

DIVISION OF WILDLIFE LAW ENFORCEMENT DIRECTIVE

TO: COMMISSIONED PERSONNEL

FROM: Scott Zody, Chief

SUBJECT: Live Captive Animals From the Wild

– **Effective** 10-01-2013

Purpose To provide enforcement personnel guidance in addressing illegally kept live captive animals from the wild.

 **Statutory Reference** 1531.02, 1533.70 to 1533.80, 1533.15, 1533.99(B), 1501:31-15-11, 1501:31-25-04.

 **Resource** Policy / Procedure Manual, Immediate Supervisor, Division of Wildlife Columbus Law Enforcement Staff Standard Live Animal Letter

1. Frequently Wildlife Officers are forced to deal with wild animals that are unlawfully being held in captivity (ex: injured/orphan animals). This situation occurs with deer, woodchucks, squirrels, raccoons, etc. The possessor of these animals may or may not understand it is against the law to keep wild animals in captivity. These situations often result in the Division of Wildlife receiving negative publicity. Wildlife Officers will comply with the following guidelines in an effort to resolve these situations:
2. If an officer receives a TIP, complaint, or other information regarding a person possessing the animal, if possible, the officer should first contact the local prosecutor prior to making contact with the individual. The officer will explain to the prosecutor what laws are being violated and ask if any charges are appropriate and what actions should be taken given the circumstances. (If person does not voluntarily turn over the animal) The officer will present a standard letter to the prosecutor asking that if the subject voluntarily releases the animal to the Division of Wildlife, no charges will be filed. The officer will follow the recommendations of the prosecutor.

3. The officer will contact the subject with the animal and explains what laws are being violated and explain that a prosecutor has been contacted. The officer will explain the outcome of the meeting with the prosecutor. If the letter has been approved by the prosecutor, the officer will explain the letter to the subject and the officer will have the subject sign the letter and leave a copy with them.
4. In situations where no charges will be filed and the person voluntarily gives up the animal to the Division of Wildlife the following direction is provided.
 - a. The animal(s) including all birds and waterfowl should be evaluated by the Officer to determine the health and/or extent of injuries to animal and whether or not it is a candidate for rehabilitation. If the extent of the injuries and/or condition of the animal is determined to be debilitating or could pose a public safety risk the animal should be euthanized according to section 4 & 5 of policy 20. This would also apply to adult white tailed deer, black bears and coyotes per section 5 of policy 20. If the animal is deemed fit for rehabilitation then it should be transferred to closest accepting rehabilitator within a reasonable amount of time.
 - b. If the animal is not severely injured, appears to be in good health and is of age to survive on its own, it may be released outside the limits of any city or municipality, within the county of acquisition or an adjacent county. Animals should be released on Division of Wildlife owned/administered property in a location where interaction with humans is unlikely. If released on private property, it shall only be done with the landowner's permission.
 - c. Raccoons from rabies vector counties will be euthanized.
 - d. Bald eagles, golden eagles and peregrine falcons should be handled according to procedure 83.
 - e. Fawn deer obtained in the above manner should also be evaluated by the officer to determine health and/or extent of injuries. If the animal is determined to be in poor health and/or severely injured, it should be euthanized because the Division of Wildlife no longer allows for the rehabilitation of fawn deer. If the animal appears to be in good health, there is a chance that if released back into the wild, it could be taken on by a surrogate adult doe. In these cases, the fawn may be released outside the limits of any city or municipality, within the county of acquisition or an adjacent county. Fawns should be released on Division of Wildlife owned/administered property in a location where interaction with humans is unlikely. If released on private property, it shall only be done with the landowner's permission.

5. Due to public health issues, in cases where the wild animal(s) have had human contact, the local health department will be contacted. The local health department may order the animal euthanized and be tested for rabies. In cases where the local health department does not wish to test the animal(s), a reasonable attempt may be made to get the animal(s) to a licensed wildlife rehabilitator.
6. If the prosecutor has not been contacted prior to making contact with the individual, if the officer seizes the animal, the animal will be kept alive and/or taken to a wildlife rehabber until the prosecutor can be contacted regarding the case and the disposition of the animal.
7. If the prosecutor approves charges, a search warrant may be required to secure the animal for evidence. The wildlife officer should contact the district law enforcement supervisor and/or wildlife officer supervisor advising a search warrant is to be obtained. Once the animal is seized, it will be transferred to a rehabber unless otherwise directed by the district law enforcement supervisor, wildlife officer supervisor and/or prosecutor.
8. In all instances, a Uniform Incident Report (UIR) will be completed and the seized animal(s) will be documented on an ODNR Property Seized or Forfeited form.
9. All cases involving these types of calls will be reviewed by the district law enforcement supervisor and the local prosecutor before any charges are filed.
10. If an individual contacts the Division of Wildlife or its representative directly about a nuisance/injured/orphan animal, the officer will follow policy 20, Human-Wildlife Conflict Policy and no UIR is needed. Animals taken according to policy 20 do not need to be logged on an ODNR Property Seized or Forfeited form.



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

Division of Wildlife
Scott Zody, Chief

I _____, understand that pursuant to Ohio Revised Code 1531.02, it is unlawful to possess an animal from the wild. I do hereby voluntarily release said animal, to wit; one raccoon taken from the wild, to the Ohio Division of Wildlife. In doing so, I understand the _____ Prosecutor has been consulted on this matter, and agrees that no charges will be filed if said animal is voluntarily released to the Ohio Division of Wildlife.

Person releasing animal Date

Officer Date