, unrestricted as to species .....	17
By permit, conditional as to species .....	4
Possession permitted under license .....	5
No provision to permit possession .....	7

In states where licenses rather than permits are provided, the law is often so broadly written as to deny the conservation agency any discretion as to approval or denial of the privilege of possession. One state license also accords the privilege of sale, and the license law of another even vests ownership of such animals in the individual. Three states provide for the keeping of pets without any permit or license. Wyoming is the only state in the study that prohibits the possession of wildlife by any individual or private zoo.

### Establishment of Pen Specifications for Holding Wildlife in Captivity:

Pen specifications provided .....	7
No caging specifications .....	31

Pen specifications generally are more concerned with public safety than with animal welfare; but North Carolina and Michigan have specifications giving good consideration to animal welfare.

### Regulations of Importation of Wildlife into State:

No regulation .....	25
Regulation to some degree .....	12

Most states having import regulations specify “importation for release” and do not adequately deal with import unless it is for the purpose of releasing into the wild.

### Provision for Operation of Menageries or Commercial Exhibits:

No specific provision in Code .....	18
Permitted, no license required .....	8
Permitted by license .....	8

As in the case of licenses to possess wildlife, states requiring licenses for exhibits often have little control of exhibits after the purchase of the license. Two states indicated that they do not have jurisdiction of exhibits, and several other states have jurisdiction limited to game only. Four states expressed dissatisfaction with their present laws.

Game breeder's or propagator's licenses in most states generally carry sufficiently broad terminologies to be in some measure applicable to exhibits and may accord special privileges as to taking or possessing. These license laws always provide for sale of pen-raised wildlife and may create special problems in connection with contraband sales of wild stock when such privileges are accorded.

Exhibits of wildlife are fairly lucrative operations in Florida; and while most of the exhibits are high in quality and well operated, we do have some of the "fly-by-night" type which resort to carnival-style "gimmicks" to gather the tourist dollar. Several exhibits advertise "free" admission, but ask for "voluntary" contributions at the exit turnstyle. The latter type exhibits are the source of frequent complaints due to such advertising as well as to the often ill-kept condition of these places. Complaints of any nature regarding such exhibits are directed to our Commission, although we are oftentimes without authority to control these operations. The most frequent complaint is that of mistreatment of animals; and, as anyone who has experienced it knows, the ire of the public in such a situation is awesome to behold.

In response to such complaints, we recently undertook to close an exhibit which persistently maltreated animals on exhibit. The Commission received a ruling from the Circuit Court which upheld our authority in this matter. This case is presently before the Florida Supreme Court for review. On the basis of the Circuit Court decision, we are proceeding along the line that our Commission has jurisdiction of all wild animals and birds whether native or exotic; and we have formulated a comprehensive set of pen specifications for all classes of wild animals and birds. These specifications set forth details of construction, sanitary measures, cage sizes, security measures for dangerous species, and swimming facilities for aquatic animals. It is further provided that diseased or injured specimens must be given prompt veterinary attention, and shall be kept from public display until recovery.

In addition to the specifications for exhibit pens, the Commission utilizes an exhibit inspection form to report conditions of cages and animals on exhibit. This report is made semi-annually by a local wildlife officer; and he is also expected to make inspections at other times without filing such a report.

Our Commission requires a permit of any person or exhibit to authorize the possession of any native birds or animals. This permit carries an itemized listing of major protected species and does not authorize capture from the wild or the sale of any such wildlife. Under our code, the ownership of any wildlife originally taken from the wild remains the property of the State and the possession permit authorizes only temporary custody. This permit is renewable annually and is issued after an inventory of specimens is made to verify the listing of the applicant. Possession permits may not be issued to applicants who have been arrested and convicted for the violation of any rule or regulation of the Commission within one year; and any permit held by a person so convicted shall be revoked for one year.

Under present regulations, Florida does not have any limitations as to numbers of specimens which may be held under permit; and several exhibits have such large numbers of alligators that an accurate inventory is almost impossible. Sometimes habitat-type pen designs for the display of alligators create considerable difficulty for accurate inventory.

Whenever protected species are held in captivity under permit, frequent unscheduled inventories seem to be the only defense against the unscrupulous operator who traffics in a contraband disposal of such species and replaces his specimens from the wild. The authorized possession of large numbers of specimens makes the control of such operations more difficult.

Florida requires a license for the exhibition of poisonous reptiles and our code sets forth specifications for the cages of any reptiles so displayed. A special license for the keeping of nutria is required and certain minimum caging requirements designed to prevent escape must be observed.

Our possession permit does not accord any privilege of taking wildlife from the wild; but the Director is authorized to issue permits to allow such taking for scientific, educational, exhibition, or propagation purposes. We are extremely cautious about issuing any such permits to take protected wildlife for exhibition or propagation purposes until all other channels of acquisition have been exhausted. The Commission has a policy of some years' standing which denies permits to possess fawn deer from the wild unless there is some special reason or justification.

Disease and health problems in captive wildlife should be carefully watched since there is an ever-present hazard that such animals may be the cause of introduction of a disease to wild populations. These hazards can best be controlled by a strict regulation of interstate transportation of both exhibit animals and stock for release in the wild or as shooting preserve stock. The findings of the Cooperative Study of Deer Diseases in the Southeast indicates that a blood disease became established in several states as a result of interstate deer stocking and well illustrates the need for caution in any such activity. Most states do not have adequate laws to deal with such a problem and the hazards of such introductions are not understood by most sportsmen.

Florida newspapers earlier this month carried accounts of the discovery of an infestation of African red ticks in an exhibit of African animals occupying a 160-acre compound. Concern has been expressed since this tick is a known carrier of several animal diseases; and the exhibit where it was discovered has been quarantined by the State Department of Agriculture.

We are particularly conscious of tick-borne diseases since Florida sportsmen still remember the slaughter of deer in a number of south Florida counties in an effort to eliminate carriers of Texas cattle fever which was originally introduced by cattle transported from Texas.

In summation, it is apparent that few states have adequate regulations to deal with the problems of wildlife in captivity. There seems to be a definite need for more standardized controls of such operations; although a revision to incorporate complete jurisdiction would be major in scope under the present authority of many commissions. There is a definite need for greater authority to control the interstate movement of wild animals both to deal with exhibits and to avoid the much greater hazard of disease introductions into wild populations. Regulations should vest authority in the state wildlife agency to permit control of all wildlife in captivity; to set specifications for animal health and welfare; and to control movement of all wild animals across state lines.

## **PROGRESS IN THE ENFORCEMENT OF THE BOATING SAFETY LAWS IN NORTH CAROLINA**

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North Carolina's Boating Safety Act gave to the North Carolina Wildlife Resources Commission the responsibility of administering and enforcing the provisions of the Act. Since January 1, 1960, the effective date of the Act, the Wildlife Protection Division of the North Carolina Wildlife Resources Commission, charged specifically with the work of enforcement, has had its share of complaints, objections, charges of harassment of boaters and of over-enthusiastic performance of duty, paralleled by statements that "the time has come for strict enforcement." In general, however, fewer difficulties have been encountered with the administration and enforcement of the provisions of the Act than were anticipated. Public reception of our firm enforcement policy, and of the way in which our field personnel have followed this policy, has been excellent.

Immediately upon ratification of the Boating Safety Act on June 17, 1960, plans were made to establish effective equipment and numbering regulations under authority of the Act, to inform the public of the provisions of the Act and the regulations attendant thereto, and to train enforcement personnel so that they would have a thorough knowledge of the new law in all its intricacies