Timber Theft & Trespass in Ohio

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Mark E. Rickey, ODNR Division of Forestry

(with thanks to Carl Vance, ODNR Parks and Watercraft)
Theft Suspect Pike County
A Real Logger
How are they removing and transporting these logs?

- Truck of any size
- Trailer of any size
- Chains
- Winches
- Tow Straps
- Chainsaws
David Baker - Scioto County

Robert Silcott - Ross County

Stolen from Highland County
This vehicle was observed in Minford, OH.
Robert Silcott - Ross County
What Drives Timber Thefts - MONEY!

- Crime of Opportunity
- Enabled by Sawmill paying cash
Log Sheet for These Logs
Timber Theft Discovery

- Most Obvious - Stumps
- Drag marks on roads
- Hung trees/tree tops
Chain Drag Marks

Chain Burnt Into Log
2017-2019 Timber Thieves

- Charles David Groves - Scioto - Convicted
- Tina Groves - Scioto - Convicted
- Daniel Groves - Scioto - Convicted, Serving 47 years
  - Charged with first degree murder of his child
  - Has $30k indictment on timber theft
- David Baker - Scioto - Convicted
- John Knauff - Ross/Highland - Convicted
- Robert Silcott - Ross/Vinton/Pike - Convicted, Serving 16 months
- 4 Subjects from Ross/Pike/Adams - Pending Case in Court
Task Force Help

- US Marshalls
- Ohio State Patrol
- OSP Special Response Team
- OSP Aviation
- OSP K-9
- Scioto County Sheriff’s Office
- Scioto County Adult Parole
- Scioto County Prosecutor’s Office
- Portsmouth Police Department
- Adams County Sheriff’s Office
- Pike County Sheriff’s Office
- Waverly Police Department
- National Park Service
- Ross County Sheriff’s Office
- Vinton County Sheriff’s Office
- Highland County Sheriff’s Office
- ODNR Division of Wildlife
- ODNR Division of Forestry
- ODNR Natural Resource K-9 Units
- ODNR Natural Resource Officers
Problems in Prosecuting Tree Theft

- Apathetic Law Enforcement
- Multiple Jurisdictions
- Criminal Penalties
  - Theft - misdemeanor unless value is above $1,000
    - OR
  - Victim is “elderly” (over 65)
- Uncooperative Sawmills
Preventive Steps to Take as a Landowner, Citizen
Permanently mark your boundaries!
Paint, etc.
Steps to Take

- Frequent your property and boundary lines
- Know your neighbors and be familiar with their land management activities
Steps to Take

- Be aware of activities in your immediate area
- Who is, or has been operating close by, etc.
Steps to Take

- Keep “good people” around your place
- Family, friends, hunters, your forester
- SWCD, NRCS, DOW, etc.
Steps to Take

- Get a Professional Forester to Inventory
- Especially high value, and easy to reach trees
- Should be by species, and volume (diameter & height of merchantable product)
Steps to Take

- Get a Trail Camera
Thief Posing as Timber Buyer
“I've been caught stealing Once when I was 5 I enjoy stealing It's just as simple as that Well, it's just a simple fact When I want something, I don't want to pay for it I walk right through the door Walk right through the door Hey all right! If I get by, it's mine Mine all mine!”

Lyrics from *Been Caught Stealing* by Jane’s Addiction.
Steps to Take

- Insist on a Police Report
Steps to Take

- Support expanding scrap dealer law to Sawmills
Expand Scrap Dealer Law to Sawmills

- Must Keep Records of Each Sale
  - Name, copy of ID
  - Details of each saw log
  - License plate number
  - Photo of Seller
Sawmills Are Already Keeping These Records

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Expand Scrap Dealer Law to Sawmills

*What it adds...*

- Must Make Records available to law enforcement
  - And victim

- And... It is Illegal to buy from “known thieves”
TIMBER TRESPASS

What’s The Difference?
Problems in Addressing Timber Trespass

- Apathetic Law Enforcement (a “civil matter”)
- Where is the property line?
- Finger Pointing Between the Logger and Adjacent Landowner
Typical Timber Trespass Scenario
Civil Remedy

- At least trespass and conversion
  - (“slam dunk” claims)

- Treble “Damages” if “Reckless”
  - What is “reckless”
  - Purple Paint Law has been proposed
901.51 Injuring vines, bushes, trees, or crops on land of another.

- No person, without privilege to do so, shall recklessly cut down, destroy girdle, or otherwise injure a vine, bush, shrub, sapling, tree, or crop standing or growing on the land of another or upon public land.

- In addition to the penalty provided in section 901.99 of the Revised Code, whoever violates this section is liable in treble damages for the injury caused. (Emphasis added).
What "Damages" are Recoverable?

(1) Value of Trees?
   - Before/after value of land (*real estate agent*)
     OR
   - Stumpage value (*forester*)
     OR
   - Replaced value - only if ornamental (*landscape contractor*)

(2) Restoration value of land (*excavator*)
What About the Finger Pointing Problem?
If the Arrangement is a “Split” of Proceeds, the Adjacent Landowner and the Logger are **Both** Liable for Treble Damages

- Partnership?
- “Carry on business for a profit”
- One partner liable for whatever other partner does
- Joint venture - partnership for a specific purpose
- One joint venture liable for whatever other joint venture does
MOST IMPORTANT TAKEAWAY

Never enter into an arrangement with a logger in which you split the proceeds from the sale of timber
The End! Thank you for your time and interest.