

# WILDLIFE CRIME IN 2016

A report on the scale of wildlife crime  
in England and Wales





# EXECUTIVE SUMMARY

Wildlife and Countryside Link and Wales Environment Link are coalitions of charitable organisations concerned with the conservation and protection of wildlife and the environment. We are concerned that levels of wildlife crime in England and Wales are not recorded or reported upon in the same manner as in Scotland. The UK governments have identified a number of wildlife crime priorities, but are unable to produce information as to how prevalent offending may be nor where hotspots may be. Very often there is a worrying lack of reporting and prosecutions for incidents of wildlife crime, when offending is likely to be widespread. Additionally, this absence of information prevents the identification of trends in criminality.

This report is the first to pull together NGO data across a number of wildlife crime areas to provide an overview of wildlife crime in England and Wales. We consider the number of incidents, occurring in 2016, known to each contributor, the number of cases referred to the police and the number of prosecutions and convictions that took place in that year. We consider what might be driving offending in such areas and identify highlights and challenges.

In many of the areas we report upon, we find similar issues being identified. This report makes a number of recommendations that will address those problems. The UK Government urgently needs to improve reporting and prosecutions if it is able to address its priorities for combatting wildlife crime.

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# INTRODUCTION

In 2002 the Joint Nature Conservation Committee - at the request of the police - identified wildlife crime conservation priorities based on the species where conservation status is being affected, in part, by illegal activity. Those priorities have been reviewed biannually. At present they are bats, freshwater pearl mussels, raptors and the illegal trade in endangered species. Further to this, the National Wildlife Crime Unit has identified, on the basis of intelligence analysis, badger persecution and poaching (in particular poaching of deer, fish and hare) as police wildlife crime priorities.

In 2011, provisions of the Wildlife and Natural Environment (Scotland) Act amended the Wildlife and Countryside Act and placed a duty on Scottish ministers to produce an annual wildlife crime report. The first such report covered offences reported in 2012. Elsewhere in the United Kingdom, there are no statutory obligations to produce an annual wildlife crime report with little apparent appetite from authorities to produce one. Given the complications associated with the recording of wildlife crime, it is difficult, at present, to envisage how such a report might be produced by the police, the statutory nature conservation organisations, or the Government. The recording of wildlife crime has been the subject of a separate report from Link.<sup>1</sup>

A number of NGOs produce annual crime reports relating to their specific area of interest. For example, the RSPB has for many years produced an annual bird crime report, Bat Conservation Trust produces a report on bat crime, and Badger Trust (in partnership with Scottish Badgers) produces a report on badger crime.

In the absence of an official wildlife crime report produced by statutory authorities, Link members have undertaken to produce this report on wildlife crime in 2016. It is intended that subsequent reports will be produced before the end of the following calendar year but these statistics, generally, do not become available until the Autumn of each year.

Whilst this report focusses on wildlife crime where the investigative responsibility falls to the police and, in relation to the illegal trade in endangered species, Border Force, there are other agencies and organisations which have an enforcement role.

This report does not purport to provide a complete overview of wildlife crime in the UK. There are other types of wildlife crime, such as poaching, that either do not fall within the remit of contributing members or are addressed by organisations other than the police. Subsequent reports may be able to provide information on other wildlife crimes that cannot be included here. This report relates only to England and Wales.

The following sections include data on: badger crime, bat crime, illegal wildlife trade, marine mammal crime and raptor persecution. Information used to produce this report comes from data gathered by NGOs, and therefore may not encompass the full extent of wildlife crime in England and Wales. For each section, we detail the legislation and species involved, the possible drivers of the crime, the extent of recorded crime, recent challenges and highlights with enforcing/prosecuting the crime, and recommendations going forward.

## Data Collection

This report brings together data from a number of sources and organisations. Each organisation records their data differently. However, we have aimed to present the figures in this report in similar ways for each chapter. Inevitably there will be some areas where this is not possible. The data in the following tables shows figures collected by Link members and present the views of these organisations. For the tables, the following definitions apply:

- Reports/reported is the total number of incidents reported to the organisation each year for the offence in question (this includes all confirmed, probable, unconfirmed).
- Confirmed – the circumstances indicate that an illegal act has taken place. These incidents are typically substantiated by evidence.
- Probable – The circumstances indicate that by far the most likely explanation is that an illegal act has taken place.
- Unconfirmed – The circumstances indicate that an illegal act has possibly taken place.

Wildlife and Countryside Link and Wales Environment Link would like to express their gratitude to the following organisations for providing data, information and expertise to the development of this report: Badger Trust, Bat Conservation Trust, Born Free Foundation, Cornwall Marine and Coastal Code Group, Naturewatch Foundation, RSPB, RSPCA, TRAFFIC, Whale and Dolphin Conservation, WWF-UK.

# BADGER CRIME

## Species and legislation

The European Badger (*Meles Meles*) is resident within England and Wales and across the wider United Kingdom. The Badger is protected under UK legislation, and it is an offence to take, injure or kill a badger or attempt to do so, to inflict cruelty on a badger and to possess or sell a badger. It is also an offence to interfere with a badger sett whilst it is in current use. Interference includes damaging a sett or any part of it, destroying a sett, obstructing access to any sett or entrance, causing a dog to enter a sett, or disturbing a badger whilst it is occupying its sett.

Protection is provided primarily by the Protection of Badgers Act 1992, and additional protection is provided by the Wildlife and Countryside Act 1981 (as amended) and, in some circumstances by the Animal Welfare Act 2006 and the Hunting Act 2004. Badgers are also listed on Appendix III of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), to which the UK is a signatory.

Badger Crime is one of six current UK Wildlife Crime Priorities and is listed due to the sheer volume of crime and intelligence gathered by the police.

## Drivers

The number of recorded incidents of badger persecution is such that the badger is probably one of the most demonized protected species in England and Wales. It might be said that the badger is illegally persecuted by a wider cross section of society than any other species of wildlife. Sett interference, the sadistic pastime of badger baiting, shooting, snaring and trapping, poisoning, and hunting and lamping badgers with dogs evidence this. Offenders are known to include those involved in agriculture, forestry, developers, householders, registered hunts and badger baiters. It is suggested that licensed culls of badgers and the publicity concerning this legal practice, has led to a rise in the number of persons taking the law into their own hands. Evidencing such views is, however, difficult.

## Extent of recorded crime

A consortium of organisations known as the UK Badger Priority Delivery Group records incidents of badger persecution in the UK.

A minimum of 92 incidents were reported to police forces in England and Wales in 2016 (see tables 1-3 for further information). The number of incidents referred to the police is not recorded by every organisation receiving information.

It is known that during 2016 there were just five prosecutions (involving multiple offenders and numerous charges) relating to the persecution of badgers. Cases were heard in Derbyshire, West Yorkshire and Nottinghamshire. Of these cases, four related to badger baiting and in each instance the offenders received custodial sentences and bans from keeping dogs or animals.

## Recent disappointments

Most incidents of badger crime that are referred to the police for investigation are dealt with in an effective manner, but in some cases the level of investigations does not reach a standard that might reasonably be expected.

A common example is where a complaint of badger crime is made, it fails to be accepted as a police matter at the first hurdle when dealing with police control rooms, and it can often be simply closed off as an 'RSPCA matter'. A second problem is that when a complaint does reach front line staff, the officers often have no power or training to undertake investigations and basic procedural failures ensue, with the loss of opportunities to examine any crime scene promptly. As a result, evidence that a badger sett was in current use at the time of the offence is often not gathered, and the risk of loss of forensic evidence increases.

Table 1: Badger Crime Figures 2016

	Number of incidents recorded/ reported	Number of probable cases of criminal offending	Number of cases referred to the police	Number of cases where criminal offending confirmed	Number of prosecutions and convictions
2016	612	Not known	92	Not known	5

Table 2: Badger Crime Trends 2016

Type of Incident	Number of reports	% Percentage of Total	Comment
Baiting/Fighting	130	21	Concern, cruelty, possession, intelligence, dead, & social media
Hunting with Dogs/Lamps	20	3	
Non-Criminal Incident	17	3	
Other	87	14	
Poisoning	25	4	See Below Table for sub categories
Sett Interference	249	41	
Shooting	35	6	
Trading	1	Negligible	
Traps/Snares	48	8	
<b>Total Incidents</b>	<b>612</b>	<b>100 %</b>	

Table 3: Badger Crime 2016 - Sett Interference sub categorised

Type of Sett Interference	Number of reports	% Percentage of Total	Comment
Agricultural	12	5	Type of offender or reason not known
Blocking	53	21	
Damage Destroy	19	8	Commercial and private
Development	42	17	
Disturbance	19	8	
Forestry	3	1	Insufficient to confirm any baiting/fighting occurred
Hunt	63	25	
Sett Dug	37	15	
Other	1	Negligible	
<b>Total Incidents</b>	<b>249</b>	<b>100 %</b>	

The frequency with which these problems occur seems to be increasing as pressure on police resources intensifies.

The lack of availability and rapid access to competent or expert witnesses to examine badger crime scenes is an ever-increasing problem.

Those cases that do reach court are often heavily contested by defence specialists, ranging from Barristers to Solicitors, with duty Crown Prosecution Service (CPS) lawyers having little or no knowledge of wildlife crime. The attendance of a specialist prosecutor at the first hearing or subsequent trial and sentencing hearings is rare.

There is a view that some offences, linked to development, are committed in the knowledge that evidential requirements are such that there is low risk of prosecution with a potential for significant financial savings. In the event of conviction, sentences need to be dissuasive. Penalties need to reflect both the conservation and welfare impacts of offending. The ability to impose unlimited fines has yet to be fully utilised. Custodial sentencing options should mirror those available under the Animal Welfare Act.

## Recent highlights

The police have produced guidance relating to the investigation of badger crime that should be readily available to all officers tasked with investigating such offences.

Operation Badger Twitter Week took place 7 November-14 November 2016, raising public awareness of the illegal persecution of badgers, and encouraging the public to report any criminal or suspicious incidents to the police or Badger Trust. The week was considered a success with a high volume of posts and significant usage of the #OpBadger hashtag. The initiative reached over a million people.

## Matters to be addressed

- Offences and incidents need to be recorded in a consistent manner by statutory agencies, in order to provide consistent statistics for appropriate analysis, to identify trends and inform resource allocation.
- Police forces need to identify resources in order to increase their capability of undertaking effective investigations into wildlife crime.
- The availability of competent or expert witness, whether ecologists from Natural England or Natural Resource Wales, or outside bodies or persons with suitable knowledge, skill and experience, needs to be improved.
- The CPS needs to consider how badger cases are presented from the first hearing, through the entire court process including the trial stage and sentencing hearing.
- A sentencing guideline is urgently needed for offences relating to badgers.

# BAT CRIME

## Species and legislation

England and Wales host 18 species of bats. All are protected against killing, injuring, harm and disturbance. Their breeding and resting places (roosts) are protected against damage and destruction even when the animals are not present.

Protection is provided primarily by the Conservation of Habitats & Species Regulations 2010, and additional protection is provided by the Wildlife and Countryside Act 1981 (as amended) and, in some circumstances, by the Animal Welfare Act 2006.

## Drivers

Commercial development of property can be identified as the primary driver for those who commit bat related crime. A failure to properly plan for the processes involved in obtaining a licence allowing for the destruction of a bat roost is often found to be the root cause of offending. There is a commonly held view amongst some in the industry that there is a low risk of being brought to justice, and penalties are often less than the costs of following lawful process. Other commonly identified areas of criminal offending relate to property maintenance and the felling or management of trees.

## Extent of recorded crime

Table 4: Bat Crime Figures 2016

	Number of incidents recorded	Number of probable cases of criminal offending	Number of cases referred to the police	Number of cases where criminal offending confirmed	Number of prosecutions and convictions
2016	145	Not known	145	32	1

## Crime trends

Since 2010, the average number of referrals for investigation (across the UK) has been 136, with two or three prosecutions occurring annually. The number of police investigations confirming that offences have been committed has increased by 30% over the past three years. In 2016, 22% of police investigations in England and Wales resulted in offences being identified.

## Recent challenges

Whilst most incidents of bat crime referred to the police are dealt with in an effective manner, and some are dealt with exceptionally well, there are a small number of incidents where investigations have not reached the standards that might reasonably be expected. The number of such cases seems to be increasing as pressure on police resources intensifies. Common causes of complaint are failures to accept ownership of allegations, investigations being allocated to officers without the power or training to undertake investigations, and basic procedural failures.

Very few prosecutions of bat crime are heard by the courts. Those that are prosecuted invariably result in conviction, but the sanctions imposed are sometimes less than the gains made by not following due process. This is particularly apparent in cases that are not presented by specialist prosecutors, often where offenders plead guilty at the first opportunity.



## Recent highlights

The commitment and expertise of many of those involved in the prevention, investigation and prosecution of bat crime is often inspirational. Annually, many offences are prevented through the early intervention of the police providing advice to those who, it seems, might be in danger of committing criminal offences. The use, in appropriate cases, of restorative justice measures is welcomed often bringing conservation benefit to bats that would otherwise not have been available. At the other end of the spectrum the use of Proceeds of Crime legislation against developers convicted of bat related offences is to be applauded, as is the willingness of investigators and prosecutors to consider such applications in other cases.

## Matters to be addressed

- Offences need to be recorded in a manner that makes statistics available for appropriate analysis, in order to identify trends and inform resource allocation.
- Police forces need to identify resources capable of undertaking effective investigations into wildlife crime.
- The CPS needs to consider how presentation of cases where offenders plead guilty at first hearing might be improved.
- A sentencing guideline is urgently required for wildlife crime.



# ILLEGAL WILDLIFE TRADE (IWT)

## Species and legislation

In the UK, the Department for Environment, Food and Rural Affairs (Defra) is the Management Authority for CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) and its implementation through the EU Wildlife Trade Regulations. It is advised on plant matters by the Royal Botanic Gardens, Kew (RBG Kew) and on animal matters by the Joint Nature Conservation Committee (the CITES Scientific Authorities). Animal and Plant Health Agency (an executive agency of Defra) is responsible for providing policy advice to the government on CITES and wildlife enforcement issues. It is also responsible for issuing import, export and sale licences for plants and animals listed on the appendices of CITES and the annexes to the EU Wildlife Trade Regulations.

The police have primary responsibility for enforcing the provisions of COTES (the Control of Trade in Endangered Species [Enforcement] Regulations), the UK’s enforcement regulation.

CITES works by subjecting international (i.e. cross-border) trade in specimens of selected species of animals and plants to certain controls. The species covered by CITES are listed in Appendices, according to the degree of protection they need. Appendix I includes species threatened with extinction, and international trade in specimens of these species is permitted only in exceptional circumstances. Appendix II includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival. All international trade in CITES species is controlled through a permitting system.

CITES is implemented in the UK via the EU Wildlife Trade Regulations, and the UK’s own implementing regulations (Control of Trade in Endangered Species - COTES). While in some respects the EU regulations confer greater protections to species than CITES rules, trade within the EU (i.e. between EU Member States) is generally considered as domestic trade for the purpose of the regulations.

The United Kingdom Border Force (UKBF) has primary responsibility for enforcing CEMA (Customs and Excise Management Act 1979, which is now incorporated in The Borders, Citizenship and Immigration Act 2009), and in particular, the offences relating to imports of wildlife contrary to the provisions of CEMA and the EU Wildlife Trade Regulations.

## Drivers

The demand for wildlife products and live animals drives wildlife trafficking offences. Wild animals such as tortoises, owls and primates are desired by some members of the public for pets, which drives illegal imports into the UK. Some live wild animals are also illegally sent abroad, such as eels for the booming illegal eel trade in mainland Europe. Wildlife products, such as mounted animals, wild plants and ornaments made from wildlife parts such as ivory are desired by some individuals in the UK. The money that can be made by selling these goods to UK-based or overseas buyers drives criminal involvement, and wildlife trafficking increasingly involves organised criminal groups operating across multiple jurisdictions – for example, members of an Irish gang were convicted of the theft and trafficking of rhino horns in the UK in 2016. Lack of awareness of the laws drives some buyers to unknowingly sell, purchase, import or export illegal goods, such as holidaymakers bringing coral back from the Caribbean.

## Extent of recorded crime

Table 5: Illegal Wildlife Trade Crime Figures 2016

	Number of incidents recorded	Number of probable cases of criminal offending	Number of cases referred to the police	Number of cases where criminal offending confirmed	Number of prosecutions and convictions
2016	Unknown	Unknown	Unknown	Unknown	16



## Crime trends

It is difficult to determine crime trends given that these can be affected by a multitude of factors, such as internal enforcement limitations (e.g. budgets, staffing, resources), policy changes and external issues (e.g. fashion trends for animal skins, trends in wild animal pet ownership). Crime rates are also difficult to report on given the different variables that can be used, e.g. arrests, convictions, seizures. We therefore rely on media reports of convictions to provide trend data. A fundamental issue impeding the ability of the Government and national agencies to effectively direct resources to address IWT is the lack of knowledge of the scale of the IWT. Current methods to monitor and quantify confirmed crimes are inadequate and ineffective and this needs to be changed so that a true picture of the level of IWT is known.

### Conviction frequency:

2013: 17

2014: 14

2015: 7

2016: 16

## Recent highlights

Operation Quiver saw a strong partnership between Border Force, National Wildlife Crime Unit and Royal Mail, focussing on tackling illegal ivory products leaving the UK in the post. The Operation resulted in numerous seizures and resulted in improved intelligence.

There is now greater communication between the court and wildlife trade experts at Joint Nature Conservation Committee and Kew Gardens (through the National Wildlife Crime Unit Investigative Support Officers). These experts are able to advise on the impact of wildlife trade offenses, including the harm caused and the level of seriousness of the offence. Impact assessments are now being used more commonly to lay out the environmental, social and economic consequences of illegal wildlife trade for the specific species that are found in any criminal case. These assessments assist prosecutors and those involved in sentencing in evaluating the seriousness of the crime so that sentences can be commensurate with the harm caused.

There are now dedicated CPS Prosecutors within England and Wales that are involved in supporting the prosecution of illegal wildlife trade cases. They help build the case and ensure that duty prosecutors in Court have the right information and detail required to prosecute in a way that matches the harm and seriousness of the case.

## Matters to be addressed

- Update of COTES.
- Introduction of sentencing guidelines for wildlife crimes.
- Raising awareness among the general public of what wildlife products are illegal.
- Training of police call handlers to understand what constitutes a wildlife crime versus a welfare issue.
- More public-private partnerships to collectively tackle IWT.

# MARINE MAMMAL CRIME

## Species and legislation

Around 27 species of cetaceans live seasonally or year-round in English and Welsh waters, as well as grey and harbour seals. Cetaceans are offered strict protection under Habitats Directive Article 12, which is transposed into national law under the Conservation of Habitats & Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is an offence (subject to exceptions) to deliberately capture, kill, or disturb cetaceans. Seals enjoy the protection afforded by the Conservation of Seals Act 1970. In some circumstances, cruelty to wild mammals is an offence under the Wild Mammals (Protection) Act 1996.

## Drivers

Recreational and commercial tourism can be a driver for potential crimes against marine mammals. Individuals can approach marine mammals by either getting in the water with them and behaving inappropriately or approaching them inappropriately from any water craft or vessel.

In the UK, there is a perceived conflict with some fisheries, particularly of seals taking commercial or protected fish species.<sup>2</sup> There is evidence of cruelty through the illegal injuring or killing of seals with guns and other weapons.<sup>3</sup>

## Extent of recorded crime

Table 6: Marine Mammal Crime Figures 2016 (data for South West England only, provided by Cornish Wildlife Trust)

	Number of incidents recorded	Number of probable cases of criminal offending	Number of cases referred to the police	Number of cases where criminal offending confirmed	Number of prosecutions and convictions
2016	366	Not known	3	0	0

## Crime trends

The number of successful marine mammal prosecutions and convictions are few, and so it is not possible to detect a trend. Social media has led to a (perhaps perceived) increase in the number of cases reported to the police. It is not clear why so many incidents are recorded but so few are referred to the police. It may be because the public do not consider that the police deal with such incidences, as reporting is believed to be increasing in regions where awareness is improved (for example, in South West England).

## Recent challenges

Reported cases rarely lead to prosecution. It is essential to get an incident logged via 101, even if nothing comes of it, as it is important to show the incident is in the system and that wildlife crime exists. This will help enable us to better understand the extent and trends over time.



## Recent highlights

The recent perceived increase in disturbance cases has led to the issue having more of a public profile on social media and in the media. This has led to a focus on this issue from the statutory agencies, including the development of a code of conduct.

- Reporting is steadily increasing with more awareness, so there are more incidents to call in.
- Wildlife Crime Officers have become very supportive of this work and are active within the Group.
- Wildlife Crime Officers have highlighted the importance of getting incidents logged via 101, even if nothing comes of it. Previously, individuals were engaging with interested police officers directly, but this meant many incidents were not officially logged.

Cornwall is leading the way nationally, with the formation of a regional stakeholder group to tackle the issue of marine wildlife disturbance by recreational water users. The Cornwall Marine and Coastal Code Group, formed in 2013, aims:

- to increase awareness of marine and coastal wildlife disturbance issues, laws and voluntary codes of conduct
- to provide an informal forum of experts, regulators and major conservation landowners to advise on the best course of action following serious or repeat marine wildlife disturbance incidences in Cornwall
- to develop relevant resources, projects and training programmes for partner organisations, users, operators and other interested parties
- to formulate action or joint position statements where specific issues are highlighted
- to input, monitor and review the Marine Wildlife Disturbance Register
- to agree an action plan for the group.

Membership of the Cornwall Marine and Coastal Code Group is open to any organisation involved in the conservation, protection and management of marine and coastal biodiversity, either substantially or wholly in Cornwall, and which is also a member of the Cornwall Marine Liaison Group.

The WiSe Scheme<sup>4</sup> seeks to minimise marine disturbance through delivering training to vessel operators and to other key organisations, including the police. Such training can help individuals to understand disturbance legally and biologically, with the aim to ensure safe and responsible marine wildlife watching.

## Matters to be addressed

- Raising public awareness of the existing marine mammal protections and what good behaviour is, plus how they can gather the evidence required to report incidents (photographic and video footage).
- Development of a Wildlife Crime App (like that produced by Partnership for Action against Wildlife crime in Scotland) and other guidance for reporting adequate details of marine mammal wildlife crime.
- Police awareness and ability to deal with marine wildlife crime needs to be maintained or improved, including among wildlife crime officers.
- Ensure wildlife crime officers are linked with any regional efforts, an example being ensuring engagement with the membership of the Cornwall Marine and Coastal Code Group.
- Continue to provide the opportunity for police to undertake regular WiSe training.
- Offences to be recorded in a manner that makes statistics available for appropriate analysis, in order to identify trends and inform resource allocation.
- Ease of access to crime data on a transparent website.





# RAPTOR PERSECUTION

(See Birdcrime 2016<sup>5</sup> for more details including maps of raptor persecution for the whole of the UK)

## Species and legislation

All birds of prey are fully protected under the Wildlife and Countryside Act 1981. Offences include the killing, taking or injuring of birds and eggs, damage to and destruction of nests. There are also offences relating to possession, sale and prohibited methods of killing and taking. Trade offences relating to raptors are also covered by the Control of Trade in Endangered Species (Enforcement) Regulations 1997. Offences involving the abuse of pesticides are covered under various pieces of legislation.

## Drivers

See figure 1 for the occupations/interests of the 108 individuals convicted of bird of prey persecution-related offences 1990-2016 (note there were no bird of prey persecution related prosecutions in 2016, or indeed in 2015, in England and Wales).

Scientific monitoring of raptor populations, supported by wildlife crime data and intelligence continues to indicate a strong association between raptor persecution and land managed for game bird shooting, particularly in areas managed for driven grouse shooting and the rearing and release of pheasants. A more complete picture of the severe effect that illegal killing is having on national populations of wild birds can be gauged through long-term, systematic study of bird populations themselves, such as the rigorous Conservation Framework reports by Scottish Natural Heritage (SNH)<sup>6</sup> and the Joint Nature Conservation Committee (JNCC) on golden eagles and hen harrier.<sup>7</sup> There are also a range of peer-reviewed scientific publications that demonstrate the impacts of persecution on golden eagles, hen harriers, red kites and peregrine falcons.

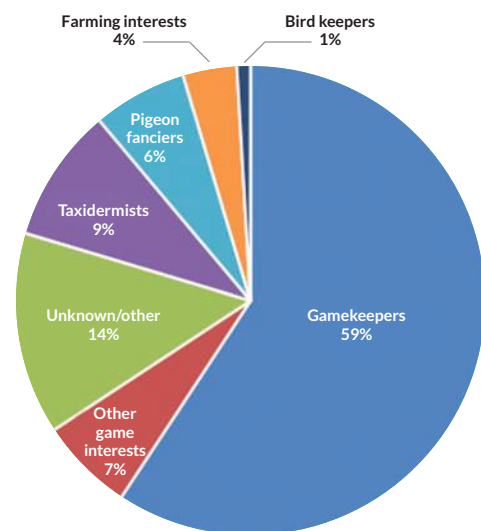


Figure 1: Chart detailing the occupations/interests of the 108 individuals convicted of bird of prey persecution-related offences 1990-2016 in England and Wales.

## Extent of recorded crime

### England and Wales raptor persecution

Table 7: Bird Crime Figures 2016

	Number of incidents recorded/ Reported	Number of probable cases of criminal offending	Number of cases referred to the police	Number of cases where criminal offending confirmed	Number of prosecutions and convictions
2016	155	15	Most (see below)	67	0

Most incidents reported are referred to the police but it is not possible to determine this figure precisely: many cases are referred to or dealt with by RSPCA or Natural England (NE) (if a poisoning), or in partnership with the police, and some are passed to the RSPB retrospectively for their records. The RSPB does not always receive a police log number for incidents referred, so this is difficult to evaluate. Information which has intelligence value (which will include a number of the 'unconfirmed' and 'probable' incidents) will be disseminated as an intelligence report to the relevant police force, along with appropriate enforcement partner including the NWCURSPCA as appropriate.

Table 8: Raptor Persecution 2016, listed by incident type

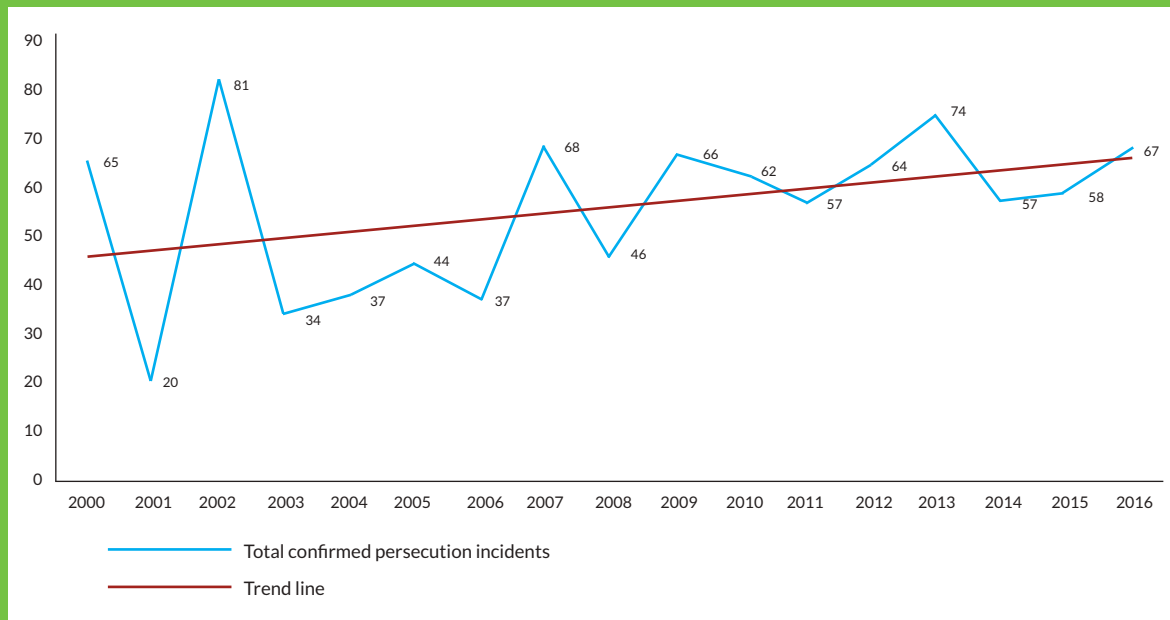
Raptor persecution Incident type	Number of confirmed incidents
Shooting	36
Poisoning	16
Illegal Pole/Spring Trapping	9
Illegal Trapping (Other)	1
Nest Destruction	1
Persecution Other	4
<b>Total</b>	<b>67</b>

Shooting and poisoning continue to be the most detected type of bird of prey persecution. For detailed maps showing location of incident types per country, see Birdcrime 2016 appendices (pages 14 & 15).<sup>8</sup>

## Crime trends

Raptor persecution clearly continues to be an ongoing issue, showing no real improvement since 2000 – see graph of confirmed persecution incidents in England and Wales below. These figures are just the tip of the iceberg - many offences remain undetected and unreported, particularly those that occur in remote or private areas.

Figure 2: Total confirmed raptor persecution incidents in England and Wales since 2000

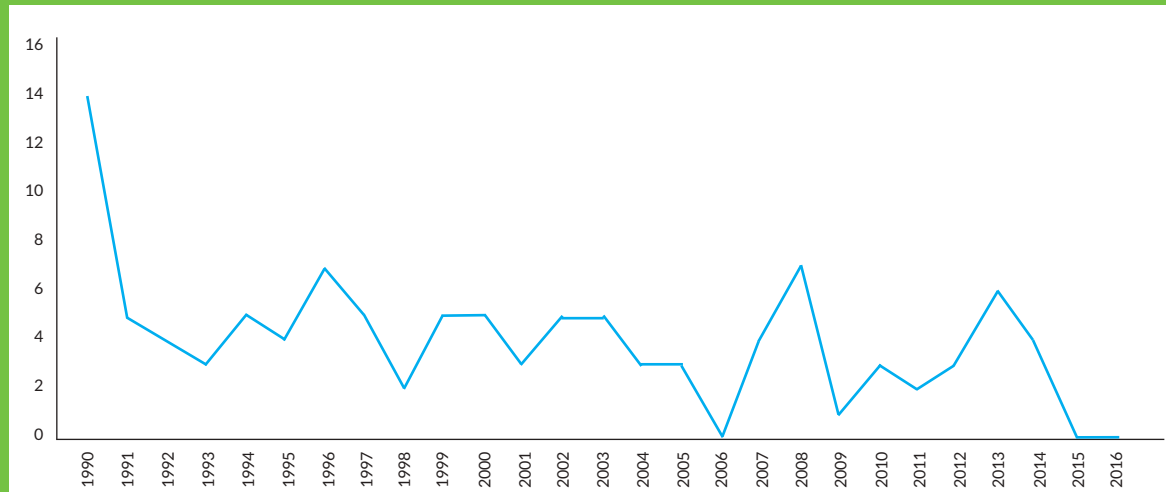




## Recent challenges

- For the first time since 1990, there were no prosecutions for raptor persecution in 2016 across the whole of the UK. When looking at England and Wales, prosecutions continue to be low or zero per year in recent times.

Figure 3: Bird of prey persecution-related prosecutions in England and Wales 1990-2016



- The 2016 UK hen harrier survey showed a 27% decline in the last 12 years. There were only three successful nests in England, despite habitat for 300 pairs.
- A gamekeeper received a controversial police caution after admitting responsibility for setting three pole traps<sup>9</sup> on a grouse shooting estate in the Yorkshire Dales National Park. Unfortunately, he was just cautioned<sup>10</sup> rather than being put before a court, provoking widespread condemnation. Encouragingly, the force acknowledged the error and steps were taken to prevent it happening again.
- North Yorkshire is the county with the most confirmed raptor persecution incidents within the last five years.

## Recent highlights

North Yorkshire Chief Constable Dave Jones was appointed in 2016 as the national policing lead for wildlife crime and rural affairs. 2016 also saw the formation of a North Yorkshire Rural Taskforce,<sup>11</sup> believed to be the largest unit dedicated to tackling rural crime in England. RSPB Investigations are extremely encouraged by the support the unit has provided to the force's Wildlife Crime Officers and hope that more proactive work will reduce the appalling problems in the county.

## Matters to be addressed

- Introduce a system of licensing for driven grouse shooting.
- Protect wildlife law during UK negotiations with the EU.
- Make full use of existing powers to clamp down on raptor persecution, and make better use of tools such as cross-compliance, ensuring public money is delivering healthy raptor populations.
- Ensure shoot owners and managers can be held accountable for the actions of their gamekeepers by extending the vicarious liability legislation employed in Scotland to the rest of the UK. Invest in effective enforcement to uphold the laws protecting iconic wildlife and places.
- Fully investigate the disappearance of satellite tagged raptors.

# CONCLUSIONS

For the first time this report identifies how crime can impact on the wildlife of England and Wales. Some of our most iconic species face threats from clearly defined interests often associated with country pursuits and development.

It is clear that Link members engaged in fighting different types of wildlife crime face a number of common problems. Most commonly these relate to:

- The lack of a comprehensive system for recording wildlife crime, hampering the analysis of trends, the setting of appropriate priorities, and the effective allocation of resources.
- The willingness and ability of the police to effectively address wildlife crime.
- Uncertainty as to the admissibility of evidence.
- Absence of comprehensive and deterrent sentencing guidelines.

Many Link members wish to - and are ready to - assist those responsible for the prevention, investigation and prosecution of wildlife crime. A number have specialist resources available to assist the statutory agencies.

## Recommendations

Despite the breadth of wildlife crime, we have recognised and identified a number of common challenges associated with addressing wildlife crime. In order to address these problems, we recommend that:

- Wildlife crime should become notifiable and recordable crimes to be included in statistical returns made by the police to the Home Office.
- The Home Office should produce an annual report on wildlife crime, identifying trends and recommending appropriate priorities and resource allocation.
- Each police force should appoint a force champion for wildlife crime, with coordinating responsibilities for a team of trained wildlife crime officers.
- Police officers and appropriate members of staff receive sufficient training to enable them to identify reports of wildlife crime and to respond in an effective manner.
- The Crown Prosecution Service ensure that specialist wildlife crime prosecutors continue to be available in all parts of England and Wales.
- Contentious issues around the admissibility of evidence be identified, discussed and remedied.
- In order to aid informed and adequate sentencing, a comprehensive wildlife crime sentencing guideline be produced by the Sentencing Council.
- A partnership approach to all types of wildlife crime aimed at raising public awareness and crime prevention be pursued.



## REFERENCES

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## Wildlife and Countryside Link

89, Albert Embankment, London SE1 7TP  
Telephone: 020 7820 8600  
Email: enquiry@wcl.org.uk

## Wales Environment Link

Baltic House, Mount Stuart Square  
Cardiff CF10 5FH  
Telephone: 02920 497 509