



Wildlife and
Countryside



WILDLIFE CRIME IN 2018

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

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

EXECUTIVE SUMMARY

Wildlife and Countryside Link (WCL) is a coalition of non-government organisations (NGO's) concerned with wildlife and landscape protection. As a coalition we are concerned that levels of wildlife crime in England and Wales are not recorded or reported upon in the same manner as in Scotland. The UK Governments have identified a number of wildlife crime priorities but are unable to produce information on the prevalence of offending or the location of hotspots. Trends in criminality cannot therefore be identified.

In this, our third annual wildlife crime report, some of our members have provided information¹ to give an overview of wildlife crime in England and Wales. We consider the number of incidents, occurring in 2018 known to each contributor, the number of cases referred to the Police, and the number of prosecutions and convictions that took place in that year. We consider what might be driving offending in such areas and identify highlights and disappointments.

In many of the areas we report upon we find similar issues being identified. This report makes a number of recommendations aimed at addressing those problems.

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INTRODUCTION

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

In 2011, provisions of the Wildlife and Natural Environment (Scotland) Act amended the Wildlife and Countryside Act and placed a duty on Scottish ministers to produce an annual wildlife crime report. The first such report covered offences reported in 2012.

Elsewhere in the United Kingdom, there are no statutory obligations to produce an annual wildlife crime report, with little apparent appetite from authorities to produce one. Given the complications associated with the recording of wildlife crime, it is difficult, at present, to envisage how such a report might be produced by the Police, the statutory nature conservation bodies, or the Government. The recording of wildlife crime has been the subject of a separate report from WCL.²

In the absence of an official wildlife crime report produced by statutory authorities, WCL members have undertaken to produce this report on wildlife crime in 2018. It is intended that subsequent reports will be produced before the end of the following calendar year but these statistics, generally, do not become available until each autumn.

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

This report does not purport to provide a complete overview of wildlife crime in England and Wales. There are other types of wildlife crime, such as poaching, or illegal hunting with dogs that do not fall within the remit of our membership. The number of convictions during 2018 for offences relating to poaching, in particular hare coursing, exceed the number of convictions for the types of wildlife crime that feature in this report. Examination of Ministry of Justice conviction statistics indicate that during 2018, there were 56 convictions for such offences, although the number of charges faced by each defendant is unclear.³ One force, in responding to a request for information on the wildlife crime priorities made the point that during 2018 they had recorded 17 incidents relating to species of conservation concern but in the same period had recorded over 400 incidents relating to poaching.

Subsequent reports may be able to provide information on other wildlife crimes that cannot be included here. This report relates only to England and Wales.

The report includes chapters on: amphibian and reptile crime, badger crime, bat crime, illegal wildlife trade, marine mammal crime, raptor persecution and crimes relating to the trapping of wild birds. Information used to produce this report comes from data gathered by NGOs, and therefore will not encompass the full extent of wildlife crime in England and Wales. For each section, we detail the legislation and species involved, the possible drivers of the crime, the extent of recorded crime,⁴ recent challenges and highlights with enforcing/prosecuting the crime, and recommendations going forward.

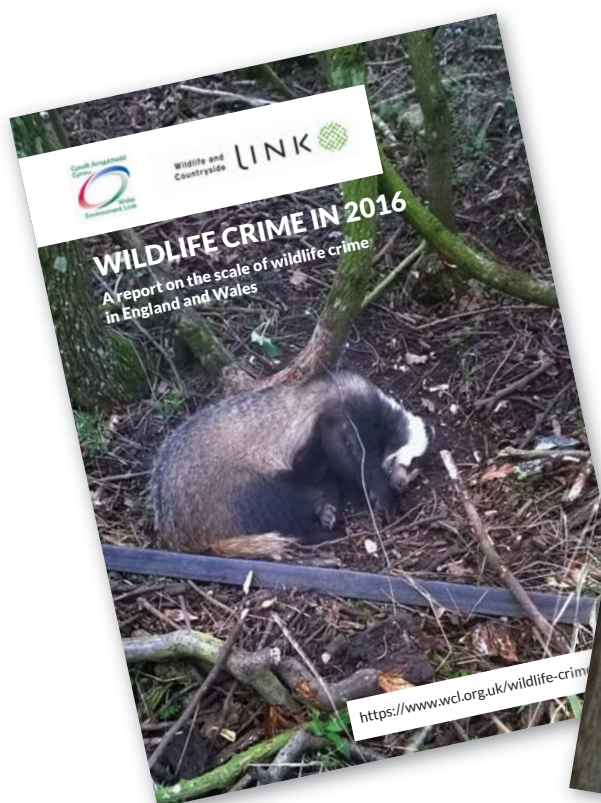
PREVIOUS REPORTS REVISITED

Our second report released in November 2018, covering crimes reported in 2017 received a great deal of interest from media, conservationists, enforcers, prosecutors and the public generally. There has since that time been further progress towards our objectives but they remain as work in progress;

- In 2018, we responded to a restricted consultation undertaken by the NWCU seeking views on the recording of wildlife crime. We also responded, in February 2019, to a consultation undertaken by Defra on the same subject. We await the outcome of those consultations.
- In addition to having responded to a consultation undertaken by the Sentencing Council for England and Wales of on guidance for a range of offences we have also responded to a further consultation aimed at identifying aggravating and mitigating factors to be taken into account by courts. In July 2019 the Sentencing Council for England and Wales produced some general guidance on sentencing, which, for the first time, recognised the value of conservation impact statements. There appears, at present, to be little prospect of the Sentencing Council producing specific guidance relating to wildlife crime.

The Sentencing Council for Scotland are, however, engaged in the process of producing a wildlife crime guideline. We will liaise with Scottish Environment Link, anticipating that Scottish guidance might readily be transposed into guidance for England and Wales.

- On the 4th September, parliament were poised to pass the Animal Welfare (Sentencing) Act 2019. This legislation would have increased penalties for some offences identified within the Animal Welfare Act 2006 allowing for custodial sentences of up to five years. In the event other parliamentary business prevented the final reading of the Bill. At the time of writing the future of the Bill is uncertain.
- The Crown Prosecution Service (CPS), hosts meetings of its Community Involvement Panel on a regular basis. WCL are invited to attend and contribute to these meetings.



MEASURING THE EXTENT OF WILDLIFE CRIME

A number of NGO's produce annual crime reports relating to their specific area of interest. For example, the RSPB has for many years produced an annual Bird crime report and Bat Conservation Trust produces a report on Bat crime.

In the spring of 2019, with a view to comparing the number of wildlife crimes recorded by the police to the number of allegations made to the police by contributors to this report, the International Fund for Animal Welfare (IFAW) on behalf of WCL undertook research into the recording of wildlife crime by English and Welsh police forces. A mix of personal contacts and Freedom of Information Act requests resulted in six forces providing the information requested. A further force indicated that they did not keep such records and another provided information in a format that could not be utilised. The number of allegations recorded that relate to specified wildlife crimes are compared to the number of allegations made by or known to contributors of this report to the same six police forces.

	Recorded by six police forces providing information	Number of incidents recorded by WCL members in the six force areas. ⁵
Amphibians and Reptiles	5	2
Badgers	51	90
Bats	19	16
COTES	56	1
Raptors	16	22

The result of this work reinforces the findings of the WCL's November 2017 report on the recording of wildlife crime. In particular;

- That some forces do record wildlife crime incidents and are able to put information into the public domain without apparent difficulty or impact on resources.
- That even where forces are recording wildlife crime there are inconsistencies between the number of incidents known to conservation organisations and the number of incidents recorded by the police. In the case of incidents relating to badgers, only 60% of calls to the six forces providing information, for reasons unknown, result in incidents being created. Conversely one force reported having investigated six allegations of bat crime during 2018, but only one incident was known to the Bat Conservation Trust.
- Offences relating to the illegal trade in wildlife are notifiable, where allegations of offences are made, they have to be formally recorded. A request for information revealed that in 2018 six police forces received 56 allegations of such offending. WCL members with interest in combatting illegal trade were aware of just one of those cases.

AMPHIBIANS AND REPTILES

Species and legislation

England and Wales have 13 native species of terrestrial amphibians and reptiles along with a number of non-native species. The level of legal protection differs widely. Some such as the great crested newt and sand lizard 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. Animal welfare legislation will in certain circumstances be relevant for all species, native or non-native.

Protection is provided by the Conservation of Habitats & Species Regulations 2017, and/or the Wildlife and Countryside Act 1981 (as amended). In some circumstances the Animal Welfare Act 2006 can apply.

Drivers

Amphibians and reptiles are occasionally subject to persecution. Adders in particular have been known to have been deliberately killed, due to prejudice or fear about their bite. Grass snakes and slow-worms 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 requires planning permission, legislation and planning procedures do not always result in the submission of ecological surveys and reports relating to amphibians and reptiles. There appears to be a commonly held 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.

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 ⁶	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

Recent challenges

Amphibian and Reptile Conservation Trust (ARC) staff and supporters have provided information suggesting that the commission of activities that constitute criminal offences against amphibians and reptiles is rather common. But a database detailing such allegations has not, until recently, been kept. Nationally, it is not known how many allegations of offences are made to the police, how they have been dealt with or the outcomes of investigations or even prosecutions. Since 2017 ARC has been soliciting data and passing them on to BCT's "Bearing Witness for Wildlife" project, but it is likely that many more allegations remain unrecorded. It is concerning that although some of these species are highly protected, the government cannot report on the level of crime affecting them.

The evidential test for offences under the main relevant legislation is set very high. Evidencing that offences have been committed is very difficult, requiring investigative skills and access to ecological expertise. Where matters are reported to the police investigations are often hampered because investigating officers are not sufficiently well informed to undertake, without assistance, effective investigations. In some cases, questionable decisions have been made by police forces and or the Crown Prosecution Service leading to cases being timed out or not pursued with sufficient direction and rigour. We were particularly disappointed that one particular investigation into the destruction of GCN breeding and resting places, undertaken in 2018, could not be progressed and prosecuted due to statutory time limits.

Recent highlights

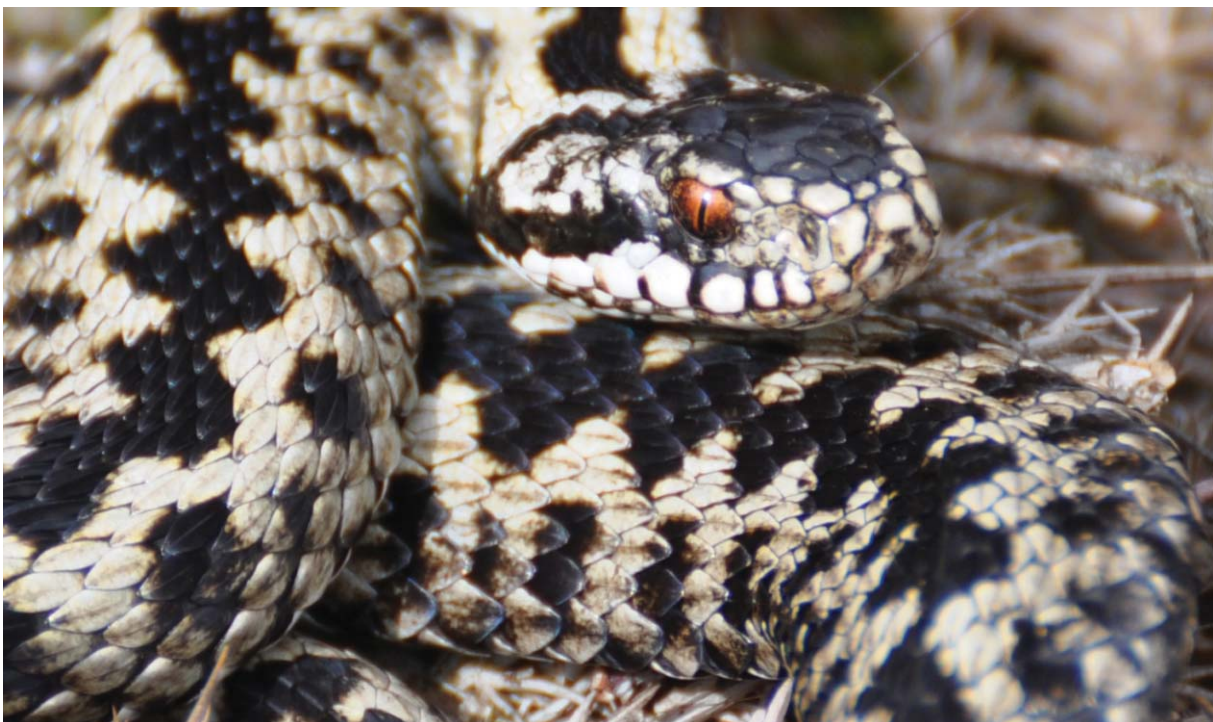
During 2017 and 2018 ARC has been working with the Bat Conservation Trust's "Bearing Witness for Wildlife" project to extend the work of their investigations officer to allegations of offences relating to amphibians and reptiles. This has involved increased engagement in reporting allegations, assisting police with investigations, training for ARC staff, enhanced monitoring and enquiries and social media traffic, and delivery of a workshop for the amphibian and reptile conservation community.

We are now able to record the number of cases that we know have been reported to the police, to monitor the progress of those cases and to provide guidance and assistance where it might be needed to investigators and Crown Prosecution Service prosecutors. During 2017 we produced our first conservation impact statement that can be used in cases where offences against great crested newts can be identified. A small number of cases, first reported to the police in 2017, are still active. Compelling allegations of unlawful activity include deliberate killing of adders in a park in Essex, discovered via social media and reported to the police.

In 2018, Basingstoke Magistrates Court imposed a fine of £1,200 (plus costs of £85 plus a victim surcharge of £120) on a man who damaged the resting place of Great Crested Newts. This case was of particular concern as the offender had been previously convicted of an identical offence. It was difficult to establish the precise motivation behind the offending, and especially disappointing that the offender proceeded despite advice from the police.

Matters to be addressed

- The police need to record allegations of offences against amphibians and reptiles in a manner that allows for statistics to be made publicly available.
- Police forces must identify resources capable of undertaking effective investigations into wildlife crime, including use of specialist advice.
- Crown Prosecution Service 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 to promote awareness of the procedures for reporting allegations and to encourage this to happen promptly.
- Review of case disposal options and sentencing.



BADGER CRIME

Species and legislation

The European Badger 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.

Badger Crime is a UK Wildlife Crime Priority because of sheer persecution as opposed to conservation.

Drivers

The number of recorded incidents of illegal persecution against the badger, probably make it one of the most demonised protected species in England and Wales, and persecuted possibly 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' evidence this. 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 due a higher population in those areas, and 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 including England and Wales, where a minimum of 163 incidents were reported to police forces in 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.

2018 saw an increase in cases being concluded in court and sentencing imposed. The cases stretched from North Wales to northern England, covering the areas of Cumbria, Derbyshire and North Yorkshire. Sentencing for baiting and unlawful killing included custodial sentences, and a large fine for disturbance of a badger sett. A number of other badger cases were adjourned for hearing in 2019.

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.

Examples are where police control rooms fail to recognise the complaint as a police matter, referring it to the RSPCA. Or, secondly where the complaint is accepted, officers often have no power or training to undertake investigations and basic procedural failures ensue, which include crime scenes not being examined to prove the badger sett was in current use or forensic evidence is lost. The continual pressure on police resources does not assist.

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.

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 ⁷	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	0
2018	675	N/K	163	N/K	4	N/K	N/K

Table 2

Type of Incident	Number of reports 2018	%	% Change from 2017	Comment
Sett Interference	342	50.67	- 5.8	See Below Table for sub categories
Baiting/Fighting	121	17.93	+ 65.6	59 reports related to intelligence on BB
Poisoning	11	1.63	- 67.6	
Traps/Snares	43	6.22	+ 4.9	
Trading	0	0.0	- 100	
Shooting	20	2.96	+ 11.1	
Hunting Dogs/Lamps	12	1.78	- 33.3	
Other	122	18.07	- 32.2	Concern, cruelty, possession, dead, intelligence, social media
Non-Criminal	5	0.74	- 58.3	
Total Incidents	675		- 8.8	

Table 3: "Sett Interference" sub-categorised

Type of Sett Interference	Number of reports 2018	%	% Change from 2017	Comment
Agricultural	6	1.8	- 76.0	
Blocking	116	34.0	+ 78.5	Type of offender or reason not known
Damage Destroy	28	8.2	- 20.0	
Development	21	6.1	- 61.8	Commercial Private
Disturbance	17	5.0	+ 30.8	
Forestry	4	1.2	- 71.4	
Hunt	99	29.0	- 2.9	
Sett Dug	50	14.7	- 7.3	Insufficient to confirm baiting/fighting
Other	0	0.0	- 100	
Total Incidents	363		- 5.8	

The attendance of a specialist prosecutor at the first hearing onwards is rare. In each CPS region at least one specialist wildlife crime prosecutor has been appointed but this network needs to be constantly monitored and promoted to maintain effectiveness.

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

Recent highlights

The illegal persecution of badgers remained a UK Wildlife Crime Priority, featured in the National Police Chiefs Council's (NPCC) Wildlife Crime Strategy 2018-2021, and is one of the priorities currently being considered for offences against the species to become notifiable to the Home Office.

The UK Badger Persecution Priority Delivery Group were 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 a number of 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.

A notable case and conviction were led by North Yorkshire Police, whereby a forestry worker was convicted of disturbing a badger sett contrary to the Protection of Badgers Act 1992. The offence took place in July 2017 near Stain burn and the case concluded at Harrogate Magistrates Court in April 2018.

In joint partnership, the Badger Trust and Naturewatch Foundation in 2018 continued to conduct badger crime training workshops with fourteen held across police forces in England and Wales.

Positive changes in 2018 have been seen at the Badger Trust, which has seen the re-introduction of the Wildlife Crime Officer role and the appointment of Craig Fellowes. This has resulted in an increase in the number of incidents reported to the Badger Trust, and an increase in the number of referrals and support for police forces.

Naturewatch Foundation launched a covert investigation initiative, whereby information on named individuals involved in illegal persecution of badgers was investigated covertly, and information packages disseminated to enforcement partners for action.

Naturewatch Foundation also launched a School Awareness Programme about badger baiting, for pupils aged 13 years old and above to raise awareness of the problem. The programme being delivered by badger groups and/or the police.

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 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 can be consistently and effectively prosecuted. In particular to consider how to ensure that the expertise of prosecutors matches that of defence lawyers. A sentencing guideline is urgently needed for offences relating to badgers.

BAT CRIME

Species and legislation

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

Protection is provided primarily by the Conservation of Habitats & Species Regulations 2017, and additional protection is provided by the Wildlife and Countryside Act 1981 (as amended) and, in some circumstances, by the Animal Welfare Act 2006.

Drivers

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

Extent of recorded crime

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 ⁸	Number of defendants prosecuted	Number of defendants convicted
2016	145	N/K	145	32	1/1	1	1
2017	195	N/K	165	34	3/6	5	5
2018	137	N/K	122	27	4/8	4	4

Crime trends

Since 2010, the average number of referrals for investigation (across the UK) has been 129. Over the past three years 20% of investigations result in confirmation of offences having been committed. In some cases, offences are confirmed but the identity of the offender may not be established, a number of offenders are dealt with in ways other than prosecution. On average, each year, there are three or four prosecutions. It is not unusual for cases to be heard a year, or even two years after they were first recorded.

Recent challenges

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

Very few prosecutions of bat crime are heard by the courts. Those that are prosecuted invariably result in conviction, but the sanctions imposed are sometimes less than the gains made by not following due process. It is apparent that sanctions are often more dissuasive where a prosecutor is able to explain conservation impact to the court. Cases, where the input of a specialist prosecutor has not been available, in particular cases where offenders plead guilty at the first opportunity seem to result in sentences that are simply not dissuasive. In 2018 there was one case where magistrates, despite being provided with the information to make informed decisions, imposed fines that were inadequate.



Recent highlights

The commitment and expertise of many of those involved in the prevention, investigation and prosecution of bat crime is often inspirational. Annually, many offences are prevented through the early intervention of the Police providing advice to those who, it seems, might be in danger of committing criminal offences. The use, in appropriate cases, of restorative justice measures is welcomed often bringing conservation benefit to bats that would otherwise not have been available. At the other end of the spectrum the use of Proceeds of Crime legislation against developers convicted of bat related offences was utilised on two occasions in 2018. One such case successfully prosecuted by the CPS involved a developer destroying three bat roosts, fines, costs and a confiscation order amounted to more than £20k. In addition, the developer also had to pay their own defence team. Such sanctions will work to address the perception that penalties for such offences are not dissuasive.

Matters to be addressed

- Offences need to be recorded in a manner that makes statistics available for appropriate analysis, in order to identify trends and inform resource allocation.
- Police forces need to identify resources capable of undertaking effective investigations into wildlife crime. This should include the specialist NWCUC.
- The CPS should ensure that the network of specialist wildlife crime prosecutors remains effective and available to investigators and other prosecutors.

FRESHWATER FISHERIES CRIME

Species and legislation

The Fisheries Enforcement Support Service (FESS) is funded by the Environment Agency (EA) from freshwater coarse and non-migratory trout fishing licences in England, and is a formal partnership, delivered under contract, between the EA and 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 from freshwater licences, the FESS is not involved with either salmonid or marine enforcement. This report, therefore, concerns freshwater Fisheries Crime.

Protection is largely provided by the Theft Act 1968, and Salmon & Freshwater Fisheries Act 1975.

Drivers

The large profit margin offset against low sentences is the driver for organised crime gangs illegally importing carp from the continent for sale to sport fisheries, and which 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 but also hate crime. The FESS, therefore, includes the visionary Building Bridges Project, staffed by Polish, Lithuanian and Romanian speakers, focussed upon education 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.



Extent of recorded crime

Frustratingly, this remains unknown. Although fishing without permission is a recordable and notifiable crime under Schedule 1, Theft Act 1968, in our experience, following annual Freedom of Information requests to all forces, the police remain inconsistent in recording these offences. Moreover, 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 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 our work to educate the angling community regarding how the intelligence-led enforcement system works, emphasising the need to report incidents and information, such calls are increasing annually. By 2018, 39 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

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 500 strong Voluntary Bailiff Service (VBS) throughout England (which is trained in partnership with the EA and police to report incidents and information to a high evidential standard), provide training to the police and other partners, and coordinate Operations TRAVERSE and LEVIATHAN. 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, again in partnership with the police and Environment Agency, throughout England, 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 entry point, therefore, for engaging with intelligence and criminality.

In 2018, the VBS reported 275 incidents and offences to the EA, 84 to the police, in addition to sharing 183 intelligence logs, concerning a variety of criminal matters, to the EA and police – the majority of which information would doubtless not otherwise 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 at the EA's behest.

Matters to be addressed

- Consistency must be achieved regarding recording of fisheries crime.
- Awareness must 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.

CASE STUDY

Lemonroyd Marina and Woodlesford Lock near Methley, Leeds, was the national hotspot for Wildlife Crimes against swans, a total of 19 birds being killed, in addition to frequent offences of illegal fishing and criminal damage to houseboats.

West Yorkshire Police became a partner in Operation TRAVERSE, the high profile and ongoing operation focussed upon fisheries and wider crime on our waterways. Consequently, the FESS NE Regional Enforcement Manager, Giles Evans, coordinated intelligence-gathering patrols by the VBS regarding this troublesome venue, arranged the provision of suitable signage, and worked with West Yorkshire Police and the EA to provide joint patrols - substantially increasing the visible law enforcement presence and targeted activity. As a result of this partnership and intelligence-driven approach, PCSO Shaun Taylor of West Yorkshire Police confirmed a 'huge' decrease in all offences, including Wildlife Crime, with no further swans harmed during 2018. Moreover, there were two Community Resolutions in respect of illegal fishing covered by the Theft Act 1968, and the EA prosecuted nine anglers not in possession of a statutory rod licence.

This is one of numerous similar, simple, examples throughout England whereby working in partnership and an intelligence-based approach have positively contributed to reducing and detecting Wildlife Crime beyond fish, and evidences both the clear links to broader offending and benefit to the wider community of having trained 'eyes and ears' out there, 24/7, 365. This can only be a positive step towards raising awareness of Wildlife Crime generally and increasing appreciation of this issue.



PCSO Shaun Taylor of West Yorkshire Police with Volunteer Bailiffs at Lemonroyd Marina – where Wildlife Crime was 'hugely' reduced as a result of an intelligence-based partnership approach.

ILLEGAL WILDLIFE TRADE (IWT)

Species and legislation

The illegal wildlife trade threatens some of the world's most iconic animals and plants. Seizure data published by the United Nations in a major report in 2016 revealed that almost 7,000 species were affected worldwide in an illicit trade estimated to worth billions of pounds annually. The UK is implicated as both a transit and destination country for trade in illegal wildlife products, as well as being a source country in some cases (e.g. live raptors for the falconry trade).

International trade in wildlife is regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); an international agreement between governments 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 need.

Individual governments are responsible for implementation of the Convention and in the UK, Defra is the Management Authority for CITES. The Convention is implemented in the UK through the Control of Trade in Endangered Species (COTES) regulations. Defra is advised on plant matters by the Royal Botanic Gardens, Kew (RBG Kew) and on animal matters by the Joint Nature Conservation Committee (JNCC), which together constitute the CITES Scientific Authorities. 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 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

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 laws 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.

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 2018, we are only aware of five CITES prosecution cases in the UK, which is only one more than in 2017, which itself was a very low volume of prosecutions compared to previous years. Without the research, we do not know the reasons behind the drop in number of CITES cases coming to court over the last two years.

Number of known CITES prosecutions in the UK from 2010 – 2018:

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

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)
2018 Q1	171	10	24	2	21	42	26	26	16
2018 Q2	384	14	59	5	55	54	124	40	33
2018 Q3	135	7	12	4	5	39	23	24	21
2018 Q4	114	10	13	1	1	32	16	31	12

CASE STUDIES

Case study 1: UK company fined for breaching regulations prohibiting import and sale of illegally harvested timber.

British timber operator Hardwood Dimensions (Holdings) Ltd was found to have breached regulations prohibiting the importing and sale of illegally harvested timber. On March 2nd 2018, a judge ruled that the company had violated the EU Timber Regulation which prohibits operators from placing illegally harvested timber and timber products (including pulp and paper) on the EU market. 'Legal' is defined as produced in compliance with the laws of the country where it is harvested – operators must exercise 'due diligence' in placing timber on the EU market.

According to a statement, the company didn't properly verify that a shipment of *ayous* (*Triplochiton scleroxylon*), a tropical tree species used to make furniture and guitars, had been legally harvested in Cameroon. Hardwood Dimensions has held a Forest Stewardship Council (FSC) chain of custody certificate since 2000. FSC operates a 'third party' certification system with partners, in the Hardwood Dimensions case, a company called Accreditation Services International (ASI), certified compliance with FSC standards. That the legality chain wasn't verified in this instance raises concerns about other potential gaps in the certification process and highlights that FSC certification alone is not a guarantee of legal compliance.

The case was the first to be brought by the U.K.'s Office for Product Safety and Standards, the agency in charge of Timber Regulation enforcement. At Manchester Magistrates Court, the company was convicted and fined £4,000 plus a victim surcharge of £170 and prosecution costs of £3,273. The total of £7,443 was ordered to be paid within 28 days.



Check on logging truck is carried out by forest guards in south east Cameroon.

Case study 2: Avon taxidermy dealer pleads guilty to trading in endangered species

On 2nd August 2018, Jacek Oleksiak pleaded guilty to 9 offences of prohibited sale of Annex A specimens contrary to the Control of Trade in Endangered Species Regulations 1997 (COTES), and a fraudulently evading export restrictions in respect to a specimen he exported to the USA without a CITES permit, contrary to Section 170 of the Customs and Excise Management Act 1979.

In 2017 the owner of a public house in West Yorkshire purchased three taxidermy specimens of Goshawks for display in the pub. The specimens were all advertised as being stuffed and mounted pre-1947. As an Annex A species, goshawk requires an Article 10 Certificate for sale. Taxidermy specimens prepared prior to 3rd March 1947 are exempt under the antiques derogation.

The RSPB reported the case to the West Yorkshire Police to investigate. With the support of the PAW Forensic Working Group Forensic Analysis Fund an expert taxidermist examination was carried out and confirmed that the specimens were not pre-1947 and were in fact, modern specimens. West Yorkshire Police referred the findings to the NWCUC for further investigation.

The NWCUC identified Oleksiak as the seller. He had been trading extensively and mostly legally in taxidermy on the internet auction site eBay since 2013. However, he had advertised over 90 specimens believed to be on Annex A. 22 of these specimens had been sold; all advertised as being pre-1947, including the 3 Goshawks that had been recovered.

When interviewed, he told officers that he purchased items from Polish websites and then resold on eBay, advertised as pre-1947 so eBay wouldn't remove his listings. He admitted that describing them as being 'pre- 1947' was without any foundation.

He was subsequently charged with 10 offences, to which he has pleaded guilty. Magistrates told Oleksiak that they considered his previous good character, his openness with the investigating officers and his early guilty plea in passing sentence. Oleksiak was given a 12-month Community Order, ordered to carry out 100 hours unpaid work and to pay £170 costs. Magistrates also ordered the forfeiture of the 3 Goshawks seized by Police.

Recommendations

- 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.
- Research into why the number of CITES prosecutions has dropped in 2017 (4) and 2018 (5) compared to previous years
- Clear guidance 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 so that IWT crimes are correctly recorded
- Employment of specific Wildlife Crime Officers for each police force with recognised targets against which to report
- To maintain and promote an effective team of specialist wildlife CPS prosecutors in each region in England and Wales as and hiring a lead CPS prosecutor to take charge of all wildlife crimes.
- Continued funding for NWCUC

MARINE MAMMAL CRIME

Species and legislation

Around 27 species of cetaceans live seasonally or year-round in English and Welsh waters, as well as grey and harbour seals. Cetaceans are offered strict protection under Habitats Directive Article 12, which is transposed into national law under the Conservation of Habitats & Species Regulations 2010 (up-dated 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 seal are a designated feature of the site.

Drivers

Recreational and commercial tourism can be a driver for potential crimes against marine mammals. Individuals can approach marine mammals by either getting in the water with them and behaving inappropriately or approaching them inappropriately from any water craft or vessel. In the UK, there is a perceived conflict with some fisheries, particularly of seals taking commercial or protected fish species. 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 been mirrored in England and Wales.

Extent of recorded crime⁹

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 ¹⁰	Number of defendants prosecuted	Number of defendants convicted
2016	216	98	3	N/K	0	0	0
2017	135	84	4	N/K	0	0	0
2018	295	54	3	N/K	0	0	0

Recent challenges

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 media and in the media. This has led to a focus on this issue from the statutory agencies, including the development of a code of conduct and the production of a Dolphin and Porpoise Conservation Strategy that will include a section on tourism. Wildlife crime officers have become very supportive of this 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, aims 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) 8 seeks to minimise marine disturbance through delivering training to vessel operators and to other key organisations, including the police. Such training can help individuals to understand disturbance legally and biologically, with the aim to ensure safe and responsible marine wildlife watching.

Matters to be addressed

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

RAPTOR PERSECUTION

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

Drivers

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 conservation impacts on species like golden eagle and hen harrier. Recent government research¹¹ published March 2019 shows 72% of 58 satellite-tagged hen harriers were killed, or most likely killed, on or near grouse moors (2007-2017). Prior to that, a scientific article Raptor persecution in the Peak District National Park¹² published in 2018 demonstrates strong associations between intensive grouse-moor management, the persecution of raptors and declining populations of both goshawks and peregrines in the Peak District National Park.

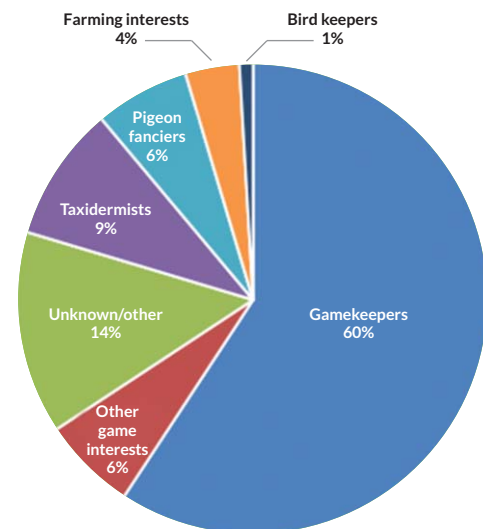


Figure 1
The occupations/interests of the 109 individuals convicted in England and Wales of bird of prey persecution-related offences 1990-2018

Figure 1 shows the occupations/interests of the 109 individuals convicted in England and Wales of bird of prey persecution-related offences 1990-2018. Note that there was only one bird of prey persecution related conviction in 2018, which was in England, (there were none in the two years prior).

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
2016	157	14	Most (see below)	67	0	0	0
2017	202	48	Most (see below)	60	0	0	0
2018	198	33	Most (see below)	72	2 cases total (see #) Case 1: 9 charges (all discontinued) Case 2: 5 charges (found guilty of 3)	2	1

* Please see footnote 3 which define classifications of reported, confirmed and probable incidents.
for further details re these prosecution cases, including breakdown of charges see Birdcrime 2018 Appendices:
<https://www.rspb.org.uk/contentassets/541bb4e4100a40bfacc55feb5f8fbc29/birdcrime-2018-appendices.pdf>

Note that the data displayed here were extracted from RSPB database on 29 August 2019 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 e.g. 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 which has intelligence value (which will include a number of the ‘unconfirmed’ and ‘probable’ incidents) will be disseminated as an intelligence report to relevant police force along with appropriate enforcement partner including NWCURSPCA as appropriate.

England and Wales raptor persecution 2018 – split into incident types

Raptor persecution Incident type	Number of confirmed incidents
Shooting	38
Poisoning	18
Illegal Pole/Spring Trapping	12
Illegal Trapping (Other)	2
Nest Destruction	0
Persecution Other	2
Total	72

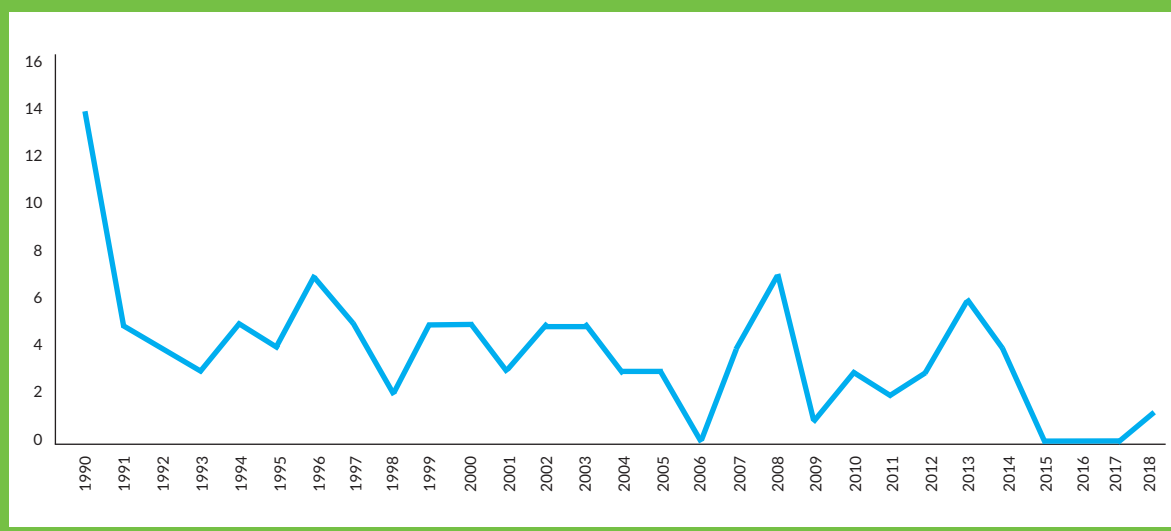
The detection rate of confirmed incidents is a fraction of those actually being committed. Shooting continues to be the most detected type of bird of prey persecution. For detailed maps showing location of incident types per country, see our Raptor Persecution Map Hub.¹³

Recent disappointments

- In 2018 there were just two bird of prey persecution-related prosecutions: only one led to a conviction (see ‘highlights’ below), and the other was controversially discontinued. This continues the worrying low rate (see Fig.2)

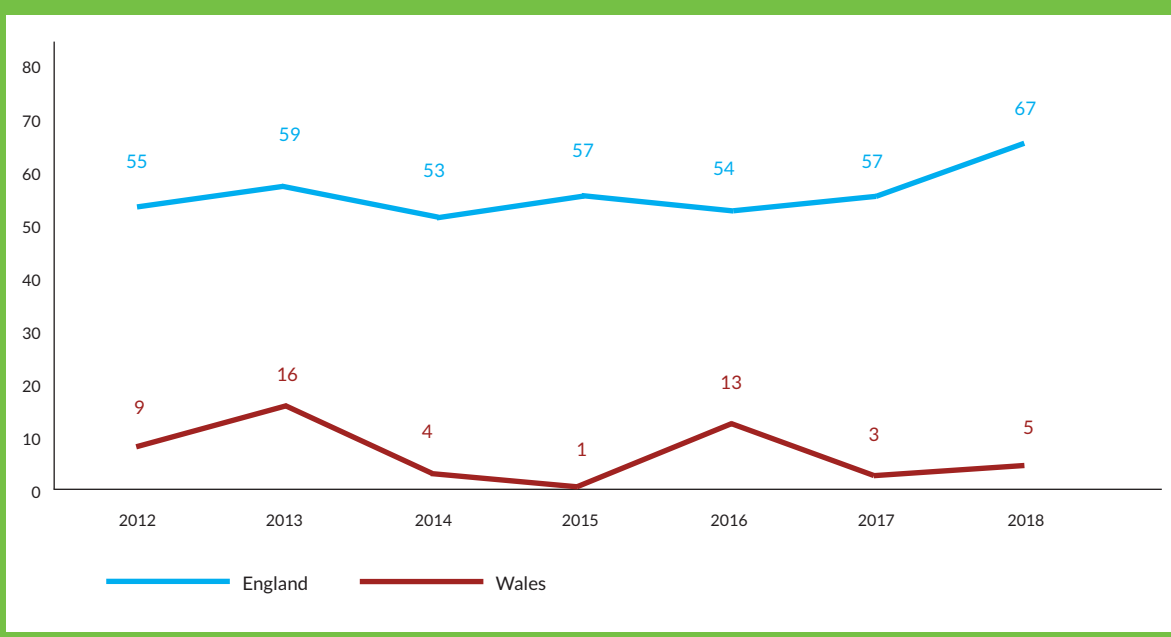
The discontinued case: A court hearing during March 2018 ruled that RSPB covert surveillance footage was inadmissible. This related to offences recorded at a peregrine nest site on a grouse moor in Lancashire during 2016.¹⁴ The case had excellent support from Lancashire Constabulary and CPS. There were some complex legal arguments relating to surveillance legislation under RIPA, and it is unfortunate that the District Judge was not given sight of information prepared and provided by RSPB to police and CPS, which may have had a bearing on the decision. Whilst not legally binding, this decision is unhelpful and may have a bearing on future cases. RSPB have met with CPS and NWCURSPCA to discuss the learning points in this case. While noting the current content is correct, the CPS agreed to update its legal guidance for prosecutors to include more information on RIPA. This will be published in 2019.

Figure 2
Bird of prey persecution-related convictions in England and Wales 1990-2018



The risk of being caught and prosecuted remains very low. This is despite raptor persecution continuing to be an ongoing issue (see 6-year data in Fig.3 below).

Figure 3
Confirmed raptor persecution incidents in England and Wales 2012-2018



- The future of the Wildlife Incident Investigation Scheme (WIIS) in England, which monitors wildlife poisoning incidents continues to be uncertain. This has been run by Natural England (NE) on behalf of the HSE, but the operation of the scheme is under review and a final decision on how it will operate is awaited. NE have experienced staff in this area of work and losing this resource could negatively impact on the investigation of wildlife poisoning offences, including raptor persecution pesticide abuse cases.

Recent highlights

- In February the RSPB took part in Operation Owl¹⁵, an initiative led by North Yorkshire Police to raise awareness over raptor persecution. This was a huge success, with impressive numbers of police turning out, doing patrols, issuing posters to businesses, and speaking to locals. We also handed out beer mats promoting the Raptor Crime Hotline (0300 999 0101). Already this has yielded some positive intelligence.
- In 2018, the Raptor Persecution Priority Delivery Group for England and Wales was taken over by a new chair, Superintendent Nick Lyall, who has been proactive in addressing the issue. He is preparing a national rollout for Operation Owl later in 2019.
- In August 2018 RSPB launched the Raptor Persecution Map Hub¹³ – the most complete, centralised set of known confirmed raptor persecution incidents in the UK, to raise awareness and facilitate enforcement. This currently contains data from 2012 to 2018, more data will be added in due course.
- Raptor persecution conviction: In April 2017 RSPB investigators witnessed the shooting of two short-eared owls on the Whernside Estate grouse moor. Following a dramatic chase, local gamekeeper Timothy David Cowin was arrested and later pleaded guilty to the shooting of two short-eared owls and possession of a Foxpro electronic calling device contrary to the Wildlife and Countryside Act 1981. He was convicted on the 28 August 2018, fined £1000 with £210 costs and victim surcharge. The Foxpro device was forfeited. Partnership working between North Yorkshire and Cumbria Police, CPS and RSPB, along with determination and attention to detail, were instrumental in bringing this offender to justice.

Matters to be addressed

We are calling on the government to:

- Introduce a system of licensing for driven grouse shooting.
- Extend the independent review of grouse moor management underway in Scotland, to the rest of the UK
- 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 and the environment.

(See our latest annual Birdcrime report for more details¹⁶)

THE TRAPPING OF WILD BIRDS

Species and legislation

The RSPCA continues to investigate the trapping of wild birds and usually involves finches such as the Goldfinch, Greenfinch, Redpoll, Bullfinch and Linnet. Other species can be taken as well. These birds are taken to be kept, bred from or sold despite having full protection under the Wildlife and Countryside Act 1981.

Such birds can be kept if they are bred in captivity which can be determined by a closed ring fitted to one of the bird's legs within the first few days of its life. A "closed ring" is a complete ring with no breaks that is slipped over the nestling's leg whilst in the nest. These rings cannot be fitted safely to the leg of a bird as it becomes older without the ring being tampered with. The RSPCA has found many birds in cases where these rings upon close examination have been tampered with. When these rings are forced onto the legs of older birds this can result in injuries that can cause suffering and pain. Some keepers will also breed mule hybrids which are a result of cross breeding a finch and another bird, usually with a canary, which can be kept legally in captivity.

The trade in wild birds continues to be a concern and it may be more common than is reported to the RSPCA. Bird trapping can go on in many places, can be discreet and take place in secluded gardens in urban as well as rural localities. Various methods can be used including cage traps, decoy birds, mist nets and occasionally sticky glue type substances often known as bird lime.

The RSPCA continues to investigate reports of people trapping and keeping wild birds of birds being sold. These can in some instances result in prosecutions through the courts and can involve multiple numbers of birds being removed with Police assistance. If it can be proven these are wild caught birds the opportunity is taken where possible to rehabilitate them and release back into the wild.

Mist nets can also be used which can catch a number of birds in a relatively short time period and again are often erected in secluded areas so as not to be noticed. It is illegal to use such mist nets unless you are a trained bird ringer licenced by the British Trust for Ornithology.

Bird lime, which is essentially a sticky glue type substance that doesn't set, can be attached to sticks and twigs baited with seed so that these small finches fly down to the seed and become stuck to this substance, again this is illegal under the Wildlife and Countryside Act 1981.

The RSPCA continues to investigate reports of people trapping and keeping wild birds which can result in a prosecution through the courts. In several cases this can result in a number of birds being taken and wherever possible, if it can be proved these are wild caught birds, they are rehabilitated and released back into the wild.





CASE STUDY

The RSPCA attended an address with the Police where 12 Goldfinches were present and all found to be caught from the wild. This person admitted using cage traps to catch wild birds. The aviary was not clean nor in a state appropriate for the birds. One Goldfinch also had an open fracture to the left tibia and could not use this leg. It was in pain and suffering and had to be euthanised. Two canaries with injuries were also found, one with a foot injury and the other a leg injury. Both also had to be euthanised as a result of their injuries.

This person pleaded guilty to: -

1. Being in possession of 12 Goldfinches contrary to Section 1 of the Wildlife and Countryside Act 1981.
2. Having cage traps in his possession with the intention of catching wild birds contrary to Section 18 of the Wildlife and Countryside Act 1981.
3. Causing unnecessary suffering to a Goldfinch and two Canaries by failing to provide veterinary care in respect of injuries to the bird's legs and/or feet contrary to Section 4 of the Animal Welfare Act 2006
4. For the purpose of killing or taking animals, using an approved trap for animals in circumstances for which it is not approved, contrary to Section 8 (1) (a) of the Pests Act 1954.

This person had previously been prosecuted by the RSPCA for keeping wild birds and possessing cage traps. He was disqualified from keeping birds for five years, fined £360 and ordered to pay costs of £350.

CONCLUSIONS AND RECOMMENDATIONS

Clearly, since WCL produced our first annual wildlife crime report covering offending in 2016, there has been movement towards delivery of some of our recommendations.

The production of the NPCC wildlife crime strategy should be very helpful in achieving many of our wishes. But progress has been hesitant. It is accepted that the UK political landscape has made progress difficult, likewise the difficulties of having three different wildlife crime leads for the police service during the past twelve months is recognised. Hopefully the next twelve months will provide the opportunity for some real progress to be made.

- **Crime recording and availability of data**
That the police with Defra and the Home Office build upon the work that has been undertaken on wildlife crime recording introducing a range of specific codes allowing meaningful interpretation of data.
- **Funding for the NWCUC**
There must be long term funding for the NWCUC that allows for the expansion needed to adequately address identified and emerging threats.
- **CPS specialist prosecutor network**
The CPS specialist prosecutor network should be maintained and promoted with one or more wildlife crime prosecutors identified within each CPS region.
- **Right to review**
The police and CPS should extend the right to review decisions relating to wildlife crime to non-government organisations acting in the interests of specific species.
- **Annual reports**
Defra and Welsh Government should produce annual wildlife crime reports. Individual police forces, in particular those with dedicated rural and wildlife crime teams should produce an annual report.
- **Raising awareness of wildlife crime**
The NPCC wildlife crime strategy identifies the need to raise awareness of wildlife crime. It is important that the general public are made aware of wildlife crime, types, locations and prevalence. Reporting of wildlife crime needs to be made easier, utilisation of a “wildlife crime app” as adopted in Scotland is one way in which this might be achieved. It is important that those who contribute information to the police are valued and informed of outcomes arising from their contributions. All of those involved with preventing and/or investigating wildlife crime whether as a duty or in a voluntary capacity need to promote awareness.

ACKNOWLEDGEMENTS

This report is supported by the following organisations:



REFERENCES

1. The views of those contributing to this report may not represent the views of Wildlife and Countryside Link.
2. https://www.wcl.org.uk/assets/uploads/img/assets/uploads/Link_Recording_Wildlife_Crime_in_England_and_Wales_full_November_2017.pdf
3. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2018>
4. Reports/reported - This is the total number of incidents reported to the reporting organisation each year for the category of offence in question. (i.e. this includes all of the below categories: confirmed, probable, and unconfirmed.)
Confirmed - The circumstances indicate that an illegal act has taken place. These incidents are typically substantiated by evidence.
Probable - The circumstances indicate that by far the most likely explanation is that an illegal act has taken place.
Unconfirmed - The circumstances indicate that an illegal act has possibly taken place.
5. Figures are for illustrative purposes only. WCL members record incidents to their own criteria.
6. Prosecutions may relate to incidents reported in previous years.
7. Prosecutions may relate to cases reported in previous years.
8. Prosecutions may relate to cases reported in previous years.
9. Figures from Cornwall Marine and Coastal Code group. 2018 figures include allegations of seal disturbance. An offence on Sites of Special Scientific Interest where seals are a designated feature. Such allegations, in England fall to be investigated by Natural England.
10. Prosecutions may relate to cases reported in previous years.
11. <https://www.nature.com/articles/s41467-019-09044-w>
12. <https://britishbirds.co.uk/article/raptor-persecution-in-the-peak-district-national-park/>
13. www.rspb.org.uk/RaptorMap
14. https://community.rspb.org.uk/ourwork/b/investigations/posts/peregrine_2d00_persecution_2d00_filed_2d00_bowland
15. <https://www.operationowl.com/>
16. <https://www.rspb.org.uk/birds-and-wildlife/advice/wildlife-and-the-law/wild-bird-crime/birdcrime-2018/>

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