



# Oregon

John A. Kitzhaber, MD, Governor

Department of State Police

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February 28, 2013

## SB 186 Testimony

Good morning, Chair Prozanski, members of the committee, for the record my name is Captain Jeff Samuels, Director of the Oregon State Police Fish and Wildlife Division. I'm here testifying in support of SB 186.

SB 186 is an amendment to Oregon's existing law, ORS 133.619, allowing for the execution of a warrant authorizing the use of a mobile tracking device for violation of the criminal provisions of the wildlife, commercial fish, and guide/outfitter laws.

The enforcement of the laws and regulations that protect Oregon's fish, wildlife, and natural resources is a responsibility that is critical to maintaining populations of fish and wildlife, a healthy environment and prosperous economy. It is also a responsibility that presents unique challenges. Individuals we investigate often operate in very remote areas such as in the forest, canyons, streams, wilderness areas, and even the ocean and marine reserves. Sometimes these persons travel great distances to commit crimes that exploit our natural resources.

The use of mobile tracking devices provide the benefits of increased effectiveness and efficiencies including the ability to determine the overall scope of illegal activity, a higher rate of apprehension of natural resource offenders, improved officer safety, and decreased manpower requirements that lead to cost savings. Mobile tracking devices are typically of two types, loggers or near real time, that are covertly attached to vehicles which track the vehicles location over time.

There are several past case examples where mobile tracking devices would have benefited natural resource protection efforts. One such example was a joint investigation with the Washington and California Departments of Fish and Wildlife and the United States Fish and Wildlife Service that involved the unlawful taking of oversized white sturgeon from the Columbia River. White sturgeon roe, which can amount to 70 pounds from one female, sells on the black market for \$30 per pound in raw form and over \$100 per pound once processed into caviar. The investigation showed that eggs were being transported from Oregon into California where they were processed into caviar and then transported back into the Portland metro area for sale within communities. Large, multi-state surveillance efforts were required to determine



not only where the product was being processed, but also where the product was being sold. A mobile tracking device would have allowed us to scale back the number of enforcement officers, reduced overtime costs, minimized the risk of detection, and provided the locations and durations of the stops by the suspect, giving officers leads to potential buyers of the illegal product.

In the packet I provided is an example of how a mobile tracking device helped the Washington Department of Fish and Wildlife Police apprehend a subject that stole \$2 million in oyster and hard shell clam resources from Hood Canal two years ago. The scale of the theft would not have been adequately investigated without the ability to use a mobile tracking device. The suspects operated in some dangerous conditions during hours of low or no light. The tracker allowed officers to show that the suspect's vessel remained in a closed harvest area for a substantial period of time; information which assisted the overall investigation that led to the subjects' arrest.

In summary, SB 186 does not create a new law, it simply expands a current law to allow the use of mobile tracking technology in fish and wildlife investigations, under judicial oversight, to assist law enforcement in the protection of Oregon's natural resources; technology that is currently allowed for fish and wildlife enforcement in every western state except Oregon.

That concludes my testimony and I'm happy to answer questions you may have.



Jeff Samuels, Captain  
Oregon State Police  
Fish and Wildlife Division



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**

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February 21, 2013

David J. Anderson, Lieutenant  
Oregon State Police Fisheries Section  
255 Capitol Street NE  
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Salem, OR 97310

Dear Lieutenant Anderson:

Below is an example of how the Washington State Fish and Wildlife Law Enforcement Program successfully utilized electronic monitoring during a large-scale investigation.

*A subject stole \$2 million in oyster and hard shell clam resources from Hood Canal two years ago. This scale of theft could not have been adequately investigated without the use of electronic monitoring. The suspects often operated in dangerous conditions, during hours of low or no light. The ability to corroborate human surveillance with electronic means scaled back officer safety risks. Many of the cases we investigate in the commercial fisheries arena require investigators to rule out legitimate harvest. This requires knowing if a person is going into a closed area for an illegal harvest, which often times is adjacent to open areas. Such was the case in this instance. The suspect had legal land lease and attempted to use it to account for product stolen from uncertified public and private beaches. Multiple felony charges have been filed and are currently pending in court.*

If I can be of further assistance or information, please do not hesitate to contact me.

Sincerely,

Mike Cenci, Deputy Chief  
WDFW Law Enforcement Program