



# Policing the Poachers in the United States: A Qualitative Analysis of Game Wardens and Profiling

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## Abstract

*Contemporary law enforcement agencies use criminal profiling techniques to identify and apprehend offenders. One type of crime in the emerging area of green criminology is the illegal taking of wildlife resources. The purpose of this exploratory study was to examine how conservation law enforcement officers in the United States use criminal profiling techniques to identify individuals who violate wildlife laws. A qualitative approach to data collection was employed, and data were obtained from a mail survey and phone interviews with state game wardens in Montana, United States. Findings reveal that game wardens use several factors to socially construct profiles of poachers and how they operate, including behavioral patterns, geographic areas, and experience. Profile characteristics of the most and least difficult poachers to apprehend are also identified.*

Keywords: Conservation Law Enforcement, Game Wardens, Profiling, Poachers, Wildlife.

## Introduction

In recent decades scholars have become increasingly aware of the importance of crimes against the environment, which has resulted in the development of “green criminology” or “conservation criminology” (Gibbs, Gore, McGarrell, & Rivers, 2010; Herbig & Joubert, 2006; Lynch & Stretesky, 2003; South, 1998; White, 2009). One type of green crime that is attracting increased attention from criminal justice scholars is the illegal taking of wildlife resources, or poaching as it is commonly known (Blevins & Edwards, 2009; Crow, Shelley, & Stretesky, 2013; Eliason, 2012; Filteau, 2012; Green, 2011).

The loss of wildlife resources from poaching activities is a serious problem in contemporary society both nationally and internationally (Eliason, 2012; Musgrave, Parker, & Wolok, 1993; Schneider, 2008; South & Wyatt, 2011; Warchol, 2004; Warchol & Johnson, 2011; Wyatt, 2011). In the United States, millions of dollars are earned from this illegal activity that depletes wildlife populations of animals for consumptive and non-consumptive users to enjoy (Blevins & Edwards, 2009; Musgrave et al., 1993). Wildlife crimes typically occur in remote rural regions characterized by low population density and diverse geographical features (Eliason, 2011b). These factors make it difficult for law

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enforcement agents to solve poaching crimes and bring the perpetrators of these offenses to justice.

Game wardens are the law enforcement personnel who have been given the responsibility of enforcing conservation laws that protect wildlife resources (Calkins, 1970; Eliason, 2011a; Eliason, 2011b; Forsyth, 1993; Forsyth, 1994; Tobias, 1998). Also known as conservation officers, game wardens are specialized law enforcement officers that carry out the majority of their work in rural areas (Eliason, 2011c; Palmer & Bryant, 1985). The job of game warden is a rural occupation in an increasingly urban society, a society that is also aware of the importance of a healthy environment and concerned about the protection of wildlife resources. Similar to their urban law enforcement officer counterparts, game wardens rely on informants (Forsyth, 2008; Palmer & Bryant, 1985) and tips from the public to solve poaching crimes (McSkimming & Berg, 2008).

While evidence suggests game wardens are increasingly being asked to perform a variety of traditional law enforcement duties (Falcone, 2004; Shelley & Crow, 2009; Sherblom, Keranen, & Withers, 2002), their primary responsibility is to enforce fish and game laws which includes the identification and apprehension of poachers (Eliason, 2007; Forsyth, 1993; Forsyth, 2008). One method of identifying potential law violators that warrants attention in conservation law enforcement is the profiling of offenders.

Behavioral profiling of criminal offenders is a common practice used in contemporary law enforcement, and has been the subject of research by criminal justice scholars (Allison et al., 2010; Cook & Hinman, 1999; Devery, 2010; Dowden, Bennell, & Bloomfield, 2007; Gekoski & Gray, 2011; Johnson & Morgan, 2013; Messer, 2008; Snook et al., 2008; Snook et al., 2007). Behavioral profiling consists of the identification of common characteristics and behavioral patterns associated with criminal offenders, and using this information to identify and apprehend individuals involved in criminal activity.

The use of profiling is exemplified by the “drug courier profile” that is used by law enforcement officers to identify drug dealers in airports (Harris, 2006, p. 15; Janikowski & Giacomassi, 1993; Newman, 1995, p. 202; Robin, 1993; Ryan, 1994). Profiling practices have been studied in the context of shoplifting (Dabney, et al, 2006) and serial rapists (De Wet, Labuschagne, & Chiroro, 2009). In recent years considerable attention has been devoted to the controversial practice of racial profiling, where police officers identify potential criminal offenders based on racial characteristics (Harris, 2006; Warren et al., 2006; Williams & Arrigo, 1999; Williams & Stahl, 2008).

Prior studies on poaching and poachers have examined motivations for poaching (Forsyth, Gramling, & Wooddell, 1998; Muth & Bowe, 1998; Warchol, 2004), poacher types (Blevins & Edwards, 2009; Brymer, 1991; Eliason, 2008; Musgrave et al., 1993), and how game wardens apprehend poachers (Forsyth, 1993; Forsyth, 2008). Young, van Manen, and Thatcher (2011) used geographic profiling to study poaching risk of American ginseng in Shenandoah National Park. Haines et al. (2012) examined spatial patterns of reported white-tailed deer poaching in Iowa and identified characteristics of the locations or “hot spots” where poaching was likely to occur. In the U.S., the majority of studies on poachers and poacher types have been conducted in states located in the southern region of the U.S. such as Florida (Crow et al., 2013), Kentucky (Eliason, 2008), and Louisiana (Forsyth, 1993). As Eliason (2008, p. 124) noted, “...it is possible that there are variations in poaching behavior in different regions of the nation.”

Given the extent of the poaching problem in contemporary society, there is a need for research on conservation law enforcement officers and their efforts to apprehend poachers.

The purpose of the present research was to extend our understanding of law enforcement investigative techniques by examining how game wardens profile wildlife law violators. Game warden perceptions of the most difficult and easiest poachers to apprehend are also identified. The present study contributes to our understanding of wildlife law enforcement officers and how they operate by focusing on a western state in the United States: Montana.

### **Methods**

Given the lack of research regarding profiling among game wardens, this exploratory study took a qualitative approach to data collection. Data were obtained in two phases that included a mail survey and phone interviews. The first phase consisted of a mail survey that contained mostly open-ended questions pertaining to the job of game warden and their attitudes toward wildlife law enforcement. A list of Montana state game wardens was obtained in 2004 from Montana Fish, Wildlife and Parks, the state agency responsible for wildlife law enforcement. Surveys were sent to all Montana state game wardens in February of 2005 (N=84). A total of 22 surveys were completed.

In order to elicit information on profiling techniques from the surveys, game wardens were asked “What profiling techniques do you use to catch wildlife law violators?” Wardens were also asked “What is the most difficult type of poacher to catch? Why?” and “What is the easiest type of poacher to catch? Why?” Respondents were allowed to respond in their own words so their perceptions of profiling and types of poachers could be obtained in rich detail.

The second phase of the study consisted of phone interviews with game wardens. A question was placed on the survey that asked wardens if they would be willing to participate in a phone interview. Fifteen of these interviews were conducted with wardens who completed the survey and agreed to participate. In addition, one warden didn’t want to complete the survey but agreed to a phone interview. A total of 16 phone interviews were conducted with wardens between March and May of 2005. These interviews were used to clarify information in the surveys as well as to elicit additional information about the job of game warden. Statements made by wardens that contained information pertaining to profiling were written down verbatim.

For data analysis, the author examined all written comments from surveys and notes from phone interviews with the intent of identifying common themes that pertained to profiling techniques in wildlife law enforcement. Common themes that emerged were placed into topical categories. Comments from each category that illustrate the topics are provided. Summarization and interpretation of the comments is provided by the author. To differentiate warden comments, all of the respondents were assigned a number. Comments from surveys are identified by a number only, while comments from phone interviews are identified by a number and the word “interview.”

### **Results and Discussion**

When asked about the profiling techniques they used to apprehend wildlife law violators, some of the wardens were adamant that they did not use profiling techniques. This was most likely due to wardens associating the general term “profiling” with the controversial practice of “racial profiling” that is widespread among traditional law enforcement agencies:

None—we do not profile! That would not be effective in recreational and sporting scenarios. Every type of person has enjoyed recreational activities. (#1)

NONE—profiling is unlawful. These kinds of questions bother me, as someone may answer this and it would be used against officers in court. I DO NOT PROFILE! (#2)

I don't profile. I catch them the old fashioned way. Interpretation (of evidence), informants, interrogation. (#3)

I don't. (#4)

None. (#5)

Despite these claims, many of the wardens indicated that they did use profiling techniques to aid them in the apprehension of poachers:

Profiling is illegal based on racial characteristics. In technical terms, we do profiling. For example, out of state vehicles, people wearing hunter orange, guns in the back of trucks. (#9, interview)

We don't profile! We observe tendencies and patterns in behavior through visual observations, license inspections, and field interviews and conversation. (#7)

All wardens profile whether or not they articulate it. Call it what you want, but those first impressions are used. (#6, interview)

I profile based on exhibited behavioral patterns, not based on ethnicity or economic status. (#8)

### ***Behavioral Patterns***

Some of the game wardens mentioned that they profiled by observing general behavioral patterns. While these characteristics took a variety of forms, they generally consisted of behavioral patterns that were in some way out of the ordinary. These included lifestyles and attitudes that deviated from the norm. Wardens indicated that in addition to monitoring the outward behavior of individuals, they observe vehicles and look for other information that could be indicative of a propensity for engaging in poaching activities. Wardens also reported that they were attentive to conversations with sportsmen and listened for information that might be associated with poaching, such as an obsession with trophy animals:

Certainly not inclusive of all but over time: those who do not wave, those who wave too much, those on some form of disability, those without a job or family, those with excess monies and time relative to the community, those which entertain a large number of "friends" during the hunting season, those not trusted by those who I trust, those who view natural resources as a given commodity or right (i.e. cultural or religious influence), those obsessed with trophy animals, some hunters who are extremely successful year after year and fall into a category above. (#6)

That's illegal! Being observant to abnormal behavior. Lots of game taken, blood on vehicles year round, obsession with trophies. Listening to small talk from informants and hunters. Exchange of information between officers. Folks that commonly violate criminal law, often disregard wildlife laws. You can sometimes use outdoor occupations-i.e.-loggers. (#10)

Outward expression of their desire to hunt-stickers, personalized plates, club memberships, slogans/bumper stickers, T-shirts-slogans, condition of equipment. (#11)

Visit with suspect and see what his opinion is on wildlife topics. Compare his known behavior in the field with his statements. (#12)

### **Geographical Areas**

Over time, game wardens become familiar with the terrain and wildlife populations in their region as well as patterns of lawful as well as unlawful human activity. A common method used by game wardens is to focus patrols in places where poaching offenses are likely to occur. In their study of Virginia game wardens, Palmer and Bryant (1985, p. 124) described this technique and stated "Working "hot spots" refers to patrolling in areas high in hunting and fishing activity. Examples are working trout streams on the first day of trout season, staking out certain areas on the first day of deer or dove seasons and observing places known to contain abundant wildlife."

Given the vast geographic areas Montana wardens are responsible for patrolling, game wardens indicated that a fruitful method of apprehending violators was to position themselves near the resource. This involves patrolling areas that are known to have large quantities of wildlife, especially trophy wildlife, as well as places where poachers are known to operate:

Consider what the term profiling means in general when dealing with law enforcement nationwide. Now completely change that 180 degrees and that's who wardens spend their time chasing-racism has nothing to do with wildlife law enforcement. Wardens go to the resource and wait for a violator to find him. (#16)

It's hard to "profile" poachers. They come from all aspects of life (rich, poor, any race, etc.). We spend time patrolling areas that are remote and have trophy animals in the area. (#13)

Good informants. Work areas known to have violators. Time of day/night. Being in the right spot at [the] right time. (#14)

Vehicle-condition. Age of people. Number of people hunting together. Area they're hunting. How they act and communicate. (#17)

I address the areas which are rich in wildlife and are most likely to afford a violator isolation from detection. (#11)

It is illegal to profile. But we do get to know our areas pretty well. And the people. (#15)

### ***Experience***

It has been claimed that law enforcement officers develop what is called a “sixth sense” that helps them in the performance of their duties (Worrall, 2013). According to Worrall (2013, p. 309), “Researchers have likened it to suspicion, fear, common sense, and intuition, or a combination of each.” In their study, Palmer and Bryant (1985, p. 122) reported that “Some wardens indicated that after a while they developed a “sixth sense” that helps them in “psychological deduction.”” Statements from wardens in the present study indicated that experience gained on the job helped them understand situations and know what to look for in terms of identifying poachers:

Experience! No real technique. More of a gut feeling. (#18)

Years of experience and practice. (#19)

### ***Types of Poachers***

An understanding of game warden perceptions of poacher types is important because these observations reveal information about the characteristics of individuals wardens are on the lookout for when they are investigating poaching activities. This section describes the most difficult, and least difficult, poachers for game wardens to apprehend.

#### *Most Difficult Poacher to Catch*

Four categories of poachers emerged from responses to the question about the most difficult poacher to apprehend and included those who work alone, those who hunt on private property and behind locked gates, poachers who have been caught before, and others.

#### *Those Who Work Alone*

Responses from game wardens revealed that individuals in this category were difficult to apprehend due to the solitary nature of their activities. Often described by wardens as “loners,” these violators work by themselves and do not discuss their activities with anyone. Since there are no witnesses, this makes it extremely difficult for wardens to obtain evidence, or to even be aware that a crime was committed:

The one who works alone for his/her own satisfaction! The resources (deer, elk, etc.) cannot report to us when a crime has been committed in their presence! [There are] no witnesses, no one to hear the story of the illegal act. (#7)

The loner, in an isolated area. Behind a locked gate. No one talks and he is very hard to watch. No evidence or carcasses show up. (#10)

Experienced, lone individual who has extreme time and access on his hands. Hunts alone. No contacts or other individual exposure. (#20)

A loner. The guy who does everything alone, very unsocial, and does not brag. They usually live alone also. (#1)

The loner who does not need recognition. [There is] less of a trail to follow as far as witnesses/accomplices. (#11)

Those who hunt alone and keep their activities to themselves. No one but them typically is aware of the violation. (#6)

The ones that work alone and keep [their] mouths shut. (#15)

The one that doesn't brag and hunts by him or her self. (#17)

Local, killing for the meat only. Doesn't brag. (#14)

The one that doesn't brag. (#9)

#### *Those Who Hunt on Private Property and Behind Locked Gates*

Individuals who poach on private property were identified by game wardens as a particularly difficult type of poacher to catch. This category of poacher is similar to “the back door hunter/poacher” in Eliason’s (2008) study. While there is a substantial amount of public land in Montana, the majority of land is privately owned. According to official statistics, 59% of Montana land is private, 35% is in the public domain, and the remaining property (4%) is Indian trust land (Montana’s Official State Website, 2010). According to Eliason (2012, p. 79) the private land in the state allows animals to get to trophy proportions:

...private land presents vast opportunities for trophy poaching due to the abundant wildlife resources found on these properties. Wild animals are attracted to these areas primarily for food and refuge. ...Wildlife species have the potential to grow to considerable size under conditions of no (or limited) hunting. ...Some landowners do not allow any hunting on their land, and wildlife species such as elk and deer sometimes congregate in these areas...

A judicial decision that severely limits the ability of game wardens to patrol on private land in Montana was rendered in 1995 (Eliason, 2012; State v. Bullock, 1995). Known as the “Bullock decision” by wardens (Eliason, 2012, p. 81), this decision makes it so game wardens cannot patrol on private land without “...a warrant or permission from the landowner.” Wardens indicated that this makes it very difficult for them to know what is happening on private property in the state, and provides poachers with the opportunity to work with impunity in many instances:

The one that keeps his mouth shut (they almost never do). Seriously—the ones that operate on private property behind locked gates, out of sight of the public roads. (#3)

The person who poaches alone, and the person who poaches behind locked gates. The locked gates obviously prevent access for wardens to observe and apprehend the poacher, and a loner is less apt to talk about his activities. (#8)

The people who hunt by themselves and those that hunt on their own property. (#19)

Poachers on private land behind locked gates, because of limited access by wardens. (#4)

Those operating purposefully on private land. Lack of access. (#21)

Landowners. [It is] hard to catch 'em in their own backyards. (#5)

#### *Poachers Who Have Been Caught Before*

As human beings we are constantly engaged in the socialization process as we go through life, and we learn from the experiences we have. Comments from some of the wardens indicated that poachers who have been caught before learn from their past mistakes and become more skilled and proficient at the activity, which makes it more difficult for them to apprehend these individuals:

One that has been caught before. ...getting caught does nothing but make them smarter. It truly becomes a game in their minds. Killing a trophy and rubbing it in the face of law enforcement is the ultimate. (#16)

The previously caught poacher. Every time we catch him we educate him. They can reason. They learn from experience. It's a game for some people. (#22, interview)

#### *Others*

The final category consists of miscellaneous types of poachers that wardens found particularly difficult to catch, including those motivated by financial reasons, unlicensed nonresidents, and those who are smart:

The guy doing it for money. His livelihood depends on his success and not being caught. Only undercover operations will catch these guys. (#18)

The unlicensed nonresident. He kills, then leaves with the evidence and there's no way to track him. (#12)

Smart ones. I am reluctant to divulge enforcement techniques. (#2)

#### *Easiest Poacher to Catch*

Comments from game wardens revealed two types of poachers that were the easiest to apprehend: those who brag about their activities, and the opportunist poacher.

#### *Those Who Brag About Their Activities*

According to wardens, braggers are those who are not content to keep quiet about their activities. Instead, they are proud of what they have done and feel compelled to tell others about their exploits. Wardens indicated that these individuals also take photographs of their illegal kills. Because they freely share information about their crimes with others, word spreads and these individuals are easy for game wardens to catch:

Those who hunt in groups and [/]or are very proud of their accomplishments and consequently must share their deeds with others. Most Montanans will not tolerate poaching for the sake of trophies and will turn in the perpetrator when they become aware of the activity. There is even honor amongst thieves. (#6)



Ego poachers, they seek recognition and take a lot of evidentiary photos/video, tell everyone they know, and often make poor decisions as to where they poach, because of the overwhelming urge to be recognized as a trophy killer. (#11)

The one who brags about his activities and accomplishments. Poachers with egos that require constant pumping tend to tell more people and eventually one of them will not appreciate his illegal/unethical actions as much as he does. (#7)

The arrogant braggart. They tell everyone and like to show pictures. The type of person who has to talk about every hunt. (#1)

The person who poaches to increase his status as a hunter. This type of person will brag to others, loose lips sink ships! (#8)

Big mouths. They brag about the big one to their buddies. Recently divorced, real easy to catch. (#18)

School kids. Ones that brag to everyone on their exploits. Inexperienced in hiding their deeds. (#10)

The ones that do it during hunting seasons and talk a lot. (#15)

The greedy one that can't shut his mouth. (#16)

A bragger. (#17)

The [one] that brags. (#9)

#### *The Opportunist Poacher*

Wardens indicated that opportunist poachers were easy to apprehend. This is because this type of poacher lacks experience and is apt to leave evidence at the scene, and often commits the crime under circumstances that make it likely he will get caught:

The young opportunistic ones. They talk, they lie well but they break easy under interrogation. They leave lots of clues and do stupid things like go spotlighting with an empty tank of gas. (#3)

The amateur road snipe and trespasser. They are stupid and commit the violation when they're likely to get caught. (#12)

Dumb one! Opportunist type poacher. Doesn't plan on poaching but does when opportunity arises. One that brags and talks a lot. (#14)

Opportunistic poachers. They haven't given it much forethought or planning. (#21)

Occasional resource abuser. No experience. Careless. Not aware of evidence left behind. (#20)

The incidental or accidental poacher and the really dumb ones. (#19)

## **Conclusion**

This research enhances our understanding of conservation law enforcement officers and their investigative techniques for apprehending poachers. As this study demonstrates, criminal profiling has utility for this type of rural, specialized policing. Game wardens look for behavioral patterns and characteristics that help them identify poachers, such as an obsession with trophy animals. Wardens also position themselves near the resource in geographical locations that are known by them to be conducive for poaching activities to occur, such as isolated habitat that contains large populations of wildlife, especially trophy wildlife. Their knowledge of offender characteristics as well as spatial patterns associated with poaching offenses allows wardens to be more effective in their pursuit of wildlife law violators.

Consistent with previous research (Forsyth, 2008), game wardens reported that the most difficult poachers to apprehend include those who work alone. Similar to the work of Eliason (2008), those who hunt on private property are also difficult for wardens to apprehend. Given the restrictions placed on game wardens with respect to patrolling private property in Montana, a great deal of illegal activities can transpire in these locations without wardens being aware that it is occurring (Eliason, 2012; State v. Bullock, 1995). The easiest poachers for wardens to catch are those who openly talk and brag about their illegal activities as well as those who poach on an opportunistic basis.

The present study on the use of profiling in conservation law enforcement was exploratory in nature. Future research on conservation officers should continue to investigate profiling techniques used by game wardens. These studies could use the technique of participant observation. This method would allow the researcher to spend time and interact with game wardens and carefully observe how they patrol and look for violators. Studies of this sort would be beneficial for our knowledge of conservation crime.

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