

Wildlife crime in 2020

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



Cyswllt Amgylchedd
Cymru | Wales
Environment Link

Wildlife and
Countryside





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RSPB officer visiting a quarry to investigate reported raptor persecution.

Introduction

This report is the fourth annual report produced by Wildlife and Countryside Link (Link) and Wales Environment Link members and demonstrates the wide variety of flora, fauna and fungi that is subject of crime. In the absence of official numbers, the report provides the reader with an overview of the type and extent of wildlife crime that took place in England and Wales in 2020.

The numbers set out in this report represent only the tip of the iceberg. This is due to the various ways that wildlife crime is reported by the police, as a result of there being no specific Home Office crime codes for wildlife offences. The varying nature of wildlife crime reporting means that it is virtually impossible to research the full number.

This frustrating situation, whereby police forces are unable to gauge just how much wildlife crime is taking place, will remain the case whilst wildlife crimes are not notifiable to the Home Office. As people return to post-pandemic normality with a new appreciation of nature, this would be an opportune moment for the Home Office to resolve this long-standing issue and make wildlife crimes notifiable, issuing codes to allow the extent of these crimes to be tracked. We have been in the dark for too long on the severity and extent of wildlife crime, and the glimpses that we have suggest that a grim reality of criminality continues. Only by shining a searchlight on the truth of wildlife crime can we help the police bring the criminals to book.

The effects of the current wildlife crime data gap have been exacerbated by prosecution issues. These issues have led to a significant proportion of the wildlife crime cases that do make it to court failing when they get there. We are however encouraged that action is now being taken to address this. Link members participate in the Crown Prosecution Service Wildlife Community Panel and will be delivering regional wildlife crime training for prosecutors over the months ahead. We hope that the quality of prosecution will in time be raised to a high level across all wildlife crimes.

In another encouraging development since the last report, the UK Government has announced an Animal Welfare Action Plan,¹ including a commitment to do more to tackle wildlife crime. Within this plan, perhaps the most significant element that could assist wildlife is the Government's invitation to the United Nations Office of Drugs and Crime (UNODC) to review and analyse the strength and weaknesses of preventative and criminal justice responses to wildlife crime.

The UNODC team have spent spring and summer 2021 producing a range of wildlife crime recommendations for the UK Government to consider. Given that this is the first report that the assessment team have done on a G7 country, there is a real chance for the UK to lead the way with swift implementation of the report's recommendations. We hope to report in one year's time that the UNODC recommendations have been fully implemented.

Each chapter within this report looks at a particular type of wildlife crime, drawing on data gathered by Link member organisations working at the front line. Chapters detail the relevant legislation, species involved, drivers of the crime, its extent, recent challenges and highlights, together with recommendations to address identified issues.

1. <https://www.gov.uk/government/publications/action-plan-for-animal-welfare>



There are 13 native species of terrestrial (non-marine) amphibians and reptiles in Great Britain, plus several established non-native species.

Amphibians and reptiles

Chapter provided by the Amphibian and Reptile Conservation Trust (ARC)

Species and legislation

There are 13 native species of terrestrial (non-marine) amphibians and reptiles in Great Britain, plus several established non-native species. The level of legal protection differs widely. Five species including the great crested newt *Triturus cristatus* receive a high degree of protection, including the prohibition of capture, disturbance, and damage to critical habitat. The four species of 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 – is relevant for all species under certain circumstances, notably when an animal is captive.

Drivers of crime

Amphibians and reptiles are occasionally subject to persecution. Adders *Vipera berus* in particular are deliberately killed, typically because the offender is concerned about the risk of bites to people, pets or livestock. Grass snakes *Natrix helvetica* and slow-worms *Anguis fragilis* are sometimes killed because they may be confused with adders. Animals are sometimes inadvertently killed during land management such as road verge mowing, or conservation management on nature reserves, but these would not typically be deemed offences.

Most allegations of offences involve land clearance during construction, or in preparation for it. 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

There is currently no capacity to keep a definitive central record of allegations and proceedings, unfortunately. Both the Bat Conservation Trust and the Amphibian and Reptile Conservation Trust receive enquiries and reports, and maintain a general overview of crime issues. During the year 2020 there were no prosecutions for offences involving amphibians or reptiles as far as we are aware.

However, numerous allegations of offending or imminent offending were received by BCT, ARC and others. The majority of these related to planned or ongoing construction works, involving risks to great crested newt, slow-worm, grass snake and common lizard. In some cases these resulted in police investigations, including allegations of habitat damage or pollution in residential development, infrastructure and waste disposal projects. There were also reports of snakes being deliberately killed, or snakes being found dead after apparent persecution. None of the reports has apparently resulted in prosecution, although it is possible that proceedings are ongoing but have not been reported back to BCT or ARC.

Recent challenges

Maintaining a national record of reports, allegations and proceedings remains a major challenge, primarily due to resources and also due to the lack of established procedures for sharing information between police forces and other stakeholders. When reports of offending are received, there often appears to be substantial response disparities between different forces. ARC was informed of several reports of offending in 2020 where there was either no police response or it appeared to follow poor practice, whilst in other cases the police response was exemplary.

Recent highlights

A report of apparent deliberate killing of grass snakes in Hastings received constructive media coverage², despite the underlying enforcement difficulties with this sort of crime.

Matters to be addressed

- Police forces must identify resources and capacity to undertake effective investigations into wildlife crime against amphibians and reptiles, including use of specialist advice.
- The 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 continue to promote awareness of the procedures for reporting wildlife crime allegations, to encourage prompt investigations.
- There must be a review of case disposal options and sentencing in the case of amphibian and reptile crime convictions.
- The implications for amphibian and reptile offending of a proposed streamlining of planning regulations (announced in July 2020 as “Project Speed”) will be especially important to monitor.
- The implications of the possible change in legal protection for some amphibians and reptiles through the statutory review of Schedule 5 of the Wildlife and Countryside Act 1981 need attention.
- 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 development impacting on amphibian and reptile habitats).

2. <https://www.hastingsobserver.co.uk/news/people/warning-after-grass-snake-killed-hastings-country-park-2858313>



Badger Crime has been a UK Wildlife Crime Priority since 2009, due to the scale of persecution.

Badgers

Chapter provided by Badger Trust, with thanks to Naturewatch Foundation

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. Badger Crime has been a UK Wildlife Crime Priority since 2009, due to 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 species in England and Wales. It is 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 laming badgers with dogs all serve to evidence this. Additionally, offenders may include those involved in agriculture, forestry, development, construction and even ordinary householders angered by badger activities in private gardens.

Challenges around HS2 and a boom in housing construction and the pressure to develop rural locations represents a particularly acute threat for badgers. Even with approved licensed operations the potential for illegal incidents is significant unless appropriate due diligence is exercised by the licence holder and/or contractor which in turn requires familiarity with the law and its requirements.

Since 2013 there has been a Government sanctioned cull of badgers on a mass scale in England. Whilst obviously not illegal activity, the ongoing cull of a usually protected species has an unknown impact on the perception of badger persecution with the public at large.

Greater use of the countryside by walkers, dog walkers, and other recreational users over 2020 has encouraged people to report suspected incidents of badger persecution. We also believe that a perception that police were busy on other matters during 2020 lockdown may have encouraged wildlife criminals to target badgers. In addition, there was a push during 2020 to raise awareness and increase incident reporting.

Extent of recorded crime

The UK Badger Persecution Priority Delivery Group records incidents of badger persecution in England and Wales, where 522 incidents were reported to police forces or the RSPCA in 2020, a significant increase from 2019 (see tables for further information). The main areas of criminal threat remain sett interference, which includes sett blocking. It should be noted that during 'lockdown' there was over a 220% increase in reports concerning development.

COVID dominated 2020 and this has impacted on life, including policing and the criminal justice system. Although there were some resolutions through the courts, several cases have been carried over to 2021.

Recent challenges

2020 has proved extremely challenging to all levels of policing (and to the RSPCA) due to the ongoing COVID situation, and months of lockdown or other restrictions in 2020. At times there is evidence that cases have not been progressed due to some of the restrictions, availability of staff and expert witnesses and, taking into account time limits, there is no doubt that some investigations have failed as a result. It should be noted this is not as a result of lack of commitment from these organisations.

However, whilst some incidents of badger crime that are referred to the police for investigation are dealt with effectively, sometimes the level of investigation fails to reach an expected reasonable standard. The lack of available and rapid access to competent or expert witnesses is still problematic. Court cases are often heavily contested by defence specialists, ranging from barristers to solicitors, with duty Crown Prosecution Service lawyers having little or no knowledge of wildlife crime. The attendance of a specialist prosecutor at the first hearing onwards is rare, and the lack of knowledge by the inexperienced appointed prosecutors has shown to be a worrying issue.

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 remains a UK Wildlife Crime Priority, having featured in the NPCC Wildlife Crime Strategy 2018 – 2021. It is one of the priorities currently being considered for notifiable status by the Home Office.

The UK Badger Persecution Priority Delivery Group 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.

"A guide for Investigating the illegal persecution of badgers", a document jointly produced by Badger Trust and Naturewatch Foundation in 2019, continues to be widely used, by those involved in enforcement and prosecution, and by badger groups.

In 2020 COVID restrictions meant Badger Trust was severely restricted in the police training it could deliver, with a limited number of in person, and some online, training given. However, the continued promotion and distribution of the Investigators Guide continued. The planned additional training for nominated wildlife crime officers the 'Advanced Practitioners Course' for 2020 had unfortunately to be postponed and this is now scheduled for 2021.

Number of reports							
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	512	N/K	92	N/K	5	N/K	N/K
2017	633	N/K	99	N/K	N/K	N/K	N/K
2018	551	N/K	163	N/K	4	N/K	N/K
2019	452	411	270	N/K	8	N/K	N/K
2020	614	522	312 *	N/K	7		

* These are referrals made to the police and recorded by Badger Trust. It does not reflect other reporting agencies
N/K – Not Known

Types of report			
Type of Incident	Number of reports 2020	% (change)	Number of reports 2019
Sett Interference	406	+40	291
Baiting/Fighting	32	+52	21
Poisoning	23	+77	13
Traps/Snares	28	- 3	29
Trading	0	0	0
Shooting	29	+164	11
Hunting Dogs/Lamps	4	-50	8
Other	88	+11	79
Non-Criminal	4	?	?
Total incidents	614		452

Types of sett interference			
Type of Sett Interference	Number of reports 2020	%	Number of reports 2019
Agricultural	34	112.5+	16
Blocking	75	6.25-	80
Damage Destroy	30	150+	12
Development	106	221.21+	33
Disturbance	21	250+	6
Forestry	5	58.33-	12
Hunt	99	15.12+	86
Sett Dug	36	21.74-	46
Other	0		3
Total incidents	406		294



Badger Trust launched a short information film, ‘Stopping badger crime’ in November 2020 featuring naturalist and broadcaster Mike Dilger and in partnership with the RSPCA, North Yorkshire Police and Badger Trust.³ The film has proved very successful and is widely used to raise awareness.

Naturewatch Foundation’s proactive work targeting those involved in the persecution of badgers continues to be well received by police forces and enforcement agencies throughout the UK. High quality information packages have resulted in numerous prolific animal abusers involved in badger digging being targeted.

Working with a young conservationist and filmmaker, Naturewatch Foundation launched a documentary film in March aimed at teenagers about badgers and the threats they face. The charity is encouraging anyone who works with teenagers to feature the short film in their schedules, including teachers, youth workers, police officers and wildlife organisations. There’s also a free Education Support Pack to supplement the video available upon request. The film can be viewed on YouTube.⁴

Matters to be addressed

- Offences and incidents against badgers 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 against badgers. Likewise, they should be provided with the resources needed to gather intelligence relating to wildlife crime from the internet.
- The CPS need to identify specialist prosecutors in all areas and look at the training provided, in addition to ensuring that badger crime cases are prosecuted through the court system by recognised experienced appointed lawyers.
- 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.

3. <https://www.badgertrust.org.uk/crime>

4. <https://www.youtube.com/watch?v=GF0aDcKSMUk>



The UK hosts 18 species of bats. All are protected against injuring, killing and disturbance.

Bats

Chapter provided by the Bat Conservation Trust

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 and Wales the Wildlife and Countryside Act 1981 and Conservation of Habitats & Species Regulations 2017
- in Scotland 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.

Recent challenges

The impact of the pandemic since 2020 has presented significant challenges for the Bat Conservation Trust (BCT), not just on the management of public perceptions for these animals, but in all functional and operational facets of the Trust's work.

The Wildlife Crime Project within BCT saw the retirement of Pete Charleston, his lifelong work on wildlife crime enforcement made him a pioneer, investigator, educator, and UK lead on the subject. The impact he has made in this field is incalculable and will be felt for many years.

Extent of crime UK wide figures

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
2020	105	105	90	1	0	2 pending	12*

*Out of court disposals and/or prosecutions are anticipated within these ongoing cases.

The work of the Wildlife Crime Project within BCT now lies in the hands of Mark Goulding, previously of South Wales Police.

Analysis of the BCT Wildlife Crime Project database shows that almost 50% of offences against bats reported to the police in 2020 were for the damage and/or destruction of a bat roost, followed by 20% for the disturbance of bats whilst at a roost.

The main peak offences occur during the summer period between June and August.

This is one of the most sensitive times of the year for bats, when they are gathered in large numbers in maternity colonies to give birth. Maternity roosts provide very specific conditions to allow rapid development of the young and colonies can use the same maternity roosts year on year.

Adults give birth to only one pup, therefore disturbance or roost destruction during this period can damage a whole colony's reproductive success for the year in question. The data reflects that the species is exposed to offences at a time when the impact of such offending causes the greatest conservation harm.

Recent 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 also known as 'Out of Court Disposals' is welcomed, often bringing conservation benefits to the species that would otherwise not be available in court.

One such example was by Devon and Cornwall Police who achieved a reparation 'out of court disposal' of £2,500 provided by the offender to a local bat group for the destruction of a bat roost in July 2020, a significant amount not previously seen.

The Metropolitan Police investigation into a housing developer for the destruction of a roost, followed by the subsequent Crown Prosecution Service prosecution, saw the highest known penalties issued by a UK court for a Wildlife Crime offence of £600,000 in December 2020. This is a substantial penalty and a warning to those who fail to consider or ignore ecological advice and guidance during the planning process.



Fisheries crime takes many forms – from rod fishing in freshwaters without a licence, to illegally netting salmon or carp for commercial gain, to the trafficking of infant eels to Asia

Whilst the pandemic has influenced enforcement outcomes, the Bat Conservation Trust continues to support investigations into those who commit offences against bats, and ensures due consideration is given that offenders do not benefit from their illegal actions. The Trust also continues to seek parity on sentencing, so it is applied at commensurate and proportionate levels across the UK.

The commitment of those involved in wildlife crime ecological engagement and prevention, and those involved in investigation and prosecution of bat crimes during 2020 are recognised and applauded with grateful thanks.

Matters to be addressed

- Wildlife crime offences against bats must be recorded and notifiable, in a manner that makes statistics available in a form that enables their assessment.
- Police forces need to identify and deploy resources sufficient to undertake effective investigations into wildlife crimes against bats.
- Police forces should encourage senior management to provide investigating officers with more time, to allow them to fully consider bat crime incidents.
- A review of court procedures and legislation is needed to consider how penalties issued for wildlife offences could achieve conservation gains.
- A UK sentencing guideline for wildlife crime is required.

Fisheries

Chapter provided by the Institute of Fisheries Management (IFM), with thanks to The Angling Trust.

Legislation

Protection in inland waters is largely provided by the Salmon & Freshwater Fisheries Act 1975, and Theft Act 1968. The Theft Act 1968 offence is usually applied when fish are stolen (for onward sale) or caught without permission from a privately owned river or still water fishery.

Drivers of Crime

Fisheries crime takes many forms – from rod fishing in freshwaters without a licence, to illegally netting salmon or carp for commercial gain, to the trafficking of infant eels to Asia, to using unlawful means to catch sea fish around the coast. All these activities are undertaken in order to gain illicit profit.

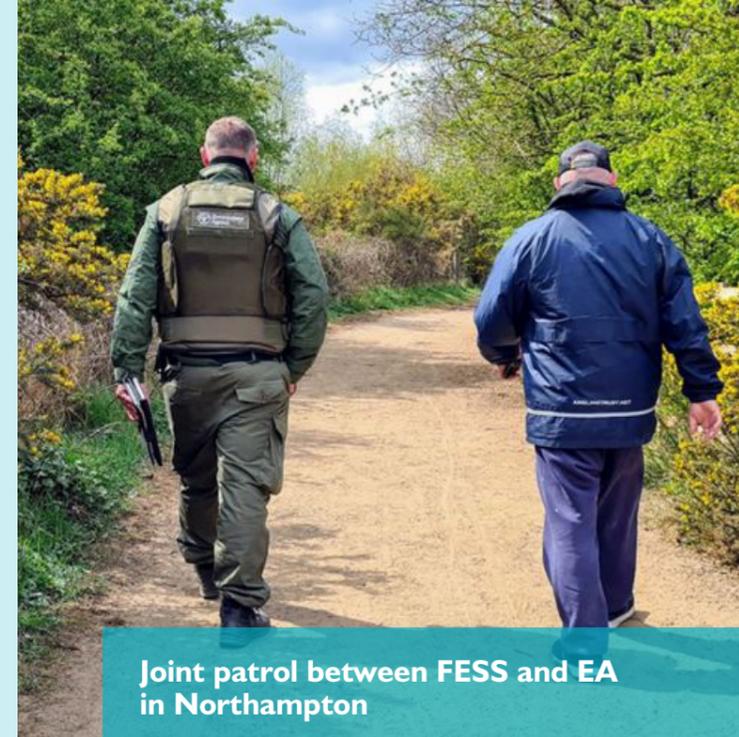
A further issue is that offenders fishing without permission or statutory licences fail to contribute financially to the maintenance and improvement of fisheries, impacting on both the environment and small businesses.

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 to the 6 nautical mile limit. 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.

Whilst the EA, NRW and IFCAs are the primary fisheries enforcement agencies, some fisheries crime is reported directly to the police. 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 in the table 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, due to gaps in police data.

Fisheries Crime in England and Wales 2016 – 2020															
Type	Number of incidents reported					Number of cases of criminal offending confirmed					Number of defendants convicted				
	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020
Rod and Line	3415	3616	2245	2680	3673	3108	3246	2030	2563	628	2184	2569	1521	1934	604
Salmon, sea trout and trout poaching	24	72	21	26	10	24	71	20	26	7	7	13	6	10	0
Eel and elver fishing or export	2	4	0	4	1	1	3	0	4	0	1	2	0	2	0
Theft Act (Stealing of fish from private waters)	10	2	17	7	2	5	2	17	6	1	5	2	16	5	0
Sea Fisheries – nets, boats and cockling	364	475	398	378	477	342	455	390	369	469	65	62	83	86	45
Total	3815	4169	2681	3095	4163	3480	3777	2457	2968	1105	2262	2648	1626	2037	679



Joint patrol between FESS and EA in Northampton



The EA seizing rods in a suspected case of unlicensed angling

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. Given the funding comes from coarse fish and non-migratory trout licences, the FESS is not involved with either migratory salmonid or marine enforcement.

The FESS is a team of mainly retired police officers. The six regional enforcement managers at FESS run the Voluntary Bailiff Service of the Angling Trust.

Extent of crime

The table provides information not presented in previous Wildlife Crime reports – this time information for Wales is included. Figures have been provided by the EA, NRW, FESS and the Association of IFCA's.

Information is provided for the years 2016 – 2020. Each fisheries crime type is discussed below to explain them and provide context. The COVID pandemic restrictions for most of 2020 had a major impact: people went out much less, with less enforcement staff out, less was detected; and with fewer solicitors and courts operating, prosecutions were much reduced. With the figures in 2020 so affected, comments on trends are therefore largely based on the years 2016 – 2019.

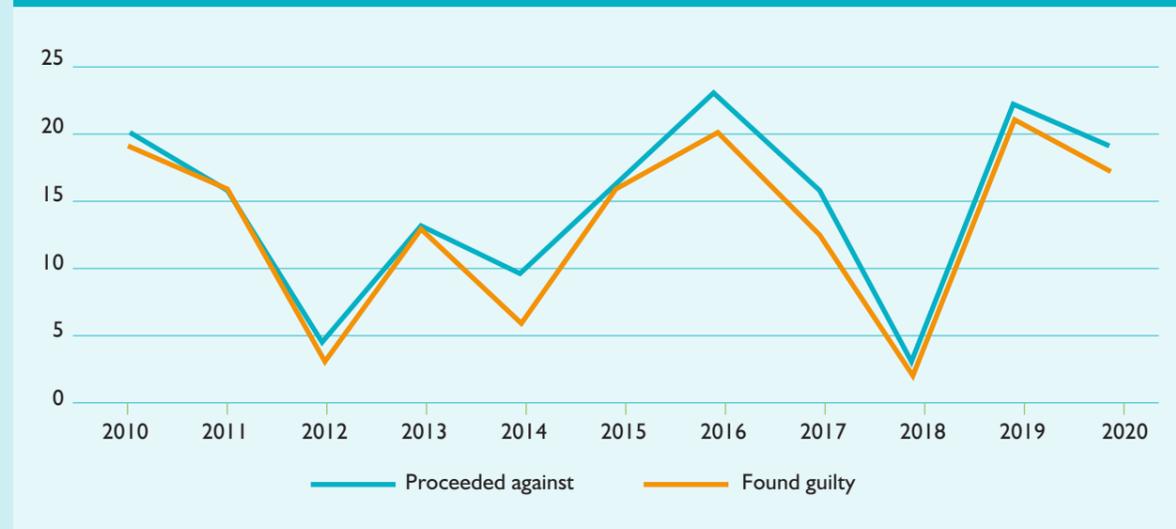
Of all the fisheries crime figures reported here, these Fisheries Theft Act crimes are those most likely to be under-reported, as these are usually reported direct to the police, and it has not been possible to collate figures from the 43 police forces. This is an area we continue to seek improvement. More consistent reporting to and by the police would allow a more complete picture on fisheries crime to be recorded.

Spotlight on fishing without a rod licence

These are reports, confirmations and convictions of the number of cases of people fishing without a rod licence or flouting byelaws (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 and the Fisheries Enforcement Support Service (FESS) of the Angling Trust for the EA.

Over the four years 2016 – 2019 there was a general trend downwards of the number of cases, and this probably reflects a downward trend in the number of people angling in recent years. The proportion of people convicted after confirmation of an offence has averaged about 75%.

Fisheries Theft Act cases prosecuted at Magistrates court 2010-2020: Defendants proceeded against at Magistrates Court and found guilty at all courts for offences of taking and destroying fish HO Code 116/11, England 2010 – 2020





Joint patrol between the police and FESS in the East of England.

In 2019 The EA prosecuted 1895 Individuals with the average fine being approx. £300. The maximum fine for a rod licence offence is £2500. In 2020 The EA prosecuted 583 individuals, the large drop in prosecutions was due in the main by the restrictions placed on the Fisheries Enforcement Officers by COVID restrictions.

The sale of rod licences (the income from this is reinvested into the EA fisheries improvement budget) was up by over £3 million for 2020. This was no doubt helped by the Angling Trust campaign #whenwe fishagain – which allowed fishing to recommence in May 2020, early in the COVID lockdown, and was one of few outdoor permitted activities at the time.

Recent challenges

Eel fishing represents an area of particular challenge following Brexit. European eels are caught as juveniles (glass eels or elvers) or in their continental growth-stage (yellow or silver eels) with about 300 licences issued per year. In recent years, the UK catch of glass eels has been ~10% of that across European range States. European eels are classified as critically endangered on the IUCN list Red List of threatened species.

There is a very lucrative illegal export trade of elvers to the Far East for aquaculture. Elver trafficking from Europe to Asia is one of the most significant wildlife crimes on the planet, worth an estimated £3 Billion in 2017, when retail sales of end product are considered. 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 UK fish trader who exported £6M worth of eels from Spain and France to China via Heathrow (see the Khoo case study in the illegal wildlife trade chapter for more details). Brexit caused the legal trade of elvers from England and Wales to the EU to cease from 31 December 2020. This means the 300 fishers have no legal market. There may be temptation to catch and sell illegally to traffickers for the lucrative trade to Asia and again we ask the national and local enforcement agencies to be vigilant.

Recent highlights

The FESS has provided 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.

'I'm a crayfish, get me out of here'

A recent incident in Wales highlights one of the potential consequences of wildlife crime – biosecurity breaches and the spread of invasive species. Invasive species are one of the biggest threats to UK biodiversity. There are laws to prevent the release of non-resident species and laws that regulate the import, export, trade, keeping and use of live specimens of certain particularly high risk species. Biosecurity crimes rarely make the headlines, but in 2020 goings-on during the filming of **'I'm a Celebrity, Get Me Out of Here'** by ITV (and their production company Lifted Entertainment) brought this area of wildlife crime into the public eye.

Concerns were initially raised online in November 2020 by viewers, including wildlife presenter Iolo Williams, who observed buckets of animals, including blow-fly larvae, meal worms and cockroaches being flung around the filming set, located in the North Wales countryside next to the Gwrych Castle woods SSSI, in such huge numbers and with such abandon that they would be likely to escape into the wild, in contravention of the Wildlife and Countryside Act 1981. As a result of complaints the North Wales Police investigated and issued "suitable advice to the production team regarding their set management and biosecurity". An **'I'm a Celebrity'** spokesman defended the programme stating that **"All of the insects used on I'm a Celebrity are non-invasive species"**

However, a more detailed analysis of footage by the charity Buglife found that the TV programme had used narrow-clawed crayfish in an episode; a highly invasive crustacean that damages aquatic ecosystems. It is strictly controlled, being listed as an invasive non-native species under the Wildlife and Countryside Act 1981 and covered by the Prohibition of Keeping of Live Fish (Crayfish) Order 1996. Further investigation by Buglife uncovered initial confusion about who should be responsible for enforcing the multiple layers of legislation, particularly regarding the attribution of activities and responsibilities between England and Wales. It transpired that the Centre for Environment, Fisheries and Aquaculture Science (Cefas) was the lead authority and the information sparked a significant, and ongoing, investigation.

The investigation tracked the crayfish back to their initial trapping from a population of the invasive animal established in the wild in the UK, through a number of hands, until they were disposed of after use in the show. It was established that no licence was held for the use, indeed 'entertainment' is not a licensable activity. While it was clear a crime had been committed, as a non-indictable offence Cefas decided not to prosecute. Cefas stated "Given the nature and scale of the offence we do not think that it warranted referral for prosecution, and we do not anticipate that those involved are likely to repeat the offence." The individual, who has not been named by the authorities, judged to be the 'keeper' of the crayfish during filming was the recipient of a warning.

To ensure no repeat of the events of 2020 the Welsh Government convened a meeting between the production company, Lifted Entertainment, Natural Resources Wales (NRW) and Cefas on the 27th October 2021, at which the licencing requirements and legal framework were explained: including the Wildlife and Countryside Act 1981, the Invasive Alien Species Regulation 2014, the Invasive Alien Species (Enforcement & Permitting) Order 2014, the Import of Live Fish (England and Wales) Act 1980 and the Prohibition of Keeping of Live Fish (Crayfish) Order 1996.

In the words of Buglife CEO Matt Shardlow, *'Invasive species cause billions of pounds worth of damage every year, preventing that ecosystem destruction is a high priority, so it is essential that people working with animals and biological material are aware of their legal and moral responsibilities. We are disappointed that the flagrant disregard for biosecurity paraded on the nation's TVs during 'I'm a Celebrity...in 2020 did not result in a prosecution and conviction, it appears that when it comes to environmental crime ignorance can be an excuse'*.



The FESS strategy also includes the Building Bridges Project, which engages with migrant communities and provides multi-lingual information to improve education. There is perceived cultural difference between migrant anglers from eastern and central Europe, which has in the past led to problems between communities, generating not only fisheries crime but also hate crime. In response the Building Bridges Project, staffed by Polish, Lithuanian and Romanian speakers, focusses on educating and integrating migrant anglers into the British angling community.

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. In the past the FESS has worked closely with the Magistrates' Association and CPS, contributing Impact Statements and training. The FESS also works closely with the Police especially Rural and Wildlife crime officers as well as local neighbourhood teams in tackling a wide range of interlinked rural crime.

In the 2020/2021 reporting period the Voluntary Bailiff Service carried out over 11604 patrols, reported 648 Incidents to both the Police and Environment Agency and submitted 386 Intelligence reports. Although the number of patrols were slightly down on 2019, due in part to COVID restrictions, the number of reports and intelligence rose dramatically.

Sea Fisheries

Sea Fisheries also represents an area of progress. 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. 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 Marine Management Organisation (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.

For 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, particularly by police forces.
- Intelligence must be acted upon by our enforcement agencies – and feedback provided,
- Adequate resources are needed. Most government agencies have had their funding reduced in recent years, impacting on their abilities to detect fisheries crimes.
- A lack of legal market for elvers to the EU from 2021, post-Brexit, could tempt some to fish for the lucrative illegal Asian market. The national Wildlife Crime Agency and the local agencies (EA and NRW) are asked to be extra vigilant to keep this very significant crime to a minimum in the UK.
- Awareness must continually be raised regarding the actual impact of and facts concerning fisheries related crime.



The most commonly hunted animals are red fox, red deer, roe deer and brown hares

Hunting

Chapter provided by the League Against Cruel Sports (LACS)

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 particular species of animal that are still persecuted through illegal hunting and other associated crime. The most commonly persecuted species are 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.

Hare coursing was banned by the 2004 Hunting Act, but many rural communities have seen the activity continue, with consequent impacts on the local hare population. Despite the 2004 Act, the Game Act 1831 is the legislation used most often to prosecute coursing offenders, as it is easier to demonstrate illegal activity under its provisions. Motoring offences and criminal damage are also sometimes used to prosecute coursing offenders.

Drivers of crime

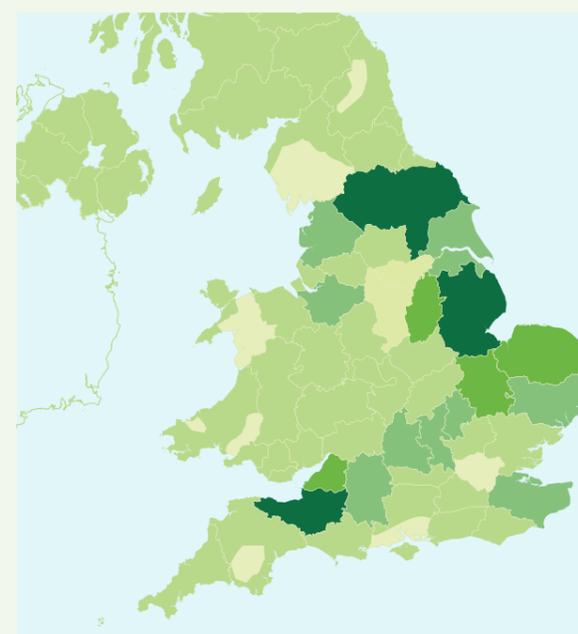
Since the Hunting Act 2004 became law, the vast majority of hunts have adopted “trail hunting”, a practise where hounds following a pre-laid trail of scent, whether that be fox-based or artificial. The term did not come into existence until hunting became a criminal offence. Although there are nine exemptions to illegal hunting, the majority of hunts have chosen to practice trail hunting.

A considerable weight of evidence from monitors across England and Wales suggest that hunting of foxes, hare and red deer continues in many areas in spite of the law. Some hunting advocates would like to see the repeal of the Hunting Act 2004, although numerous surveys show that the vast majority of the public do not agree.⁵

Hunting Act Offences MOJ data 2005 – 2020



	2018	2019	2020
Proceeded against	47	49	25
Convicted	21	17	8
Conviction rate	45%	35%	32%



The map shows the spread of **Hunting Act offences (both convictions and proceeded against) by police force area for the last 3 years (2018 – 2020)**.

The darker the colour the more proceedings there have been; this does not show the number of successful convictions by police force area.

The map 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 and this should be reviewed.

5. <https://www.ipsos.com/ipsos-mori/en-uk/attitudes-hunting-2017>

The Ministry of Justice data¹ also shows convictions by police force area, the last three years of data is shown below in the table broken down by police force and a conviction rate for each force.

	2018	2019	2020	All proceedings	Convictions	%
Avon and Somerset	2	14	3	19	0	0.00%
Bedfordshire		4		4	4	100.00%
Cambridgeshire	1	6	2	9	3	33.33%
Cheshire	4			4	4	100.00%
Cleveland				0	0	0.00%
Cumbria			1	1	1	0.00%
Derbyshire	1	1		2	2	100.00%
Devon and Cornwall				0	0	0.00%
Dorset	1			1	0	0.00%
Durham			1	1	1	100.00%
Dyfed-Powys				0	0	0.00%
Essex				0	0	0.00%
Gloucestershire		3	3	6	3	50.00%
Hampshire				0	0	0.00%
Hertfordshire				0	0	0.00%
Humberside	1		3	4	1	25.00%
Kent	2	1		3	2	66.67%
Lancashire	3		1	4	0	0.00%
Leicestershire				0	0	0.00%
Lincolnshire	13		3	16	10	62.50%
Merseyside				0	0	0.00%
Metropolitan Police		1		1	0	0.00%
Norfolk	3	4	2	9	2	22.22%
North Yorkshire	9	17	2	28	13	46.43
Northamptonshire		1		1	0	0.00%
Northumbria				0	0	0.00%
Nottinghamshire	1	6		7	2	28.57%
South Yorkshire	2			2	0	0.00%
Staffordshire				0	0	0.00%
Suffolk	2	1	1	4	2	50.00%
Surrey				0	0	0.00%
Sussex		1		1	0	0.00%
Thames Valley	2		2	4	3	75.00%
West Mercia				0	0	0.00%
West Midlands				0	0	0.00%
West Yorkshire				0	0	0.00%
Wiltshire		3	1	4	2	50.00%
Total	47	49	25	121	55	45.45%

Outcome	2018	2019	2020	Total
Closed – CPS insufficient evidence		2	3	5
Closed – case discontinued by CPS	1	3		4
Closed – NFA		1	3	4
Closed – Police decision NFA			4	4
Closed – not guilty	1	2		3
Open – reported to Police		2	1	3
Closed – discontinued by CPS		2		2
Open – awaits Court			2	2
Closed – case dismissed at Court			1	1
Closed – failings by CPS		1		1
Closed – failings by Police			1	1
Closed – guilty	1			1
Closed – not guilty				
Closed – not charged		1		1
Closed – unable to ID suspects	1			1
Total	4	14	15	33

With regards to coursing, money from betting remains a key driver, particularly when concerning hares. Coursing is linked to wider criminality, with gambling on the activity involving large sums of money. The sighthounds used are highly prized, and may be valued at thousands of pounds by their owner.

Deer are also targeted by coursers, with the dogs used for this being bred specifically to be larger than greyhound and lurcher types used for hares, in order to be big and strong enough to bring down adult deer. Given the size of roe and fallow deer, this can result in a long and sickening death and film footage seized of such occurrences is truly upsetting, featuring deer crying out in anguish, pain and distress.

Extent of Crime

The chart on page 21 shows the number of cases that have resulted in court proceedings (proceeded against) and of those the amount that have resulted in a conviction. These figures are from the Ministry of Justice site and are from 2005 – 2020. The last three years of figures are shown on the separate table.

Further to this the League holds information specifically on Hunting Act offences that relate to an organised fox, hare and deer hunts – these are shown above. This figure may in fact be higher as it simply reflects all offences that the League have knowledge of. The table shows these offences by year and by outcome (where known).

Spotlight on hare coursing

Unlike a lot of criminal offences, there is no requirement from the Home Office for forces to report the number of hare coursing incidents, and as such no consistent mechanism for counting the number of reports, in particular to separate them from other poaching, trespass etc.

The hare coursing season will typically run from September through to March, starting earlier if there is an early harvest. Offenders will seek to intimidate farmers and rural communities – sometimes with assaults or direct threats, but also by leaving dead hares in prominent locations, as a brazen act intended to dissuade witnesses from giving evidence.

The low legal sanctions available for hare coursing offences has been a challenge when police look to dedicate investigative resources, as the law requires police to act in a manner proportionate to the offence.

Operation Galileo, led by Lincolnshire Police, has sought to address these issues. In 2019 Operation Galileo brought forces across the UK together to tackle hare coursing more effectively. Initial findings identified 4 police forces with a high volume of reports, 8 with a mid-level and a further 23 with low (or unknown) levels. The first season of a national Operation Galileo approach united those top 12 police forces behind a joint approach

Lincolnshire recorded 1935 incidents in the 2016/17 season, 1365 incidents in 2017/18 and 873 incidents in 2018/19. In reality, this is not likely to reflect a national reduction in offending, simply that the offenders travel widely, and will offend in the parts of the country where they believe they are most likely to escape capture and police attention. There is a clear link between police commitment to hare coursing and a reduced level of offending locally. It is likely that the commendable efforts of Lincolnshire Police led to hare coursers avoiding the county and undertaking their activities elsewhere.

As such Operation Galileo seeks to better understand the tactics most likely to stop coursing across the country rather than displacing it.

One of the most effective tactics has been for police to seize dogs used for coursing – in some cases this will be for 48hrs, in others until the case is heard at court. Whilst the prevention effect of seizing a dog is significant, it means the associated costs (vets bills, kennels etc) are met by the police. There is currently no option for courts to impose those costs on offenders when convicted. This has resulted in situations where police forces have seized dogs and accrued bills of several thousand pounds, only for the offender to be fined a few hundred pounds and receive the dogs back after conviction.

Recent challenges

During 2020 there were a number of criminal investigations into allegations of illegal hunting, nearly all of which failed for a variety of reasons, including a lack of police training on the legislation. Other cases reached the Crown Prosecution Service “full code test” for charging/summons to be issued but then failed at court due to prosecution missteps. Some of these missteps have resulted in negative comments from presiding District Judges during trials. It is not envisaged this trend of cases not leading to prosecution will improve any time soon, unless police forces accept that they need specialist assistance in investigating hunting crimes and the CPS addresses the persistent issues affecting prosecutions.

With regards to hare coursing, the reality is that the Game Act 1831 is not an effective piece of legislation in terms of matching the harm caused (to the hare population and rural communities) to the consequences at court. Courts are limited by the Act in what outcome they can impose, resulting in fines that are relatively low – limited to a maximum of £1000 where the offence involves fewer than five people. Such fines can fall well short of the betting proceeds that can be made from a coursing session.

Police forces are also faced with the cost of dog seizures, and not all forces have chosen to do so – perhaps understandable when the likelihood is that the dogs will be returned, even after a guilty verdict. Operation Galileo forces continue to work with partner agencies to secure more effective legislation, to prevent offending and ensure courts have the power to impose sentences that reflect the impact of the offending.

A further consequence for those forces that have chosen to seize dogs is that the number of pursuits – where hare coursers seek to escape police has increased significantly. Pursuits are a high-risk activity for police, with recent incidents seeing members of the public injured in collisions with fleeing hare coursers.

Recent highlights

In August 2020, two webinars were organised by the Hunting Office. Eight speakers in total gave presentations to hunt masters across the country on different aspects of hunting. However, these webinars were recorded by a source which resulted in them being released to the public. As a result of this, Mark Hankinson, a Masters of Foxhounds Association Director was charged with intentionally encouraging and inciting others to breach the hunting Act under the Serious Crimes Act 2007. On the 15th of October 2021, Mark Hankinson was convicted.⁶ The presiding judge also remarked on comments made by two further individuals on the webinars.⁷ The League Against Cruel Sports has asked for cases to be opened on these individuals also.

On hare coursing, more forces have joined Operation Galileo for 2020/21 and more nationally coordinated work is being completed to target the offenders who cause greatest harm. This work is focused on all of the criminality involved in coursing, rather than relying on outdated legislation.

Naturewatch Foundation has expanded their wildlife investigation work to cover all wildlife crime involving the use of dogs, where there is a named individual. This includes, but is not exclusive to, badger persecution, hare coursing, deer hunting etc. Their covert investigators regularly uncover crossovers with badger crime and other wildlife crime.

Matters to be addressed

- All police forces should ensure they have specifically trained officers who thoroughly understand the Hunting Act and associated legislation. All too often hunting cases are discontinued due to poor practice, lack of knowledge, and a lack of understanding around filmed footage and how this applies practically to the law.
- The CPS should have prosecutors across all the regions who thoroughly understand the Hunting Act legislation and how to work with filmed evidence in hunting cases. We are encouraged by the CPS’s recent work with the Wildlife Crime group to provide further training to prosecutors and hope that this can continue into 2022.
- The CPS should also give barristers longer notice to advocate a case in court. The short notice instruction of barristers in many cases results in cases falling over due to a lack of preparation and understanding of the evidence and relevant law, when coming up against defending barristers (who are often QCs) who have had ample time to prepare.
- Police are developing a good understanding of the nature of hare coursing, and the interdependencies with other types of crime, including rural thefts and drug supply. This means the police commitment to tackling the issue can be more effective through the deployment of tactics that work. However further progress will require a consistent commitment nationally, which can be difficult to achieve with competing police priorities.
- Progress on hare coursing needs to be complemented by work to tackle deer coursing.
- The legislation used to prosecute hunting crimes (much of which dates from the 19th century), must be made fit for the 21st century.
- Intelligence about hunting offenders is not always forthcoming. The main perpetrators are covert in their communications, and hard to identify. More investment in digital and financial tracking is needed to crack this.

6. <https://www.bbc.co.uk/news/science-environment-58654916>

7. <https://inews.co.uk/news/police-furious-member-house-of-lords-not-prosecuted-fox-hunting-1258424>



Number of known CITES prosecutions in the UK from 2010 – 2020										
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
13	6	15	17	14	7	15	4	5	8	4

Border Force summary seizure records from 2020										
Quarter	Total Seizures	Caviar and Caviar extract	Live Coral and derivatives	Ivory and ivory items	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)
Q1	91	0	3	6	3	4	20	44	5	6
Q2	38	1	1	1	0	4	12	7	7	6
Q3	161	1	2	5	2	7	25	86	27	7
Q4	199	2	2	33	1	5	61	53	41	4

Illegal Wildlife Trade

Chapter provided by WWF, with thanks to IFAW, FOUR PAWS UK & TRAFFIC

Legislation

International trade in wildlife is regulated by the Convention on International Trade in Endangered Species (CITES). The UK implements CITES through the 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 animals. The Animal and Plant Health Agency (APHA) provides policy advice to the government on CITES and wildlife enforcement and issues import, export and sale licences for species listed on the appendices of CITES and the annexes to the 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

Demand for live species and wildlife products drives wildlife trafficking offences. Wild animals such as tortoises, 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 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 trade 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. The trade in bushmeat appears to be growing, with bushmeat products being in high demand in some UK communities. There is also evidence of the UK being used a hub for the trade of bushmeat products into the EU, posing a risk in terms of the spread of zoonotic disease.⁸

Wildlife trafficking is further stimulated by a growing and largely unregulated market online, with easily accessible adverts found on social media. There is an array of platforms where all kinds of trades are going on, often with illegal trade passing on as legal. One of the most common one being Facebook, where illegal wildlife adverts have increased despite its steps to combat animal trafficking. Similarly, criminals are using international logistics companies to facilitate trafficking.

Extent of recorded crime

A lack of available data/records continues to constrain our understanding of the scale, scope, and character of illegal wildlife trade in the UK. This impedes the ability of the government and national agencies to direct resources to effectively address illegal wildlife trade, measure impact and track trends. Current methods to monitor, record and quantify confirmed crimes are inadequate and needs to be addressed. In 2020, we are aware of only four CITES prosecution cases in the UK, which is a reduction by four on 2019 and the lowest number of CITES prosecutions that has taken place in a year since records have been collected by TRAFFIC. Border Force seizure records show a marked decline in total seizures in the first two quarters of 2020 in comparison to 2019, which might reflect changes linked to the onset of the COVID pandemic.

Recent challenges

Gilbert Khoo, a seafood salesman transported eels from London to Hong Kong, hidden underneath chilled fish, between 2015 and 2017. He was caught after Border Force officers found 200kg of the “glass eels” at Heathrow Airport. It was the first seizure of its kind in the UK. Khoo was sentenced at Southwark Crown Court on 6th March 2020 to 24 months imprisonment on each of three counts of evasion of a prohibition on the export of goods. Each sentence was suspended for two years. He was also found guilty of three counts of failure to notify movement of animals. The prosecution said the crimes involved 16 consignments with an estimated retail value of £53,265,000 in the illegal market for them in Asia. Khoo kept the live eels, imported from countries within the European Union, in a barn in Gloucestershire, before repackaging them to be exported.

8. <https://www.ecojust.eu/bushmeat-trafficking-in-europe-a-ticking-time-bomb/>



Gilbert Khoo and some of the eels he tried to export



Aaron Halstead with tiger head

Judge Jeffrey Pegden QC, who also ordered Khoo to do 240 hours of unpaid work for the community, said: “In my view you played a leading role in this country in what was a large commercial operation driven by others, the purchasers abroad, where the desire for the glass eels was abundant.” The judge said he had “no doubt at all” that Khoo’s criminal operation had “a significant environmental impact upon the European glass eel”, which has a 30-year life cycle.

Despite this, the sentence that Khoo received was a disappointment to those involved in the case, as it does not reflect the seriousness of the offences committed, both in terms of the profit made and the negative impact on this critically endangered species.

Recent highlights

In December 2017 the UK National Wildlife Crime Unit and Lancashire Police launched a joint investigation into Arron Halstead after being alerted to the fact that he offered to sell a black rhino skull, a sawfish rostrum and a sperm whale tooth without the required permits. Halstead had been aware that permits were required for sale and had suggested methods of evading detection.

As a result, in January 2018 officers as part of Operation Rambler, executed search warrants and seized a wide range of taxidermy related items including stuffed tiger cubs, rhino horns, rhino heads and elephant tusks, as well as the items that Halstead had offered to sell illegally.

Officers undertook analysis of the paperwork and data from Halstead’s phone and WhatsApp messages showing that he had been trading extensively in taxidermy. Although the majority of his trading had been legal, officers found evidence showing that Halstead was also involved in an illicit trade with dealers from around the globe.

Halstead had used contacts in Spain to broker the sale of rhino horns to buyers from China. Falsifying documentation for a cover story he drove to Calais twice where he met the buyers and sold four rhino horns for significant amounts of cash. At the time of the warrant Halstead was arranging to sell two more horns which officers found in his freezer. They also uncovered messages indicating Halstead was actively trying to source further illicit items, including rhino horns which he intended to sell to his Chinese contacts.

As the investigation progressed Halstead’s activities also attracted the attention of Interpol and the Dutch Police after officers found that Halstead had acquired tiger skulls from another dealer based in the Netherlands which he was selling to other contacts.

Halstead was charged with offences relating to the prohibited trade in Rhino horns and skulls, Tiger skulls, Elephant tusks, Sperm whale teeth and Sawfish rostrum, some of the world’s most endangered species. At Preston Crown Court on 23rd June 2020 Halstead entered guilty pleas to offences contrary to the Control of Trade in Endangered Species (Enforcement) 1997 and was sentenced to a total of 56 weeks in custody.

This is the third occasion that Halstead has come to the attention of the Police and National Wildlife Crime Unit. In December 2015 Halstead was given a 24-week prison sentence for the prohibited trade in other endangered species. In fact, he is believed to be the first person in the UK to be imprisoned twice for offences under the regulations.

Matters to be addressed

A number of these issues have been carried forward from previous years, and remain areas of concern that still need to be addressed.

- Research is needed to understand why the number of CITES prosecutions has declined over the last 4 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 the illegal wildlife trade, related court proceedings and penalties.
- Specific wildlife crime officers should be employed for each police force with recognised targets against which to report.
- 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 illegal wildlife trade crimes are correctly recorded.
- Private companies (both social media and logistics companies) need to develop better practices to detect, report and disrupt use of their services by traffickers.
- Legal loopholes that allow the commercial trade in live captive tigers through the UK should be closed. The keeping tigers and other big cats in private collections should be prohibited, to ensure that there can be no links to the illegal wildlife trade



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Around 27 species of cetaceans live seasonally or year-round in English and Welsh waters, as well as grey and harbour seals.

Marine mammals

Chapter provided by Whale & Dolphin Conservation, with thanks to Cornwall Wildlife Trust

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. As of 1 March 2021 amendments made to the Conservation of Seals Act 1970 by Schedule 9 of the Fisheries Act 2020 came into force. Individual seals can no longer be controlled under the 'netsman's defence' as this defence was removed from the legislation as of 1 March 2021, to ensure compliance with new US import rules.

This Cornwall-specific data compiled by Cornwall Wildlife Trust on behalf of the Cornwall Marine and Coastal Code Group (CMCCG) shows that the number of reported disturbance events in Cornwall has nearly tripled in the last 6 years between 2014 and 2020⁹. There is a clear seasonal peak in August, which coincides with the peak visitor season in Cornwall.

Extent of recorded disturbance incidents in Cornwall (data provided by Cornwall Marine and Coastal Code Group)

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
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
2020	366	33	1	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. This further leads to fatigue with members of the public not wanting to continue to report repeat incidents due to lack of action by the authorities. In some cases handling of the call by the call centre at 101 can be off putting leaving members of the public feeling they have wasted police time.

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 wildlife crime professionals to better understand the extent and trends over time. Although it still appears that not all incidents are adequately recorded by the police, leading to misleading and underreported data. Members of the public are encouraged to ask for an incident number to ensure reports are logged. Cases that are logged with the police need to be clearly identifiable as potential marine mammal crime.

In 2020, restrictions on travel existed due to the COVID pandemic. As a result more UK residents went on domestic holidays. This led to a perceived increase in disturbance of marine mammals around the coastline, although data are not formally reported. It appears that in some cases insufficiently trained officers have spoken to perpetrators and unclear messaging has been given as a result, leading to misguided awareness surrounding best practice.

Recent highlights

Disturbance of marine and coastal wildlife is an increasing problem in England and Wales. The continued perceived increase in disturbance cases has led to the disturbance issue having more of a public profile on social and traditional media.

Wildlife crime officers continue to highlight 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.

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. The online Adventure WiSe course is a new course presented as

9. <https://www.cornwallwildlifetrust.org.uk/news/marine-disturbance-cornwall-triples-six-years>

part of the WiSe Scheme suite of professional practitioner courses. The Adventure WiSe course has been developed to be the WiSe Scheme professional standard for sea kayakers, wild swimmers, coasteerers, stand-up paddle boarders, snorkellers, coastal rock climbers and coast walkers to help them minimise disturbance to marine and coastal wildlife.

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.

Matters to be addressed

- Legislation should be revised so it is fit for purpose to enable prosecution of marine mammal disturbance, where data exists.
- Public awareness needs to be raised about existing marine mammal protections, what constitutes good behaviour. Public awareness also needs to be raised about 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, including 101 call handlers, needs to be maintained and improved, including among wildlife crime officers.
- All incidents reported should be recorded to the appropriate level of detail so data can be analysed.
- 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.
- 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.
- Commercial tour boat operators need to be licenced, monitored and where required, follow a set route.
- The wildlife watching industry should be regulated, with commercial tour boat operators being licenced, monitored and where required in some circumstances to follow a set route.



Plants and fungi

Chapter provided by Plantlife International

Species and legislation

There are several 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 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. There are over 30,000 plant species listed on CITES Appendices, most species are in Appendix II and can be traded internationally with the correct documentation. For specimens listed on Appendix I, trade is only permitted under special circumstances.

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 1996 and it is estimated that 60 – 90% of medicinal and aromatic plants are collected from the wild.

Extent of recorded crime

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. In terms of international illegal trade, wild plants (including timber and plant derivatives) make up more than half of all CITES seizures by the UK Border Force (see page 27).

Recent challenges

Following the Transition Period of the UK exiting the EU, European laws protecting plants and fungi have been brought into force through Statutory Instruments of the UK. This has led to opportunities for raising awareness of legislation and changes.

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.

Recent highlights

In June 2019, two individuals were convicted in relation to the theft of almost 13,000 snowdrop plants from the Walsingham Estate in Norfolk in March that year. The bulbs were valued at just under £1,500. One individual was jailed for 10 months and another was ordered to complete 200 hours of unpaid work; they admitted to the charges of theft and criminal damage. A third person was cautioned by police.

In March 2021, thousands of bluebell bulbs were illegally uprooted in a woodland near Fakenham in Norfolk. Two individuals have been convicted and fined £200 each, while two other individuals had not appeared in court at the time of writing.

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.

Matters to be addressed

- Wildlife crimes including plants and fungi should be recorded in a manner that makes statistics available.
- Police forces should be supported with resources needed to undertake 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 sentencing guidelines for wildlife crimes.



Raptor persecution

Chapter provided by RSPB

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

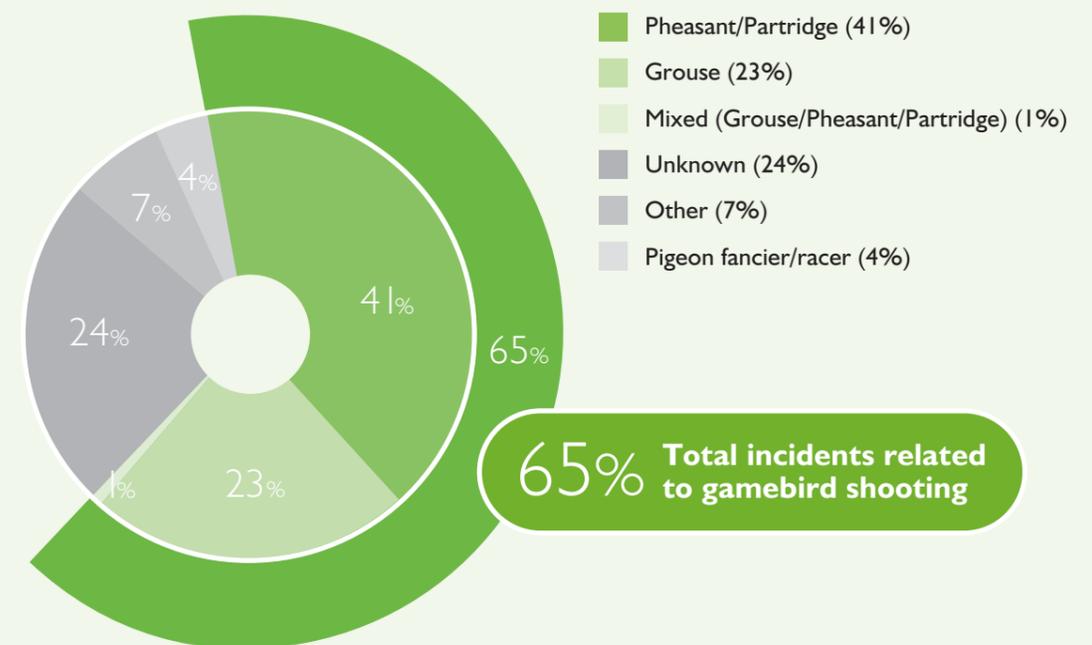
Scientific monitoring of raptor populations, supported by wildlife crime data and intelligence, continues to show the key driver of raptor persecution is the conflict with land managed for game bird shooting. Raptors are deliberately targeted to reduce potential predation on game bird stocks and disturbance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

In 2020 raptor crimes took place across England and Wales on land that was being managed for a variety of uses. However, a minimum of 68 (64%) of all confirmed incidents were linked to or connected with gamebird shooting. Of these, 43 (41%) related to pheasant and partridge shooting, largely in lowland areas, and 24 (23%) related to red grouse shooting, found largely in the north of England (see **Figure 1**). Government research¹⁰ published March 2019 shows 72% of 58 satellite-tagged hen harriers were killed, or most likely killed, on or near grouse moors (2007– 2017).

*Crimes against raptors in Wales 1990–2019*¹¹, a paper written by RSPB Cymru and published this year by the Welsh Ornithological Society, summarises the plight of raptors in Wales over the past three decades. It shows that the probability of a persecution incident from 2010 to 2019 was three times higher in areas where driven shooting of gamebirds is available for sale.

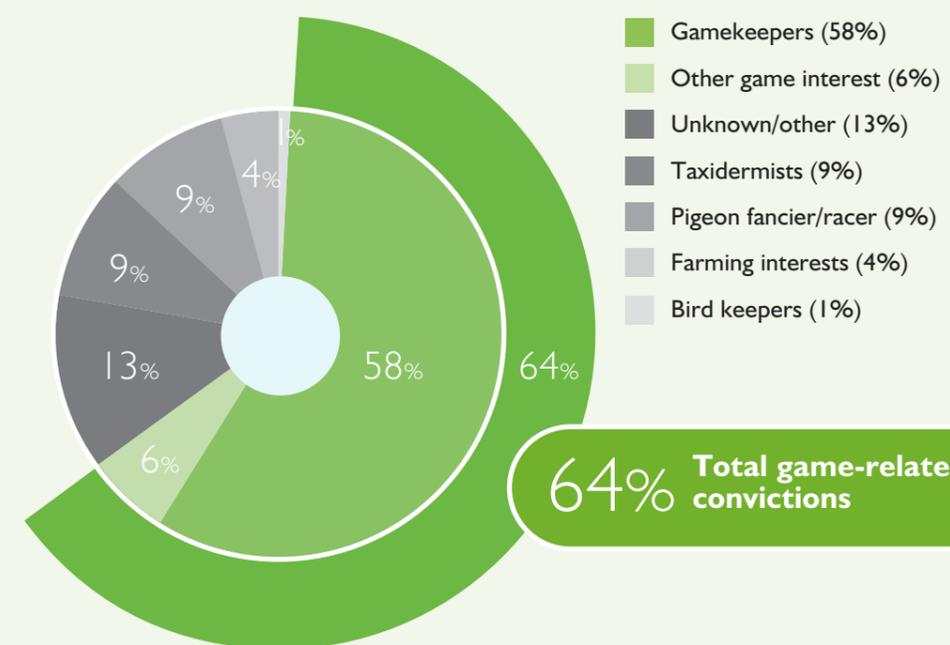
10. <https://www.gov.uk/government/news/study-suggesting-widespread-illegal-killing-of-hen-harriers-on-english-grouse-moors-published>
 11. <https://birds.in.wales/wp-content/uploads/2021/08/Birds-in-Wales-18-1-text-pp3-19.pdf>
 12. <https://rspb.maps.arcgis.com/sharing/rest/content/items/74d9fd4823c2401585cf6b4d78a35702/data>

Figure 1 The 104 confirmed raptor persecution incidents in England and Wales 2020, split into likely persecution groups



Note: Shows confirmed incidents which have been classified as connected with main persecution groups (with high or reasonable certainty >50%) based on evidence and intelligence. See *Birdcrime 2020 Appendices*¹² (**Figure 5**) for further details.

Figure 2 The occupations/interests of the 112 individuals convicted in England and Wales of bird of prey persecution-related offences 1990-2020



Almost two thirds (64%) of convictions involved gamekeepers and game interests. There was one bird of prey persecution related conviction in England and Wales during 2020 which involved a pigeon fancier killing a sparrowhawk with a catapult. He pleaded guilty and was fined £653 plus £85 costs and a £63 victim surcharge.

Extent of recorded crime

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 force/ enforcement partner including National Wildlife Crime Unit/RSPCA as appropriate.

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

In total, in 2020 there were 104 incidents of confirmed raptor persecution recorded in England and Wales. 99 of these occurred in England. This is the highest figure the RSPB has ever recorded in England (see **Figure 3**) and represents a doubling on the year before.

Recent disappointments

Bird of prey persecution reached the highest recorded level during 2020, hen harriers remain on the verge of extinction as a breeding species in England, and yet in 2020 there was only one bird of prey persecution related conviction in England (see **Table 1** and **Figure 4**).

Since 2018 fifty-seven (57) hen harriers are known to have been illegally killed or gone missing in suspicious circumstances (UK). This is despite the Defra Hen Harrier Action Plan. Although the most recent figures show that 84 young hen harriers fledged in England in 2021 from 24 successful nests, the future of these individuals looks bleak considering that the peer-reviewed science indicates that many of these will most probably be illegally killed or suspected to be subject to persecution. The government's own study in 2019 found illegal killing was the number one factor suppressing the UK hen harrier population.

As **Figure 4** shows, the risk of being caught and prosecuted for raptor persecution remains very low. This is despite raptor persecution continuing to be an ongoing issue and reaching an all-time high in England during 2020.

Recent highlights

- An UN-led review assessing the enforcement response to wildlife crime in the UK was carried out in 2021. The RSPB was interviewed in respect of raptor persecution and we look forward to the publication of the findings and the response from UK governments.
- In response to the 'Werritty' review of grouse moor management, the Scottish Government committed to introducing a number of measures: the licensing of grouse shooting businesses; the licensing of all muirburn and the banning of burning on peatlands; and to stopping raptor persecution.
- Three successful Hen Harrier Day events took place online in 2021, to celebrate these iconic and much-persecuted birds. Skydancer Day in spring and Wild Justice's Hen Harrier Day in August were hosted by Chris Packham and Megan McCubbin, and Hen Harrier Action's summer event was hosted by David Lindo, the Urban Birder. Each brought people together to speak out for hen harriers.
- 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 post working on hen harriers and tackling raptor persecution. The role was part funded by the Welsh Government and managed by the RSPB Investigations team.
- There has been a notable and welcomed increase in multi-agency enforcement operations tackling raptor persecution in the last 9 months in England and Wales.

Table 1 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
2018	210	34	Most (see below)	76	2 cases total Case 1: 9 charges (all discontinued) Case 2: 5 charges (found guilty of 3)	2	1
2019	186	35	Most (see below)	54	0	0	0
2020	283	54	Most (see below)	104	1 Case: 1 charge, pleaded guilty	1	1

* 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 2020 Appendices. Note that the data displayed here were extracted from RSPB database on 14 September 2021 and were accurate at time of extraction but are constantly being updated and may be subject to change.

Table 2 England and Wales raptor persecution 2020 – split into incident types

Raptor persecution incident type	Number of confirmed incidents
Shooting	47
Poisoning	26
Illegal Pole/Spring Trapping	3
Illegal Trapping (Other)	5
Nest Destruction	2
Persecution Other	21
Total	104

13. <https://www.arcgis.com/apps/webappviewer/index.html?id=9f64aa57392f4300b3597867801c2fa1#:~:text=Welcome%20to%20the%20RSPB's%20Raptor,persecution%20incidents%20in%20the%20UK.&text=It%20shows%20confirmed%20raptor%20persecution,grid%20square%20from%202007%2D2020.>

Figure 3 Confirmed raptor persecution incidents in England and Wales 2012 – 2020



Figure 4 Birds of prey persecution-related convictions in England and Wales 1990 – 2020



Matters to be addressed

We are calling on the UK and Welsh Governments to:

- Introduce a system of licensing for driven grouse shooting in the UK. If the Government fails to deliver effective reform within five years, the RSPB will move to call for a ban on driven grouse shooting.
- Manage all land legally and sustainably, for people and nature.
- Ban burning on peatlands. To realise the full potential of our uplands we need to restore damaged habitats and allow natural processes to play a part in recovering these ecosystems.
- Make efforts to reduce the number of gamebirds released for shooting.

Our latest annual *Birdcrime* report¹⁴ contains more details.

Case study



One of the buzzards being recovered by North Yorkshire Police

In April 2020, during COVID lockdown, North Yorkshire Police received a report via the RSPB from a member of the public relating to men on a driven grouse moor shooting buzzards.

Police officers subsequently found five dead buzzards hidden in a hole¹⁵ in the ground, where the men had been seen, on the edge of Bransdale in the North York Moors. X-rays and post-mortem examinations confirmed that four of the birds had been shot, and the injuries of the fifth were 'suggestive of damage from a shotgun pellet'. Eight individuals were interviewed under caution in connection with the incident but there was not enough evidence to bring any individual to court.

NOTE – Classifications used:

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.

14. <https://www.rspb.org.uk/about-the-rspb/about-us/media-centre/press-releases/birdcrime-2020/>

15. <https://raptorpersecutionscotland.wordpress.com/2020/05/29/shot-buzzards-found-concealed-on-a-bransdale-grouse-shooting-estate-in-north-york-moors-national-park/>

Conclusions

The latest Office for National Statistics report on crime in England & Wales notes that “patterns of crime in the year ending March 2021 have been significantly affected by the COVID pandemic”¹⁶. This COVID impact can be seen across the spectrum of wildlife crime.

We can see a sharp rise in the reporting of multiple types of wildlife crime and confirmed crimes in some areas in 2020. Reports of likely crimes against badgers rose by 36% in 2020 compared to 2019 with reports of potential fishing crimes up by more than a third (34.5%). The number of confirmed raptor crimes in England in 2020 was double that in 2019.

The lockdowns of 2020 appear to have contributed to this in two ways. There may have been a perception amongst offenders that with the police busy enforcing social restrictions wild animals could be harmed with relative impunity. With increased use of the countryside in the pandemic more members of the public were also present to witness and report incidents of concern.

Further along the crime & justice pathway we have seen a drop in prosecutions and convictions in some areas, including hunting and fishing. The pressures inflicted by COVID appear to have hindered the ability of police forces and the Crown Prosecution Service to bring hunting and fishing cases to trial, despite their best efforts. Hunting prosecutions have more than halved, from 49 in 2019 to 25 in 2020, with only 8 convictions. At the same time fishing crime convictions fell by almost two-thirds from 2037 in 2019 to 679 in 2020, and Illegal Wildlife Trade convictions fell from 8 to just 4 over the same time period.

Crimes against wildlife can sometimes be perceived as a relic of the past, bound to fade away in a more reasoned and compassionate modern world. Unfortunately, though, as increases in crimes during the pandemic show, wildlife crime is enduring and adapting to changing circumstances. A minority of people still seek to harm wildlife for their own pleasure and will seize any opportunity to do so. Badger baiting was written about by Shakespeare and is now being organised via Whatsapp. Far from fading away, wildlife crime is finding new ways to thrive.

This is bad news for public safety. We know that those who hurt animals often hurt people as well – a twenty-year study by the North-eastern University in the USA found that 70% of all animal abusers committed at least one other criminal offence.¹⁷ It is therefore perhaps not a surprise that in many parts of England and Wales, the same gangs that organise wildlife crime also organise other crimes, with links between hare coursing and farm thefts being particularly noticeable.¹⁸

Wildlife crime is also bad news for nature’s recovery. The Government is committed to halting the decline in species abundance by 2030, through a new target in the Environment Act.¹⁹ However, the scale of wildlife crime is such that it could have a non-negligible impact on the population of some species. For example, the raptor chapter of this report highlights the killing of at least 16 peregrine falcons in England & Wales in 2020, out of a breeding population of around 1,000 pairs.

To keep people safe, and to enable nature to recover, we need to tackle the ongoing threat of wildlife crime. The below recommendations set out what can be done to achieve this.

16. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmarch2021>

17. <http://support.mspca.org/site/DocServer/cruelty-to-animals-and-other-crimes.pdf?docID=12541>

18. <https://www.nfuonline.com/nfu-online/news/nfu-reports/nfu-report-combatting-rural-crime-july-2018/>

19. <https://www.thetimes.co.uk/article/rare-wildlife-could-get-better-protection-as-ministers-vow-to-halt-decline-pfnf9twf>

Recommendations

Make wildlife crimes notifiable

Over the past year, thanks to the National Wildlife Crime Unit (NWCU), progress has been made with this issue. Discussions have taken place with both Defra, the Home Office and the NWCU and a “shortlist” of offences have been put forward for consideration for notifiable status, which would ensure that they are officially recorded. We hope that 2022 will see concrete steps to address the data gap that has hindered action on wildlife crime for too long.

Ensure police investigations into wildlife crimes are consistent

Police forces need to ensure that trained staff, with the appropriate resources available to them, investigate wildlife crimes. Senior police management should have confidence within their own force that they have the appropriate staff in place to deliver on that expectation. This includes police call handlers and crime scene investigator support staff.

Build in early CPS advice into criminal wildlife crime investigations

There has always been a recognition within the CPS that police officers should take early advice when it comes to investigating wildlife crime. However, although this is publicised within CPS guidance, this recommendation has not been clearly available to police officers since the removal of wildlife guides within the Authorised Professional Practice (APP). This should be urgently rectified by the National Police Chiefs Council (the body responsible for APP), so that police officers are strongly encouraged to liaise with the CPS at an early stage in investigation.

Deliver consistency of prosecutions within the Crown Prosecution Service (CPS)

Now that the CPS Wildlife Community Panel is back meeting twice per year, and the wildlife crime training of CPS lawyers and barrister advocates is about to commence, it is recommended that it is these trained lawyers and barristers that present wildlife crime cases in court. Wildlife crime cases should not be passed to other lawyers, not fully trained in wildlife crime, at short notice before a trial. This practise has seen many cases fail in the past.

Produce sentencing guidelines for wildlife crime

Despite the vast amount of guidance produced for numerous offences by the Sentencing Council, there is nothing in place for wildlife crimes. This leads to a wide range in sentencing for wildlife crimes where the impact (whether financial or for the species impacted) can be huge - only for the sentence to not fully reflect the impact of the crime. The Sentencing Council should rectify this by producing sentencing guidelines for wildlife crimes.

Implement the United Nations Office for Drugs and Crime (UNODC) recommendations

During the first half of 2021, the UNODC wildlife inspection team investigated the state of wildlife crime from all perspectives using the International Consortium for Combating Wildlife Crime (ICWC) inspection toolkit. Now that the report from this inspection has been provided to stakeholders in draft form, it is recommended that Defra and other Government departments swiftly implement the recommendations contained within it without delay.



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amphibian and reptile conservation



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Wildlife and Countryside Link is the largest environment and wildlife coalition in England, bringing together 62 organisations to use their strong joint voice for the protection of nature, animals and people.

Wildlife and
Countryside



www.wcl.org.uk

Wales Environment Link (WEL) is a network of environmental, countryside and heritage non-governmental organisations working across Wales since 1990.



www.waleslink.org

November 2021