



A memorandum of understanding  
on the prevention, investigation and enforcement  
of Wildlife Crime  
between  
Natural England  
Natural Resources Body for Wales  
The Crown Prosecution Service  
and the  
National Police Chiefs' Council



## 1 Purpose

This Memorandum of Understanding (MoU) outlines how the parties will work in partnership on the prevention, investigation and enforcement of wildlife crime, both at a national strategic level and a local casework level.

## 2 The Parties to the Agreement

The parties to this agreement are:

- Natural England
- Natural Resources Body for Wales
- National Police Chiefs' Council
- Crown Prosecution Service

## 3 Roles and responsibilities

- 3.1 **Natural England (NE)** is an executive Non Departmental Public Body sponsored by the Department for Environment, Food and Rural Affairs. NE is the government's advisor on the natural environment, providing practical scientific advice on how to look after England's landscapes and wildlife.
- 3.2 The **Natural Resources Body for Wales (NRW)** is a Welsh Government Sponsored Body. NRW's purpose is to ensure that the environment and natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.
- 3.3 The **National Police Chiefs' Council of England, Wales and Northern Ireland (NPCC)** works on behalf of the police service to develop policing policy and for the purposes of this Memorandum of Understanding is a signatory on behalf of all Police forces in England and Wales.
- 3.4 The Police have a duty to preserve life, protect property and to prevent and detect crime. They have a role in preventing wildlife offences and are the lead agency for the investigation of offences relating to protected species.
- 3.5 The **Crown Prosecution Service (CPS)** is the principal public prosecuting authority for England and Wales. Although the CPS works closely with the police, it is independent of them. Casework decisions are taken with fairness, impartiality and integrity, delivering justice for victims, witnesses, defendants and the public. The CPS advise the Police during the early stages of an investigation, review cases submitted by the Police for prosecution, prepare cases for court and then present those cases at court. The role of the CPS is to prosecute cases firmly, fairly and effectively when there is sufficient evidence to provide a realistic prospect of conviction and when it is in the public interest to do so.
- 3.6 The **National Wildlife Crime Unit (NWCU)** is a police led, stand alone, multi-agency unit with a UK wide remit for wildlife crime. The NWCU gathers intelligence on national and international wildlife crime and also provides analytical and investigative support to the Police, United Kingdom Border Force, Government Organisations, Statutory Nature Conservation Organisations and Non-Government Organisations. The NWCU is the intelligence conduit between all agencies, domestically and internationally, that have a legal obligation or interest

in dealing with wildlife crime. The primary objective of the NWCUC is assisting in the prevention and detection of wildlife crime.

- 3.7 The **Partnership for Action against Wildlife Crime (PAW UK)** is a multi-agency body comprising representatives of statutory and non-government organisations working together to combat wildlife crime. Its objectives are to reduce wildlife crime through effective and targeted enforcement, better regulation and improved awareness.

#### **4 Investigations**

- 4.1 The parties to this MoU are committed to ensuring that any investigation into a wildlife crime is thorough, efficient and conducted to a high standard. The National Wildlife Crime Priorities will give focus to the partnership approach but decisions in relation to who will lead an investigation, and the direction it will take, should be timely, informed by the best available evidence and technical expertise, and should take account of this MoU and the wider public interest. Should there be any issue as to who is to be involved in investigating wildlife crime then the parties will work together to reach a conclusion.
- 4.2 In England, the Police are responsible for investigating most offences against protected species, with assistance from NE where their resources allow. NE lead on investigations involving damage to Sites of Special Scientific Interest (SSSI), animals under the Wildlife Incident Investigations Scheme (WIIS) and breaches of species licences that it issues. The Police provide assistance to NE where their resources allow.
- 4.3 In Wales, the Police are responsible for investigating most offences against protected species, with assistance from NRW where their resources allow. NRW lead on investigations involving damage to Sites of Special Scientific Interest (SSSI) and breaches of species licences that it issues. The Welsh Government Natural Environment and Agriculture Team lead on offences on animals under the Wildlife Incident Investigations Scheme, supported by the Police.
- 4.4 Police forces will identify wildlife crimes when they are submitted to the CPS for decision and that all cases within the National Wildlife Crime Priorities (save for poaching which will be dealt with by local arrangement) should be referred to the CPS for a charging decision. This will ensure that the CPS regional Wildlife Coordinator will be aware of ongoing investigations and cases.

#### **5 Legal action**

- 5.1 The decision whether to commence criminal proceedings rests with the appropriate prosecuting body (Natural England, Natural Resources Body for Wales or the Crown Prosecution Service). Nonetheless, enforcement action taken by one organisation does not preclude another taking action if considered appropriate, provided there is no double jeopardy or other abuse of process issue.
- 5.2 As well as prosecution NE and NRW have access to a number of enforcement mechanisms, including advice and guidance, warning letters, Civil Sanctions (appropriate offences) and cautions. These outcomes address offences in a transparent, accountable, consistent, proportionate and targeted manner. The introduction of Community Resolutions, as an outcome, will, where appropriate allow the Police to deal with offences proportionately and in particular, when dealing with offences against protected species, can have a positive impact on that species.
- 5.3 Where an investigation has been undertaken in partnership the organisations party to this MoU and contributing to that investigation will be consulted on the decisions relating to the dispersal of cases.

#### **6 Sites of Special Scientific Interest (SSSIs)**

- 6.1 SSSIs are given legal protection under Part II of the Wildlife and Countryside Act 1981. NE and NRW are responsible for taking enforcement action for these offences, including prosecutions.
- 6.2 The Police will provide appropriate assistance to NE in relation to offences under Part II of the 1981 Act. This will include witness statements and any other information and services they can reasonably and lawfully provide. When offences occur on SSSIs that are in contravention of other legislation that the Police are normally responsible for investigating, for example when recreational off-roaders damage SSSIs and breach the Road Traffic Act 1988, there will be an expectation that they will investigate as appropriate.
- 6.3 NRW currently contract three Police Officers as Wildlife Crime Officers on a secondment basis. These officers carry out investigations into offences under Part II of the Wildlife and Countryside Act 1981 including illegal off roading on SSSIs and submit case files to NRW legal department for a decision to prosecute.

## **7 Species**

- 7.1 Species are given legal protection under a number of statutes including (but not exclusively):
- Part I of the Wildlife and Countryside Act 1981 (as amended) "Part I of the 1981 Act"
  - Conservation of Habitats and Species Regulations 2010 "the Habitats Regulations"
  - Protection of Badgers Act 1992
  - Deer Act 1991
- 7.2 The Police are responsible for the prevention and investigation of most species offences. NE and NRW have a power to assist and advise the Police investigating such offences. Both agencies can provide witness statements (experts and factual) and other relevant expertise that they can reasonably and lawfully provide. NE and NRW will determine such requests on a case by case basis taking into account available resources. Priority will be given to providing such assistance to cases under the National Wildlife Crime Priorities.
- 7.3 The CPS is responsible for prosecuting most species offences in line with their policies and procedures. Before offenders are charged with species offences, or a decision to take no further action is taken, NE or NRW may be consulted over the nature and impact of the offences.
- 7.4 In cases where a species licence has been breached in England NE are the investigating and prosecuting authority but may request assistance from the Police or CPS if required.
- 7.5 In cases where a species licence has been breached in Wales, the seconded Police Officer to NRW will investigate with the CPS being the prosecuting authority for the substantive offences for which the licences were issued to mitigate.

## **8 Joint action on SSSI and species offences**

- 8.1 Where an incident occurs which breaches both the SSSI and species legislation in England, a decision will be made by NE, local Police and the CPS, as to whether a joint investigation and prosecution is undertaken.
- 8.2 Where an incident occurs which breaches both the SSSI and species legislation in Wales the seconded Police Officer will investigate on behalf of NRW and the Police. The CPS will be consulted with to decide on who will lead on a prosecution.

## **9 Data Exchange and Disclosure**

- 9.1 Data exchange between the organisations is encouraged but will only take place in appropriate circumstances and in compliance with data protection and other relevant legislation.
- 9.2 Where necessary the organisations will establish procedures to share data and intelligence at a local and national level. All parties will share data and intelligence with the NWCU. NE has an existing Information Sharing Agreement with the NWCU. NE and NRW will provide information on species licences and SSSI consents to the police in connection with possible criminal enquiries.

## **10 Partnership working**

- 10.1 Partnership working plays a fundamental role in tackling wildlife crime both at a local operational level and nationally at a strategic level. Partnership working will enable all parties to focus resources and efforts towards the UK National Wildlife Crime Priorities and other local priorities of NE and NRW.
- 10.2 In England, Local Wildlife & Environmental Crime Partnerships will enable NE, the Police and CPS to tackle wildlife crime effectively and expediently at a local level. Local Wildlife & Environmental Crime Partnerships will identify operational roles and responsibilities and set out effective working arrangements between the participating bodies. This will ensure, amongst other issues, that the partner with the most appropriate enforcement powers takes the primary enforcement action on individual cases. Local Wildlife & Environmental Crime Partnerships are a developing concept in England and the parties to this MoU will encourage and foster existing and new initiatives.
- 10.3 In Wales the partnership between NRW and the Welsh Police forces is progressed through the secondment of Police Officers. This partnership approach is annually reviewed and may therefore be subject to change in the future.
- 10.4 All parties within this MoU will work closely with PAW UK. This will enable PAW UK to provide a strategic overview of enforcement activity, consider and develop responses to strategic problems, look at issues of strategic concern in order to meet its objective to draw attention to the growing problem of wildlife crime and raise awareness of the need for enforcement action.

## **11 Guidance and training**

- 11.1 In the spirit of partnership working all parties believe that the sharing of knowledge and working practices is beneficial in tackling wildlife crime. All parties will provide information, guidance and training as their resources allow. NE and NRW will produce information, guidance and training on SSSIs and protected species to local Police forces in England and Wales. The CPS will provide training and guidance to its Wildlife Coordinators. The Police will provide information, guidance and training on conducting investigations, collecting and preparing evidence, and an awareness of the Police and Criminal Evidence Act 1984.

## **12 Costs and charging**

- 12.1 Where any of the parties bring successful prosecutions for which another party provided assistance, the prosecuting party will endeavour to recover the costs of the assisting party where possible.
- 12.2 In other circumstances each body will be responsible for their own costs in relation to investigations and prosecutions.
- 12.3 It is anticipated that the services provided by all parties will be without charge to each other. No charges will be levied without prior agreement.

### **13 Publicity**

All parties will endeavour to raise awareness of wildlife crime for example by highlighting key issues and prosecution cases. Every possible media option should be considered and use of joint press releases should be the default where a joint investigation has led to a prosecution.

### **14 Communication**

For the purposes of this Memorandum of Understanding the following are lead contact points:

In **Natural England** the national contact is Senior Specialist Species Enforcement.

In Wales Ann Weedy is the contact for both the Police and **Natural Resources Wales**.

The contact for the **National Police Chiefs' Council** is the Chief Constables Staff Officer (Wildlife Crime).

The contact for the **Crown Prosecution Service** is Policy Adviser lead on wildlife issues.

### **15 Review**

All parties will review this Joint Memorandum of Understanding and its implementation after 2 years. If forthcoming legislation requires the document to be reviewed earlier all parties will commit to doing so at the earliest opportunity.

Signatures



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Date 29 September 2015

Chief Executive, Natural England



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Date 15 October 2015

Chief Executive, Natural Resource Body for Wales



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Date 29 September 2015

Head of Special Crime and Counter Terrorism Division, Crown Prosecution Service



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Date 15<sup>th</sup> September 2015

Chief Constable, Dyfed Powys Police, National Police Chiefs' Council lead on Wildlife Crime