



Wildlife and  
Countryside



# WILDLIFE CRIME IN 2019

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

November 2020

<https://www.wcl.org.uk/wildlife-crime.asp>

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# INTRODUCTION

This report, the third annual report produced by Link members, demonstrates that a diverse and widespread underworld of wildlife crime continues to operate across England and Wales. It threatens an extraordinary array of wildlife: bats, birds, badgers, plants, hares, deer, amphibians and reptiles and more. The nature of the threat is just as diverse, from centuries old hunting and trapping practices and poisoning, to sophisticated online cybercrime. The numbers we set out in this report are likely to be a significant underestimate – they represent the data gathered by our organisations in the absence of consistent reporting by enforcement agencies and government. As the UK ramps up its international advocacy on tackling wildlife crime, we challenge government to invest in reporting, detecting and stamping out these domestic offences once and for all.

Although this report covers incidents and issues for 2019, it cannot be ignored that at the time of its publication, we face a very different world following the global spread of COVID-19. Whatever the origins of the virus, the pandemic has put the interdependence of society, economy and environment into sharp focus. Perhaps it takes the exposure of our vulnerability for us to realise just how precious our wildlife is, and to reveal how we may lose some species for good if we fail to take action against those who commit crimes against them. Of late, the Westminster Government has spoken of its intention to oversee a green recovery, and with it the protection of wildlife. This statement of intent must be backed by robust and strategic action.

Action on domestic wildlife crime is well overdue. In November 2015, after nearly three years' work, the Law Commission published its review of wildlife law. It highlighted such issues as the volume of different pieces of legislation covering the varying species of flora and fauna and suggested streamlining in certain areas. Due to the Brexit vote it was decided that the review would be put on the shelf and re-visited once Brexit, was done. As a consequence, at a time when the importance of a healthy relationship between humans and wildlife has never been more evident, long-overdue improvements to wildlife legislation may not be considered for many years to come. This is despite the fact that some of our current wildlife legislation was enacted just short of two hundred years ago (1824) and uses such antiquated terms as conies (a 19th century term for rabbits). Our current legislation is outdated and no longer fit for purpose.

With all the technology now available, it is disappointing that we cannot say with any good authority exactly how much wildlife crime actually takes place within England and Wales. Since the launch of the first Wildlife and Countryside Link report "The recording of wildlife crime in England and Wales", published in November 2017, the Government has taken no action to make wildlife crimes offences notifiable under the Home Office Counting Rules. If this were enacted then, with the push of a computer button, a better picture of what is actually happening would be clear for all to see. Who would have thought in the twenty-first century that this was such a difficult exercise to achieve?

In the absence of this data, the Wildlife and Countryside Link annual Wildlife Crime Report aspires to at least give the reader an overview of the type and extent of wildlife crime that is happening in England and Wales, albeit based on data from Link members which is, by its nature, not comprehensive. For accurate crime figures, we need police and other law enforcement agencies to be well trained and knowledgeable in the crimes themselves. For this to happen there needs to be investment in the training and knowledge aids available to the police and other law enforcement agencies. We support the College of Policing's efforts to provide suitable on-line training aids such as Authorised Professional Practice (APP) and the on-line knowledge hub. This work was commenced in 2015 and it is disappointing that to date, the information available to enforcers is limited to bats and badgers. Other national priority species should be added without delay.

Following efforts from Link members to extend our wildlife crime reporting, new to this year's report is a chapter on hunting with dogs. For each chapter we detail the legislation and species involved, possible drivers of the crime, its extent, recent challenges and highlights, plus recommendations going forward to address identified issues.

# PREVIOUS REPORTS REVISITED

It was hoped that the 2018 to 2021 the National Police Chiefs' Council Wildlife Crime Strategy would help take forward the Link Wildlife Crime Working Group recommendations. Last year's Wildlife Crime report stated that, "progress has been hesitant" and concluded with the hope that, "the next twelve months will provide the opportunity for some real progress to be made". Sadly, little progress has been made. It should be borne in mind that these recommendations could have been significantly progressed pre-COVID:

- Crime recording and availability of data: there have been few improvements in the availability of data and progress appears to have stalled.
- Funding for the National Wildlife Crime Unit: we understand that there is an on-going review of the NWCU, so its functions, structure and future funding are now uncertain. An effective unit is an essential part of Government's response to wildlife crime and we recommend that if changes are being considered, the Government should run an open and transparent consultation on the form, function and funding of the unit.
- Right to review: no action has been taken on the proposal to extend the right to review police and CPS decisions to non-government organisations acting in the interests of specific species.
- Annual Reports: no action has taken place on the publication of annual wildlife crime reports, whether by Governments or police forces with dedicated wildlife/rural crime teams. A number of police forces state that they have rural/wildlife crime teams, however they do not actually constitute a "team" in the true sense as the role is mixed in with other policing activity. Since the publication of the last report, a small number of police forces have now established a stand-alone rural/wildlife team to add to those in the likes of Kent and North Yorkshire.
- Raising awareness of wildlife crime: it is not clear what action has been undertaken on this subject in line with the NPCC wildlife crime strategy. Last year's report stated that is important that those who contribute information to the police are valued and are kept informed of outcomes. There is little evidence that this is taking place.



# AMPHIBIANS AND REPTILES

## Species and legislation

England and Wales have 13 native species of terrestrial amphibians and reptiles along with several non-native species. The level of legal protection differs widely. Some such as the Great Crested Newt *Triturus cristatus* and sand lizard *Lacerta agilis* receive a high degree of protection afforded by the criminal law. Legal protection for those species includes the prohibition of capture and disturbance, and protection of breeding sites and resting places. Widespread reptiles are protected from intentional killing and injuring, whilst the remainder, from a conservation perspective, are not protected save for controls on trade. Protection is provided by the Conservation of Habitats & Species Regulations 2017, and/or the Wildlife and Countryside Act 1981. Animal welfare legislation – primarily the Animal Welfare Act 2006 – will in certain circumstances be relevant for all species, native or non-native.

## Drivers of crime

Amphibians and reptiles are occasionally subject to persecution. Adders *Vipera berus* in particular have been known to have been deliberately killed, due to prejudice or fear about their bite. Grass snakes *Natrix helvetica* and slow-worms *Anguis fragilis* are sometimes targeted because they may be confused with adders. Animals are sometimes killed during conservation management, but this is not intentional and is often unavoidable. Anecdotal evidence is clear in demonstrating that offences are most likely to be committed by those developing land.

Even where works on land require planning permission, legislation and planning procedures do not always result in the submission of ecological surveys and reports relating to amphibians and reptiles when they would in fact be appropriate. There appears to be a common yet unhelpful view amongst a minority in the construction industry that if they offend there is a low risk of being brought to justice, and even if this were to occur penalties are likely to be less than the costs of following lawful process.

However, with the Proceeds of Crime Act being used more regularly for wildlife crime cases, penalties into the tens of thousands of pounds are being achieved in UK courts against such offenders, and there remains potential for custodial sentences.

## Extent of recorded crime

Year	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 cases and charges prosecuted	Number of defendants prosecuted	Number of defendants convicted
2017	15	N/K	15	6	0	0	0
2018	19	N/K	14	N/K	1/1	1	1
2019	13	N/K	8	1*	0	0	0

\*Investigation ongoing

## Updates

During 2017, 2018 and 2019 the Amphibian and Reptile Conservation Trust (ARC) worked with the Bat Conservation Trust's "Bearing Witness for Wildlife" Project, which extended the role of BCT's Wildlife Crime Project Officer to include not just bats but other species of conservation concern. Input included training, the recording of such offences, and providing police investigative support relating to amphibians and reptiles. ARC referred enquiries on enforcement to BCT, who were often able to help resolve issues.

The most common issue reported by ARC was the difficulty in ensuring a meaningful local police response to allegations of offending. In a pattern repeated from previous years, ARC found that the police response varied substantially, with some excellent examples of helpful, sustained engagement (e.g. Hampshire and Dorset), while in other areas it was difficult to detect any progress with investigation at all after an offence had been reported. The funding for the Bearing Witness for Wildlife Project has now concluded.



The current BCT Wildlife Crime Project will continue to provide ARC with investigative guidance and record the number of cases that BCT know have been reported to the police through 2020. The number of cases in the table above is certainly substantially less than the number of cases occurring and reflects reduced capacity to record incidents centrally.

### Matters to be addressed

- Wildlife Crime needs to be a notifiable and recordable offence that allows for statistics to be accurately disseminated and made publicly available.
- Police forces must identify resources and capacity to undertake effective investigations into wildlife crime, including use of specialist advice.
- Crown Prosecution Service needs to monitor the effectiveness of its network of specialist wildlife crime prosecutors, ensuring that in all areas a trained specialist is available and that prosecutions are effectively considered and handled.
- ARC and others will promote awareness of the Police Wildlife Crime Officers within each force for the prompt investigations of such offences.
- There must be a review of case disposal options and sentencing.
- The implications for amphibian and reptile offending of a proposed stream-lining of planning regulations (announced July 2020 as “Project Speed”) will be especially important to monitor.
- It will also be important to continue monitoring how legislation and licensing are applied, especially where the offence is arguably an incidental but predictable outcome of the primary purpose of the act (as is often the case with habitat management and development).

# BADGERS





## Species and legislation

The European Badger *Meles meles* is resident across the United Kingdom, including England and Wales, and is protected under UK legislation. 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 sometimes provided by the Wildlife and Countryside Act 1981, 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).

Badger Crime has been a UK Wildlife Crime Priority for over ten years, because of the scale of persecution.

## Drivers of crime

The number of recorded incidents of illegal persecution against the badger make it one of the most demonised protected species in England and Wales. It is persecuted by a wider cross section of society than any other species. Sett interference, badger baiting, shooting, snaring and trapping, poisoning, and hunting and lamping badgers with dogs, all take place at scale. Offenders may include those involved in agriculture, forestry, development, householders, registered hunts and badger baiters.

Evidencing views that the licensed culls of badgers and the accompanying publicity has led to a rise in illegal persecution is difficult. However, reports of badger setts being blocked within cull zones have increased. This is most likely due to greater public scrutiny within cull zones, thus the opportunity to discover and report these crimes has been raised that previously may have gone undiscovered and unreported.

## Extent of recorded crime

The UK Badger Persecution Priority Delivery Group records incidents of badger persecution. A minimum of 270 incidents were reported to police forces in 2019 in England and Wales, a significant increase from 2018, (see tables 1-3 for further information). The number of incidents referred to the police is not recorded by every organisation submitting information.

The main areas of criminal threat remain badger baiting and sett interference. 2019 saw the highest number yet of cases being concluded in court and sentencing imposed. The cases stretched from Wales to northern England, and included the counties of Lincolnshire, Humberside, West Yorkshire, Lancashire and North Yorkshire. Sentencing for baiting and unlawful killing included custodial sentences (some suspended) through to a conditional discharge for snaring a badger.

## Recent challenges

Most incidents of badger crime that are referred to the police for investigation are dealt with effectively, but sometimes the level of investigation fails to reach an expected reasonable standard.

An example is where a police control room fails to recognise the complaint as a police matter due to a lack of training or understanding, and where the complainant is referred to an animal charity instead.

A second example is where the complaint is accepted by the police but officers often have no power or training to undertake investigations, so basic procedural failures ensue, which include crime scenes not being examined to prove the badger sett was in current use or the loss of forensic evidence. The continual pressure on police resources exacerbates this situation.

The lack of available and rapid access to competent or expert witnesses is problematic. Court cases 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 onwards is rare.

Commercial development cases are possibly committed in the knowledge that evidential requirements are such that there is low risk of prosecution in comparison to the high financial gain.

Table 1

Year	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 cases and charges prosecuted	Number of defendants prosecuted	Number of defendants convicted
2016	612	N/K	92	N/K	5	N/K	N/K
2017	740	N/K	99	N/K	0	0	0
2018	675	N/K	163	N/K	4	N/K	N/K
2019	598	N/K	270	N/K	8	N/K	N/K

Table 2

Type of Incident	Number of reports 2019	%	% Change from 2018	Comment
Sett Interference	302	50.5	-11.7	See Below Table for sub categories
Baiting/Fighting	121	20.23	0.0	97 reports related to intelligence on BB
Poisoning	14	2.34	+ 27.27	
Traps/Snares	31	5.19	-27.91	
Trading	0	0.0	0.0	
Shooting	15	2.51	-25.00	
Hunting Dogs/Lamps	11	1.84	-8.44	
Other	100	16.72	-19.02	Concern, cruelty, possession, dead, intelligence, social media
Non-Criminal	4	0.67	-20.00	
<b>Total Incidents</b>	<b>598</b>		<b>- 11.4</b>	

Table 3: "Sett Interference" sub-categorised

Type of Sett Interference	Number of reports 2019	%	% Change from 2018	Comment
Agricultural	16	5.4	+167	
Blocking	75	25.0	-35.3	Type of offender or reason not known
Damage Destroy	12	4.0	-57.1	
Development	30	10.0	+42.8	Commercial Private
Disturbance	7	2.4	-58.8	
Forestry	12	4.0	+200	
Hunt	94	31.2	-5.1	
Sett Dug	51	17.0	+2.0	Insufficient to confirm baiting/fighting
Other	3	1.0	+300	
<b>Total Incidents</b>	<b>302</b>		<b>- 16.8</b>	

## Recent highlights

The illegal persecution of badgers remains a UK Wildlife Crime Priority, having featured in the NPCC Wildlife Crime Strategy 2018-2021, and is still one of the priorities currently being considered for becoming notifiable to the Home Office.

In May 2019 The UK Badger Persecution Priority Delivery Group appointed a new Chair in Inspector Kev Kelly from North Yorkshire Police. This has led to the reintroduction of a quarterly Newsletter on the activities of the group and its members.

The UK Badger Persecution Priority Delivery Group (BPPDG) were again able to produce analytical data to indicate geographical hot spots, timelines and methodology of crime linked to the reports of incidents and information it received. These figures were utilised to instigate social media campaigns to raise awareness and highlight the main problems of sett interference and badger baiting, which were found to be most prevalent over the winter months.

The data was also used to instigate enforcement action via dissemination to BPPDG members and the Regional Enforcement Groups in England and Wales.

The Badger Trust and Naturewatch Foundation jointly launched the publication “The Persecution of Badgers - A Guide for Investigators in England and Wales” at the National Enforcers Conference in December 2019. This is a welcome guide for the use of enforcement agencies in investigating the illegal persecution of badgers.

In 2019 the Badger Trust continued to conduct badger crime training workshops across police forces in England and Wales. Since 2017, 36 police forces have now received this training, with further planned courses and second courses in some areas.

During 2019 Naturewatch Foundation sponsored the publication of a wildlife crime novel “A Badger’s Tale”, written by the author Geoff Francis. The novel, intended for teenagers, aims to raise awareness of illegal persecution and can also accompany their School Awareness Programmes.

Naturewatch Foundation’s investigations into named persons involved with illegal persecution continued to grow, resulting in multi-agency enforcement action being conducted, the recovery of injured dogs and pending criminal proceedings, with other similar operations pending for 2020. The RSPCA continue to take their own prosecutions as well as assisting partner agencies.

## 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, identify trends and inform resource allocation.
- Police forces need to identify resources and increase their capability to effectively investigate allegations of offences. Likewise, they should be provided with the resources needed to gather intelligence relating to wildlife crime from the internet.
- The availability of competent or expert witnesses, whether ecologists from statutory agencies or alternative people with suitable knowledge, skill and experience, needs to be improved.
- The CPS needs to consider how badger cases are presented throughout the entire court process. A sentencing guideline is urgently needed for offences relating to badgers.
- During 2019 the RSPCA implemented a new computer system for recording incidents. Moving between systems unfortunately resulted in teething problems resulting in a reduction in the number of badger incidents reported from the previous year. However, this should be resolved by the end of 2020.
- 2019 saw continued efforts by various organisations to raise awareness of badger persecution, in order to encourage the reporting of suspected crimes against badgers to the police, the Badger Trust and the RSPCA. It has been a particular challenge in Northern England with a low level of the reporting of incidents.
- Successful work is being carried out with a number of police control rooms, especially where concerns have been raised about the initial handling of reports of potential criminality against badgers.

# BATS

## Species and legislation

The UK hosts 18 species of bats. All are protected against injuring, killing 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 following legislation

- in England & Wales the Wildlife and Countryside Act 1981 and Conservation of Habitats & Species Regulations 2017
- in Scotland it is the Conservation (Natural Habitats etc) Regulations 1994
- in Northern Ireland the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995.



## Drivers of crime

Development of property and land can be evidenced as the primary drivers for those who commit bat related offences. Development projects negatively impact species and their habitats through demolition or conversion of pre-existing buildings and felling of trees with roosts, whilst ignoring planning and licensing processes and conditions. These are the root causes in the destruction of bat roosts.

## Extent of recorded crime

Year	Number of BCT incidents recorded	Number of cases referred to the Police	Number of 'No further Actions'. I.e - No Evidence	Number of defendant warnings	Number of defendant cautions	Number of defendants convicted	Number of incidents ongoing by Police.
2016	145	144	130	9	2	3	0
2017	195	167	144	17	2	4	0
2018	137	126	113	9	2	2	0
2019	174	165	136	10	1	2	16*

\*Investigation ongoing

## Challenges and highlights

Each year bat-related offences are prevented through early intervention by many individuals, groups and organisations, such as bat volunteers, trusts, ecologists and the Police who provide advice to those who might be in danger of committing criminal offences. The use, in appropriate police cases, of restorative justice measures is welcomed often bringing conservation benefits to the species that would otherwise not have been available. A small number of police investigations have not reached the standards that might reasonably be expected. Common causes are conflicting police priorities and time, issues that Police Senior Management have the ability to address, supported by the National Police Chiefs Council's Strategies on Rural and Wildlife Crime.

Few prosecutions of bat crime are heard by the courts but attract media attention when they do. Those cases that are prosecuted invariably result in conviction, but the sanctions imposed are sometimes less than the gain 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. However, with the application of the 'Proceeds of Crime Act' (POCA), penalties reaching tens of thousands of pounds are now being achieved against offenders in UK Courts. Investigators and prosecutors who consider such applications are to be applauded. The commitment and expertise of many of those involved in the prevention, investigation, and prosecution of bat crime in often challenging circumstances is commendable.

## Matters to be addressed

- Offences must be recorded in a manner that makes statistics available in a form that enables their assessment, so as to inform resource allocation and prioritisation.
- Police forces need to identify and deploy resources sufficient to undertake effective investigations into wildlife crime.
- Police forces should encourage senior management to provide investigating officers the time to deal with Wildlife Crime.
- CPS should consider 'Guilty Plea' planning at first hearing to improve species and habitat protection (Bat mitigation, POCA etc.).
- A sentencing guideline for wildlife crime is needed.

# CYBER ENABLED WILDLIFE CRIME

## Species and legislation

Cyber enabled wildlife crime may be defined as those persons who plan, conduct, and share their illegal exploits via the internet for the purposes of financial gain, sadistic pleasure, or the sharing of common interests.

Cyber enabled wildlife crime is one of the UK Wildlife Crime Priorities. It sits as the newest priority straddling the six other priorities which are all affected by cyber enabled wildlife crime (badger persecution, bat persecution, The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), freshwater pearl mussels, poaching (including deer, fish and hare) and raptor persecution). The legislation that encompasses cyber enabled wildlife crime is diverse and varied and includes, for example, CITES-implementing legislation, the Animal Welfare Act, the Protection of Badgers Act, and the Wildlife and Countryside Act.

Cyber enabled wildlife crime can also include areas that are not currently part of the UK priorities. These include closed communications and trade in illegally captured wild birds such as finches, posts and communications on illegally set snares and traps, and images and videos of wildlife disturbance such as dolphins.

The illegal wildlife trade threatens some of the world's most iconic animals and plants. The UK is implicated as both a transit and destination country for trade in illegal wildlife products, as well as being a source country (e.g. live raptors for the falconry trade).

## Drivers of crime

Cyber enabled wildlife crime facilitates illegal activity in four key areas - wildlife trafficking, illegal badger persecution, poaching and raptor persecution.

**Wildlife Trafficking:** The demand for live species and wildlife products ultimately drives wildlife trafficking offences. Demand emerges from the pet trade and the food chain to ornamental and traditional medicine products. (See separate chapter on wildlife trafficking.)

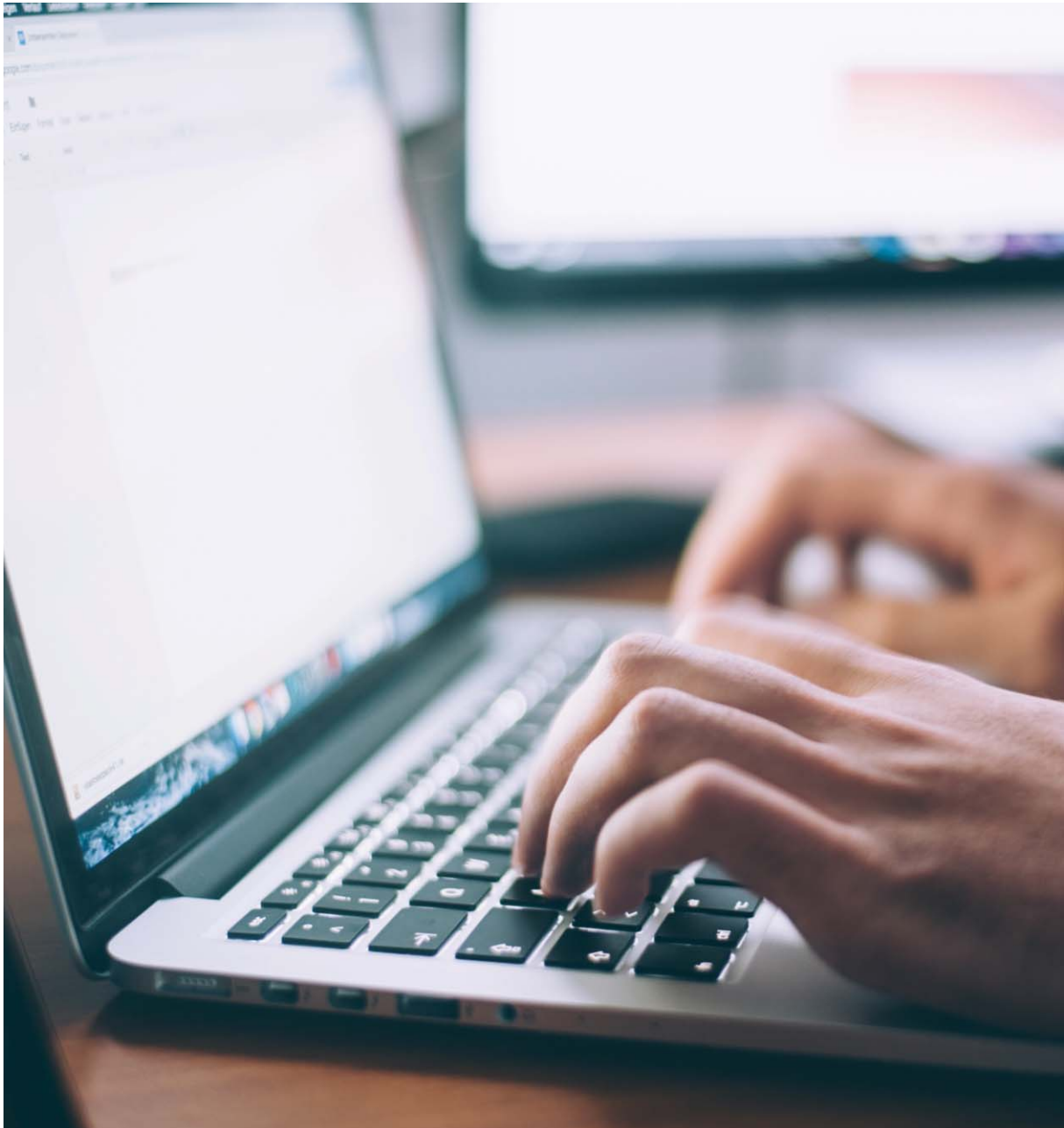
**Badgers:** The organisation of illegal persecution and the discussion of their activities on social media, including closed groups and forums, takes place along with the images and videos of injured dogs or badgers, and the promotion and sale of dogs specifically bred and trained for badger baiting.

**Poaching:** The organisation of poaching events with mobile app technology to facilitate communication or money transfers from illegal betting, to the cheap sale of their gains such as venison, salmon and game. Dogs have also been specifically bred, trained, and sold for poaching.

**Raptors:** Closed groups and forums discussing and planning persecution, the purchase or sale of illegal poisons and the disturbance of raptors for photos and videos, sometimes using drones, which are then shared amongst likeminded individuals.

## Recent highlights

The formation of the Cyber Enabled Wildlife Crime Priority Delivery Group, led by the National Wildlife Crime Unit with members from other statutory agencies, NGOs and Civil society, is a significant step forward in raising awareness of the impact the internet has on wildlife crime. It is intended to oversee the development and implementation of prevention, intelligence, and enforcement strategies to combat cyber wildlife crime.



Many agencies and charities employ open research officers to combat cyber wildlife crime. A recent success is the introduction by Naturewatch Foundation of a named individual campaign in relation to illegal badger persecution, and in particular badger baiting. Information provided is investigated by an Open Source Animal Crime Investigator, and the outcomes are disseminated to enforcement agencies in order to add to the intelligence portfolio and support enforcement action. During 2019, as a direct result of cyber investigation, enforcement action resulted in the rescue of severely injured dogs, with those responsible facing investigations or with pending criminal proceedings. The initiative itself is mainly advertised via the internet and well-known social media platforms.

### Matters to be addressed

- A system needs to be put in place to monitor and record the level of wildlife crime that is planned, conducted, or otherwise impacted in some way by through the internet.
- The Cyber Enabled Wildlife Crime Priority Delivery Group should continue to gain momentum and support for its aims and objectives.

# FISHERIES

Fisheries crime takes many forms – from rod fishing in freshwaters without a licence, to illegally netting salmon for commercial gain, to using unlawful means to catch sea fish around the coast for illicit profit.

Different authorities are responsible for enforcement. In England, the Environment Agency (EA) is responsible for freshwater fisheries crime under the Salmon and Freshwater Fisheries Act 1975. In Wales it is the equivalent agency – Natural Resources Wales (NRW). They are responsible for issuing and enforcing the use of licences and other regulations to fish for or protect salmon, sea trout, trout, coarse fish, eels and other resident and migratory fish. The ten regional Inshore Fisheries & Conservation Authorities (IFCAs) in England are responsible for managing sea fisheries around the coast and in estuaries up to 6 nautical miles out. Beyond that, within UK waters, the Marine Management Organisation (MMO) is responsible.

The Fisheries Enforcement Support Service (FESS) is funded by the Environment Agency (EA) from freshwater coarse and non-migratory trout fishing licence fees in England. This is a formal partnership, delivered under contract, between the EA and the Angling Trust, the sport's governing body. The EA is the statutory lead on fisheries enforcement in England (Natural Resources Wales is the responsible Welsh body). Given the funding comes from freshwater licences, the FESS is not involved with either salmonid or marine enforcement.

Protection in inland waters is largely provided by the Theft Act 1968, and Salmon & Freshwater Fisheries Act 1975. The Theft Act offence is usually applied when fish are stolen (for onward sale) or caught without permission from a privately owned fishery – most usually a lake. Numbers are low\*, but highly variable, with a notable peak in 2018. The average conviction rate has been high with 95% of confirmed cases convicted.

*\* Of all the fisheries crime figures reported here, these are those most likely to be under-reported, as these are usually reported direct to the police, and it has not been possible to collate figures from the 43 police forces. This is the one area in which we seek improvement – for more consistent reporting to and by the police such that a complete picture on fisheries crime can be recorded.*

## Drivers of crime

The large profit margin offset against low sentences is the driver for organised crime gangs who illegally import outsize carp from the continent for sale to sport fisheries, and orchestrate the theft and illegal sale of such high value fish from English commercial sport fisheries.

Another driver is the cultural difference between migrant anglers from eastern and central Europe, who take fish for the pot, and our own conservation-based 'catch and release' approach. This has led to many problems between both communities, generating not only fisheries crime but also hate crime. In response the FESS includes the visionary Building Bridges Project, staffed by Polish, Lithuanian and Romanian speakers, which focusses on educating and integrating migrant anglers into the British angling community.

A further issue is that offenders fishing without permission or statutory rod licences fail to contribute to the maintenance and improvement of fisheries – impacting on both the environment and small businesses. These are reports, confirmations and convictions of the number of cases of people fishing without a rod licence or flouting bylaws (for method of fishing) in freshwaters (rod licences aren't needed for sea fish). These are mostly detected in patrols by the EA's fisheries bailiffs. They include most of those reported by the Fisheries Enforcement Support Service (FESS) and Voluntary Bailiff Service (VBS) of the Angling Trust for the EA. In 2019, FESS reported 293 incidents, 11% of the total 2607 reported to the EA. A minority of those are, however, reports of other incidents, e.g. pollution.

Over the past four years there has been a general trend downwards of the number of cases, and this probably reflects a reducing number of people angling in recent years. The proportion of people convicted after confirmation of an offence has averaged about 75%.



## Case Studies

Achieving interest and appropriate understanding of fisheries related crime is not easy. However, intelligence submitted by the VBS consistently demonstrates the link to wider offending – including Organised Crime. Some examples include: -

- Illegal waste: over 4 tonnes of related debris from a cannabis hydroponics set up in Hertfordshire.
- Recovery of several bags from the River Irwell in Bury containing 80/90 kg of cannabis leaf and resin - with an estimated value of several thousand pounds.
- Illegal trapping and use of nets to kill otters at a fishery in Devon, and a dead otter found on a road in suggesting it had been killed elsewhere. Linked by Devon and Cornwall Police to other such reports they were investigating.
- Theft of around 100 carp from Southern Water treatment plant in Kent. Details passed to Kent Police included vehicle used by offenders, which was subsequently stopped and seized due to motoring offences. Incident collated by Kent Police with others as part of Operation TRAVERSE.

## Extent of crime

The following table provides figures not previously presented in the Wildlife Crime Report. Figures have been provided by the EA and the Association of IFCA's. NRW was unable to provide information due to limited access to databases caused by the COVID-19 pandemic.

Whilst the EA, NRW and IFCA's are the primary fisheries enforcement agencies, some fisheries crime is reported directly to the police. Both the Office for National Statistics and the National Wildlife Crime Unit of the police were approached for information but neither were able to provide figures. Whilst it would be preferable to have a full picture it is likely that much fisheries crime reported to the police is passed on to the EA and NRW, so are likely to be subsumed into the figures below. Fisheries offences of more direct relevance to the police are thefts of fish (e.g. large carp) from private fishing lakes. This report probably doesn't report those accurately.

Figures are provided for the years 2016 – 2019. Some figures are discussed below in more detail to explain them and provide context.

Fisheries Crime in England 2016 – 2019	No. incidents reported				No. cases of criminal offending confirmed				No. defendants convicted			
	2016	2017	2018	2019	2016	2017	2018	2019	2016	2017	2018	2019
Rod Licences (EA)	3315	3543	2180	2607	2908	3173	1965	2490	2126	2511	1487	1895
Salmon, sea trout and trout poaching (EA)	11	50	21	24	11	49	20	24	5	9	6	6
Eel and elver fishing or export (EA)	2	4	0	4	1	3	0	4	1	2	0	2
Theft Act (Stealing of fish from private waters) (EA)	10	2	17	7	5	2	17	6	5	2	16	5
Sea Fisheries - nets & boats (IFCA's)	N/A*	N/A*	N/A*	N/A*	320	435	382	361	65	62	83	84
<b>Total</b>	<b>3158</b>	<b>3599</b>	<b>2218</b>	<b>2642</b>	<b>2925</b>	<b>3227</b>	<b>2384</b>	<b>2885</b>	<b>2202</b>	<b>2586</b>	<b>1592</b>	<b>1992</b>

\*Figures not available

### Salmon, sea trout and trout poaching

Salmon, sea trout and trout (brown and rainbow) are all highly prized for their meat. Due to that value they can be caught illegally for sale – so called 'poaching'. The number of cases has been highly variable, with no trend, with 11 reported in 2016 to 50 in 2017. These cases are detected by patrols and intelligence provided to the EA's teams of fisheries bailiffs.

## Eels

European Eels *Anguilla anguilla* are caught as juveniles (elvers) or maturing (yellow eels) with about 300 licences issued per year. These figures do not represent the number fishing without a licence or flouting bylaws for improper use of gear or location for fishing. Compliance appears to be quite high, and the conviction rate has been 50% in each of the past four years. There is also the potential for the very lucrative illegal export of elvers to the Far East for farming. Whilst the current level of this crime is believed to be low in the UK, Heathrow can be one of the European airport hubs by which to transfer illegal exports. In 2020 there was a conviction of a person who was reported to have exported £5.36M worth of eels from Spain and France to China via Heathrow over a period of 5 years. We ask the authorities to remain vigilant to this lucrative crime affecting a critically endangered species (the European Eel is listed as Critically Endangered on the International Union of Conservation for Nature Red List).

## Stealing fish from private waters

Frustratingly, the extent of this crime remains unclear. Although fishing without permission is a recordable and notifiable crime under Schedule 1 of the Theft Act 1968, in our experience, following annual Freedom of Information requests to all forces, police recording of these offences remains inconsistent. Moreover, although improving, owing to our work raising awareness, there remains a lack of appreciation that theft of fish (from enclosed waters) is not a victimless crime, and that this is financially quantifiable. Given this inconsistent approach to recording fisheries related crime, and the lack of a central facility to capture this data, it remains impossible to quantify. Moreover, because confidence throughout the angling community has been so low, a substantial number of offences have demonstrably gone unreported.

## Recent challenges

Through the work to educate the angling community regarding how the intelligence-led enforcement system works, emphasising the need to report incidents and information, confidence has increased and with it the number of incident reports – but, again, no means of capturing this data centrally exists, as such calls are not only made to individual police forces but also the EA.

By 2019, 40 of 43 police forces had subscribed to either Operations TRAVERSE (covering the eastern half of England) or LEVIATHAN (western half of England and all of Wales). However, because the number of cases brought remains comparatively low, forces demonstrate an inconsistent quality of service delivery. At a time when positive publicity is so important to continue raising awareness and increasing confidence, examples of poor service undermine the entire process – especially when shared on social media.

## Recent highlights

### FESS

The FESS is essentially a task force of retired police officers, working in support of and in partnership with the Environment Agency. The six regional enforcement managers run the Voluntary Bailiff Service which, in 2019, comprised up to 485 volunteers throughout England, trained in partnership with the EA and police to report incidents and information to a high evidential standard. The FESS also provides training to the police and other partners, and coordinates Operations TRAVERSE and LEVIATHAN – multi-agency initiatives targeting illegal freshwater fishing and fish theft. The FESS's National Intelligence Manager processes the incoming information, sharing logs with partners as appropriate.

The strategy also includes the Building Bridges Project, engaging with migrant communities, providing multi-lingual information, working on education and integration. The FESS also runs Fisheries Enforcement Workshops throughout England, again in partnership with the police and Environment Agency, providing essential (free) training for the angling community. Moreover, the FESS works closely with the Magistrates' Association and CPS, contributing Impact Statements and training – leading to an increase in appropriate sentencing. Overall, the enthusiastic cooperation of the police has been refreshing – it being increasingly understood that this is not simply about 'a few wet fish' but more accurately rural, wildlife, organised, business and hate crime – and another opportunity, therefore, to increase confidence and intelligence, and engage with criminality.

In 2019, the VBS undertook 13,488 patrols (2,164 more than 2018), reported 293 incidents and offences to the EA (32 more than 2018), 124 to the police (41 more than 2018), in addition to sharing 294 intelligence logs (111 more than in 2018) concerning a variety of criminal matters with the EA and police – the majority of this information would doubtless otherwise not have been captured. This has led to an increase in prosecutions and more appropriate sentences, which, in relation to rod licence compliance, are published monthly on the Angling Trust's website. Successes are always widely promoted through the media.

## Sea Fisheries

The Inshore Fisheries Conservation Authorities (IFCAs) are responsible for the sustainable management of inshore fisheries in their Districts and the management of fisheries within marine protected areas.

IFCA Districts include estuaries and extend seaward to 6 nautical miles from territorial baselines. IFCAs deliver compliance and enforcement within their Districts to prevent and detect illegal sea fishing. The compliance and enforcement activities of the IFCAs is associated with the prevention and detection of breaches of local bylaws and aspects of national marine fisheries management measures; notably technical conservation regulations which include minimum conservation size regulation as well as aspects of the Shellfish Act 1967 (which is concerned with, amongst other things, the management of aquaculture).

Local IFCA bylaws may control where, when, what and how fishing activities (both commercial and non-commercial) may take place. More recently, as well as bylaws for the management and protection of fish stocks directly, significant management of the UKs network of Marine Protected Areas has been introduced. This has substantially increased the enforcement roles of IFCAs.

To deliver compliance and enforcement, IFCAs work closely with both the EA and the MMO. The remit of the latter includes aspects of fisheries control out to 200 nautical miles and which includes the control and enforcement of national total allowable catch regulations and quota management.

Given the distinct role of the IFCAs from the MMO, but recognising the shared interests and responsibilities for marine fisheries management, the IFCAs and the MMO operate a shared Intelligence System. This national system follows the principles of the National Intelligence Model and it is informed by internally and externally generated reports of illegal fishing.

By way of example, in 2018 1,463 verified intelligence reports were submitted through the joint intelligence system by IFCAs. The processing and grading of this information enables combined agency (including the MMO, IFCAs, EA and others such as Local Authorities & CEFAS amongst others) coordination of enforcement activities in both a reactive and proactive manner. This is achieved through a regional joint Tactical Coordination Process.

## Matters to be addressed

- Consistency must be achieved regarding recording of fisheries crime.
- Awareness must continually be raised on an ongoing basis regarding the actual impact of and facts concerning fisheries related crime.
- Consistency is also required regarding sentencing and the processing of cases.
- Intelligence must be acted upon by our empowered partners - and feedback provided.
- Adequate resources are needed. Most government agencies have had their funding reduced in recent years - detection of crime is also linked to the amount of enforcement resource deployed.



# HUNTING



## Species and Legislation

Although the Hunting Act 2004 refers within the legislation to any “wild mammal”, the focus of attention is very much concerned with the particular species of animal that are still persecuted through illegal hunting and other associated crime. These species consist of the Red Fox *Vulpes Vulpes*, Red Deer *Cervus elaphus*, Roe Deer *Capreolus capreolus*, European Hare *Lepus europaeus*, European Otter *Lutra lutra*, European Badger *Meles meles* and the American Mink *Neovison vison*.

Other associated crimes can be dealt with by such legislation as the Protection of Badgers Act 1992, Deer Act 1991, Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

## Drivers of crime

Since the Hunting Act 2004 became law, although there are nine exemptions to illegal hunting, the vast majority of hunts have converted to “trail hunting”, a term that did not come into existence until hunting became a criminal offence.

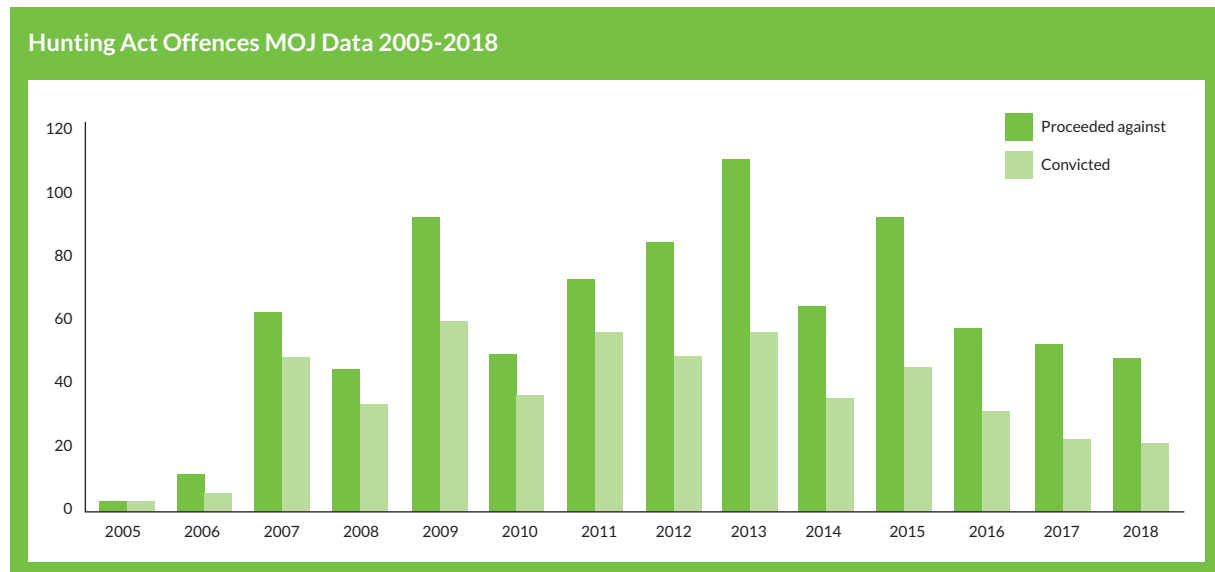
The numbers below show that proceedings against illegal hunting continue to be brought across the country almost two decades after the Hunting Act was brought into force. While numbers are limited, monitors across England and Wales suggest that a significant number of individuals associated with hunts continue to hunt foxes, hare and red deer as though the legislation did not exist<sup>1</sup>. Although hare coursing was banned by the Hunting Act 2004, it continues across large parts of the UK and has become a significant issue<sup>2</sup> for many rural communities in areas where the land around them is flat, and offenders travel hundreds of miles to set their sight-hounds to chase hares<sup>3</sup>.

There may be a number of reasons why coursing activity continues – for some offenders, it may be an activity their family and wider social circle have been involved in for generations and is very much a way of life. For others there is a significant financial component through gambling on the outcome of coursing, with the activity live-streamed or recorded for later betting where large sums are exchanged.

In reality, the sanctions for hare coursing are relatively limited for offenders – gathering evidence to secure a prosecution is difficult due to the remote locations where it takes place and the relatively short periods during which hares are actively being pursued, aligned to the intimidation that farmers feel when they approach offenders. Fines in the low hundreds would be typical, which pale into insignificance compared to the thousands in potential income from gambling.

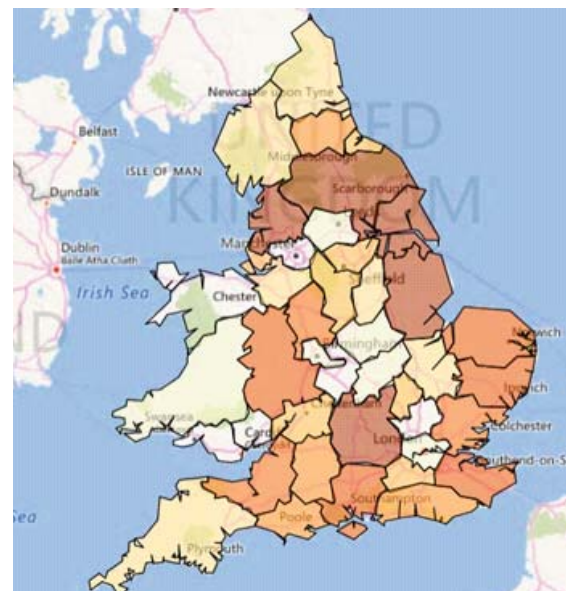
## Extent of crime

The chart below shows the number of hunting cases that have resulted in court proceedings [proceeded against] and of those the number that have resulted in a conviction. These figures are from the Ministry of Justice website and are from 2005-2018. The last three years of figures are shown separately in a table below. Figures for 2019 are not yet available.



	2016	2017	2018
Proceeded against	57	52	47
Convicted	31	22	21
Conviction rate	54%	42%	45%

The map to the right shows the spread of Hunting Act offences [both convictions and proceeded against] by police force area for the last 3 years [2016-2018]. The darker the colour, the more proceedings there have been. This shows consistent gaps in offences reaching the court stage [even if they are not proceeded with] in Wales and Cornwall along with some gaps in the Midlands. It is not clear why this is the case – a review of these gaps would be useful.



Further to this the League Against Cruel Sports holds specific information on Hunting Act offences that relate to organised fox, hare and deer hunts as shown below. This figure may be higher, as it simply reflects all offences that the League have knowledge of. The table below shows these offences by year and by outcome [where known]. This is on the basis that the total number of reported allegations of illegal hunting reported to the League during 2018 was 147 and for 2019, 88 cases were reported.

Outcome	2016	2017	2018	2019
Closed		1		
Closed - Acquitted		1		
Closed - Case discontinued by CPS			1	3
Closed - CPS insufficient evidence		1		
Closed - Discontinued by COPFS		1		
Closed - Guilty	3	1	1	1
Closed - Not guilty		5	1	2
Closed - Unable to ID suspects			1	
Closed - Warning given by COPFS		1		
Unknown				1
<b>Grand Total</b>	<b>3</b>	<b>11</b>	<b>4</b>	<b>7</b>

The table below shows one police force in England's (Lincolnshire) recorded level of hare coursing incidents over the past four seasons (September to March) and highlights the extraordinarily high numbers for a county that has a good hare population.

2016-2017		2017-2018		2018-2019		2019-2020	
September	154	September	191	September	67	September	94
October	315	October	193	October	81	October	167
November	334	November	306	November	229	November	177
December	413	December	291	December	220	December	190
January	363	January	194	January	107	January	249
February	267	February	113	February	105	February	125
March	119	March	77	March	64	March	-
<b>Grand Total</b>	<b>1965</b>	<b>Grand Total</b>	<b>1365</b>	<b>Grand Total</b>	<b>873</b>	<b>Grand Total</b>	<b>-</b>

Identifying the extent of hare coursing is a real challenge – It is not an offence that the Home Office requires police forces to report on, and so there is no consistent guidance on what should be recorded as a hare coursing incident. In 2018 Lincolnshire Police sought to understand more about the national picture and identified 35 forces which had recorded hare coursing within their area, though 23 were unable to provide any detail. The other 12 forces were assessed as likely to suffer medium to high numbers of hare coursing incidents (800+ per annum) and were approached to join a national network under the “Operation Galileo” banner.

As one of the top four forces that suffer hare coursing, the incident figures for Lincolnshire Police were 1965 during the (Sept-March) 2016/17 Season, 1365 incidents in 2017/18, 873 during 2018/19 (when the our focus moved to prevention rather than enforcement) and 1048 for 2019/20 (subject to March 2020 figures being added).

It is positive that the two lowest seasons have been in the last two years, where the force have focussed on prevention, but these figures are likely to under-estimate the true extent of the problem, though the force continues to encourage people to report an incident to the League Against Cruel Sports as soon as possible and on every occasion.

## Recent disappointments

Historically, hunting offences having often been seen as a low-level, summary offence, only attracting a fine. As such it is expected they will never attract the greatest of police attention. What is really concerning is that when enforcement agencies do receive complaints of illegal hunting, there appears on occasion to be a lack of effective training on or understanding of the legislation. Common causes of complaint are failures to accept ownership of allegations, investigations being allocated to officers without the necessary training or understanding how to investigate a crime appropriately, a lack of understanding when presented with film footage of illegal hunting, and a reluctance to seek clarification.

Recently, three cases involving a staghound pack were not progressed by the Crown Prosecution Service (CPS) after the six-month time limit had almost expired. What was disappointing in these cases (which happened on three consecutive weeks) was that the League Against Cruel Sports only saw the decision-making on those cases, two weeks after the time limit had expired. It transpired that some of the decision-making to dismiss was based on assumption. However, the League had the evidence available to support a prosecution, but neither the police nor CPS requested it.

In hare coursing investigations there is a presumption that where dogs have been seized during the investigation, they will be forfeited on conviction – that is not currently the case, and whilst seizure of dogs for a period of 48hrs is becoming more common, few forces seize dogs and keep them until the case is dealt with at court. This is because the kennelling fees and vet's bills can be significant, and in the vast majority of cases courts are currently expected to return dogs to offenders on conviction.

## Recent highlights

One case where the police did an excellent job relates to the Meynell and South Staffordshire Hunt where six members of the Hunt were charged with illegal hunting by Derbyshire Police from film evidence captured by the League Against Cruel Sports in October 2018. In November 2019, two of the hunt pleaded guilty, though the CPS made the decision to drop the charges against the other four because it was felt, "not to be in the public interest".

In the same month, two members of the Kimblewick Hunt were convicted for an illegal act of animal cruelty that had occurred on New Year's Day. The hunt had a fox "holed up" in an artificial earth and were in direct contact with the huntsman. At a suitable point for the hunt, the huntsman brought the hounds over to the earth and stood them a short distance away. The two men then proceeded to pull the fox out of the earth by its tail and throw it. Within a couple of minutes the hounds were sent on to the trail of the fox. Although it was positive that Thames Valley Police had investigated this crime and managed to secure a conviction under the Animal Welfare Act 2006, it was obvious from all the evidence to hand that this was also a blatant act of illegal hunting which was never prosecuted.

Four people connected to the South Herefordshire Hunt were convicted of animal cruelty contrary to the Animal Welfare Act in connection with throwing live fox cubs to hounds whilst kennelled. Although the offence took place in 2016, it was not until June 2019 that the case was finally resolved at court.

The Operation Galileo forces developed a strategy for tackling hare coursing through a better understanding of who the key offenders and organisers are, focusing on prevention over prosecution and developing intelligence. Another aspect of Operation Galileo has been working with other partners to change legislation and give courts the powers they need, to impose sanctions that have a real deterrent effect.

## Matters to be addressed

- All police forces should ensure they have some effectively trained officers who really understand the Hunting Act 2004 and associated legislation e.g. Protection of Badgers Act 1992.
- The Crown Prosecution Service should receive case files early enough for any questions they may have to be answered in time, in case the police have to go back to witnesses/experts to clarify any evidential issues. Early consultation with the CPS should also take place in order to negate any difficulties later in an investigation.
- A full review should be conducted of the current exemptions under the Hunting Act, with a view to making them fit for purpose and including the term, "reckless" within Section 1 of the Hunting Act 2004.
- There needs to be a consistent recording system within the Police for Hare Coursing incidents in order for the scale of the problem to be truly assessed.
- Legislative change is needed to address coursing by imposing a penalty for any hare coursing offence on conviction that any seized dogs will be forfeited and upon conviction any kennelling costs will be awarded against offenders. This would have a significant and positive impact on offenders in preventing re-offending.

# ILLEGAL WILDLIFE TRADE

## Legislation

International trade in wildlife is regulated by CITES; an intergovernmental agreement that aims to ensure that international trade in wild animals and plants does not threaten their survival. CITES lists more than 35,000 species in Appendices, according to the degree of protection they are deemed to need.

Individual governments are responsible for implementation of the Convention. The UK implements CITES through the EU Wildlife Trade Regulations, and through the UK's Control of Trade in Endangered Species (COTES) regulations. Defra (UK CITES Management Authority) is advised by the CITES Scientific Authorities, the Royal Botanic Gardens, Kew (RBG Kew) on plants and the Joint Nature Conservation Committee (JNCC) on animal matters. The Animal and Plant Health Agency (APHA, 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. UK Border Force (UKBF) has primary responsibility for enforcing the Customs and Excise Management Act 1979 (CEMA) and the offences relating to imports and exports of wildlife contrary to the provisions of CEMA and the COTES Regulations. The UK National Wildlife Crime Unit (NWCU) prioritises several areas under its CITES work: the European eel; illegal trade in raptors; ivory; medicinal & health products; reptiles; rhino horn and timber.

## Drivers of crime

The demand for live species and wildlife products ultimately 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 European eels for the booming global illegal trade in eels for food.

Wildlife products, such as mounted animals, wild plants, traditional medicine products 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. Lack of awareness of the law also leads some individuals to unknowingly sell, purchase, import or export illegal goods without the correct permits, for example tourists bringing illegal wildlife products, such as coral or rosewood, back from holiday. There is also a substantial illegal trade in invertebrates, as well as plants.

## Extent of recorded crime

A fundamental issue to understanding the scale, scope, and character of illegal wildlife trade in the UK remains the lack of available data and records. This impedes the ability of the government and national agencies to direct resources to effectively address IWT, or to measure impact and track trends. Current methods to monitor, record and quantify confirmed crimes are inadequate and ineffective and this needs to be addressed so that a true picture of the level of IWT is known. In 2019, we are aware of eight CITES prosecution cases in the UK, which is an increase of three on 2018, but remains a lower number of prosecutions than many previous years. Without further research, we do not know the reasons behind the apparent decline in the number of CITES cases coming to court over the last three years.

### Number of known CITES prosecutions in the UK from 2010 – 2019:

2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
13	6	15	17	14	7	15	4	5	8



**Number of CITES seizures made by UK Border Force:**

Quarter	Total Seizures	Caviar & Caviar extract	Ivory and Items Containing Ivory	Live Animals and Birds	Live Plants	Parts or derivatives of animals and birds	Parts or derivatives of plants	Timber or Wood Products	TCM (parts or derivatives of endangered species)
2019 Q1	202	4	33	4	6	69	30	31	19
2019 Q2	288	15	5	1	44	34	133	33	22
2019 Q3	125	4	7	2	4	37	27	31	19
2019 Q4	169	12	8	4	12	43	62	16	11

\*Data for Q4 2019 does not include any seizures made at Gatwick airport, due to a change in reporting systems.

**CASE STUDIES**

**Case study 1: ‘Rich kid of instagram’ condemned by judge as ‘utterly self-centred’ after importing python skin baseball caps.**

Stephanie Scolaro admitted to smuggling fashion accessories made from endangered species’ skin.

Scolaro was sentenced on 21st January 2019 in Southwark Crown Court to 160 hours of unpaid work to be carried out over the next two years after she pleaded guilty to two counts of importing goods with the intention to evade a prohibition contrary to the Customs and Excise Management act 1979, and four counts of keeping for sale specimens of species imported or unlawfully acquired contrary to the Control of Trade in Endangered Species 1997 (COTES). During the trial, the court heard the socialite imported baseball caps and travel bags worth more than £17,000 from Indonesia. The swimwear model then sold the illegal goods on a website called SS Python or to other fashion outlets. Judge Michael Gledhill QC branded Scolaro, from Marylebone, “utterly self-centred”, adding he took a “very dim view” of the wildlife crimes.

The Metropolitan Police Wildlife Crime Unit launched an investigation into Scolaro’s trade in items made from python skin in November 2016 after a package containing 10 snakeskin hats and two bags was intercepted at Leipzig airport in Germany. They discovered that Scolaro was operating an online company selling python skin accessories, several of which were being sold at London shops. Officers seized a further 35 hats during the investigation, as well as bags which were advertised for sale at £2,800 each, and found forged export permits. The python skin was identified as reticulated python, a CITES Appendix II listed species. Scolaro now faces confiscation proceedings to recover her criminal profits.



## Case study 2: Spalding illegal ivory trader sentenced to nine months in prison

In April 2017 UK Border Force notified the National Wildlife Crime Unit that they had intercepted a number of packages at Heathrow containing ivory. These packages were destined for China and Hong Kong and the items had been mislabelled as bone or wood. Based on this information police launched an investigation into the activities of the individual thought to be involved, a Mr Slawomir Kazmierczak, 55, of Redthorne Close, Spalding.

The Lincolnshire force, with the support of the NCWU carried out a warrant at Kazmierczak's home and found wardrobes and cupboards full of ivory. It transpired that Kazmierczak was trading in illegal ivory by buying and selling items on eBay. Since June 2013, he had bought and sold 200 ivory items which raised about £14,000 on eBay. About half of these were sold to buyers outside the EU. He had further attempted to conceal his criminal activity by falsifying dispatch papers and labels.

Mr Kazmierczak was sentenced on the 16th October in Lincoln Crown Court to nine months in prison for trading in illegal ivory, including buying unworked sections of illegal elephant tusks. He had previously pleaded guilty to nine charges relating to the Control of Trade in Endangered Species (Enforcement) Regulations 1997. The nine charges relate to offences between May 2013 and April 2017. Five of the charges related to trading prohibited items (ivory) and the other four to fraudulent evasion of prohibitions.

Alan Roberts of the National Wildlife Crime Unit (NWCU) commented that, *'this unregulated sale and export of ivory that fuels the market and has a direct impact on wild elephants in Africa. African Elephants are still being killed for their ivory today so it is imperative that those that are supporting this abhorrent activity are brought to justice.'*



### Case study 3: Wildlife criminal jailed for rare bird eggs importation attempt

A man who tried to smuggle 19 rare and endangered bird eggs into the UK strapped to his body was jailed for three years and one month on 10 January 2019 at Snaresbrook Crown Court.

The smuggling attempt was uncovered by Border Force officers at Heathrow Airport on 26 June 2018 when officers stopped Jeffrey Lendrum after he arrived on a flight from Johannesburg.

Lendrum, 57 and of no fixed UK address, was wearing a heavy jacket which officers thought was unusual in the very warm weather conditions. When asked whether he had anything to declare, Lendrum stated he had some Fish Eagle and Kestrel eggs strapped to his body. During a full search, he was found to be wearing a body belt concealing 19 bird eggs as well as two newly-hatched chicks. Border Force specialist officers identified that the eggs were protected under the Convention on International Trade in Endangered Species (CITES), the import trade for which is controlled by the issue of permits. Officers ensured that both the eggs and the live chicks were kept warm and quickly transported to the Heathrow Animal Reception Centre, managed by the City of London Corporation. The live chicks and the eggs were later moved to a specialist care facility at the International Centre for Birds of Prey.

Lendrum was arrested and the investigation passed to the National Crime Agency (NCA). Lendrum stated during an interview that his intention was to rescue the eggs after he encountered some men chopping down trees containing their nests. However, in court, experts stated that a number of the eggs were from birds that nest in cliffs. Their value on the black market ranged from £2,000 to £8,000.

Lendrum, who has previous convictions for similar CITES offences in Canada, Brazil and Africa and had been jailed in 2010 for attempting to smuggle 14 peregrine falcon eggs from the UK, pleaded guilty to attempting to import the 19 bird eggs.

## Matters to be addressed

- Research is needed to understand why the number of CITES prosecutions has declined over the last 3 years compared to previous years.
- Clear guidance is needed on where to access information about illegal wildlife trade (CITES) prosecutions (COTES and CEMA recordable crimes).
- The Government should produce an annual wildlife crime report for England and Wales, similar to that produced by the Scottish Government, which includes data on recorded wildlife crimes, related court proceedings and penalties, with additional information on priority crime areas.
- To capture potential wildlife crimes, all relevant agencies should ensure that wildlife crimes are included in training for call handlers and those who monitor reporting of incidents in the first instance, as well as providing enhanced training for police officers on wildlife crime.
- Training for crime recorders is needed so that IWT crimes are correctly recorded.
- Specific Wildlife Crime Officers should be employed for each police force with recognised targets against which to report.
- Specialist wildlife CPS prosecutors should be put in place in each region in England and Wales (as is the case in Scotland). A lead CPS prosecutor should be hired to take charge of all wildlife crimes.
- All wildlife crime should be recordable through several specific Home Office Codes, removing ambiguity and confusion over which crimes should be recorded, and eliminating disparity between different parts of the United Kingdom. A generic code is not considered adequate, bearing in mind the significant differences between various wildlife crime types.

# 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 2017 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. Disturbance of seals is a criminal offence under Part 2 of the Wildlife Countryside Act 1981, where the disturbance takes place on a site of special scientific interest and seals are a designated feature of the site.

## Drivers of crime

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 watercraft or vessel.

In the UK, there is a perceived conflict with some fisheries, particularly in relation to seals taking commercial or protected fish species. There is evidence of cruelty through the illegal injuring or killing of seals with guns and other weapons. Since 2011, Scotland has required that seals can only be taken under licence; this change in legislation has not date been mirrored in England and Wales. Changes to the Marine (Scotland) Act 2010 are now afoot, to ensure Scottish compliance with new US import rules preventing the import of fish products that required the destruction of marine mammals. It is hoped that England and Wales will follow suit.

## Extent of recorded crime

Year	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 cases and charges prosecuted	Number of defendants prosecuted	Number of defendants convicted
2017	169	84	5	N/K	0/ N/K	0/ N/K	0/ N/K
2018	326	73	3	N/K	0/ N/K	0/ N/K	0/ N/K
2019	193	90	6	N/K	0/ N/K	0/ N/K	0/ N/K

## Recent challenges

Wildlife crime incidents are rarely reported, as people are often unaware that such cases are considered a crime or are reluctant to contact the Police. Reported cases rarely lead to prosecution. It is essential to get an incident logged with the police, since, even if nothing comes of it, 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 continued perceived increase in disturbance cases has led to the issue having more of a public profile on social and traditional media. In 2019, Whale and Dolphin Conservation (WDC) launched a dolphin disturbance campaign called #RudeToIntrude to raise awareness of and prevent disturbance to dolphins and whales, including that disturbance can be a crime; what to do if you see disturbance and how to interact around marine wildlife to avoid causing disturbance. The National Wildlife Crime Unit, Statutory Agencies and other partners assisted with getting the social media materials out to the UK public. This project included the development of a specific section of the WDC website to direct the public to and hold all resources, including short, engaging videos<sup>4</sup>:

The Seal Alliance published a report in July 2019 which covered disturbance of seals in the UK using multiple case study areas<sup>5</sup>.

Wildlife crime officers have become very supportive of marine mammal disturbance work. 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 and works to:

- Increase awareness of marine and coastal wildlife disturbance issues, laws, and voluntary codes of conduct.
- 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.
- Develop relevant resources, projects and training programmes for partner organisations, users, operators, and other interested parties.
- Formulate action or joint position statements where specific issues are highlighted.
- Input, monitor and review the Marine Wildlife Disturbance Register.
- 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 UK's national training scheme for minimising disturbance to marine wildlife (WiSe) 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

- Public awareness needs to be raised about existing marine mammal protections, what constitutes good behaviour, and how to gather the evidence required to report incidents (including photographic and video footage).
- A Wildlife Crime app (like that produced by Partnership for Action against Wildlife crime in Scotland) needs to be developed, along with 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 and improved, including among wildlife crime officers.
- Wildlife crime officers need to be linked with any regional efforts, using the Cornwall Marine and Coastal Code Group as an example of good practice
- Police should undertake regular WiSe training.
- Offences should be recorded in a manner that makes statistics available for appropriate analysis, in order to identify trends and inform resource allocation.
- Crime data should be accessible on a transparent website.

# PLANTS AND FUNGI



## Species and legislation

There are a number of laws protecting wild plants and fungi in the UK:

- The Theft Act 1968, under Section 14(3), makes it an offence to pick, for commercial purposes and without permission, any wild plant including bryophytes, lichens and other fungi.
- The Wildlife and Countryside Act 1981 prohibits the intentional uprooting, picking and commercial trade of any wild plant listed in Schedule 8 and the intentional uprooting of any wild plant without permission from the landowner or occupier.
- The Timber and Timber Products (Placing on the Market) Regulations 2013 and the Forest Law Enforcement, Governance and Trade Regulations 2012 prohibits the placing of illegally harvested timber and products derived from such timber on the market.
- The Conservation of Habitats and Species Regulations 2017 as 'European protected species' listed in the EU Habitats Directive, protects a number of highly threatened species, including Lady's Slipper orchids (*Cypripedium calceolus*), Early Gentians (*Gentianella anglica*) and Yellow Marsh Saxifrage (*Saxifraga hirculus*).
- The Control of Trade in Endangered Species Regulations 2018 enforces the protection of plants listed in the Appendices of the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES) from exploitation.

## Frequently Asked Questions

### *Is it ok to pick wild flowers when I'm out and about?*

Picking wild flowers is an important way for people to connect with nature. In general, it is legal to pick common species of wildflowers, leaves or berries for personal use. Plantlife recommends finding places where they are in abundance and then picking a small proportion – 1 in every 20 is a good 'rule of thumb'.

However, you should not pick any rare or protected species, nor any part of wild plants or fungi on a site designated for nature conservation, such as a Site of Special Scientific Interest (SSSI). It's also illegal to pick, uproot or remove plants if by-laws are in operation which forbid these activities, for example on Nature Reserves, Ministry of Defence property or National Trust land. If you're not sure, then don't pick them.

**What should I do if I see someone collecting bags full of wild flowers or fungi?**

Wild plants or fungi may only be collected for commercial use (selling or making into products to sell) with the permission of the landowner and if they are not protected species. Any suspected criminal activity should be reported directly to the police.

**There are thousands of bluebells in my local woods – can I dig one up to replant in my garden?**

No. Digging up a wild plant – even if it is a common species to be replanted – counts as ‘intentional uprooting’, which is illegal unless you have the permission of the landowner or occupier.

**Drivers of crime**

There are both unintentional and intentional plant and fungal crimes. Some illegal activity occurs because there is a lack of awareness of legislation protecting plants and fungi; this can range from bringing protected plants or plant products into the UK without the required documentation, to collecting wild plants without landowner’s permission.

Intentional crimes are motivated by the desire to have wild or rare specimens for collections, or to sell them for financial gain, including on the internet. Large-scale collection of wild-sourced foods for commercial use, such as wild mushrooms in restaurants, has become a problem in some areas, such as the New Forest in Hampshire and Epping Forest in Essex.

Additionally, wild-harvested plants and fungi are traded nationally and globally. There has been a threefold increase in medicinal and aromatic plant trade since 1999<sup>6</sup> and it is estimated that 60-90% of medicinal and aromatic plants are collected from the wild.

**Extent of recorded crime**

There are over 30,000 plants listed on CITES, most species are in CITES Appendix II and can be traded internationally with the correct documentation. For specimens listed on Appendix I, trade is only permitted under special circumstances. Between April 2018 and March 2019, the UK Border Force CITES Team seized a total of 487 plant and products with plant derivatives: out of the timber and wood products seized, 75% were rosewood (*Dalbergia* spp.), and 23% were agarwood (*Aquilaria* spp.); 53% of the health products seized contained various species of cactus; live plant seizures were 90% orchids.

This data is courtesy of the UK Border Force Heathrow Team.

**Summary of CITES Seizures between April 2018 – March 2019**

Category	Quantity
Timber & Wood	160
Health Products	147
Live Plants	68
Plant Derivatives	56
Cosmetics	56
<b>Total</b>	<b>487</b>

Domestic crime relating to wild plants is not recorded and therefore no data is available. This makes it impossible to assess the true scale or nature of this type of crime.

## Recent challenges

During the Transition Period of the UK exiting the EU, our domestic laws remain the same but the European laws protecting plants and fungi will be brought into force through Statutory Instruments of the UK. This has led to opportunities for raising awareness of legislation and changes.

Current challenges include the reports of herbal products being used to treat COVID-19 in Europe and worldwide. There are concerns of increased wild harvesting, both because of an increase in demand and as an alternative source of income during the economic crisis<sup>7</sup>. *The Invisible Trade: Wild plants and you in the time of COVID-19* report found 125 plant species used as traditional Chinese medicine and officially recommended for COVID-19 treatment in China; a proportion of these plants are harvested from the wild and some are listed on CITES Appendices.

A multitude of trading platforms makes the scale of the internet a challenge for surveillance and monitoring of wildlife crime. Identifying illegally sourced plants, and difficulties in tracking shipments resulting from online transactions, further complicates the task. The FloraGuard project<sup>8</sup> attempted to address these challenges by employing Artificial Intelligence, to search for potential breaches of CITES regulations online.

## Recent highlights

In 2019 a UK furniture importer, Heartlands Furniture (Wholesale) Ltd, was prosecuted under the EU Timber Regulation and pleaded guilty to two criminal offences. The information was released by Forest Trends<sup>9</sup> in response to two Freedom of Information requests under the UK Freedom of Information Act 2000 and the Environmental Information Regulations 2004. The offences included non-compliance with a 2017 Notice of Remedial Action issued by the UK Competent Authority, and failure to ensure traceability in its supply chain and exercise due diligence when placing two products on the market. According to Forest Trends, two fines were issued of £4,000 and Heartlands Furniture were ordered to pay full costs of £5,177.86 and a victim surcharge of £170.00 for the two offences. Heartlands Furniture (Wholesale) Ltd were due to pay a total of £13,347.86 by 18 January 2020.

## Matters to be addressed

- Offences should be recorded in a manner that makes statistics available.
- Police forces should identify resources capable of undertaking effective investigations into wildlife crime particularly for those related to plant and fungi crime.
- CPS should consider how presentation of cases where offenders plead guilty at first hearing might be improved.
- There should be a sentencing guideline for wildlife crime.



# RAPTORS

## Species and legislation

Raptor persecution is one of the UK government’s six wildlife crime priorities. All birds of prey are fully protected under the Wildlife and Countryside Act 1981. Offences include the killing, taking and injuring of birds, and damage and destruction of nests and eggs. 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 2018. Offences involving the abuse of pesticides are covered under various pieces of legislation.

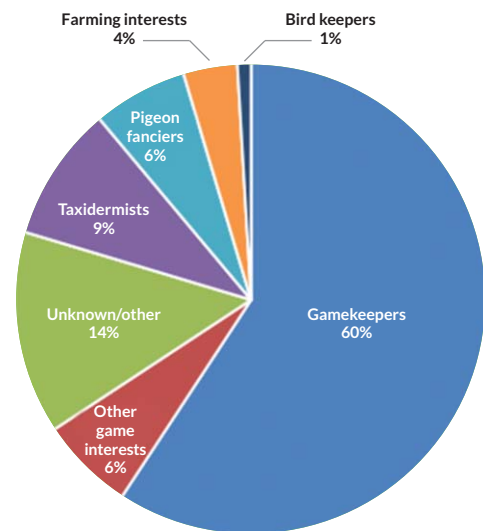
## Drivers of crime

Scientific monitoring of raptor populations, supported by wildlife crime data and intelligence, continues to show the key driver of raptor persecution is the conflict with land managed for game bird shooting. Raptors are deliberately targeted to reduce potential predation on game bird stocks. In particular, there is concern about land managed for driven grouse shooting, and the impact this management has on species like golden eagle and hen harrier.

## Extent of crime

Recent Natural England research published in March 2019 shows 72% of 58 satellite-tagged hen harriers were killed, or most likely killed, on or near grouse moors (2007-2017)<sup>10</sup>.

Figure 1 shows the occupations/interests of the 109 individuals convicted in England and Wales of bird of prey persecution-related offences 1990-2019. Two thirds (66%) of convictions involved gamekeepers and game interests. Note that there were no bird of prey persecution related convictions in 2019.



**Figure 1**  
The occupations/interests of the 109 individuals convicted in England and Wales of bird of prey persecution-related offences 1990-2019

**Table 1: Extent of recorded crime: Raptor persecution in England and Wales**

Year	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 cases and charges prosecuted	Number of defendants prosecuted	Number of defendants convicted
2017	204	48	Most (see below)	62	0	0	0
2018	207	33	Most (see below)	72	2 cases total (see #) <b>Case 1:</b> 9 charges (all discontinued) <b>Case 2:</b> 5 charges (found guilty of 3)	2	1
2019	180	33	Most (see below)	54	0	0	0

\* Please see the notes at the bottom of this report section which define RSPB classifications of reported, confirmed, probable.  
# for further details re these prosecution cases, including breakdown of charges see Birdcrime 2018 Appendices.<sup>11</sup>

Note that the data displayed here were extracted from RSPB database on 21 September 2020 and were accurate at time of extraction but are constantly being updated and may be subject to change. Some incidents are passed to us retrospectively for our records, and not all will have a police reference number, especially if they have been dealt with by enforcement partners eg RSPCA (welfare offences) or Natural England (poisoning incidents). Therefore, though most incidents are passed to the Police, it is not possible to determine this number precisely. Information received by RSPB which has intelligence value (which will include a number of the 'unconfirmed' and 'probable' incidents) is disseminated as an intelligence report to relevant police forces/ enforcement partners including the NWCU and RSPCA as appropriate.

**Table 2: England and Wales raptor persecution 2019 – split into incident types**

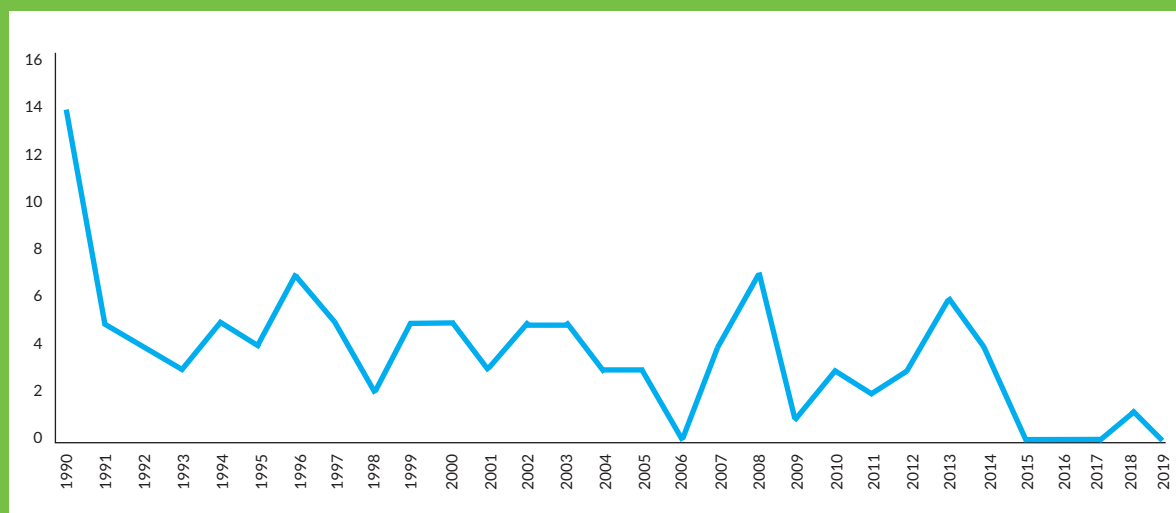
Raptor persecution Incident type	Number of confirmed incidents
Shooting	30
Poisoning	18
Illegal Pole/Spring Trapping	1
Illegal Trapping (Other)	2
Nest Destruction	0
Persecution Other	3
<b>Total</b>	<b>54</b>

The detection rate of confirmed incidents is a fraction of those actually being committed. Shooting continues to be the most detected type of bird of prey persecution. For detailed maps showing location of incident types per country, see the RSPB's Raptor Persecution Map Hub.

## Recent challenges

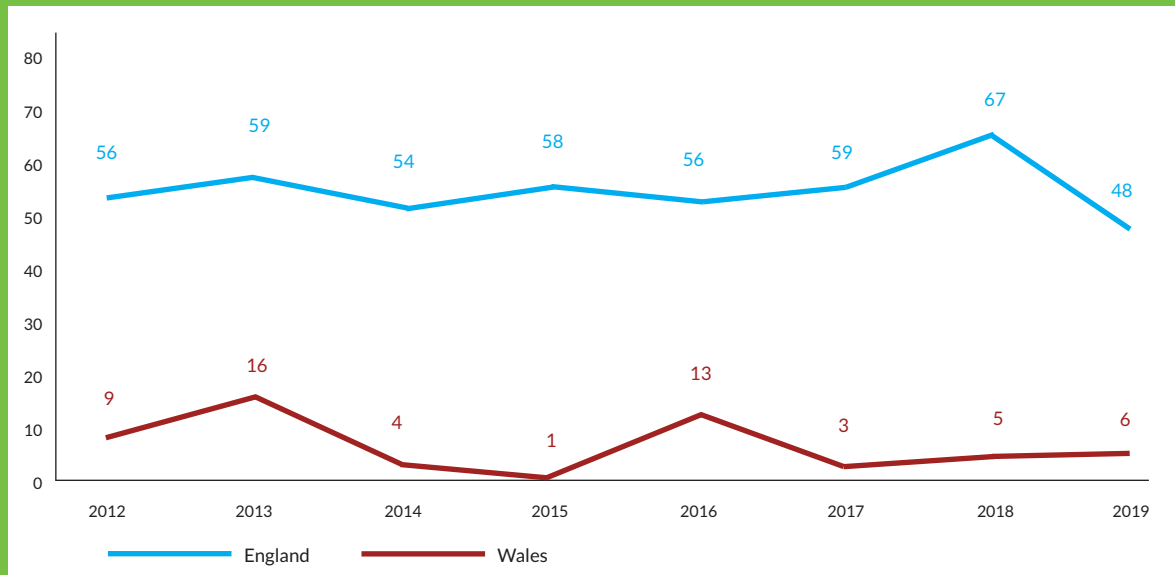
- Bird of prey persecution continues, hen harriers remain on the verge of extinction as a breeding species in England, and yet in 2019 there were no bird of prey persecution-related prosecutions or convictions in England or Wales (see Table. 1 and Fig. 2).
- In 2009 raptor persecution became a UK National Wildlife Crime Priority. Now over ten years on, the situation has barely changed. This is despite police-led awareness-raising initiatives and the hard work of many Wildlife Crime Officers and partner agencies to investigate and prosecute criminals targeting birds of prey. Sadly, the law continues to provide little or no deterrent.

**Figure 2**  
Bird of prey persecution-related convictions in England and Wales 1990-2019



The risk of being caught and prosecuted remains very low. This is despite raptor persecution continuing to be an ongoing issue (see 8-year data in Fig.3 below).

Figure 3  
Confirmed raptor persecution incidents in England and Wales 2012-2019



## CASE STUDY



A buzzard was found freshly dead in April 2019 near Tintwistle, just north of Valehouse Reservoir, in the Peak District National Park. It was lying close to the remains of a red-legged partridge. A post-mortem and toxicology test showed that both the buzzard and partridge contained the pesticide Alphachloralose. Natural England concluded that "...abuse of chloralose, using a bird bait, has occurred at this location and at least one buzzard has been poisoned".

It is illegal to place a poisoned bait in the open. Alphachloralose, one of the most abused pesticides for illegally targeting birds of prey, is highly toxic, indiscriminate and dangerous to wildlife, people and pets.

Birds of prey should be abundant in the Peak District, yet scientific evidence shows that raptor populations are being suppressed on the grouse moors of the Dark Peak and that raptor persecution continues here unabated<sup>12</sup>.

- Since 2018 forty-five (45) satellite-tagged hen harriers have been known to have been illegally killed or gone missing in suspicious circumstances in the UK, this despite the Defra Hen Harrier Action Plan. Although the most recent figures show that 60 young hen harriers fledged in England in 2020 the future of these individuals looks bleak when considering that the peer reviewed science indicates that 50 of these will most probably be illegally killed or suspected to be subject to persecution.
- The RSPB is once again concerned about the future of the Wildlife Incident Investigation Scheme (WIIS) in England, which monitors wildlife poisoning incidents. The scheme is being run by Natural England (NE) on behalf of the HSE, but the field work team who follow up reports of suspected poisoned baits and victims have not been operational since early spring 2020 during to COVID restrictions, despite Police and other agencies being fully operational. NE have experienced staff in this area of work and any suggestion of losing this fieldwork resource permanently could negatively impact on the investigation of wildlife poisoning offences, including raptor persecution pesticide abuse cases.

## Recent highlights

- In 2019 for the first time the police-led raptor persecution awareness initiative Operation Owl<sup>13</sup> went UK-wide. RSPB Investigations staff and police teamed up at several high-footfall locations, speaking to local people and businesses. Everyone was unanimous in their condemnation of those killing and targeting raptors.
- The annual Hen Harrier day event in 2019 attracted more than 1,500 people to Carsington Water in Derbyshire to celebrate these iconic and much-persecuted birds.
- RSPB Cymru, the Welsh Government, Natural Resources Wales and the four Welsh police forces issued a statement of intent in the fight against bird of prey persecution by initiating a new Raptor Officer and funding the purchase of satellite-tags for hen harriers. The role was appointed and joined the RSPB's Investigations Unit early in 2020, to undertake fieldwork, satellite tag hen harriers and support police investigations. RSPB are grateful to the Welsh Government for their funding.
- In early 2020 the RSPB Raptor Persecution Map Hub ([www.rspb.org.uk/RaptorMap](http://www.rspb.org.uk/RaptorMap)<sup>14</sup>) which was launched in 2018, was updated to include a full 12 years' worth of confirmed raptor persecution incidents backdating to 2007. This provides a bigger and better picture of known raptor persecution incidents over time, to further raise awareness and facilitate enforcement. Even more data will be added in due course!

## Matters to be addressed

We are calling on the government to:

- Introduce stronger regulation to address criminal activity associated with shooting, including 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 like 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.
- Transparency, not secrecy of raptor persecution incidents: some incidents are not made public for months or even longer. Members of the public have a right to know if criminal activity is taking place on their doorstep, especially when, as with poisoning incidents, this poses a risk to public health, wildlife, pets and the environment.



In addition, the RSPB has just published the findings of a review of gamebird shooting and associated land management policy. This review was instigated as a result of growing public concern and mounting scientific evidence about the environmental impacts of the most intensive forms of shooting, especially driven grouse moor management, and large-scale release of non-native game birds, primarily pheasants and red-legged partridges. The new policy calls for better enforcement of the law, tighter regulation of driven grouse shooting and the release of non-native game birds.

The results of the review can be found at [rspb.org.uk/gamebirdreview](https://rspb.org.uk/gamebirdreview)<sup>15</sup>.

#### NOTES\* classifications

**Reports/reported** - This is the total number of incidents collated by the RSPB each year for the category of offence in question eg raptor persecution (ie this includes all of the below categories: confirmed, probable, unconfirmed.)

**Confirmed** - The circumstances indicate that an illegal act has taken place. These incidents are typically substantiated by evidence such as post-mortem or toxicological analysis, or reliable eyewitness 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.

# CONCLUSIONS AND RECOMMENDATIONS

Last year's conclusion to this report highlighted that a National Police Chief's Council wildlife crime strategy was now in place and commented that this, "should be very helpful in achieving many of our wishes." The report concluded by saying, "hopefully the next twelve months will provide the opportunity for some real progress to be made."

Unfortunately, very little progress appears to have been made over the last year. Although the COVID-19 pandemic could be blamed, at least in part, for this lack of progress, the NPCC strategy was already some 21 months old and wider work continued through virtual mediums once lockdown commenced at the end of March 2020. We are disappointed and concerned by the lack of progress on these issues, especially on the impact this has had on the work of Link members to protect flora and fauna.

When looking at the suggested steps, what has actually been achieved since 2018?

- Establish senior officer leads for all police forces in tackling wildlife crime and raising internal police awareness. *There are senior officers in post throughout Wales. England has a large majority in post. However there are a number of posts that still require filling.*
- Continue to develop the briefing notes available on the College of Policing's Authorised Professional Practice to assist investigators and call handlers. *The draft briefing notes were in place three years ago and there has been no progress in the finalization and sign off of these documents.*
- Train and develop the understanding of wildlife crime for members of the Crown Prosecution Service and courts to improve convictions and deliver proportionate sentencing. *CPS have representation at both regional enforcement groups and priority delivery groups. However the CPS Wildlife Community panel has not met for over a year. This needs to be addressed.*
- Focus on online and dark-web wildlife crime. *Although there is a national Priority Delivery Group to tackle Cyber Crime it is not known if any progress has been made on this issue.*
- Widen the number of recordable notifiable wildlife crimes so as to better understand and reflect the range and scale of the portfolio. *This will be a key step in meeting the Wildlife Crime strategy and the challenges officers and NGO's face. DEFRA sent out a consultation to all parties in February 2019 and the feedback was gathered and past to the head of the National Wildlife Crime Unit in March of that Year. There has been little NGO communication as to progress since that time. This has proved frustrating for members of the Wildlife Crime working group.*
- Develop academic engagement. *We are aware of some limited engagement with academia.*
- Secure future funding for NWCU and dedicated PWCOs. *Funding for NWCU is secured up until 2021 thereafter not confirmed. We are not aware of any funding secured for PWCO's. We would note however that many forces do have dedicated wildlife/rural teams.*
- Seek accreditation for national training for PWCOs from the College of Policing. *No developments known.*
- Develop a clear communication plan. *Not achieved.*
- Strengthen approach to tackling organised crime groups. *Limited progress through the work of Regional Enforcement Groups.*

## INVERTEBRATES

While this report does not contain a chapter on invertebrate crime, this should not be interpreted as an indication that it is unimportant. Harm to invertebrates and their habitats from human activities is widespread, but often the work has not been done to protect the species in the first place – this is particularly the case with international trade. In addition, except for pearl mussels, invertebrate crime tends can be overlooked by enforcement agencies. A recent study "Global wildlife trade permeates the Tree of Life"<sup>16</sup> highlighted that invertebrate trade and crime is often "overlooked and poorly documented", resulting in a bias that won't secure biodiversity conservation. To help address this, we recommend funded work to investigate the sustainability of invertebrate trade, to support further work to enable the assessment of which species would benefit from CITES protection.

# KEY RECOMMENDATIONS

## **Make all wildlife offences notifiable**

Tangible progress must be made in ensuring all wildlife crimes become notifiable offences (covering both vertebrates and invertebrates) and many become recordable.

## **Develop College of Policing Authorised Professional Practice and on-line knowledge hub**

The development of wildlife guidance for the priorities has seen almost non-existent progress over the last 3 years, despite it being highlighted within the NPCC wildlife strategy. If this were effectively concluded it would go a long way to improving performance in police investigations and consistency of approach, from initial reporting at call handling through to disposal.

## **Provide early advice from CPS wildlife lawyers and the specialist networks**

Last year's report recommended that the CPS network should be maintained and enhanced with one or more specialist wildlife prosecutors within each CPS region. Sadly, the network has not met for two years, despite a new lead being in place. The meetings need to be maintained and it is essential that Police wildlife crime officers realise that they can access early advice on wildlife crime in order to establish an effective investigation. A document being created and circulated to all forces in England and Wales providing guidance on such engagement with the CPS on Wildlife Crime.

## **Raise awareness of wildlife crime and Regional Enforcement groups**

Police must be aware of any regional enforcement work with other law enforcement and NGOs and should promote the partnership approach. Similarly, the general public should be made aware of the extent of wildlife crime, its types and prevalence.

## **Extend right to review**

Given that wildlife crimes are seen as victimless offences the CPS should extend the right to review decisions relating to wildlife crime to non-government organisations acting in the interests of specific species.

## **Strengthen wildlife legislation**

The Law Commission's review of 2012-2015 of wildlife crime was put on hold due to Brexit. The Commission's work should now be reviewed with a view to introducing some of the recommendations and strengthening the law to protect wildlife, both flora and fauna. This should include considering such issues as vicarious liability for landowners who allow the law to be broken. To aid with this process, the 7th Quinquennial Review of the Wildlife and Countryside Act protected species lists should add all species that are endangered by human activities, and retain all species that may become endangered should they be removed from the protected species lists.

These measures, combined with a thorough review of enforcement strategies and processes, would help consign wildlife crimes (and the wildlife criminals using new technology to their advantage) to the past they belong in.

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