



# THE BEAR FACTS

*On the Front Lines  
of Law Enforcement*





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by Clarke C. Jones

It was 1:30 in the morning. On a secluded country road in southwestern Virginia, a Conservation Police Officer sat in his SUV and sipped cold coffee in the middle of an even colder night. It was late December. The drizzling rain had stopped and the temperature had dropped, making a miserable night even more so. The officer had received a complaint from a landowner that someone had been seen spotlighting deer on his property. He noticed headlights gradually coming into view.

In this remote part of Virginia, most people were early-to-bed and early-to-rise and rarely did he see a car after midnight. He noted the two-tone pickup truck as it slowly drove by. The CPO was well hidden, and both occupants in the truck were focusing on the field across from where he was parked. A few minutes later, headlights appeared again. It was the same truck. It slowed a bit, then crept forward, then stopped. Suddenly, a large light shone onto the field.

Instantly, the officer switched on his ignition and flashing lights. In the glare of his headlights, he could see the driver had a dumbfounded look on his face. The CPO waited in his car for a few seconds and watched the driver's face closely. He knew instinctively what the driver was thinking and he hoped the driver wasn't foolish—or desperate—enough to try to escape. This was the difficult part of a CPO's job. Was he dealing with just plain stupidity or a violator with a criminal history who might try anything to prevent an arrest?

Not everything is high drama in the day and night of a Virginia Conservation Police Officer—still known in some parts as Game Wardens. But Virginia's CPOs are the ones on the front lines. It is their responsibility to enforce conservation game laws and provide for public safety. Aside from checking boating, fishing, and hunting licenses, what CPOs do in the daily performance of their jobs is pretty much a guess to most. In reality, a great deal of time is spent in surveillance, evidence gathering, investigations, court preparation, and lots of paperwork. However,

CPOs will be the first to admit that just because you have done all these things to the best of your ability to present your case, don't expect that things will go your way. Physical proof of a crime does not mean a conviction.

A recent case, which was handled by Virginia Conservation Police Officers Josh Wheeler and Tony McFaddin, demonstrates just how complex achieving justice can be. "We received a tip from someone in the bear hunting community that they had learned of somebody killing an underweight bear. I should point out, first thing, that it is very helpful when we have hunters who want to do things the right way and assist us with leads and other information," noted CPO Wheeler. For those who are not bear hunters, it may be helpful to know that in Virginia, an underweight bear is any bear taken weighing 99 pounds or less. It must weigh 75 pounds or greater if it is dressed out when checked in. To put things in perspective, it is not unusual for a Labrador retriever to weigh 100 pounds. The size of the reported underweight bear killed turned out to be approximately 17 pounds—the size of a cocker spaniel—in

other words, a bear cub. Wheeler learned that there may have been other cubs with the mother. He pointed out that cubs so young may not have been old enough to learn how to forage for themselves and therefore may starve or become food for larger predators.

"We were able to get a name, and through the use of our database, we were able to get a location of the suspect," explained Wheeler. "After a little more research, I visited the home of the suspect. I pretty much knew where to find him but wanted to be one hundred percent sure of my information before I went to his house. At first he denied even killing a bear, much less a bear cub, but it turned out he not only had killed the cub but the sow (female) with it as well." Wheeler continued, "In his written statement, he said that he saw the sow at a distance of 75 yards, and in his opinion it acted aggressively when it saw the shooter and stood up. So he shot the mother bear. He stated the cub must have been on the mother's back when he shot, so it was a one-shot, two-killed scenario."

Fast-forward a ways and a CPO learns that time and a defendant with a lawyer may change things—even though the shooter has already admitted to shooting a bear out of season. "A couple of days before the trial, we met with the defense attorney and the shooter's story had changed from his written testimony," related Wheeler. "He is now claiming that the bear was only 35 yards away and charging towards him with the cub holding onto the sow's back. Assistant Commonwealth's Attorney Christopher Billias, who was representing us, felt it very important that both Tony and I know specific answers to specific questions about bears and bear behavior. Virginia's CPOs have various degrees of wildlife knowledge, but we did not have the knowledge to answer certain specific questions about bears, under oath."

It turns out that a great many people do not have a wealth of knowledge about bear behavior, nor do they know that black bears (the only bear native to Virginia) and grizzly bears react differently to humans. A person encountering one may need to react differently as well. As CPO Wheeler pointed out, "There are a number of things we have all heard about bears in stories or seen in movies, that one generation passes to another, that is taken to be true, but is really not. We were very fortunate to have Jaime Sajecki, our

black bear project leader for the Department, assist us during the trial. She not only was able to come on short notice," noted Wheeler, "she came well prepared."

One of the things Sajecki pointed out was that a black bear standing on its hind legs when it sees something is not an aggressive motion. It is scenting the air to try to get a read as to what is out there. A human being sitting on the ground in the woods might stand up as well, if she heard something, and then start searching with her eyes. A bear's sense of smell is much stronger than its eyesight; therefore, it uses its nose to paint a better picture of what is around it. If a black bear senses danger, it will send its cubs up a tree. The paws and claws of a black bear are shaped differently than those of a grizzly bear, making black bears excellent tree climbers—even the adults.

As CPO McFaddin pointed out, "Jaime's expert testimony directly and instantly refuted the defendant's silly testimony that the bear was charging him with a cub on its back. I just don't think we would have had the same results from the court without Jaime's participation," said McFaddin. "She educated us, the lawyers, and the judge about black bears, and this knowledge that she provided helped all of us understand the difference between black bear facts and black bear myths."

Jaime Sajecki has been focusing on bears since 2001 and has been with the DGIF since 2007. When asked about the trial, she replied, "I think there were two important outcomes. One, all the hard work, evidence gathering, court preparation, and investigation paid off. Two, I think it sends a message to people who break the law and try to plead ignorance or just be untruthful that we have competent, intelligent people across the board and on our staff throughout the Department, who will work together with our attorney. It was good to see that the judge recognized the inconsistencies and that the defendant was not telling the truth."

Sajecki recommends Linda Masterson's book, *Living With Bears*, as a very good resource for learning about bear behavior and the dos and don'ts if you happen upon one. "I find that people really like bears and do not

CPOs have many tools at their disposal that help them enforce game laws. But nothing compares with a good tip offered by a neighbor or fellow sportsman.

want to see them harmed unlawfully. They may not want them in their backyards, but they do want them safe in the bear's proper environment," the biologist noted.

Assistant Commonwealth's Attorney Chris Billias had high praise for Sajecki. "She enlightened the court as to bear behavior, so that it was obvious to everyone the defendant's testimony was not probable." Billias also added, "We take crimes against wildlife very seriously in Rockbridge County, so if you are planning on breaking Virginia's game laws, you better do it someplace else!"

A CPO's job can be frustrating and dangerous, but both Wheeler and McFaddin enjoy what they do. Both stated the need for citizen involvement in helping to ensure respect for game laws. "There is a shortcut that helps us both become more efficient—INFORMATION," said McFaddin. "We need all the information we can get from landowners, sportsmen, and citizens in our community. With information, we do not have to randomly patrol around hoping we find a crime in progress. Too many times we hear about a wildlife crime months or years later. I hear, 'Well, I was going to call you,' or 'I know you are busy,' or 'I didn't want to bother you.' We are here to serve the community and to protect our natural resources. It is not a bother; that's what we do. Give us a call." ❦

Clarke C. Jones spends his spare time with his black Labrador retriever, Luke, hunting up good stories. You can visit Clarke and Luke on their website at [www.clarkecjones.com](http://www.clarkecjones.com).

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