



Wild female  
Green Iguana (*Iguana  
iguana*) in the Botanical  
Garden at Portoviejo,  
Ecuador.  
Courtesy - Wikipedia.org



# DAY of RECKONING

**W**ILDLIFE CRIME has become a big business.

Worldwide, the value of the illegal wildlife trade is estimated to have doubled in the last five years, to \$10 billion (US) annually. As organized criminal networks span the globe to illegally harvest wildlife and bring it to illicit markets, wildlife enforcement agencies have increased collaboration in a united effort to thwart this activity.

Environment Canada (EC) has taken on an increased leadership in this fight, as two of its senior enforcement officials were appointed in November 2013 to key positions within INTERPOL's Environmental Compliance and Enforcement Committee (ECEC).

Gord Owen, EC's Chief Enforcement Officer, was named a delegate to the executive level advisory board of the ECEC, while Sheldon Jordan, Director General of EC's Wildlife Enforcement Directorate, was named as the Chair of INTERPOL's Wildlife Crime Working Group.

In February 2014, The London Conference on Illegal Wildlife Trade concluded with a Declaration that highlights several specific actions that governments must take to protect wildlife. One of these directs governments to: "Strengthen cross-border and regional co-operation, through better coordination, and through full support for regional wildlife law enforcement networks."

#### Timor Monitor

Photo credit – Wildlife Enforcement, Environment Canada





**Olivia Terrance and unknown assistant landing with reptiles at Cornwall.**  
 Photo credit – Ryan Dixon, Canada Border Services Agency

Day was apprehended as a result of a Joint Force Operation that involved EC’s Enforcement Branch, the U.S. Fish and Wildlife Service, the Canada Border Services Agency (CBSA), the Royal Canadian Mounted Police (RCMP), the Ontario Ministry of Natural Resources (OMNR), Mohawk St. Regis Tribal Police, U.S. Customs and Border Protection, and New York state authorities.

Recent verdicts delivered against Dennis Day, a Canadian reptile smuggler, and Olivia Terrance, his American associate, illustrate that the wildlife enforcement collaboration between Canadian and American authorities is an excellent application of the above objective, as the coordinated approach between EC’s Enforcement Branch, the U.S. Fish and Wildlife Service, and

partner agencies has proven highly effective in this case.

Like many smugglers, Dennis Day of Cobden, Ontario, incrementally deepened his involvement in illegal wildlife trade over a number of years.

His first brush with the law came in 2008 when he had to forfeit ownership of a lion. While he wasn’t charged in that incident, he wasn’t able to avoid a conviction

later that year, when he pleaded guilty to one count under WAPPRIITA (Wild Animal and Plant Protection and Regulation of International and Inter-provincial Trade Act), having been charged by Environment Canada (EC) wildlife officers for illegally importing 11 Burmese pythons without the required permit under CITES (Convention on the International Trade of Endangered Species of Wild Flora and Fauna). These encounters were, however, only the warm-up to the main event to come.

On August 4, 2010, Day was apprehended as a result of a Joint Force Operation that involved EC’s Enforcement Branch, the U.S. Fish and Wildlife Service, the Canada Border Services Agency (CBSA), the Royal Canadian Mounted Police (RCMP), the Ontario Ministry of Natural Resources (OMNR), Mohawk St. Regis Tribal Police, U.S. Customs and Border Protection, and New York state authorities. The operation landed one of the largest seizures of illegally imported reptiles in Canada, and led to jail time for Day and Terrance.

On the Canadian side, 205 animals were seized: 20 Chinese striped turtles or goldentreads, 20 African sideneck turtles, 20 South American red-footed tortoises, 1 Herman’s tortoise, 1 serrated hingeback tortoise, 8 African spurred tortoises, 25 Timor monitors, 20 green iguanas, 51 Jackson’s chameleons and 39 helmeted chameleons. Total estimated retail value: \$50,000 (Cdn).



**African Spurred Tortoises**

Photo credit – Wildlife Enforcement, Environment Canada



**Red-footed tortoises**

Photo credit – Wildlife Enforcement, Environment Canada





**Above: Green Iguanas**

Photo credit – Wildlife Enforcement, Environment Canada



**Left: Serrated Hinged Back Tortoise**

Photo credit – Wildlife Enforcement, Environment Canada

On the U.S. side, American alligators, Chinese striped turtles, green iguanas, helmeted chameleons, Timor tree monitor lizards, and pancake tortoises were some of the additional species found among 17 shipments that, in total, contained more than 18,000 endangered reptiles. The estimated value of those reptiles is upwards of \$700,000 - \$800,000 (US).

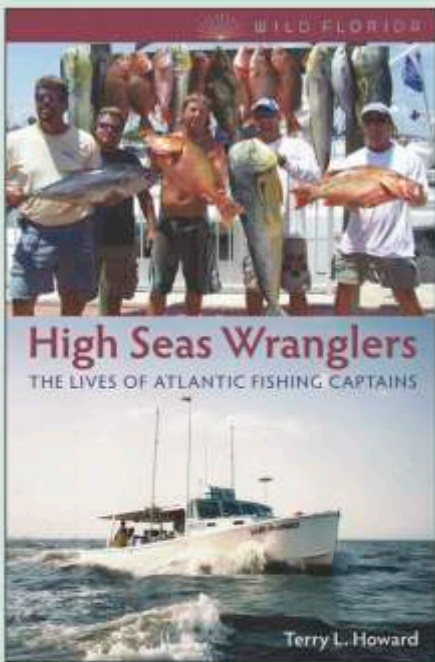
In Canada, the legal process took more than three years to complete. Finally, on November 5, 2013, in the Ontario Court of Justice in Cornwall, Ontario, Day pleaded guilty and received a 90-day jail sentence (to be served on weekends, which Day is doing at the Ottawa Carleton detention centre). A court order directed him to pay \$50,000 (Cdn) to the Environmental Damages Fund, and he forfeited all of the reptiles. These penalties were the result of a conviction for violating federal law (WAPPRIITA) regulating the import of reptiles. This

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sentence was in addition to an identical one given to Day on March 14, 2013, for violation of the Customs Act involving smuggling, keeping, acquiring and disposing of goods illegally imported. The evidence gathered for this case also resulted in a co-defendant, Mark Ostroff – who was scheduled to receive some of the illegally imported reptiles, as well as others – being given a \$40,000 (Cdn) fine and three years' probation 11 months earlier, after pleading guilty to a violation of one count under WAPPRIITA.

A few months earlier, in August 2013, on the American side of the U.S.-Canada border, Olivia Terrance, Day's cousin, earned herself a sentence of 18 months in a U.S. federal prison. This will be followed by three years of supervised





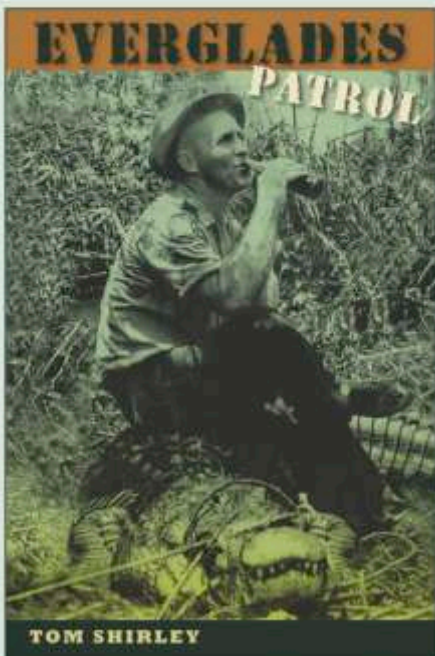
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release. In a news release issued after Terrance’s conviction, Richard S. Hartunian, U.S. Attorney for the Northern District of New York, said Terrance “pled guilty to participating in a conspiracy in 2009 and 2010 to smuggle more than 18,000 endangered and threatened reptiles from the U.S. into Canada.” These reptiles were intended for delivery to Day.

**T**he success of this case reflects the intricate sharing of intelligence between the partners that led up to these apprehensions and the teamwork between agencies on both sides of the St. Lawrence River.

One such agency was the Ontario Ministry of Natural Resources (OMNR). “The first time I came across Mr. Day was in 2005–2006,” said Victor Miller, an Intelligence Investigations Specialist, OMNR. “I had a member of the public give me a heads-up on illegal activity and the nature of the specifics. I asked EC’s Enforcement Branch for information-sharing on what we had. Over the years, the provincial government never got anything solid for our laws, because he never got involved with any native species indigenous to Ontario—it was all exotic species—but we monitored Mr. Day’s activities. So we shared our information on his activities with federal authorities and they shared with us. It was a joint forces agreement. It was beneficial that we established Mr. Day as a ‘person of interest.’”

After years of watchful waiting, the case began to come together, said an EC undercover intelligence officer (who can’t be named to protect his identity):

“We had had some sporadic reports of smuggling through First Nations, Akwesasne in particular. Olivia Terrance is Day’s cousin—she said that, and that the reptiles were destined for her cousin, Dennis Day. She was inspected by CBSA for smuggling in reptiles on July 8, 2009—she declared 1,000 reptiles, including alligators, red-eared sliders and tortoises—and was refused entry to Canada. By that point, I was already working with my colleagues in the U.S.”

The weaving of intelligence on Day, Terrance, and their expected markets in Canada coalesced in the form of leads on

a delivery to take place in August 2010. Said the EC officer:

“Finally, we received some information on when and where the shipment was coming from. A tipster contacted law enforcement and provided details on an imminent shipment of reptiles destined for Hogsburg, New York, where Terrance was going to pick them up. She lives a stone’s throw away from Hogsburg. CBSA was engaged in Cornwall, Ontario, because the shipment could have been coming in by land or by boat. A lot of background work was being done, and there was a distinct possibility that the shipment would be going through St. Regis.”

“The focus for enforcement then shifted to the EC Enforcement Officers who would be doing the actual takedown, along with a CBSA Intelligence Officer who was closely involved in the process.

“Day stated that he used to be involved in cigarette smuggling, and then turned to reptiles as it was more profitable,” said EC Enforcement Officer Justin Cooke, half of EC’s wildlife enforcement team that day along with his colleague, Michelle Dolbec. “Day would purchase the reptiles from various places in the U.S., including Florida, Louisiana and California, and have them shipped to Terrance’s residence in New York. These reptiles were then smuggled across the border into Canada, where they would be delivered to Day.

“The day (August 4, 2010) that we arrested him was a mad scramble. We had limited intelligence as to the point of crossing and who would be picking up the reptiles once they reached Canada, whether it would be Day or one of his associates.

“Michelle and I met with the CBSA/RCMP enforcement team in Cornwall. We didn’t have much information to work with, but we knew that U.S. Customs had a helicopter to follow the shipment, and that when it happened, it would happen fast. However, it was a cloudy day, so the helicopter had to fly lower than normal – and after a while they were afraid they’d be spotted, so they had to back off. We no longer had eyes on the shipment, but our CBSA colleagues spotted a vehicle that caught their eye. The plate turned out to belong

to Day's girlfriend and the description of the driver matched that of Day. He parked by the water, and we followed him."

CBSA's role cannot be overlooked in this significant case.

"The day of the takedown, we had about ten people involved," said the CBSA intelligence officer, who like his EC counterpart cannot have his identity revealed for publication. "We had the warrants, the searches, the checking for evidence. EC was reaching out to us, whether we knew Day or Terrance – who they were, what they were doing. EC called us and said the load was coming sooner or later. This information had been tracked for a couple of weeks. We knew there was some history there. There were probably a couple of weeks of waiting before we got the word, 'Today looks like a good day.' The enforcement officers fanned out to the area. In Cornwall, there is a lot of smuggling along the shoreline. We spotted a vehicle of interest, and then Day went to the shoreline.

"This was an unusual case around here in that, primarily, the smuggling is in tobacco, or other commodities like drugs. Turtles and reptiles are not something that is smuggled on a regular basis. When we first looked at the stuff, we did not know what it was—it was still in boxes. It could have been anything. Luckily, we knew it could have been reptiles—it's always good to have that intelligence ahead of time. But even one box could contain a significant number of reptiles."

EC Enforcement Officer Michelle Dolbec stressed that active communication was a key determinant in the outcome of the operation.

"The U.S. Fish and Wildlife Service had eyes on this package to see it move to the boat for crossing, but there was a point where they felt their cover was blown," she recalled. "So they pulled back to avoid detection. For an hour or more, we were waiting. Then a CBSA officer spotted Dennis Day in his van, and radioed the rest of the team.

"Day drove to a church parking lot, which overlooked the St. Lawrence, and waited for the boat. A few minutes later, the church priest comes out to talk to Day. We assumed that he must have



**Jackson's Chameleon** Photo credit – Wildlife Enforcement, Environment Canada

## Not all the action that day took place on the Canadian side of the St. Lawrence. The American side was also a beehive of activity – and crucial to the success of the mission.

asked Day what he was doing there, as soon after Day then moved to another location. Eventually, he headed for a wharf, and we knew the boat must be in transit. CBSA and the RCMP saw a boat with two occupants heading for the wharf, but the takedown couldn't happen until the packages were put into the van. Until then, we couldn't do anything. The two people in the boat were helping to offload; we radioed that we also wanted to see the payment exchange, if possible."

Officer Cooke, who also conducted the interrogation, describes the takedown:

"Once the boat docked, an exchange took place, and that's when the takedown happened. Terrance and a male partner took off in the boat and were not immediately apprehended. Day was arrested on the spot and taken into

custody. During the interview, Day mistook one of our notebooks for his receipt book and confessed, 'You got me.' It wasn't till later that we knew the extent of the bigger picture. In our estimate, we figure Day stood to make an \$80,000–\$90,000 (Cdn) profit from the whole venture."

The officers moved the shipment to the RCMP station for further inspection. The shipment consisted of three boxes of reptiles. Some of the boxes were labelled "Live Reptiles" and were filled with clear plastic margarine-like containers, with chameleons in them. There were also a number of white pillowcases. These contained turtles and tortoises.

In addition to the confiscation of the reptiles, the suspect was apprehended with a large sum of money in his possession. Says Officer Dolbec:

"We believed that the takedown must have taken place before payment could be made. Then we interrogated Day. We did follow-ups with these pet stores, laid charges, did interviews, and got statements. The stores should have known these animals were smuggled—the reptiles were in bad health, cheap, and there were large quantities of them. The store owners just need to ask to see a copy of the CITES permit. No one asked.



## “If a species goes extinct, how much is it worth? You cannot put a price on that.”

It was also well known in the pet store industry that Day was smuggling, he had been caught before.”

Not all the action that day took place on the Canadian side of the St. Lawrence. The American side was also a beehive of activity – and crucial to the success of the mission.

“Without the person (Olivia Terrance, his associate) in the U.S., there is no Dennis Day,” declared Randy Cottrell, Senior Special Agent for the U.S. Fish and Wildlife Service, in referring to Terrance. “I got a tip from FedEx that weekly shipments of reptiles were being dropped off at St. Regis Mohawk Reservation. This had possibly been going on for up to two years. They were addressed to Olivia Terrance. She was partners with Dennis Day. I made arrangements to go photograph the shipments to see where they were going and put a tracker on Terrance’s vehicle.

Within a couple of hours, they were transported to a boat and I figured they were going over to Canada. That’s when I went to EC and told them the stuff was going over illegally.

“Then I got another call from FedEx—they were making tracks to the New York area with another shipment. I got CBSA, EC, the RCMP and customs enforcement involved. U.S. Customs and Border Protection put a helicopter up in Plattsburgh. This was an option in case we needed it; keeping surveillance at the reservation was tough on the ground. This way, we would have air surveillance of the boat. Unfortunately, the helicopter had to be pulled after a while because the cloud cover was too low. Sure enough, once the helicopter was pulled, the boat went across the river.”

Later, after Terrance made her escape from the Canadian side, she was apprehended with the aid of the Mohawk St. Regis Tribal Police, tracking her down to her residence.



**Above: Dennis Day being interrogated by Environment Canada Enforcement Officer Justin Cooke.**

**Left: Environment Canada Enforcement Officer Michelle Dolbec**

Photo credits – Wildlife Enforcement, Environment



WAPPRIITA offence in Canada. Thabault summarizes the real potential impact of wildlife crime:

“If a species goes extinct, how much is it worth? You cannot put a price on that.”

*By Jack Saunders,  
Environment Canada*

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Unfortunately, the identity of her boat companion was never established. But what a haul—more than 18,000 endangered and threatened reptiles! The length of Terrance’s sentence (18 months in jail, plus three years of supervised release), for pleading guilty to participating in a conspiracy to smuggle the reptiles from the U.S. into Canada, was based on the value of that seized wildlife that Cottrell pegged at upwards of \$700,000–\$800,000 (US).

Once the takedowns on both sides of the border were complete, the cases began to move through the courts.

“This was one of the most important cases, if not the most important case, that I’ve dealt with—definitely regarding reptiles,” said EC Operations Manager Martin Thabault.

In fact, according to case history records Thabault supplied, this was one of the heaviest combined (jail plus fine) sentences handed out for any