



Unwanted attention

Best practices in addressing harassment while exercising treaty hunting rights

By Paula Maday, Staff Writer

Harassment of tribal members engaged in harvesting activities is a prominent aspect of the historical experience of GLIFWC member tribes. While the intensity of the harassment has significantly decreased in the past thirty years, these incidents continue to occur to the present day.

Ojibwe tribal members have the right to exercise treaty-reserved rights in a safe environment. Harassing tribal harvesters is illegal, and this type of conduct can be reported to law enforcement and prosecuted, subjecting the offenders to unpleasant penalties. Both civil and criminal courses of action may be taken against those who harass tribal members engaged in exercising treaty harvesting rights. It is important to know how to take immediate action, as well as imminent legal action, if this happens to you.

If you are harassed while hunting in the Ceded Territory this season, please follow the guidelines below to keep yourself safe and to properly document the occurrence. Following “The Four Cs” supports both short-term and long-term safety. Reporting harassment allows for enforcement intervention, which creates documentation that is important for prosecution and may reduce future incidents, creating a safer environment for all harvesters.

Create distance

Staying safe should always be your #1 priority. If you are being physically harassed (rocks are being thrown, firecrackers set off, gunshots fired, etc.), immediately move to a location where you will be safe. The same is true if there is a verbal threat of physical harm (“I’m going to get my gun,” etc.). If you are being verbally harassed but there is no immediate threat of physical harm (you are yelled at to leave, called names, etc.), use your best judgement about continuing to harvest in that area. Never engage or provoke harassers.

Confirm your location

Documenting the location where harassment is taking place is important and helpful when contacting law enforcement and when filing a report. One of the easiest ways to confirm your location is to use a smartphone. Location mapping apps allow you to “Drop a Pin” to mark your exact location. Download the app to your phone prior to going out harvesting. Two of the most popular location mapping apps are Maps and Google Maps. The onX Hunt app is also frequently used for hunting. If you don’t have a smartphone, do your best to know and provide directions. Look for easily identifiable roads, landmarks, trees, docks, houses, houselights, etc.

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Next steps

Pursuing legal action against harassers may involve both civil and criminal proceedings. The following statutes provide legal reference to state laws that may be useful to know in protecting yourself from harassment while hunting, fishing, or gathering in the Ceded Territories.

Civil

Wisconsin

Wisc. Stat. § 29.083 Interference with Hunting, Fishing or Trapping, includes impeding or obstructing a person who is engaged in lawful hunting, fishing or trapping activity, which is a violation punished by forfeiture of not more than \$500 (i.e. quasi-criminal action brought by county attorney). A civil action may be filed against violators, by individuals whose lawful activities were impeded or obstructed, with injunctive relief and damages available, including punitive and special damages.

Wisc. Stat. § 813.125 Harassment Restraining Orders and Injunctions: engaging in a course of conduct or repeatedly committing acts which harass or intimidate another person and which serve no legitimate purpose. This is a civil cause of action filed by the victim against the harasser. Temporary and permanent (up to 10 years) of injunctive relief available (i.e. restraining order preventing the harasser from contacting the victim). Where firearms were used in the harassment, the court can prohibit the defendant from possessing a firearm.

Minnesota

M.S.A. § 609.748 Harassment: repeated incidents of intrusive or unwanted acts, words or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security or privacy of another, regardless of the relationship between the actor and the intended target. The victim of harassment can seek a harassment restraining order from the district court of residence of either party or where the harassment occurred.

Michigan

MI Stat. § 324.40112 Obstruction or interference in lawful taking of animals or fish by another; violations; injunction; penalties; applicability. Similar to other state’s statutes, however intent is not an element of the violation. Provides an option for victims of harassment to obtain an injunction to prevent ongoing harassment.

Criminal

Wisconsin

Wisc. Stat. § 947.013 Harassment: engages in a course of conduct or repeatedly commits acts which harass or intimidate the person and which serve no legitimate purpose (Class B forfeiture); plus accompanied by a credible threat that places the victim in reasonable fear of death or great bodily harm (Class A misdemeanor).

Wisc. Stat. § 947.019 Terroristic Threats: threatens to cause death or of bodily harm to any person or to damage any property, plus “the actor intends to cause public inconvenience” or “the actor intends to cause public panic or fear” (Class I felony).

Wisc. Stat. § 941.30 Recklessly Endangering the Safety: recklessly endangering safety under circumstances which show utter disregard for human life (Class F felony); recklessly endangering another’s safety (Class G felony).

Wisc. Stat. § 941.20 Endangering Safety by Use of a Dangerous Weapon: endangers another’s safety by the negligent operation or handling of a dangerous weapon; operates or goes armed with a firearm while he or she is under the influence of an intoxicant; intentionally points a firearm at another (Class A misdemeanor).

Minnesota

M.S.A. § 97A.037 Hunter, Trapper and Angler Harassment Prohibited: Intent to prevent, disrupt, or dissuade the taking of a wild animal or the enjoyment of the out-of-doors, and disturbing or interfering with another person who is lawfully taking a wild animal or preparing to take a wild animal. (“Taking” wild animals includes spearing, netting, killing and capturing wild animals.) The statute withstood a First Amendment challenge. See *State v. Miner*, 556 N.W.2d 578, 586 (Minn. Ct. App. 1996) (“The modified statute restricts speech only when it is intended to directly interfere with the lawful exercise of individual rights, or when it accompanies conduct that is intended to interfere with the lawful exercise of individual rights.”). This violation is treated as a misdemeanor offense. M.S.A. § 97A.301.

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Call 911

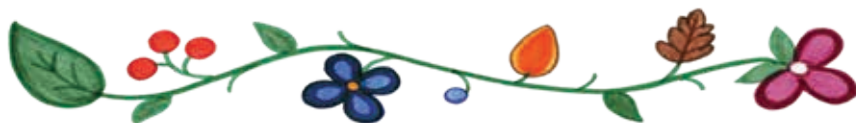
In the event of physical harassment or a verbal threat of physical harm, **CALL 911 IMMEDIATELY**. Give them your name, location, phone number, situation, and any additional information the dispatcher may request. Provide your home phone number in addition to your cell phone in case you get disconnected, especially if you are harvesting in a remote area. You may be asked to stay on the line until officers arrive on scene to provide them with important updates.

Once law enforcement arrives, they will address any active threat or emergency prior to taking a statement. Be prepared to spend some time at a safe location nearby so that you can provide the officer(s) with a detailed report.

Check in with GLIFWC

If the harassment you are being subjected to does not warrant emergency response, call GLIFWC Enforcement at 715-685-2113 to document the incident after you are done harvesting.

Philomena Kebec, GLIFWC Policy Analyst/Attorney, contributed to this article.



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M.S.A. § 609.66 Dangerous Weapons. Conduct involving recklessly handling or using firearms, pointing a gun at another person, discharging a firearm in the direction of another person. Charged as a misdemeanor, gross misdemeanor or felony, depending on the circumstances.

Michigan

MI Stat. § 324.40112 Obstruction or interference in lawful taking of animals or fish by another; violations; injunction; penalties; applicability. Similar to other state's statutes, however intent is not an element of the violation. First offense is charged as a misdemeanor, with jail time of up to 93 days and/or a fine of \$500-1000; subsequent offenses are punishable by up to a year of jail time or a fine of not less than \$1000. Revocation of a person's hunting/fishing permits and licenses is mandatory.