

Wildlife Replica Policy	Amended	Inspection and Enforcement New Brunswick	2.1.5
Policy Title	New or Amended	Division / Branch / Section	Policy #
Chief/Executive Director	August 31, 2023	August 31, 2023	August 2025
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1. Policy Section

- A. **General Policy:** It is the policy of the Department of Justice and Public Safety to permit the use of wildlife replicas in conjunction with wildlife enforcement operations to assist in the gathering of evidence.
- B. **Background:** The use of wildlife replicas is intended to apprehend violators engaged in activities that are inherently unsafe or that may result in serious depletion of wildlife resources. Conservation Officers periodically use wildlife replicas during special patrols to gather evidence of illegal activities such as night hunting, hunting in closed areas or during closed seasons and the hunting of protected species.

In general, wildlife replicas are deployed in specific problem areas where:

- i. patterns of unlawful or dangerous hunting activities have been documented;
- ii. offences are found to be negatively impacting wildlife resources; or
- iii. public complaints justify the enforcement effort.

Evidence of illegal hunting activities gathered with the use of wildlife replicas can be legally used to establish that a person intended to hunt or kill wildlife in violation of the *Fish and Wildlife Act*.

C. Policy Objectives:

The Objectives of this policy are to:

- i. provide a standard department-wide approach in the deployment and use of wildlife replicas;
- ii. ensure the safety of Conservation Officers and the general public when deploying wildlife replicas; and
- iii. facilitate the gathering of sufficient evidence to establish the fact of illegal hunting without loss to the wildlife resource.

D. Specific Policy Statements

- i. Subject to subsection (D)(vi), a wildlife replica may be used at any time to address a specific complaint provided the complaint has been documented.

- ii. A wildlife replica may be used at any time in areas such as Wildlife Refuges, Class I Protected Natural Areas, Provincial Parks, and certain Wildlife Management Areas that are permanently closed to hunting, in order to address a recurring problem.
- iii. A wildlife replica may not be used in conjunction with a regular compliance patrol.
- iv. A wildlife replica may not be used on private land posted “no hunting or shooting” unless special circumstances exist, and approval has been granted by the Superintendent.
- v. A wildlife replica may not be used within 400 meters of a dwelling, school, playground, athletic field, or place of business unless approval has been granted by the Superintendent.
- vi. When using a wildlife replica at night in an area where there is an open season for the replica species being deployed, the wildlife replica may only be used during the period beginning one hour after legal hunting time has ended to one hour before legal hunting time begins.
- vii. Where a wildlife replica is designed to move or have moving mechanical parts, only those moveable replicas or moveable mechanical parts of replicas that are electronically remote-controlled may be used.

2. Scope and Application

- A. **Application:** This policy applies to all Inspection and Enforcement employees within the Province of New Brunswick while engaged in their duties under the Department’s mandate.
- B. Violations of this policy may result in discipline up to and including dismissal.

3. Definitions

- A. **Conservation Officer:** An employee of the Department who, having been selected, trained, and equipped in accordance with department standards, is assigned to carry out enforcement duties.
- B. **Open Season:** For the purpose of this policy the open season for hunting, with a firearm, the species of wildlife that is being replicated.

- C. **Legal Hunting Time:** The time in any year during which wildlife may lawfully be hunted, snared, or trapped in accordance with *section 35 of the Fish and Wildlife Act*.
- D. **Regular Patrol:** A patrol undertaken for the purposes of securing general compliance and respect for the laws and regulations.
- E. **Special Patrol:** A patrol undertaken to solve a known documented recurring compliance problem.
- F. **Wildlife Replica:** A man-made replica of wildlife, either in the whole or any part thereof, used periodically by Conservation Officers to gather evidence. The replica may utilize moveable and non-moveable mechanical parts.

4. Procedures

- A. An operational plan shall be required before commencing any wildlife replica deployment operations as it is considered a high-risk activity.
- B. **Deployment Considerations:** in determining the best possible location for placement of a wildlife replica, the Conservation Officer shall carry-out an inspection during daylight hours prior to deployment to consider the physical characteristics of the surrounding area and ensure that:
 - i. There is an adequate backstop behind the wildlife replica;
 - ii. There are no dwellings in the expected path of any bullet that may be fired at the wildlife replica;
 - iii. There is a safe area of concealment for intercept vehicles and the Conservation Officer(s) who has placed the wildlife replica into position; and
 - iv. The wildlife replica is placed in a location where a potential violator must search to find it.
- C. **Deployment & Recovery of the Wildlife Replica:** Actual placement or recovery of the wildlife replica into or from an area should only be done under controlled circumstances by a Conservation Officer and, if possible, hunter orange clothing should be worn by the officer. A wildlife replica must be concealed from view while it is being transported and placed into or removed from an area.

- D. **Relocating the Wildlife Replica:** Once the wildlife replica is in place, no attempt should be made to relocate the replica once it is known or suspected that a potential violator has entered into the general area.

5. References

- A. R. vs. Rivers, 1986, 81 N.B.R. (2d) 378 – (entrapment)
- B. R. vs. Godin, 1987, 81 N.B.R. (2d) 24 – (s.7 Charter violation)