



Paying THE Price

States are increasingly turning to B&C's scoring system to assess restitution fines for poachers.



Major wildlife cases prosecuted over the last several years invariably have revolved around individuals who are willing to go to any length to take what are considered trophy-class animals.

By Mike Korn

Assistant Chief of Law Enforcement
Montana Department of Fish, Wildlife and Parks

These people are driven by greed, money, or just plain ego. Regardless of the motive, the commercialization and illicit taking of the wildlife of the state is criminal at best and in Montana, can also be felonious.



Numerous states use the Club's scoring system to some degree to assess restitution for the illegal taking of "trophy" big game, including:

- Idaho
- Kentucky
- Minnesota
- Montana
- Ohio
- Pennsylvania
- South Dakota

The Montana legislature directed that proceeds from all restitution go toward funding regional investigator positions. As such, those who were breaking the law and convicted literally paid for the cost of their prosecution.

Warden Captain Jeff Darrah and Sergeant Joe Jaquith standing in front of the "wall of shame" with evidence from the Ruth Poaching Ring case.



Major cases in Montana have resulted in major restitution. For example:

Operation Cinnabar

Danny MacDonald, a commercial poacher from Gardiner, Montana, was sentenced to a year in federal prison along with \$50,000 in fines and restitution for his illegal activities guiding non-resident hunters to trophy bulls leaving Yellowstone Park to the Cinnabar Basin.

Jason Mullaney

A Butte, Montana, resident convicted of felony poaching charges, Mullaney paid \$23,000 in restitution along with other penalties for unlawfully taking 17 deer, 5 pronghorn (including a records-book buck), 2 black bears and a mountain goat.

The Ruth Poaching Ring Case

Dean and Renita Ruth, who had property in Seeley Lake, Montana, were convicted of numerous charges (12 of which were felonies) for violations where more than 100 big-game mounts and racks were seized including deer, bear, elk, and moose. The conviction resulted in Dean Ruth receiving a 20-year prison sentence (with five years suspended), as well as paying \$19,000 in restitution.



LEFT: Region 2 wardens with trophies from Kurt Norman case.



ABOVE: Dennis Barbian was ordered to pay \$30,000 in restitution for illegally killing this trophy bighorn sheep in 2005. If the animal had not been of trophy quality, the penalty would have been \$2,000, Warden Captain Jeff Darrah said.

Since 1987, those convicted of the illegal taking of wildlife were by statute, often required to pay restitution in addition to any fines levied. However, combined with an ever-growing commercialization of Montana's game, the Montana legislature passed a law in 2005 authorizing, in addition to other penalties, "...a person convicted or forfeiting bond or bail on a charge of the purposeful or knowing illegal killing, taking, or possession of a trophy animal shall pay restitution to the state." The legislature left the definition of what constitutes a "trophy" to the Fish, Wildlife and Parks Commission. Because the Boone and Crockett scoring system is the most widely accepted standard for the evaluation of game animals, it was decided to base the triggers for trophy restitution on B&C scores. This, combined with minimum antler or horn length, as well as the utilization of B&C criteria was initiated by the Montana Bowhunters Association and supported across the board by conservation groups in Montana as another deterrent to the theft of the state's wild resources. In 2007, and as part of a group of legislative initiatives called "The Poacher's Package" Montana's legislature directed that proceeds from all restitution go towards funding FWP's regional investigator positions. As such, those who were breaking the law and convicted literally paid for the cost of their prosecution.

When headlines read, "Poachers fined \$20,000 and lifetime privileges" it's a good bet that a portion of that amount is trophy restitution. And the trophy restitution paid by convicted wildlife criminals is not small. General restitution for the illegal taking of an animal goes from \$25 for the illegal taking of a game bird to \$2,000 for the taking of a bighorn sheep, grizzly or endangered species. In comparison, once an illicit animal enters the trophy violation category, an unlawful three-quarter curl bighorn sheep yields a \$30,000 fine; an elk with a combination of various measurements or having one six-point antler and a B&C gross green score of 320 points or greater is \$8,000 as can be a mule deer with at least one four-point antler and a gross B&C score of 160 or more.

When considering antlers of illegal animals, B&C Official Measurers often act as consultants—and even witnesses in court—for the certification of official measurements of an animal. In addition, official scorers are used to aid in estimations of antlers that have been mutilated or the skulls damaged, making conventional scoring difficult.

The role of the public in curtailing unlawful activity is considerable. Conservation organizations have supported legislation for higher penalties and stiffer restitution, particularly for those involved in major cases. They realize that commercial poachers are stealing from hunters and non-hunters alike. By the same token, the public has taken initiative on its own, increasing the calls by 65 percent to Montana's wildlife crime stoppers hotline TIP-MONT over the last five years, to over 2,100 in 2009. The calls have increased as people become fed up with wanton waste and the theft of our wild resources for personal gain or aggrandizement.

All these efforts go toward ensuring that Montana's wildlife stays in public ownership. Also, that the quantum gains made by conservationists of all stripes over the last 100 years for wildlife restoration remain intact. The benchmark that the Boone and Crockett Club's system has provided has been a major contribution to the prosecution of those that get caught robbing the state's wild resources. ■