WILDLIFE AND FOREST CRIME
ANALYTIC TOOLKIT REPORT

United Kingdom of
Great Britain and Northern Ireland

August 2021
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<tr>
<td>ACPA</td>
<td>Association of Chief Police Officers</td>
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<tr>
<td>AML</td>
<td>Anti-Money Laundering</td>
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<td>APHA</td>
<td>Animal and Plant Health Agency</td>
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<td>ASBO</td>
<td>Anti-Social Behaviour Order</td>
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<td>BCT</td>
<td>Bat Conservation Trust</td>
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<td>BF</td>
<td>Border Force</td>
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<td>BTO</td>
<td>British Trust for Ornithology</td>
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<td>BTP</td>
<td>British Transport Police</td>
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<td>CBRO</td>
<td>Community Behaviour Order</td>
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<tr>
<td>CCTV</td>
<td>Closed-Circuit Television</td>
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<tr>
<td>CET</td>
<td>CITES Enforcement Team</td>
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<tr>
<td>CFT</td>
<td>Counter the Financing of Terrorism</td>
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<tr>
<td>CITES</td>
<td>Convention on International Trade of Endangered Species of Wild Fauna and Flora</td>
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<tr>
<td>CJJS</td>
<td>Criminal Justice System</td>
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<tr>
<td>CoP</td>
<td>Conference of the Parties</td>
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<tr>
<td>COPPS</td>
<td>Crown Office and Procurator Fiscal Service</td>
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<tr>
<td>COTES</td>
<td>Control of Trade in Endangered Species Enforcement Regulations</td>
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<tr>
<td>CPD</td>
<td>Continuing Professional Development</td>
</tr>
<tr>
<td>CPS</td>
<td>Crown Prosecution Service</td>
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<td>CSEW</td>
<td>Crime Survey for England and Wales</td>
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<tr>
<td>DAERA</td>
<td>Department of Agriculture, Environment and Rural Affairs of Northern Ireland</td>
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<tr>
<td>DEFFRA</td>
<td>Department for Environment, Food and Rural Affairs</td>
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<td>DIFD</td>
<td>Department for International Development</td>
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<td>ETIS</td>
<td>Elephant Trade Information System</td>
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<td>ENVIL</td>
<td>EU Committee on the Environment, Public Health and Food Safety</td>
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<td>EU</td>
<td>European Union</td>
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<td>FAF</td>
<td>Forensics Analysis Fund</td>
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<td>FAO</td>
<td>UN Food and Agriculture Organisation</td>
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<td>FATF</td>
<td>Financial Action Task Force</td>
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<td>FIU</td>
<td>Financial Intelligence Unit</td>
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<td>FWPMA</td>
<td>Freshwater Pearl Mussels</td>
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<td>GB</td>
<td>Great Britain</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>GDPR</td>
<td>General Data Protection Regulation</td>
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<td>G7</td>
<td>Group of Seven</td>
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<tr>
<td>HMRC</td>
<td>Her Majesty’s Revenue and Customs</td>
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<tr>
<td>ICCWC</td>
<td>International Consortium on Combating Wildlife Crime</td>
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<td>ICCWC Toolkit</td>
<td>ICCWC Wildlife and Forest Crime Analytic Toolkit</td>
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<tr>
<td>IFAW</td>
<td>International Fund for Animal Welfare</td>
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<tr>
<td>IFCA</td>
<td>Inshore Fisheries and Conservation Authority</td>
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<tr>
<td>IGO</td>
<td>Inter-Governmental Organisation</td>
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<tr>
<td>IKBI</td>
<td>Illegal Killing and Trading of Wild Birds</td>
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<td>Indicator Framework</td>
<td>ICCWC Indicator Framework for Combating Wildlife and Forest Crime</td>
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<td>INTERPOL</td>
<td>International Criminal Police Organization</td>
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<td>IPPC</td>
<td>International Plant Protection Convention</td>
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<td>ISO</td>
<td>Investigative Support Officer</td>
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<td>IUCN</td>
<td>International Union for Conservation of Nature and Natural Resources</td>
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<td>IWT</td>
<td>Illegal Wildlife Trade</td>
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<td>JNCC</td>
<td>Joint Nature Conservation Committee</td>
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<td>LACS</td>
<td>League Against Cruel Sports</td>
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<td>MLA</td>
<td>Mutual Legal Assistance</td>
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<td>MoJ</td>
<td>Ministry of Justice</td>
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<td>MoRILE</td>
<td>Management of Risk in Law Enforcement</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<tr>
<td>NCA</td>
<td>National Crime Agency</td>
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<td>NCRS</td>
<td>National Crime Recording Standards</td>
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<td>NI</td>
<td>Northern Ireland</td>
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<td>NIM</td>
<td>National Intelligence Model</td>
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<tr>
<td>NCA</td>
<td>National Crime Agency</td>
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<td>NDECR</td>
<td>National Digital Exploitation Centre</td>
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<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>NPCC</td>
<td>National Police Chiefs Council</td>
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<td>NWCU</td>
<td>National Wildlife Crime Unit</td>
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<td>OCG</td>
<td>Organised Crime Group</td>
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<tr>
<td>OPSS</td>
<td>Office for Product Safety and Standards</td>
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<tr>
<td>PAW</td>
<td>Partnership for Action against Wildlife Crime</td>
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<td>PDC</td>
<td>Priority Delivery Group</td>
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<td>PND</td>
<td>Police National Database</td>
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<td>POCA</td>
<td>Proceeds of Crime Act</td>
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<tr>
<td>PPS</td>
<td>Public Prosecution Service</td>
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<tr>
<td>PS</td>
<td>Police Service of Scotland</td>
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<tr>
<td>PSNI</td>
<td>Police Service of Northern Ireland</td>
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<tr>
<td>RIPSA</td>
<td>Regulation of Investigatory Powers (Scotland) Act 2000</td>
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<tr>
<td>RSPB</td>
<td>Royal Society for the Protection of Birds</td>
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<tr>
<td>RSPCA</td>
<td>Royal Society for the Prevention of Cruelty to Animals</td>
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<tr>
<td>SEPA</td>
<td>Scottish Environment Protection Agency</td>
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<tr>
<td>SOC</td>
<td>Serious and Organised Crime</td>
</tr>
<tr>
<td>SOCA</td>
<td>Serious Organised Crime Agency</td>
</tr>
<tr>
<td>SSPCA</td>
<td>Scottish Society for the Prevention of Cruelty to Animals</td>
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<tr>
<td>TEU</td>
<td>Twenty-foot Equivalent Unit</td>
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<tr>
<td>TVP</td>
<td>Thames Valley Police</td>
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<tr>
<td>UK</td>
<td>United Kingdom of Great Britain and Northern Ireland</td>
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<tr>
<td>UKTCCG</td>
<td>United Kingdom Tasking and Coordination Group</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNCBD</td>
<td>United Nations Convention on Biological Diversity</td>
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<td>UNGA</td>
<td>United Nations General Assembly</td>
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<tr>
<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<tr>
<td>UINTOC</td>
<td>United Nations Convention against Transnational Organized Crime</td>
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<tr>
<td>UNCAC</td>
<td>United Nations Convention Against Corruption</td>
</tr>
<tr>
<td>USA</td>
<td>United States of America</td>
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<tr>
<td>WCLI</td>
<td>Wildlife Crime Liaison Unit</td>
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<tr>
<td>WCA</td>
<td>Wildlife and Countryside Act</td>
</tr>
<tr>
<td>WCO</td>
<td>Wildlife Crime Officer</td>
</tr>
<tr>
<td>WCCAG</td>
<td>Wildlife Conservation Advisory Group</td>
</tr>
<tr>
<td>WECU</td>
<td>Wildlife and Environmental Crime Unit</td>
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<tr>
<td>WHC</td>
<td>Convention Concerning the Protection of the World Cultural and Natural Heritage</td>
</tr>
<tr>
<td>WTRs</td>
<td>Wildlife Trade Regulations</td>
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<tr>
<td>WWF</td>
<td>World Wide Fund for Nature</td>
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**Note:** The abbreviations listed here are specific to the context of wildlife and forest crime analytic toolkit reports within the United Kingdom of Great Britain and Northern Ireland.
ACKNOWLEDGEMENTS

UNODC’s Global Programme for Combating Wildlife and Forest Crime and the Toolkit assessment team greatly appreciate the efforts of the many people who generously gave of their time to meet with them and provide information, assistance, and advice. The team wishes to take this opportunity to sincerely thank everyone involved.

This study was conducted through the generous support of the United Kingdom of Great Britain and Northern Ireland (UK), Department of Environment, Food and Rural Affairs (Defra).

Disclaimer

UNODC, on behalf of ICCWC, is the lead agency for conducting the ICCWC Toolkit Assessments. This work is a product of UNODC with external contributions and may not reflect the views of all members of ICCWC or contributory organizations.

The publication has not been formally edited.
EXECUTIVE SUMMARY

The United Kingdom of Great Britain and Northern Ireland (UK) has taken a strong stance on the world stage, calling for tougher measures and commitment to tackle illegal wildlife trafficking, and awarding grants globally toward building legislative and law enforcement capacity abroad. Its hosting of the series of London Conferences demonstrated the importance the UK places on promoting collective action against wildlife crime. The 2018 London Conference culminated in a strongly worded declaration, and in combination with the very public involvement of members of the royal family in supporting several cross-border initiatives, has positioned the UK as a global leader in the fight against such crimes. Significant investment has been made in training officers across the world on investigations, on sensitising judiciaries, training prosecutors and supplying criminal justice advisors who have supported the redrafting of legislation in other jurisdictions. The UK is also the first Group of Seven (G7) country to request the International Consortium on Combating Wildlife Crime (ICCWC) Toolkit assessment, and this is a commendable demonstration of leadership shown by the UK in the wildlife crime arena.

That said, the UK’s primary enforcement focus for wildlife and forestry crime is inward facing, and most crimes investigated and prosecuted pertain to the harming of its domestic fauna and flora. Very few animals or plants from the UK appear in international wildlife trade, and those Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)-related crimes investigated by UK police are generally linked to specimens that originate in other countries, although a recent trend of peregrine falcon eggs leaving the country has been detected and the egg trade is still a key concern. As was said by one of the interviewees, ‘You don’t see CITES wildlife walking through the plains of Surrey.’ The UK is thus in a rather unique position as the ICCWC Toolkit assessment is generally undertaken in countries that have considerable amounts of domestic flora and fauna appearing in international trade whilst facing domestic challenges of poor legal frameworks, corruption, absence of data and low enforcement capacity. In the UK, the reverse is true.

This report describes the research, virtual and in-country activities undertaken as part of the comprehensive analysis of the UK’s preventive and criminal justice responses to wildlife crime conducted by UNODC, based on the ICCWC Toolkit.

The report initially presents an overview of the legislation, enforcement and judicial structures across the UK. Further analysis of the legislation, enforcement, prosecution, and judicial challenges for seven priority delivery groups (PDGs) is provided, alongside forestry crimes. This is followed by an evaluation of the UK’s preventive and criminal justice responses to wildlife crime conducted by UNODC, based on the ICCWC Toolkit.

The report initially presents an overview of the legislation, enforcement and judicial structures across the UK. Further analysis of the legislation, enforcement, prosecution, and judicial challenges for seven priority delivery groups (PDGs) is provided, alongside forestry crimes. This is followed by an evaluation of the UK’s preventive and criminal justice responses to wildlife crime conducted by UNODC, based on the ICCWC Toolkit.

There are domestic challenges across the UK regarding its wildlife crime legislation, not least that the legislation is scattered, with disparities between the approach taken towards priority concerns in Northern Ireland, England and Wales, as compared with Scotland. There is strong interest within the Department for Environment, Food and Rural Affairs (Defra) to harmonise England’s existing wildlife crime legislation, which officials acknowledged as having inconsistencies. It was estimated that there are between 30 and 40 statutes on wildlife and wildlife management that need to be harmonised. The Defra team that deals with these issues is small, with 1.5 full time equivalents (FTEs) dealing with domestic wildlife crime and 2.5 FTEs dealing with domestic wildlife management. While several of these team members are very new to this area, all impressed the assessment team with their understanding of the issues and their level of expertise. Bringing together Defra counterparts from the devolved nations to achieve better parity in laws across the UK (particularly on offences and sentencing) would be of benefit.

A review of the draft bill on wildlife law produced by the Law Commission in 2015 is required in light of the passage of the Animal Welfare (Sentencing) Act 2021 (amending the Animal Welfare Act 2006), whereby causing suffering is treated as triable either way and subject to a maximum five-year term of imprisonment.

The proposed Animal Sentencing Bill should also be taken into account. The Law Commission report focused upon England and Wales and to some extent has been overtaken by developments in Scotland, such as the elevation in penalties and provision for vicarious liability of landowners. The Northern Ireland legislative regime should be part of a UK-wide alignment process in order to avoid it remaining a ‘light touch’ location for potential trafficking and wildlife offences, particularly in terms of sentencing and giving its position post-Brexit.

Focus must lie not only upon consolidation of the disparate laws (including aligning requirements of certain offence elements such as mens rea (the mental element), on intention and recklessness, and issues such as vicarious liability); alignment is also required on sentencing and elevation of penalties across the UK and to open the door to the use of specialised investigative techniques under existing legislation governing investigation powers. However, on this latter point, elevation in penalties alone may not be enough – these crimes must be viewed in a different light in order to bring the full force of such investigative techniques into play across the UK.

For England and Wales, fox hunting is a politically charged issue. The legislation governing this area

Figure 1. Wildlife products seized by UK authorities
holds a number of exceptions to the ban on hunting. In discussions with stakeholders, particularly law enforcement and non-governmental organisations (NGOs), those exceptions make policing very difficult. It is recommended that a review be conducted particularly focused upon delivering clarity for law enforcement on when and how to enforce the Hunting Act.

Finally, under the Control of Trade in Endangered Species Regulations 2018 (COTES) which govern CITES-related offences, an offence of possession requires proof of an intent to supply or perform some other criminal act in relation to the item. This has led to situations in which raw ivory tusks had to be returned to owners who are being investigated for other wildlife offences, because intent to supply (for example) could not be established. However, in many countries possession itself is treated as an offence, often with strict liability and subject to severe penalties, and in several countries Defra funding has supported the adoption of such legislation. Other COTES provisions relating to appeal place a heavy administrative burden on the small CITES team; further details are contained in the section under ‘CITES issues’ but a review, particularly post-Brexit, is worthwhile.

> **Enforcement**

The overarching policing structures and strategies to address wildlife crime in the UK could well be described as international best practice. A centralised intelligence hub, strategic planning, priority delivery groups and a close, fruitful partnership with civil society are all essential when addressing wildlife and forestry crime. Beyond the structure, however, there remain issues that need to be addressed. Data management, recordable offences, legislative issues, training, funding, a lack of prosecutorial and judicial expertise, and according to some of the interviewees -traditional practices- all make for an enforcement response with room for improvement.

The National Wildlife Crime Unit (NWCU), now based in Stirling, Scotland, represents the first fusion centre of its kind established to address wildlife crime. Staffed by experienced criminal intelligence officers and analysts and retired wildlife crime police officers, this centre provides a one-stop shop for police seeking intelligence, investigation and crime scene support for wildlife crime offences.

The NWCU also plays a key role in coordinating the seven priority delivery groups which address those crimes identified as priorities for UK law enforcement. These delivery groups allow relevant stakeholders from government and civil society to engage and develop collective strategies to reduce the incidence of wildlife crime within their priority group. This is a well thought out strategy which drives the police response and allocation of resources and may well be unique to the UK.

Whilst the model is excellent, there are certainly issues that impact on the effectiveness of the overall police response. In England and Wales, there are 44 police forces (43 based on administrative areas plus the British Transport Police) whilst Scotland and Northern Ireland each have one national police force. It is to be expected that the UK’s 48th different police forces will have issues of interconnectivity and standardisation. Police forces within the UK utilise different enforcement models and data collection methods to respond to wildlife crime. England and Wales have dedicated, trained wildlife crime officers whilst Northern Ireland opines that every officer can investigate wildlife crime and supports them with a dedicated wildlife crime liaison office that provides advice and operational support. In Scotland, wildlife crime officers operate throughout 13 police divisions under the guidance of a national coordinator. Whilst each system has its strengths and weaknesses, they are all effective and capable of investigating wildlife crime offences.

Some English and Welsh police forces, particularly those that are predominately policing rural areas, see wildlife and rural crime as important and allocate resources accordingly, whilst some urban-focused police forces do not. Some officers interviewed spoke of having to work wildlife crime cases in their own time, of lacking the necessary resources to do their job properly and having to justify why they are investigating wildlife crime cases at all. This is despite an apparent unified recognition that wildlife crime is important. Whilst wildlife and forestry crime is stated as a priority with the National Police Chiefs Council (NPCC) strategy, in London, this priority is at odds with the Metropolitan Police priority of safeguarding against violent crime - investigating wildlife crime in England’s capital is a ‘hard sell’.

Another issue that impacts on the effectiveness of the UK police response is an inability to utilise advanced investigation techniques for most wildlife crime offences. The UK is a world leader in covert policing, whether that be physical or technical surveillance, undercover operations or the interception of telecommunications services. These skill sets have been honed through decades of counter-drug and terror operations and represent a major tool in the armoury of UK police to investigate transnational organised crime.

Despite the obvious benefits of using these techniques to investigate wildlife crime cases, in the UK the police are prevented from using them in most cases because they do not meet the necessary penalty threshold or definition of serious crime under the Regulation of Investigatory Powers Act, 2000 (or in Scotland, the Regulation of Investigatory Powers (Scotland) Act 2000). There are a few notable exceptions to this rule, including investigations pertaining to CITES-listed species and some new amendments to sentencing brought about in Scotland. However, even in these circumstances these techniques are rarely used. While any police response must be proportionate to the crime and respect the rule of law, wildlife crime is simply not seen as ‘serious crime’ or ‘serious organised crime’ for the purposes of utilising such techniques.

Further, given the vast majority of wildlife offences across the UK are summary only, this leaves a six-month window for proceedings to commence after the sufficiency of evidence threshold has been met. Many cases, such as those relating to bats and badgers, rely upon expert testimony, which can take considerable time and resources to obtain (even allowing for a decision to charge on the threshold test). Often the penalties available do not always reflect the costs involved in bringing the case to trial.

Another potential area of concern is the lack of trained detectives who investigate wildlife crime. Most police officers involved in investigating wildlife crime are uniformed police, with the notable exception of the Metropolitan Police Wildlife Crime Unit. This is by no means a reflection of the competency and dedication of those uniformed officers; however, detectives receive advanced training, particularly in respect to the use of advanced investigative techniques, confidential human intelligence source management and interview techniques. They are also exposed to a wide variety of serious and organised crime investigations that contribute to honing their skills - skills that are needed to address more serious and organised types of wildlife crime. A greater use of detectives to investigate wildlife crime throughout the UK will result in increased prosecutions and convictions.

Another area of concern is the lack of a unified approach to training. Police forces have relied upon a combination of their own training, or that provided by a retired wildlife crime investigator of the Border Force. A common theme expressed during the interviews was that many police attend training courses and are then not exposed to wildlife crime cases or are moved on to other assignments before they get to develop their skill sets. Training of entry-level recruits to the police forces also does not include wildlife and forestry crimes. However, Northern Ireland has established at Headquarters level a dedicated team that provides advice to all officers in relation to wildlife crime, ensuring expertise and consistency in approach. This cannot be said for the rest of the UK, where the quality of investigations when picked

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1. Police forces in England and Wales, one in each Scotland and Northern Ireland and three specialist police forces (the British Transport Police, the Civil Nuclear Constabulary and the Ministry of Defence Police).

2. Discussion with senior police officer at Metropolitan Police.
up by inexperienced officers results in prosecutions either not proceeding or failing. The NWCU should undertake a review of the current training models in use throughout the UK in order to determine what is best practice, how to implement the training in England and Wales, and how to get this training accredited.

To support the NWCU, at the local level a dedicated intelligence analyst and intelligence officer should be attached to the Police Service of Northern Ireland (PSNI) Wildlife Crime Liaison Unit and to work directly under the Wildlife Crime Coordinator in Scotland. These positions would enhance the overall intelligence picture and enable a greater focus on CITES-related matters. It is imperative that these positions are fully integrated into the NWCU and used to support the Unit and local police, rather than becoming a substitute for the NWCU.

The NWCU leadership has to continuously fight for the Unit’s very existence. The NWCU costs just over £580,000 per year to operate, which represents incredible value for money given the multitude of tasks it performs in a highly contentious and charged environment, having to balance police duties and civil society demands. At the last funding cycle, Defra provided £165,000 annually towards the running costs, while the rest of the funds were awarded by the Home Office, NPCC, the Scottish Government, and the Department of Agriculture, Environment and Rural Affairs of Northern Ireland (DAERA). In recent years, given the UK government has opted for single year rather than multi-year Spending Reviews, the NWCU has been required to submit a request for funds on an annual basis, and in 2021 this process took three months before approval was granted. The current funding model makes it very difficult to design strategic plans or develop the Unit to its full potential. There is no budget for development, training, or equipment. This wastes time, resources, and creates an undercurrent of uncertainty amongst its staff. It may also prevent more experienced investigators from moving into the NWCU because of lack of certainty around its funding horizon.

In contrast, in 2019 the Illegal Wildlife Trade (IWT) Challenge Fund awarded over £4.5 million to overseas capacity building efforts such as training investigators in Zambia and Zimbabwe, awareness raising in Somalia, strengthening legislation in Bolivia, and awarded £400,000 towards strengthening intelligence gathering in Liberia. While this fund is highly applauded and desperately needed, the NWCU is also to be highly applauded and is just as needed within the UK.

It may be that the relatively low level of illegal CITES-listed specimens detected at and within UK borders justifies the disparity between how national and international efforts are funded. However, the combination of a very limited number of dedicated Border Force and specialist wildlife officers means that detections will be limited, and the fact that such offences are not notifiable or recordable may well conceal what illegal trade is occurring. Long term commitment of dedicated resources is required to put the NPCC vision into practice.

Border Force play an incredible role at UK ports and borders, displaying great professionalism and commitment despite limited resources and that they cannot themselves conduct investigations. Their role in coordinating international operations (e.g. Operation Thunder) and their engagement with EU – TWIK, as well as their role in delivering training, nationally and internationally, means that the scope for Border Force to play a far bigger role is significant.

Overall, the coordination and cooperation between enforcement agencies and civil society is excellent, and awareness raising amongst the public is undertaken by the agencies and stakeholders with great dedication.

› Prosecution

Prosecutional capacity is hampered by a lack of dedicated resources, training, and limitations brought about by the legislative framework. Disparities arise between prosecution services across the UK. The Crown Prosecution Service (CPS) in England and Wales has a nominated Wildlife, Rural and Heritage Crime Coordinator and regional dedicated prosecutors are appointed throughout the country. However, these dedicated prosecutors have a caseload that stretches beyond wildlife crime and they do not necessarily prosecute these cases at court, sometimes leaving the trail in the hands of inexperienced counsel. Whilst the CPS has issued guidance on wildlife crimes, it has not yet updated that guidance on CITES-related offences following Great Britain’s exit from the European Union (EU).

In Scotland, the Crown Office and Procurator Fiscal Service (COPFS) Wildlife and Environmental Crime Unit (WECU) comprises five specialist prosecutors who have adopted a ‘cradle to grave’ approach, and training of new recruits is taken up inhouse, in conjunction with NWCU, NatureScot (formerly Scottish Natural Heritage) and other NGOs, where possible. Like the CPS, however, this training is ad hoc and often left to the individual’s own initiative. In Northern Ireland, the Public Prosecution Service (PPS) does not have a specialist unit for wildlife and forestry crime but does benefit from the inhouse legal capacity that has been built within the PSNI regarding such crimes, which breeds consistency and expertise therein. Not one prosecution service has developed a consistent prosecution-wide curriculum for training on such crimes nor is such training a requirement as part of continuing professional development within the services as a whole.

There is a variation in approach across the prosecution agencies. For example, across England, Wales, and Northern Ireland, prosecutors dedicated full-time to this niche area of law are not available. All prosecutors across these three jurisdictions cover wildlife crime alongside their other criminal prosecutions. By having dedicated legal expertise within NWCU, case file preparation can be better managed, legal issues identified early on, and guidance on investigations delivered in a timelier and consistent way. Further, where instructed counsel is not available, attendance at court can be delivered by those with experience.

Furthermore, in England and Wales, guidance by the CPS is given regarding the use of ancillary orders such as Serious Crime Prevention Orders as a means of disrupting certain types of wildlife crime; but no such guidance for their equivalent could be found in Northern Ireland. Whilst in Scotland, the ‘cradle to grave’ approach has built excellent expertise and consistency in approach, this is not the case across the rest of the UK. The use of such orders and the identification of cases suitable for a Proceeds of Crime Application (POCA) should be aligned and engagement with the Serious Fraud Office (who take on such applications) encouraged for England and Wales.

› Judicial Handling

Most wildlife crimes considered in this assessment across England, Wales, and Northern Ireland, are punishable with a fine and/or a short custodial sentence. Whilst Scotland has increased penalties for some offences to up to five years imprisonment, the impact of this change is mitigated by the presumption against short custodial sentences and that fines are means-tested across the UK. However, the absence of any sentencing guidelines across the entire country means that sentencing practice does not appear to present any sort of deterrent. Generally speaking, most sentencing was greeted with disappointment by the stakeholders interviewed during this assessment.

Although sentencing guidelines were repeatedly raised as necessary, the Sentencing Council for England and Wales considers the lack of precedent as particularly problematic and does not see it as a priority; in
Scotland, the relatively young Scottish Sentencing Council, though having started the process of creating guidelines for environmental crimes, also sees this area as a low priority. In Northern Ireland, the Sentencing Group has delivered guidance for environmental crimes and animal crimes, but these do not extend to wildlife and forestry offences.  

In light of these considerations, there may be difficulty in creating guidelines given the absence of any discernible practice in the courts against which to calibrate and the fact that other areas of law are seen as requiring more urgent attention (such as sexual offences in Scotland). Accordingly, training and sensitisation of the judiciary across the UK is the starting point, and there is certainly a willingness to develop a curriculum. For such, NGOs can play a crucial role. 

Alongside training of the judiciary, prosecutors in England, Wales and Northern Ireland should be engaged in the development of sentencing submissions and identification of any relevant aggravating features. Whilst the CPS online guidance includes victim impact statements, community impact statements, and species impact statements, these are not uniformly applied – perhaps due to cost issues – but could be used more routinely. In Scotland, sentencing is a matter for the judiciary; however, prosecutors would be able to refer the judiciary to guidelines if they existed. A countrywide uniform approach to sentencing is required and it is recommended that the CPS leads the way for England and Wales. In Scotland, the same is recommended for the specialist wildlife crime team and the judiciary, and in Northern Ireland, the expertise that sits within the PPNI should lead the way.

Data and Analysis

The UK has a long history of good practice in collating and publishing administrative statistics on set crime indicators such as notifiable crimes and prosecutions, which are complimented by other dependable datasets to provide reliable data on crime trends. These data collection and analysis processes are viewed as integral to maintaining consistency in reporting across forces/agencies, informing the targeting of resources, and evaluating the effectiveness of responses and enforcement agencies. A wide range of governmental and non-governmental agencies and stakeholders involved in responding to wildlife crime generate and collate data, in a variety of formats and for diverse purposes. The data collection and analysis processes are inconsistent across the UK, as constituent countries follow their own systems of recording and publishing wildlife crime data such as incidents, recorded crimes, and seizures. NGO and other stakeholder data are commonly required to bolster administrative statistics. 

Key government and enforcement agencies such as Border Force, the NWCU, Home Office, Ministry of Justice, Scottish Government, and Departments for the Environment are responsible for collating, analysing and sharing this data. The UK wildlife crime (seven) priorities are set by the UK Tasking and Coordination Group (UKTCG), using the extensive expertise and data from statutory nature conservation groups and agencies including the Joint Nature Conservation Committee (JNCC) and Royal Botanic Gardens, Kew, and relevant NGOs and enforcement agencies. They produce robust scientific data, tools, technologies and analytical techniques to evidence and monitor the status, trends and patterns of biodiversity growth and loss. Data held by APHA (Unicorn) on the legal wildlife trade can also provide context on, and identify areas of illegal wildlife trade. Data and analysis is facilitated by often excellent coordination and collaboration among the intricate web of statutory and non-statutory agencies, enforcement agencies and civil society groups who are dedicated to responding to wildlife crimes. Likewise, UK agencies consistently provide essential data on CITES-related offences through their regular cooperation with international bodies such as EU-TWIX, CITES Secretariat, World Customs Organisation, and NGOs. Consequently, the data generated in the UK can provide a valuable insight into some wildlife crime trends and outcomes.

The data can, for example, identify that between 2012-16, the UK was the 11th highest global importer and 14th highest (re-)exporter of CITES-listed taxa, the majority of which were for commercial purposes. In 2018, UK CITES seizures were the third highest in Europe. Between 2013 and 2020, 6,100 CITES seizures were made by Border Force, over half of which involved animal and bird derivatives, timber/wood products and ornamental medicines. Between 2013 and 2020, 75 CITES convictions were identified. Animal parts or derivatives were identified in 40 cases, while 33 convictions involved live animals, only one conviction applied to plants, and none to timber/wood. Convictions have generally declined since 2013, which is consistent with domestic wildlife crimes. Between 2013 and 2020, 416 wildlife crime convictions were identified across the UK. From a high of 108 convictions in 2014, rates have dropped significantly to just 28 in 2020. Similar figures on domestic wildlife crime incidents and offences are not available across the UK. In Scotland, between 2014-19, the total recorded offences have decreased year-on-year, resulting in an overall reduction of 40%. Recorded offences by the Home Office in England and Wales initially demonstrated a downwards trend, from 2018 (73) to 2020 (53), but with a significant increase in 2021 (172 offences). Equivalent data is not available for Northern Ireland. Fish poaching offences are the most common crime recorded in Scotland, and England and Wales. In general, NGO data reports higher incidents and offences than enforcement data. A detailed analysis of the available administrative data is provided in the final section of the report, alongside that of scholarly research.

Despite some concerns over the quality and consistency of UK crime recording practices, the overarching processes and structures could well be described as international best practice. However, these processes and resources are not applied to wildlife crime data generation or analysis. Notwithstanding the excellent partnerships and the available data sources and systems, an accurate measurement of UK wildlife crime or the number or type of species involved is not possible. Nor is it feasible to trace wildlife crimes from cradle to grave through the criminal justice system. Wildlife crime data exists in some format at each point of the criminal justice system in administrative statistics; however, it is scattered, varied, and often provides an incomplete picture of the scale, variability, and impact of these offences. In its current format, there is often no efficient way to retrieve this data and it is not comparable across countries or agencies. Accordingly, measuring the scale of these offences is complex and challenging. Furthermore, the data processes and systems in place for other serious crimes are seldom available for wildlife crimes, making it difficult to access data to evaluate links between, for example, wildlife crime and organised crime, financial crime or cybercrime.

The strengths and challenges in data and analysis vary across constituent countries, species, and offence types. The Wildlife Crime in Scotland annual report and centralised Northern Ireland CAUSEWAY system highlight the former. The overarching limitations in the detection, recording, prosecution, and sentencing of offences, and the few requirements to report on the available data underly the latter. Priority offences commonly receive greater attention and are thereby better represented in the data. However, there is a real risk that this approach results in a self-perpetuating data bias, whereby intelligence gaps on nonpriority offences are not being filled. Furthermore, there is a distinct terrestrial fauna bias in available data and analysis, and a notable and worrying absence of marine, plant and forestry offences.

That the majority of wildlife and forestry crimes are not reportable is commonly identified as a central limitation in accurately assessing the state of wildlife crimes and accessing the necessary resources to respond to these offences. Focus must not lie solely upon making all wildlife crimes notifiable across the UK; there are other critical issues that must also be addressed. These include the categorisation of wildlife crime as a homogeneous offence, limited data granularity, and the significant dark figure of undetected, unreported, and inconsistently or un-recorded offences. Furthermore, the management of data must be evaluated. For example, there is a lack of centralised and compatible data systems, insufficient
resources for proactive and in-depth data analysis including inefficient data and analysis systems and access to relevant databases, and a lack of data analysts and intelligence officers. Each of these issues, alongside barriers to data sharing and collaboration among stakeholders, contributes to data constraints and suggests considerable opportunities for improvement.

The need for further empirical data collection, synthesising and building on data collected by statutory agencies and NGOs, is apparent. It is likely that should resources be made available for data to be recorded, managed, analysed and shared effectively, a more accurate measurement of wildlife crime would be possible. This would require all agencies and organisations who respond to wildlife crime to evaluate their data collection and management processes and to develop strategies for effective data convergence and collaboration. This must include a strategy to fund relevant scholarly research, including qualitative social science studies which can move beyond evaluating the scale of wildlife crime to explaining it and evaluating responses, and to forge formal partnerships and Memorandum of Understanding (MOUs) between scholars, NGOs and key enforcement agencies and stakeholders.

**RECOMMENDATIONS**

This report is structured in accordance with the UK’s seven priority areas: CITES issues; Raptor Persecution; Bat Crime; Fresh Water Pearl Mussels; Badger Persecution; Poaching (including Hare Coursing, Deer and Fish Poaching), Cyber-Enabled Wildlife Crime; as well as Forest Crime. General recommendations are made as well as offence-specific recommendations relating to each of the priority areas.

› **General Recommendations**

**On Legislation**

1. Review and align legislation across the UK, resurrection the Law Commission efforts of 2015 which drafted a bill as part of that review, and taking into account the points made above. More specific recommendations can be found under the relevant priority delivery groups below.
2. Review the Hunting Act 2004 and the exemptions within with a view to providing clarity for law enforcement.
3. Identify a range of offences suitable to be ‘triable either way’.
4. Review the COTES Regulations 2018.9
5. Allocate resources for the accelerated implementation of the ivory ban under the Ivory Act 2018.

9 See more under the Priority Delivery Groups section.
On Enforcement

Recommendations for enforcement are addressed generally at a number of core themes, but are also specifically directed at issues identified in the NWCU, PSNI, Police Scotland, and police forces in England and Wales.

6. For the National Wildlife Crime Unit, the following recommendations are made:
   → Move the funding for the NWCU to the Home Office and establish the Unit on a permanent basis;
   → Significantly increase the annual budget of the NWCU to enable the hiring or seconding of additional staff and the purchase/lease of vehicles and equipment;
   → Increase support to the NWCU to address transnational organised crime globally. Hire additional staff and establish liaison officers in known wildlife crime hotspots in Africa, Asia and Latin America;
   → Seek to have wildlife crime training accredited and ongoing mentoring of trainees undertaken by NWCU staff;
   → The NWCU should develop standardised training materials for use in UK-funded overseas law enforcement training and require that this training is delivered by NWCU staff or accredited police officers or trainers as part of any relevant UK IWT grant. At present, NGOs that are awarded funds are using trainers from various jurisdictions, which leads to confusion and inconsistency in the training standards applied. For example, in the context of crime scene management, the South African approach is different to that of the UK and that of the United States of America (USA). Defra can insist on consistency and draw upon the NWCU expertise to quality assure such training delivered with Defra funding;
   → Extend the secondment of the Head of the NWCU from three to five years if that officer is in agreement;
   → Increase the representation of currently under-represented groups within the NWCU, including within its intelligence and analysis functions;
   → Focus on inclusion to build the Unit’s culture and representation as place that attracts, develops, retains and fully engages all the diverse talent available to it;
   → Establish a multi-agency panel, including the CPS, to review investigations UK-wide that do not lead to charges and prosecutions that do not result in convictions;
   → At the local level a dedicated intelligence analyst and intelligence officer should be attached to the PSNI Wildlife Crime Liaison Unit and to work directly under the Wildlife Crime Coordinator in Scotland. These positions would enhance the overall intelligence picture and enable a greater focus on CITES-related matters. It is imperative that these positions are fully integrated into the NWCU and work to support the Unit and local police, rather than becoming a substitute for the NWCU.

7. For Border Force, the following recommendations are made:
   → Increase the number of dedicated CITES officers at Heathrow airport and Felixstowe container port;
   → Rotate officers through the CITES teams to assist in staff succession and increase overall levels of expertise;
   → Create a Border Force analyst position within the CITES Team at Heathrow airport;
   → Look to expand the Border Force International Liaison programme to include countries identified as current or emerging wildlife crime hot spots;
   → Raise the IWT priority for Border Force (above ‘C’). This would not only positively impact Border Force efforts within the UK by, for example, unlocking further intelligence resources, but also enhance Border Force’s remit in its international efforts.

8. For Police Forces within England and Wales, the following recommendations are made:
   → Consider expanding the scope of the Forensic Analysis Fund to include the analysis of communication devices;
   → Undertake a review of the current training model for police in England and Wales;
   → Undertake a review of the number of trained wildlife crime officers (WCOs) who remain in post, looking at issues such as caseload and succession after retirement;
   → Increase the number of qualified investigators undertaking wildlife crime investigations;
   → Establish a mentoring program for WCOs led by experienced detectives;
   → Specialist training should be provided to WCOs to enable them to develop expertise that could be utilised to address wildlife crime and other crime types.

9. For Police Scotland, the following recommendations are made:
   → Commence proactive monitoring of online platforms to identify if they are being used to traffic wildlife;
   → Create of additional wildlife crime analyst and intelligence officer positions in Police Scotland or as part of the NWCU;
   → Increase use of detectives to investigate wildlife crime offences in Scotland;
   → Establish a system whereby detectives mentor WCOs;
   → In all identified wildlife crime cases, where a crime series (a number of criminal offences that have similar modus operandi) is suspected, consideration should be given to allocating these cases to detectives.

10. For the PSNI, the following recommendations are made:
    → Create an intelligence analyst position within the PSNI Wildlife Crime Liaison Unit (WCLU).
### On Prosecutions

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<tr>
<td>11.</td>
<td>Develop a general prosecution training curriculum for each of the Prosecution Services with input from NGOs that can offer great expertise in each of the priority delivery groups;</td>
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<td>12.</td>
<td>Assign two full-time lawyers to NWCU to provide the necessary ‘back stop’ in providing prosecution expertise;</td>
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<td>13.</td>
<td>Guidance on the use of ancillary powers should be aligned across the UK. This should include review of powers such as dispersal orders (England and Wales) and restraining orders;</td>
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<td>14.</td>
<td>For England and Wales, a registry of instructed advocates should be developed and maintained by the CPS to ensure instructed counsel are familiar with the laws and procedures. Training should be required for instructed counsel to qualify for instruction in such matters;</td>
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<td>15.</td>
<td>Periodic review of investigations that fail to result in a charge and of prosecutions that result in acquittal. These reviews could take place at regular intervals depending on resources allocated for this function;</td>
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<td>16.</td>
<td>Dedicate resources for prosecution-specific joint events;</td>
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<td>17.</td>
<td>Establish joint training for prosecutors across all four jurisdictions to enable experience to be shared, best practice to develop, and identify prosecution-focused challenges.</td>
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### On the Judiciary and Sentencing

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<td>18.</td>
<td>Develop training curricula for the judiciary across the UK, utilising expertise from the NGO sector and prosecution services;</td>
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<td>19.</td>
<td>Undertake an analysis of the use of ancillary orders such as forfeiture, dispersal orders (England and Wales), restraining orders, and compensation, with a view to identifying obstacles to utilising such powers (including the use of victim, community, and species impact statements) and ensuring their consistent and widespread use.</td>
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### On International Cooperation

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<td>20.</td>
<td>In terms of mutual legal assistance and extradition, the UK has an excellent legislative framework and expertise within the various prosecution agencies. However, in the context of wildlife and forestry crime, not one example of formal mutual legal assistance or extradition was found. There are few recommendations to make on this point, however, as such applications are more a matter of will. The UK provides investigation support to other jurisdictions, and receives it, and that should continue.</td>
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### On Data and Analysis

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<td>21.</td>
<td>Conduct an evaluation of the scale and value of the legal and illegal wildlife trade to provide a baseline post-Brexit and to enhance detection of, and data on, the illegal wildlife trade. The data and analysis section identifies there are considerable gaps in our current understanding of wildlife crime, and the evaluation must include a plan to focus on these in order to be able to address the question – what is the scale and nature of UK wildlife crime?</td>
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<td>22.</td>
<td>Make it a legal requirement for all constituent governments to provide data and analysis on the enforcement, prosecutions and outcomes for wildlife crimes, including relevant stakeholder data, for a comprehensive annual report on wildlife crime, such as that produced by the Scottish Government. This will result in all criminal justice agencies frequently and consistently reporting and publishing wildlife crime data.</td>
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<td>23.</td>
<td>Make all wildlife crimes recordable and notifiable offences, with discrete wildlife crime codes to reduce ambiguity and disparity between nations. This will enhance data granularity and reduce the ‘dark figure’ of wildlife crime.</td>
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<td>24.</td>
<td>Provide necessary resources including personnel, equipment, and training to key enforcement agencies such as the NWCU and Border Force, to effectively utilise available data sources and proactively enhance their data, intelligence, and analysis. This will provide Defra with a more accurate record of the scale and nature of wildlife crime. Furthermore, these agencies will be able to perform their roles more efficiently and fluidly, including the allocation of resources, the creation of intelligence to support tactical operations, and the identification and evaluation of emerging trends relating to cybercrime, Organised Crime Groups (OCGs), and priority areas.</td>
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<td>25.</td>
<td>Increase the reliability of detection, reporting and recording of wildlife crimes through enhanced awareness, training, and prioritisation of enforcement agents and call handlers. Further awareness training is also required among the many agencies who also have a role in responding to wildlife crimes such as Her Majesty’s Revenue and Customs (HMRC), Office of Product Safety and Standards (OPSS), and Port Health Authorities.</td>
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<td>26.</td>
<td>Conduct an evaluation of the suitability of data systems for enforcement (end user) use, and the convergence and triangulation of existing data, to develop a strategy for harmonisation and improvement. This could identify examples of good practice which could be adopted elsewhere.</td>
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<td>27.</td>
<td>Conduct a periodic review of conversion rates - including incidents that are reported and then recorded as offences by the police, cases passed to the prosecution service, offences prosecuted and convictions achieved- and sentencing outcomes. Existing data suggest a significant drop in wildlife crime cases as they progress through the criminal justice system, and frequently the sentencing outcomes are disproportionate to the harm and value of the offence, such as the reliance on small fines and the infrequent use of custodial punishment and POCA. Without a review it is not possible to evaluate these responses, adequately analyse their deterrent effect, or determine how to enhance future outcomes.</td>
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### OFFENCE – SPECIFIC RECOMMENDATIONS

#### International Trade in Endangered Species (‘CITES Issues’)

31. **Review the CITES regulations, in particular to remove the issue of intention and commercial gain from offences concerning possession and transport (the latter can be overcome by saying items are being moved as a ‘gift’ for example, making enforcement action extremely difficult).**

The appeal process for restoration should also be revisited with particular attention given to the issue of return of CITES-listed items without a retrospective permit.

32. **For Defra to accelerate guidance on the use of civil sanctions under the CITES regulations.**

Also, for Defra to explore whether a change in Schedule 2 of COTES is required or whether specific guidance can be issued for where certain cases of non-compliance with civil sanctions could result in criminal proceedings in and of itself.

33. **In anticipation of the ban under the Ivory Act 2018 - which will not have impact on Border Force but will have impact on the police force given it relates to domestic possession and sale of ivory - to design and deliver training for the Wildlife and Rural Heritage Policing teams across the UK regarding identification of ivory that does not qualify for exemption, and increased expertise and resources for carbon dating.**

34. **In terms of enforcement, there is a need to increase the number of dedicated CITES officers within Border Force and consider rotation of officers through the CITES Team to assist in staff succession (particularly at Felixstowe port) and increase expertise.**

35. **Create a Border Force analyst/intelligence officer position within the CITES Team and enhance the classification of IWT priorities to ‘B’. This would open the door to further intelligence resources and would enhance the ability of Border Force to exchange/disseminate intelligence to the NWCU to take forward investigations within the UK, as well as enhancing Border Force’s own operations.**

36. **Whilst embassies may hold staff from the National Crime Agency (NCA) and Border Force, they may lack IWT and CITES training and awareness. Expanding the Border Force International Liaison programme to include countries identified as current or emerging wildlife crime hot spots may address this and further the UK’s international support in this field. This role would be further enhanced should the prioritisation of IWT be raised.**

37. **For all prosecution services and identified instructed counsel across the UK, design and deliver a specific CITES /COTES and Ivory Act training module for prosecutors, whether they be in-house or instructed counsel. Serious Fraud Office prosecutors from the CPS and their counterparts in the COPFS and PPS should also be included in such trainings, with mandatory attendance as part of Continuing Professional Development (CPD) requirements.**

38. **There is a need for greater awareness and resourcing to target plant-focused violations of CITES amongst law enforcement, prosecution, and within the judiciary.**

39. **See General Recommendations in Chapter I.**

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### On Data and Analysis

28. To facilitate the triangulation and validation of data, enable more effective data sharing and analysis between stakeholders through MOUs and an evaluation of data sharing opportunities in compliance with General Data Protection Regulation (GDPR). Develop a feedback loop to ensure statutory and non-statutory agencies feel their vital contributions are valued.

29. Require UK research funding bodies to provide calls which prioritise empirical and collaborative wildlife crime research and the development of data sharing and networks. This must include wildlife such as plants and timber, and social science disciplines which provide insights into the nature, behavioural and sociological aspects of, and successful responses to the illegal trade.

30. Develop a strategy between government agencies for education, research, and environment to forge formal partnerships between scholars, key enforcement agencies, and stakeholders. Use existing successful partnerships, such as Floraguard (Kew, Border Force and the University of Southampton) and DICE (with the NWCU) as model for this development. This could facilitate scholarly access to non-sensitive enforcement crime data, enhance wildlife crime data and analysis for all stakeholders, and contribute to evidence-based policies and enforcement strategies.

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Figure 3. Wildlife products seized by UK authorities
Bat Crime

49. Guidelines should be issued for the use of POCA applications in this context, particularly in relation to commercial developers. So far, POCA applications have not been based on profits but rather focus on the costs avoided, for example. As a strategy, the prosecution authorities across the UK should adopt a unified approach with the requisite prosecution departments sensitised and briefed accordingly, and the financial investigation capacity of the NWCU enhanced.

50. Where confiscation orders are made in this context, it is recommended to make them available for conservation gain. This may require a change in the law or regulations governing proceeds of crime.

51. There is excellent work going on across the UK in terms of public information and campaigns, particularly informing developers/homeowners of their obligations regarding bats and bat roosts. Targeted funding for specific conservation crime prevention work should be assigned for police and other organisations, including NGOs such as the Bat Conservation Trust (BCT) which operates a National Bat Helpline offering advice and guidance on bat welfare/offences.

52. See General Recommendations in Chapter I.

Badger Persecution

53. Consider adopting the approach taken in the Northern Ireland legislative regime and extending offences to include those related to fighting with animals contained in section 8 of the 2011 Welfare of Animals (Northern Ireland) Act.

54. See General Recommendations in Chapter I.

Poaching of deer, fish and hare coursing

55. A UK-wide assessment of hare coursing, deer poaching and badger baiting offences and their links to OCGs, with a view to developing a strategy on investigation and prosecution, and assignment of the necessary resources to implement a consistent approach across the UK. The NPCC Wildlife Crime Policing Strategy includes wildlife crime in one of its outputs in OCG mapping.

Raptor Persecution

To bolster the legislative framework required to properly address raptor persecution, the Wildlife and Countryside Act (WCA) and licensing regime across the entire UK should be synthesised and aligned. As it currently stands, the discrepancy in sentencing, vicarious liability, disqualification powers, and more (for example, operationalisation of the pesticide provisions in the WCA, presents a confusing picture to law enforcement and the public). Though raptor persecution has been set as a priority for the UK, the differences in the statutory and licensing regimes present many obstacles to ensuring raptors receive the same level of protection across the entire UK.

Particular focus should include:

40. Aligning sentencing powers and for certain offences, raising the threshold to potentially trigger Regulation of Investigatory Powers Act 2000 (RIPA) applications;

41. Aligning disqualification periods and the basis for disqualification (for example, to include COTES violations across England & Wales);

42. Aligning the licensing provisions across the UK particularly in relation to revocation of general licenses;

43. To enhance powers of licensing authorities to revoke licences for gamebird shoots or amend those licences where abuse occurs with a proven link to estate management;

44. Revisit the recommendations within the Law Commission report regarding definitions, schedules of species (and their amendment) and more, as consolidation and alignment across the UK is considered;

45. Operationalise the provisions within the WCA regarding pesticides by identifying banned substances through statutory order (or equivalent) and consider extending the offence to one of possession without reasonable excuse or lawful authority;

46. Support to prosecution authorities to achieve a consistent approach to data recording. Insofar as prosecution and adjudications are concerned, the lack of data on such prosecutions makes it difficult to make any firm conclusions. While prosecutions are rare across the UK given the difficulties in investigation, in Scotland the sheriffs were seen as generally well-appraised of issues when it came to sentencing. This was not reflected in discussions with prosecutors in England, Wales and Northern Ireland;

47. For all three licensing authorities to ensure that their police forces have the requisite class licence for investigation;

48. See General Recommendations in Chapter I.
56. Establish a cyber section within the NWCU to enhance the effectiveness of the unit. This section would assist in the analysis of electronic devices seized during cybercrime cases within the UK. While the positions could be funded using the current funding methods, the equipment and licences could be gifted to the unit either as part of the forensic analysis fund or from other donors. Analysis of these devices would provide data that could be fed back into the NWCU’s intelligence database, increasing their intelligence holdings and thus generating further leads for investigations. For further information on this please refer to the Data section of this report.

57. Development of specific guidance for Border Force, police and prosecutors across the UK regarding cyber-enabled wildlife crime.

58. Establish a joint committee involving Defra, NWCU, Border Force, NCA, and possibly the Department for Culture, Media and Sport for a needs assessment in this priority area. Inclusion of technology companies could be considered where expertise or equipment might be availed to such investigations, and public awareness/education to online consumers. Such companies may also be encouraged to proactively ban or restrict sales. Secondment to NWCU could be explored to build capacity for such investigations. An MOU between government and online sales platforms to support information sharing on possible cases should also be developed. Best practice recommendations specific to cyber-related wildlife crimes were put forward by CITES in August 2019. This committee should be convened to explore how those recommendations can be implemented in the UK.

59. Review existing national legislation and regulations relating to virtual transactions and consider prohibition of some items identified as particularly prevalent or of concern in this context.

60. Continue existing efforts in identification and removal of postings offering illegal wildlife and plant products for sale. There is a level of 'plant blindness' that is not limited to the UK's law enforcement but has been observed by the technical team in nearly all jurisdictions where ICCWC assessments are conducted.

61. For Defra to consider providing the inclusion of Lacey Act11-style provisions specific to cyber-enabled wildlife crime, enabling the UK to emerge as a leader in this space and alleviating the potential damage that cyber-enabled crime may cause. 

62. It is recommended that a review of the Forestry Act 1967 is undertaken to align with the legal framework in Scotland regarding powers to suspend, revoke or amend felling licences and to mirror the provision relating to fines being imposed ‘per tree’, thus increasing the potential financial sanction and improving the deterrent effect. The England Tree Action Plan 2021 to 2024 seeks to reform the felling licence system and Wales is aiming to add to these powers in the Forestry Act 1967 through the proposed Agriculture (Wales) Act. The opportunity is ripe to coordinate the approach and ensure consistency, particularly as the consultation by Defra in 2018 (Protecting and Enhancing England’s Trees and Woodlands) included a proposal to improve the Forestry Commission’s powers to tackle illegal tree felling.13 The time limits for prosecution should also be adjusted to mirror those for wildlife-related offences.

63. Fines generally should be increased, and consideration given to the option of imprisonment for serious offences such as large-scale felling. The valuation of trees should be standardised across the UK (currently commercial timber value is generally low). Courts should consider other measures such as natural capital valuation models. For example, the Helliwell valuation method is based on the amenity value of trees but does not take into account factors such as biodiversity, economic impact, and carbon sequesters, and CAVAT is a method that considers the replacement value. These valuation models should be reviewed and aligned for use across the UK for a consistent approach in the courts.

64. In order to have impact regarding public service delivery and embed biodiversity values therein, training and sensitisation of those public bodies is required14 and a needs assessment should be conducted.

65. All three agencies across England, Wales and Scotland cited the need for better coordination and sensitisation of local authorities, which are the first port of call for planning applications and oversee tree preservation orders. A single point of contact within local authorities regarding forestry matters would be a welcome development. However, in discussions with stakeholders, lack of funding and staff cuts within local authorities was seen as a key challenge, with proactive management of woodlands taking a backseat to issues such as health and safety. This is not just related to the pandemic; this cutback was observed in a report in 2013,15 and again, in a report in 2017 that focused on London woodland.16 With the consultation led by Defra in December 2018,17 this is an issue that could form part of any implementation; particularly measures to introduce new duties on local authorities. Upskilling of local authority officers who are often unaware of the legal framework and requirements for felling licences would be a positive step forward (in addition to or even in the absence of establishing dedicated officers within local authorities), and the imposition of a duty for forestry matters, as envisaged in the Defra consultation of 2018, should be advanced.

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11 Title 16, section 337 of the United States Code, Title 18, section 2313
12 Disclosure
13 Discussion with Scottish Forestry on 31 May 2021

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Cyber-enabled wildlife crime

Forest Crime (Domestic)
**Forest Crime (Domestic)**

66. For England and Wales, to re-site prosecution referrals to the CPS Wildlife, Rural and Heritage Crime leads across each country, or at the very least to facilitate the dissemination of their specialist knowledge to case officers handling forest crime.

67. For CPS, COPFS, and PPS to develop and deliver training to prosecutors on forest crime and issue guidelines on forest crime (as they do for wildlife). This should be part of CPD requirements.

68. The Serious Fraud Office of the CPS and its counterparts in Scotland and Northern Ireland should be engaged on a dedicated wildlife and forest crime roundtable to identify blockages and develop a consistent and proactive approach to such referrals when they come. The use of POCA against developers has been limited, with applications for the confiscation of profits from property developers yet to be seen, such as the benefits gained from developing on land cleared through illegal tree felling.

69. For the Forestry Commission to capitalise on its MOU with CPS and Defra to allocate funds for the operationalisation of its own investigative and prosecution team.

70. Training of the judiciary on this matter is crucial. Sentencing in the few cases that have been brought to court remain a source of disappointment to many stakeholders interviewed. As discussed above, inviting the Sentencing Council of England and Wales to establish formal sentencing guidelines in the current vacuum of case law may be a challenge. In Scotland, sentencing guidelines for environment and wildlife crimes was in progress but is currently deferred, and forest crime is not included. For Northern Ireland, no case law could be found on forest crimes that would be capable of setting any sort of precedent. Accordingly, training of the judiciary across the entire UK would be an alternative, and discussions with the judicial training colleges (the Law Magistrates Training Committee of Northern Ireland, the Judicial College for England and Wales, and the Judicial Institute of Scotland) should be advanced. A curriculum can be designed with the input of the key stakeholders who may be best placed to deliver some of that training.

**Forest Crime (International)**

71. From a legislative/prosecutorial point of view, it is recommended that the penalties for breach of the regulations needs to be expanded to enable civil sanctions such as stop notices and penalty notices.

72. Increase awareness within law enforcement particularly at Border Force regarding targeting and identification of timber for examination and seizure.
INTRODUCTION

Recognising the serious challenges presented by wildlife crime and that it is often transnational in nature, the International Consortium on Combating Wildlife Crime (ICCWC), was established as an inter-agency partnership in 2010. ICCWC comprises the CITES Secretariat, the International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime (UNODC), the World Bank, and the World Customs Organization (WCO). These five organisations are working to strengthen criminal justice systems and provide coordinated support at national, regional and international levels to combat wildlife and forest crime.

In 2012, ICCWC developed the Wildlife and Forest Crime Analytic Toolkit to support and assist governments in strengthening their responses to wildlife crime. The process consists of experts undertaking a comprehensive analysis of a country’s preventive and criminal justice responses to wildlife crime, and based on this analysis, identifying the strengths and weaknesses of the current responses and identifying technical assistance needs to better address the issue.

The ICCWC Toolkit provides an in-depth understanding of the preventive and criminal justice responses in place in the subject country at the time the analysis is conducted.

The recommendations contained in the document are not intended to offer solutions to every challenge faced by the relevant UK agencies but seek to present ideas and suggestions based on best practices around the world, with particular emphasis on the in-house expertise and assistance that ICCWC partner agencies can provide.

The structure of the ICCWC Toolkit analysis report for the United Kingdom

This report initially presents an overview of the legislation, enforcement and judicial structures across the UK. Given the establishment of seven priority delivery groups (PDGs), further analysis of the legislation, enforcement, prosecution, and judicial challenges for each is provided, alongside forestry crimes. This is followed by an evaluation of the available data and analysis on UK wildlife crime, which comprises two parts. First, an examination of the data collection and communication systems in place, followed by the findings from analysis of the available data on the prevalence and nature of wildlife crime offences.
METHODOLOGY

The Government of the UK committed to implement the ICCWC Wildlife and Forest Crime Analytic Toolkit during the London Conference in October 2018. UNODC, on behalf of ICCWC, and working in partnership with UK government officials, convened an initial virtual high-level meeting in London on 2 March 2021 to formally launch the ICCWC Toolkit process and present the tool to Defra. While the implementation of the Toolkit is government-led, ICCWC provides support through all stages of the process, as detailed below.

The ICCWC Toolkit attempts to provide a comprehensive set of assessment guidelines, which – individually and collectively – assist in curtailing illegal trade in wild fauna and flora. The Toolkit assists users in the following ways:

→ Identifying current patterns of wildlife crime;
→ Analysing the criminal justice response, including the legislative, enforcement, prosecutorial and judicial systems in use;
→ Understanding the different links and actors in the wildlife offences chain; and
→ Implementing measures to address and prevent wildlife offences from being committed by offering alternative incentives. This report describes the research, virtual and in-country activities undertaken as part of the comprehensive analysis of the UK’s preventive and criminal justice responses to wildlife crime, based on the ICCWC Toolkit.

Following the Toolkit methodology, UNODC first conducted research and a desk review of relevant legislation, grey and scholarly literature, and documentation, which was followed by fact-finding missions/online interviews between April and July 2021. The UNODC experts met in person or virtually and engaged in email communication with government officials and other relevant actors. Given the constraints of time and the impact of COVID-19, not all civil society actors could be interviewed. The in-country assessment mission focused mainly on the areas of law enforcement, prosecution, and legislation. A mixed method research approach was adopted to collate and evaluate the available data and research on the prevalence and nature of UK wildlife crime. This involved a Rapid Evidence Assessment of scholarly literature, an evaluation of the grey literature, and empirical data collection and analysis, of which further details are provided in the Data and Analysis section.

Experts interviewed officials responsible for wildlife, forestry, justice, law enforcement and border control. The assessment team considered and analysed the information gathered through these meetings and drafted a set of recommendations for action to strengthen the Government’s responses to addressing these crimes. Feedback was invited from study participants and the draft report circulated for comment before finalisation.

The team members included:

Jorge Rios, Chief of the UNODC Global Programme for Combating Wildlife and Forest Crime, UNODC Vienna
Jenna Dawson-Faber, Crime Prevention and Criminal Justice Officer, UNODC Vienna
Lejda Toci, Crime Prevention and Criminal Justice Officer, UNODC Vienna
Shamini Jayanathan, Barrister-at-Law and Global Prosecution Advisor, UNODC
Steve Carmody, Senior Law Enforcement Expert, UNODC
Dr. Jennifer Maher, Criminologist, University of South Wales, UNODC
OVERVIEW OF COUNTRY CONTEXT

The United Kingdom includes the countries of England, Wales, Scotland and Northern Ireland, and is located off the north-western coast of mainland Europe. The total landmass is 248,532 square kilometres of which 29% of the land area is pastures, 27% is non-irrigated arable land, 9.4% is peat bogs, 7.5% is moors and heathland, 5.8% is natural grasslands, 5.3% is discontinuous urban fabric, and 7.3% is a combination of coniferous and broad leaf forests. The remaining 8.7% is made up of different natural and urban environments.20 The UK has a population of 67 million (2020) of which 83.65% live in urban areas. English is the de-facto national language spoken by 58.1 million people. Indigenous languages represent 2.3 million speakers, mainly Scots and Welsh, with immigrant languages representing 4.2 million speakers, of which Polish is the highest represented with 546,000 speakers.21 The UK is part of the G7 and like many developed countries, its economy suffered a GDP decline of -1.6% in 2020 brought about by the COVID-19 pandemic. The UK has a GDP of 1.96 trillion British pounds and has a per capita income of £39,10.22

The UK has a diverse mix of habitats and species with 2,890 priority species listed across the UK. The Biodiversity Indicators for 2020 (JNCC 2020) show the average change in 219 species (103 birds, 23 butterflies, 13 mammals, and 80 moths) for which robust abundance trends are available. It is important to note that the data is taxonomically limited, for example, it includes no vascular or non-vascular plants, fungi, amphibians, reptiles, or fish, and the only invertebrates are butterflies and moths. Furthermore, the data includes different time periods, data collection methods and data analysis. While these 219 species showed little change in the period 2013-2018 (approximately 7% decrease), the longitudinal index of relative abundance of priority species in the UK had declined to 36% of its baseline value (1970), a statistically significant decrease. Over this long-term period, 21% of species showed a strong or weak increase and 63% showed a strong or weak decline.23

The UK biodiversity indicators set comprises 24 indicators and 52 measures. Of these, 10 measures are not assessed in the long term, and 13 in the short term, as the measures are either under development or analytical methods for short term assessment need to be refined. In the 2020 review, 24 indicators were updated. Twenty three of the 42 measures assessed over the long term show an improvement compared to 18 of the 39 measures that are assessed over the short term. Fourteen measures show a decline in the long term and eight show a decline in the short term. Examples of long-term improvement include agricultural and forest area under environmental management schemes, sustainable fisheries, protected areas, and biodiversity for decision making. Examples of long-term decline include status of pollinating insects, status of priority species, and birds of the wider countryside and at sea.24

The UK is made up of approximately 60,000,000 acres with the top 50 landowners owning 12% of the landmass. About 9% of the landmass is national parks, of which there are 15, including 10 National Parks in England – Broads, Dartmoor, Exmoor, Lake District, New Forest, Northumberland, North York Moors, Peak District, South Downs and Yorkshire Dales; three in Wales, namely Brecon Beacons, Pembrokeshire Coast and Snowdonia; and two in Scotland, Cairngorms and Loch Lomond & The Trossachs.25 The woodland area in the UK in 2020 is 3.2 million hectares, with 1.39 million hectares (43%) independently certified as sustainably managed.26 The marine area is approximately 3.5 times the size of the land area, with 24% of UK waters identified as marine protected areas, a ten-fold increase since 2009.27 Further detail on the biodiversity indicators is provided in the Data and Analysis section.

OVERVIEW OF LEGISLATION

› International Framework on Wildlife Crime

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is the international agreement that establishes a permit system for international trade of various species listed on its Appendices. It imposes an obligation on parties to ensure that specimens are legally acquired and is meant to enable parties to create mechanisms to distinguish between legally and illegally traded wildlife. Domestically, and since the UK’s exit from the European Union, CITES is implemented through the Control of Trade in Endangered Species Regulations (COTES), with enforcement action enabled at designated ports and borders by the Customs and Excise Management Act 1979 (CEMA).

Other relevant international treaties and agreements identified within the Analytic Toolkit are listed below but it is worth noting that the United Nations Convention against Transnational Organised Crime (UNCtO) and the United Nations Convention against Corruption (UNCAC) also provide frameworks for international cooperation in relation to investigation and prosecution of wildlife crimes. It is widely recognised that such activities are a form of transnational organised crime whereby illegal movement of wildlife across borders is facilitated by corruption. However, for UNCtO to apply, the conduct must be considered a "serious crime" where the offence is punishable by at least four years imprisonment. As this report identifies, few offences concerning wildlife and forestry crime in the UK qualify.

Table 1: Overview of the International Framework

<table>
<thead>
<tr>
<th>AGREEMENT</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention on Biological Diversity</td>
<td>Ratification: 1/9/1994</td>
</tr>
<tr>
<td>Convention Concerning the Protection of World Cultural and Natural Heritage</td>
<td>Ratification: 29/5/1984</td>
</tr>
<tr>
<td>European Community Directive on the conservation of natural habitats 1992</td>
<td>Implemented largely through the Wildlife and Countryside Act 1981 and other regulations</td>
</tr>
</tbody>
</table>
The UK has a strong suite of laws that enable the implementation of UNTOC and UNCAC, with specialist prosecution offices in the Crown Prosecution Service (CPS), the Crown Office and Procurator Fiscal Service of Scotland (COPFS) and the Public Prosecution Service (PPS) of Northern Ireland.

The UK has concluded numerous treaties concerning international cooperation in criminal matters. Mutual legal assistance and extradition laws are comprehensive, with letters of request (incoming and outgoing) handled by specialist teams therein. However, at the outset it appears that organised crime and corruption laws have not been utilised in prosecutions of wildlife and forestry crime (though Proceeds of Crime Act applications for confiscation have been used, but rarely); and whilst police cooperation across borders has occurred, formal international cooperation in relation to such crimes has not, whether that be mutual legal assistance or extradition.

### Domestic Laws Governing Wildlife and Forestry Crime

Certain policy areas have been devolved to the separate legislatures and executives in Scotland, Wales, Northern Ireland and England, enabling different legal regimes to develop alongside different approaches and resources allocated to these sorts of crimes. For example, forestry, fisheries and environment matters have been devolved to Northern Ireland, Scotland and Wales, enabling them to pass their own legal and regulatory frameworks. As a result, dissecting the statutory regimes applicable to certain wildlife and forestry offences is necessary, in accordance with the priorities set by the UK Tasking and Coordination Group. Details on how these priorities are identified and measured are provided in the Data and Analysis Section.

**Those priorities are:**
- CITES issues
- Bat Crime
- Badger Persecution
- Cyber-Enabled Wildlife Crime
- Raptor Persecution
- Fresh Water Pearl Mussels
- Poaching (including Hare Coursing, Deer and Fish Poaching)

In assessing the legislative and prosecutorial capacity to tackle wildlife crime, this report looked at each of the NWCU priorities as a means of identifying key weaknesses and possible solutions, many of which are cross-cutting. Each area will be considered separately, with forestry crime assessed in separate section.

Overall, however, the wildlife and forestry laws across the UK are scattered and inconsistent. The commentary contained within the Executive Summary is adopted here.

<table>
<thead>
<tr>
<th>AGREEMENT</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest Law Enforcement, Governance and Trade (FLEGT)</td>
<td>No longer applies to England, Wales or Scotland. Timber and Timber Products Placing on the Markets Regulations (UKTR) and UK FLEGT Regulations apply. For Northern Ireland, EU Timber Regulations remain in force.</td>
</tr>
<tr>
<td>International Tropical Timber Organisation</td>
<td>Member</td>
</tr>
<tr>
<td>VPA Agreement with Indonesia</td>
<td>April 2019 (includes N. Ireland)</td>
</tr>
</tbody>
</table>

The UK operates perhaps the most advanced police forces in the world; professional, well trained, well led, and working within a tried and tested legal framework. The UK has consistently been at the forefront of change, has embraced higher education, adopted advanced and accelerated leadership programmes, and yet has still managed to respect tradition. Within the UK there are four countries and two different policing models. Scotland and Northern Ireland have single police forces, both less than 20 years old in their current form. Within England and Wales there are 44 police forces, including the world’s first recognised professional full-time police force, the Metropolitan Police.

This section examines the relevant law enforcement agencies, their mandates, analytical and investigative support provided to wildlife crime investigations, training, advanced investigative techniques, CITES, and the respective strengths and weaknesses of each model. Several recommendations are also made, many pertaining to expanding the role and capacity of the NWCU with a view to making it the global leader in this field.

One issue that does impact the UK’s law enforcement response in all four countries is the fact that the majority of wildlife crime offences - with several exceptions - are not recordable in the UK. Changes in legislation in Scotland have made some offences recordable and CITES matters across the UK are recordable. This issue is also addressed in the Legislation and Data sections.

In handling serious and organised crime (SOC), the UK has developed systems, processes and procedures that have been honed over many years. Making certain offences recordable ensures sufficient police resources are allocated to reducing these crimes, and should police managers fail to address them, they are then held accountable by the Home Office. It also means that police managers know how often these crimes occur, where and when they occur, and what resources have been allocated or need to be allocated to address them. When these checks and balances are not required, it comes down to the decision making of the individual police force, or often mid-level supervisors, to determine whether wildlife crime is important and what resources they allocate to it.

In the current financial climate, it is unrealistic to assume that all police forces will allocate resources to a crime that is not recordable. There are some forces that take wildlife crime seriously but there are others that do not. Accordingly, in a climate of financial constraints, a non-recordable offence is unlikely to have finite resources allocated to it and there are no ramifications for a manager should they choose not to make wildlife crime a priority. As was said by one of the officers interviewed, ‘There is no stick.’ This is a weakness throughout the UK but is amplified in England and Wales because of the number of police forces. This also creates issues around identifying the true scale of wildlife crime because the data is not easy to access. This is addressed in the Data section of this report and will not be discussed further here.

Because many forces do not prioritise such crimes, many officers who are assigned to wildlife crime units often find themselves diverted away from wildlife crime cases to investigate other crime types. Several officers interviewed spoke of no resources, being forced to work in their own time or being told not to work cases at all, being called away from wildlife crime investigations, and a general apathy within their respective police forces, particularly at the middle management level. What did shine through, however, was the commitment, passion and dedication of these officers who choose to continue to undertake these investigations with very little official recognition, and, at times, to the perceived detriment of their own careers. The greatest strength of the UK’s response to wildlife crime are the people who work in this field and the expertise they possess.
Another major issue impacting enforcement in the UK is that the vast majority of offences occurring in England, Wales and Northern Ireland do not have penalties sufficient to enable the police to use advanced investigative techniques. In England, Wales and Northern Ireland, the Data Retention and Investigatory Powers Act, 2014, the Regulation of Investigatory Powers Act, 2000 (RIPA) and for Scotland the Regulation of Investigatory Powers Act 2000, stipulate a number of conditions, including minimum penalties, before a law enforcement agency can deploy advanced investigative techniques, including acquisition and disclosure of communications data, surveillance, covert human intelligence sources and undercover police operatives. These are the tools that UK police use daily to combat serious organised crime and they are tools that are not available to police when investigating the majority of wildlife crime cases. Table 2 provides a summary of the advanced investigation methods potentially relevant to wildlife crime in the UK.

Table 2: Summary of advanced investigation methods relevant to wildlife crime in the UK

<table>
<thead>
<tr>
<th>Advanced Investigation Method</th>
<th>England</th>
<th>Wales</th>
<th>Scotland</th>
<th>Northern Ireland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trained undercover operatives</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Directed surveillance</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Intrusive surveillance</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Confidential Human Intelligence Source</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Access to communications data</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Interception of communications systems</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

In Scotland, whilst the law technically enables application of advanced investigative techniques, other factors are at play, not least the recognition of such crimes as serious crimes by the National Crime Agency (NCA). This is discussed further in the report. However, the basic requirement under legislation must be addressed first. In the meantime, WCOs are encouraged to speak with criminal investigators to look at alternative strategies to investigate those who commit wildlife crime and other more traditional crime.

Over the last several years there has been momentum building within the inter-governmental (IGO) and non-governmental (NGO) communities for law enforcement agencies to embrace anti-money laundering provisions to target the kingpins of transnational organised wildlife crime. The UK has promoted the philosophy of following the money abroad, and in respect to bat crime there have been several successful applications of the Proceeds of Crime Act (POCA), which is normally used for drug and fraud matters within the UK. The potential of this strategy was realised in 2020 when a property developer was convicted of five-year cycle and is currently up for renewal, is determined based upon crime or incident numbers, emerging trends, demand, and in some cases a carry-over of tried and tested methods that worked during previous strategies. There are 26 areas to the strategy, and it is the responsibility of the NWCU to leverage and deliver that strategy on the frontline.27

The NWCU is also responsible for coordinating the seven priority delivery groups which address those wildlife crime areas identified as priorities for UK law enforcement. These delivery groups allow relevant stakeholders from government and civil society to engage and develop collective strategies to reduce the incidence of wildlife crime within their priority group. This is a well-thought-out strategy that drives the overall police response and allocation of resources and enables the NWCU to be well-positioned in identifying emerging trends and high-risk individuals.

The NWCU also coordinates the specific police operations that address crime within each priority delivery group, whilst Border Force also coordinates international operations on wildlife crime, including the recent INTERPOL Thunder series of operations28 as well as their own operations at UK ports and borders.

The NWCU role regarding access to data collection, analysis, dissemination, and retention is covered in the chapter on Data Analysis in this Toolkit report and will not be repeated here.

Structure

The nominal head of the NWCU is currently the Deputy Chief Constable from Northumbria Police, who took over the role in June 2021. The day-to-day running of the NWCU is led by a Chief Inspector who recently took up this role, having previously held the operational portfolio for wildlife crime with the North Yorkshire Police Force. In addition to the Head of the Unit, the NWCU has 11 additional staff as shown in Figure 1.

28 INTERPOL Thunder series of operations
PDGs, as determined by the Conservation Advisory Group, are: providing an intelligence function, an analytical function and an investigative support function. The seven

The ISO will become the dedicated point of contact for national and international agencies including CITES-listed species, again providing an intelligence, analytic and investigative support function. A new

Since taking over the role in January 2021, the Head of the NWCU has sought to sharpen the focus of the unit and ensure that it is effective in delivering the necessary services and support to frontline officers. To achieve this, he has introduced a three-tiered system.

The first tier is the Priority Delivery Groups (PDGs). NWCU supports and oversees the seven PDGs by providing an intelligence function, an analytical function and an investigative support function. The seven PDGs, as determined by the Conservation Advisory Group, are:

- The Badger PDG
- The Bat PDG
- The Raptor PDG
- The Poaching PDG
- The Freshwater Pearl Mussels PDG
- The CITES PDG
- The Cyber-enabled Wildlife Crime PDG

The second tier focuses on supporting national and international law enforcement operations. This falls within the mandate of the Unit and, as with the PDGs, the unit provides an intelligence function, an analytical function, and an investigative support function.

The third tier, which is currently being restructured, is designed to address the international trade in CITES-listed species, again providing an intelligence, analytic and investigative support function. A new Investigative Support Officer (ISO) position will be created and funded as part of a two-year trial, during which the ISO will become the dedicated point of contact for national and international agencies including the NCA, INTERPOL and Europol.

Analytical Support

The NWCU has a combination of intelligence analysts and intelligence officers who perform different but mutually supportive roles. Intelligence officers will develop and disseminate any information or intelligence that is shared with the unit, be that from partner agencies, national or international law enforcement partners, frontline wildlife crime officers, or other sources. This information is disseminated through the ISOs or directly to frontline policing units and law enforcement partners.

Intelligence analysts undertake analysis of information and data received on crime or trends to enable the creation of intelligence products, to support tactical operations and to inform operational and strategic plans to address wildlife crime.

Investigation Support

A key role played by the NWCU is that of investigation support. The Unit has one sworn police officer in Scotland who supports Scottish investigations, and (currently) two very experienced former police officers (the unit is seeking to replace a third officer who recently retired) who both had more than 30 years of policing experience before they joined the NWCU. These ISOs advise police on wildlife crime cases and are very well regarded by WCOs throughout the UK. These officers fulfill a crucial role, supporting and advising less-experienced police officers and partners. The provision of this service is offered by the NWCU at no cost to police. The ISOs act in an advisory capacity only and, except for the Scottish ISO, are not warranted officers.

Training

The ISOs frequently assist on an ad-hoc basis in Foundation, CITES and COTES training courses for WCOs throughout the UK. There is no structured, formalised training course within England and Wales for wildlife crime. Police Scotland run wildlife training courses at its Police College and PSNI incorporate wildlife crime in their police recruit training course.

Website

The NWCU has its own website, which is informative and easy to navigate. It captures the roles and responsibilities of the unit and directs visitors to links including the NWCU Mission Statement, wildlife crime priorities within the UK, training, the forensic analysis fund, and media releases.

Interestingly, the Unit does not have a Press Officer and directs enquirers to local police forces. This also highlights the fact that the Unit does not currently have the capacity to engage with any media outlet regarding involvement in filming for any TV series or documentaries. While this is understandable and enables the Unit to focus on its core responsibilities, it may also be a missed opportunity for promoting the work of the Unit, or raising awareness of wildlife crime and the police response to it within the UK. It is unclear if this decision is based purely upon resources or there are limitations imposed on the unit by Article 27 of the National Police Collaboration Agreement.

A major strength of the Unit is its ability to operate in a complex and polarised environment. Policing relies upon due process, accountability and operating within the rule of law. This can seemingly be in conflict with the interests and demands of advocacy and environmental issue groups, who often seek an immediate response to their complaints. Often the police are criticised for their role or actions through no fault of their own. The ability of the unit to operate so effectively within this environment is a credit to their professionalism.

Another strength is the vision and organisational capabilities of its new Head of the Unit. Although new to the post, he is already making changes that enable the efficient and effective allocation of resources to sharpen the focus on current issues and address new and emerging trends.
Challenges

Despite the strengths of the NWCU, there are several roadblocks that prevent it from reaching its full potential.

→ Staffing

The NWCU budget is £580,000 per year, of which about 90% is spent on staff wages. The current funding cycle is only 12 months, as a result of the UK government opting for a single year Spending Review. This funding horizon makes it extremely difficult to plan long-term goals, create a realistic business plan, or attract experienced staff to the Unit. The perception of risk to its long-term viability may incentivise potential partners to build their own capacity internally as insurance if the Unit shuts down. This would create division and inconsistency in approach, something that has been seen by the assessors in many other jurisdictions.

Further, the concerns about the financial security of the Unit means that there is little room for succession planning. The staffing numbers with the NWCU have remained stagnant for a decade and there is no room for promotion from within. Since its inception, NWCU has relied on the same ISOS to provide advice, support and guidance to police forces and other partners. One non-warranted ISO has retired and the remaining two will be leaving in the next two to three years. Without a succession plan in place, there is potential for a drop in standards in the short term as new ISOs are brought up to speed and learn to navigate the wildlife crime world in the UK. A structured change management process that designs strategies to effect change is also required to assist staff to adapt to change.

The Unit would benefit from some diversification at the ISO level. There are several outstanding female WCOs operating in the UK who could potentially be seconded to the Unit on an annual basis (so that they would not need to leave their policing careers), but diversification of course is not limited to gender. With the current Head of the NWCU scheduled to return to his force after three years, this may not be long enough to cement the strategic goals set for the Unit. The PSNI is a good example of stable long-term leadership. A five-year term should be an option for the NWCU Head of Unit.

The low number of staff allocated to the Unit also limits its capacity to extend to emerging crime areas or take on significant analytical projects, as ‘Every single second of their time is booked out and done.’ An example of how this lack of depth can adversely impact the Unit was the glass eel case investigated by the NCA in 2017 (further discussion below). At the end of the investigation, the NCA approached the Unit to undertake analysis of the offender’s mobile telephone. It was determined that the NWCU did not have sufficient analytical capacity, and instead the analysis was done by the Environment Agency. The analysis of electronic devices can be very resource intensive and time consuming; however, it can also be rewarding in terms of evidence and intelligence. While the Environment Agency is to be congratulated for taking on the task of analysing this telephone, the analysis should have stayed with the NWCU, as staff at the Environment Agency are not trained criminal intelligence analysts and it is highly likely that additional investigative opportunities at the national and international level have been missed.

An interview with Chief Inspector NWCU

→ Investigations

There is an opportunity to develop an investigations arm of the NWCU. The purpose of this unit would be to address wildlife crime that reaches beyond the capacity of local WCOs but falls below the threshold of cases that would be taken over by the NCA. This unit could be run by a Detective Sergeant and staffed by detectives with an interest or passion for wildlife crime, or by WCOs who are seconded to the unit for 12 months to develop their investigatory skill sets, which can then be applied when they return to their police force. This unit would be particularly valuable should the NWCU increase their CITES investigations or if they need to focus on an issue that has not been resolved because of the lack of such a unit.

→ Funding

To put the NWCU funding issue into context, the overall funding for TRAFFIC, League Against Cruel Sports, World Animal Protection, and EIA (Environmental Investigation Agency) for 2019/20 was £9,400,000, £3,987,096, $58,200,000, and £3,720,273, respectively. The level of funding provided to the NWCU is insufficient for the unit to develop or grow, to innovate or to plan with any degree of certainty.

As the Unit moves into the three-tiered model and increases its proactive work (including additional data generation and analysis) into the trafficking of CITES species, which has been neglected in the UK, they run the risk of opening a veritable Pandora’s box of crime that has previously gone unnoticed. While this move is fully supported by the assessment team, it needs to be adequately funded or the Unit runs the risk of identifying significant transnational organised wildlife crime and not being able to investigate it, or not being able to enlist the support of the NCA.

The current strategy of 26 crime areas is too broad for the Unit to be able to consistently deliver with the current staffing levels. Consideration should be given to reducing it to 13 crime areas to enable the unit to focus and allocate resources where they will be the most effective.

→ Equipment

Another weakness is the lack of equipment to support its functions. The Unit does not have the necessary IT equipment for data collection, or its own vehicles, and when one is needed it must be hired. Neither does it have the necessary technical capacity nor in-house expertise to undertake analysis of electronic devices that may have been used in the commission of a wildlife crime offence. While these devices can be, and sometimes are, subject to analysis by force units, information provided to the assessors indicated that this was not often the case because of the time lag between seizure and analysis, based on such crimes being seen as a low priority compared to, for example, rape and gender-based violence (GBV). This is a situation that should be rectified to avoid competition in policing priorities seeing the NWCU lose out.

→ Prosecutions

Finally, the NWCU ultimately relies upon prosecution expertise across the UK to ultimately see results through conviction and deterrent sentencing. The approach taken by the prosecution agencies differs across England and Wales, Scotland and Northern Ireland. In England and Wales, and in Northern Ireland, not all cases are prosecuted at court by prosecutors with the necessary expertise. Embedding two full-time lawyers within the NWCU to provide legal advice and potentially appear at court would provide a valuable backstop in instances where CPS or PPI cannot instruct trial counsel with the required expertise. They could assist not only domestically, but potentially also abroad, for example through liaison with criminal justice advisors in UK missions overseas.
International Role of NWCU

The law enforcement agencies undertaking international undercover operations targeting Organised Crime Groups (OCGs) and operations in wildlife crime are predominantly the US (United States) Fish and Wildlife Service, the US Department of Homeland Security, and the China Customs Anti-Smuggling Bureau. These agencies are often supported by local or international NGOs and IGOs; however, they do not have sufficient resources to address this growing problem.

Being the mandated agency to liaise with national and international law enforcement agencies, the NWCU could grow and address transnational organised wildlife crime on a global scale. However, it will not be able to achieve this goal without a significant funding increase, the establishment of a dedicated investigations unit, an increase in the number of intelligence officers and analysts, and the deployment of liaison officers to UK embassies in wildlife crime hotspots. This would need an increase in funding in the vicinity of 600-800% to achieve a workable £3-4 million annual budget. While an increase of this size might be unpalatable in the current climate of government-reliant funding, it is worth noting that UK-based NGOs working on similar issues all have budgets at this level. This increase in investment would need a paradigm shift in the mindset of NWCU funders, but there is certainly an opportunity for the Unit to be at the forefront of the global law enforcement response to the illegal wildlife trade (IWT) and be a force multiplier in support of other UK-funded projects. In comparison, the only other law enforcement agency with a unit that has a similar wildlife crime mandate and level of expertise as the NWCU is the US Fish and Wildlife Service (USFWS). The Office of Law Enforcement of the USFWS currently has a Special Investigations Unit of 12 full-time investigators, in addition to 11 liaison officers posted in wildlife crime hotspots globally. Unlike the NWCU, the USFWS has developed its investigation capacity first and while they have an intelligence unit, they are several years behind the expertise of the NWCU. However, the USFWS spends more money on operations and undercover purchases annually than the total NWCU budget.

Another opportunity for the NWCU is in capacity building and training, whether it be producing standardised training material for delivery to international law enforcement agencies, or potentially providing serving NWCU or UK police officers to instruct that training. Crime scene management, fingerprints, intelligence analysis, undercover investigations, surveillance, major case investigation, and confidential human source management, are areas where the UK could develop and introduce standardised training materials to address transnational organised crime. In doing so, it would also advance the Ministry of Justice’s strategy on ‘Global Britain – promoting rule of law’ abroad.

Of the 10 grants awarded in the 2020 round of the UK IWT Challenge Fund, six had a law enforcement training and capacity building element being delivered by NGOs, and a combined budget of more than £2,500,000, or more than four times the annual budget of the NWCU. It is recommended that any new grants including a capacity building element be required to use standardised NWCU training materials and/or NWCU trainers or accredited trainers. This in turn would attract detectives to the NWCU who could perform in both a training and investigatory role. It would also help the Unit in identifying trusted law enforcement partners and create further intelligence opportunities. Furthermore, once that training material is developed, it only needs to be updated when new technology or trends are identified. The significant cost savings could be returned to operational activities or hiring additional staff for the NWCU.

Corruption is also a threat that the Unit will face, should it pursue a greater international presence and expand its operations to include working with partners in developing countries. Developing relationships with trusted law enforcement, IGO and NGO partners is vital to counter this threat, and the unit would need to develop strategies such as vetted units, compartmentalising information sharing, and building partnerships along the supply chain. The Overseas Security and Justice Assessment (OSJA) approach would also be required to mitigate the legal and reputational risk to the unit and the UK government in international work in this field, as human rights abuses abound in the context of conservation.

Recommendations

→ Move the funding of the NWCU to the Home Office and establish the Unit on a permanent basis;
→ Increase the annual budget of the NWCU to enable the hiring or seconding of additional staff and the purchase/lease of vehicles and equipment;
→ Increase support to the NWCU to address transnational organised crime globally. Hire additional staff and establish liaison officers in known wildlife crime hotspots in Africa, Asia, and Latin America;
→ Develop standardised NWCU training materials for use in UK-funded overseas law enforcement training and require that this training is delivered by NWCU staff or accredited police officers or trainers as part of any relevant UK IWT grant;
→ Extend the secondment of the Head of the NWCU from three to five years, if the officer is in agreement;
→ Increase the representation of currently under-represented groups within the NWCU, including within its intelligence and analysis functions;
→ Focus on inclusion to build the Unit’s culture and representation as a place that attracts, develops, retains, and fully engages all the diverse talent available to it;
→ Assign two full-time lawyers to the NWCU to support prosecutions across the UK.

National Crime Agency

The National Crime Agency leads the UK fight to address serious and organised crime (SOC), protecting the public by disrupting and bringing to justice those serious and organised criminals who pose the highest risk to the UK. The NCA’s scope extends to crimes committed across the UK. Serious and organised crime in the UK is conservatively estimated to cost the economy £37 billion pounds per year. There are an estimated 4,772 OCGs operating within the UK, of which 25% are suspected of being involved in violent criminal activity. In 100% of its investigations, the NCA encounters some form of electronic encryption. In 2021, the strategic priorities of the NCA are to:

→ Reduce the number of victims of exploitation, this includes child sexual abuse and exploitation, modern slavery and human trafficking, and organised immigration crime;
→ Reduce the impact of SOC on communities, with the main threats being firearms and drugs;
→ Reduce the harm from economic crime to individuals, the UK economy and institutions. The main threats under this priority include money laundering, fraud, and cybercrime.

Accordingly, the NCA Director General has set five operational priorities for the NCA to achieve its strategic goals. These are:

- To enhance the intelligence picture of existing and emerging SOT threats to the UK;
- To lead, task and coordinate the operational response against agreed priority threats, ensuring the right resources are targeted where they will have the greatest impact;
- To operate proactively at the high end of high risk, undertaking significant investigations resulting in disruption of threats by the most effective means;
- To develop and deliver specialist serious and organised crime capabilities and services where this is best done nationally, enabling their availability when needed for the benefit of all UK law enforcement;
- To enhance the NCA capability and credibility by recruiting and retaining talented officers and enabling them with the right skills, facilities, data and technology to operate productively and effectively.\(^{37}\)

The NCA has a staff of about 5,000 and has an annual budget of £458.8 million. The NCA has two functions specified in statute, namely crime reduction and criminal intelligence.\(^{38}\)

Wildlife crime is not a priority for the NCA, and they did not respond to requests for interviews as part of this Toolkit process. The terms ‘wildlife crime’ or ‘CITES’ do not appear in the 2021 annual plan nor in the 2020 annual report.

**Analytical Support**

The NCA Intelligence Directorate has approximately 1,980 staff,\(^{39}\) with most of these based at the NCA’s main operational centres in London, the North West and West Midlands. The Intelligence Directorate comprises one Director of Intelligence and six Deputy Directors. Each Deputy Director is responsible for one of the NCA’s intelligence portfolios: Collection, National Intelligence Hub, International, Tracer, National Tasking and Co-ordination, and National Digital Exploitation Centre (NDEC).\(^{40}\)

The NCA is the UK’s premier law enforcement intelligence agency, and yet it plays no role in the intelligence process relating to wildlife and forest crime in the UK.

**Investigation Support**

The NCA can be tasked to investigate any crime; however, it generally targets the highest levels of SOT, and the organised crime groups involved in such offences. Despite it not being a priority, the NCA has acted upon two CITES-related referrals from Border Force: the illegal export of 200 kg of glass eels, for which the offender received a two-year suspended sentence and 240 hours of community service, and the importation of 19 bird of prey eggs and two live chicks, where the offender received a 37-month custodial sentence. These interventions are to be applauded and illustrate how the NCA can still play an important role in combating wildlife crime, even if it is a reactive one.

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\(^{37}\) Ibid, Page 19

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**NCA and Wildlife Crime**

According to the EU Committee on the Environment, Public Health and Food Safety (ENVI) 2016 analysis of UK wildlife crime, there were 19 OCGs identified across the UK involving 134 individuals, or less than 0.4% of all OCGs, that were involved in these crimes. Wildlife crime OCGs were mainly linked to poaching, raptor persecution and CITES-related offences. The NCA identified those OCGs involved in the illegal wildlife trade as increasingly flexible in their ability to generate new income (NCA 2015:27). Given NCA staffing levels and the need to focus on priority crimes that pose the greatest risk of harm to the UK and its citizens, those 0.4% of wildlife crime OCGs in their current form do not rise to the level of risk that would require NCA intervention. Until intelligence is received that wildlife crime is at that risk level, wildlife crime should remain a NWCU and Force level issue.

### Border Force\(^{38}\)

Border Force is a law enforcement command within the Home Office that secures the UK border and promotes national prosperity by facilitating the legitimate movement of individuals and goods. It is responsible for anti-smuggling operations including detecting and preventing the illegal import and export of prohibited and restricted goods, protecting revenue and duty, and tackling VAT and revenue fraud at the border with suspected fiscal frauds referred to Her Majesty’s Revenue and Customs (HMRC). Under the 2012 Partnership Agreement between HMRC, Home Office and Border Force, it was identified that Border Force is an operational command within the Home Office responsible for frontline operations at the border, and in the context of that agreement, Border Forces frontline operations were defined as:

- Collecting and protecting the revenue associated with the importation and exportation of goods;
- The regulation of international trade;
- Preventing the exportation of strategic goods and technology subject to sanctions;
- Detecting the importation of goods that contravene intellectual property rights; and
- Operating the EU Safety and Security System.

To achieve its priorities and deliverables, Border Force must manage and oversee an enormous amount of passenger and cargo movements every year, including:

- 255 million international passengers arriving through UK airports
- 21 million international sea passengers using UK seaports
- 22 million passengers travelling on Eurostar and Le Shuttle
- 383 million tonnes of international freight handled by UK seaports
- 2.5 million tonnes of freight handled by UK airports
- 1.3 million tonnes of train freight using the Channel Tunnel\(^{40}\)

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\(^{40}\) About us - Border Force - GOV.UK (www.gov.uk)

Border Force is divided into five operational regions in the UK, namely North, Central, Heathrow, South and South East, and Europe. These regions have responsibility for securing the UK’s 140 seaports, airports, more than 200 general aviation ports, postal depots, and international rail network. Border Force has approximately 8,880 officers spread across these five regions and international liaison positions.

Analytical Support
Border Force operates an Intelligence Directorate whose responsibility is to develop credible and timely intelligence to seek out the illicit movement of cargo and people, by identifying focused intelligence leading to better and more targeted outcomes. The Intelligence Directorate has intelligence units in every region and central targeting hubs.

Border Force develops its strategic priorities annually and allocates them a rating from A to D. In respect to intelligence priority, CITES-related offences are ranked as a C, which theoretically means that CITES-linked cases have access to intelligence support; however, this would appear to rarely, if ever, occur. Unless this priority classification is raised, this will remain a significant limitation to Border Force’s efforts in detecting CITES-related offences and supporting the police. Approximately 50% of CITES seizures are made by Border Force officers as a direct result of specific targeted activity; however, the risk profiles that direct these activities are created and maintained by the Border Force CITES team and not by the Border Force Intelligence Directorate, meaning there are limitations on the extent to which they can analyse and generate the necessary intelligence-led operations. Consequently, Border Force seizures in respect to CITES matters must rely heavily on the expertise of their limited staff and other risk-related factors (see also Data and Analysis Section on data limitations and analysis of seizures).

Investigation Support
Border Force does not conduct investigations ‘inland’ other than at customs-controlled facilities. Investigations of serious crimes identified by Border Force are referred to the NCA for investigation. In the context of wildlife crime, the vast majority of these referrals are refused. To that point, many such cases are then disseminated to individual police forces within the UK or the NWCU for further attention, or are dealt with in other ways (see section on CITES issues). The number and quality of these referrals are also hampered by a lack of intelligence support.

Border Force CITES team expertise is also called upon to support ‘inland’ investigations by providing technical advice to UK police forces, which may even extend to attending search warrants in support of police. One example of this type of support was the identification of ivory leaving the UK for Asian markets through the monitoring of eBay accounts by one of the enforcement teams in Derbyshire (see ‘CITES issues’). Data shows that plants and plant derivatives form a significant proportion of CITES specimens moving in and through the UK’s ports and borders but rarely result in investigation, let alone prosecution. There is a need to train and sensitize law enforcement, the public and private sector, and further resource law enforcement to tackle plant-based crime in this sector.

Training
The Border Force CITES team delivers a range of CITES-focused training material to Border Force staff and law enforcement partners. A five-day intensive training course on CITES matters is normally provided bi-annually (prior to the pandemic this course would run face-to-face) and is delivered with UK partners from Royal Botanic Gardens at Kew. As a result of Brexit, the Unit has also delivered a CITES awareness course to about 2,000 frontline officers over a two-year period. Recently, the Unit developed an online training curriculum consisting of three one-hour modules to enable training to continue despite COVID-19 restrictions.

The effectiveness of the training is still to be fully realised, but since delivering the awareness training post-Brexit, the unit has seen an increase in CITES seizures at locations where there have never been seizures before, with an additional 2,000 Border Force officers aware of their obligations when it comes to wildlife and forest crime. Ongoing application of training and mentoring through the Heathrow team offers an avenue to maintain this new level of awareness.

International Support
Border Force has a number of liaison officers deployed overseas to high priority countries with a view to deterring the movement across national borders of individuals and goods that would harm the UK national interest. To achieve this, these liaison officers assist partner countries to develop their ability to monitor the maritime, air passenger, air cargo, post/fast parcels, land borders, and container environments for threats by supporting and building capacity in these countries. Border Force has also delivered training and support to numerous international law enforcement partners and NGOs over the last 20 years, often alongside partners such as INTERPOL, UNODC, and others.

For recommendations, see the section on ‘CITES issues’.

→ England and Wales Police Forces

There are currently 44 police forces including the British Transport Police that operate in England and Wales. All wildlife crime matters in England and Wales are investigated by the Police.

The size of England and Wales, the population density, and the number of serious organised crime groups contribute to an environment where there will always be competing interests for police resources. Some forces see wildlife crime as a priority, others do not. The interviewee responses in this assessment were refreshing because of their openness and willingness to criticise the current policing approach, and to put forward suggestions on how to rectify the situation, many of which have been incorporated into this assessment.

The location of the Police Force may determine the general types of wildlife crime cases they investigate; for example, primarily rural forces will have more issues with hare coursing, raptor persecution and badger baiting, whereas more urbanised police forces may have more issues with CITES-related matters. This can be further localised, as some forces in eastern England have major problems with hare coursing, whereas this is not such an issue in the west of England and Wales.

It is beyond the scope of this assessment to review the way that every police force in England and Wales addresses wildlife crime. Accordingly, parts of this section will examine common issues, including training, analytical and investigative support, and the strengths and weaknesses of the England and Wales model. Any assessment of the current models must be viewed in terms of the role played by the NWCU, and how its functions impact upon or determine a force’s response to wildlife crime.
Analytical and Investigation Support

The primary investigative support function for wildlife crime investigations in England and Wales is provided by the NWCU through their ISOs. Other support is also occasionally provided by the Border Force CITES enforcement team, who will accompany police on search warrants for CITES matters. Forensic analysis services for wildlife law enforcement in the UK are delivered through a combination of mainstream and specialist service providers operated by both government and the private sector. This includes an internationally accredited wildlife DNA forensics laboratory established by the Scottish government. The Partnership for Action Against Wildlife Crime’s Forensic Working Group (PAW FWG) was established over 25 years ago to provide advice, direct resource development, and promote the use of forensics in casework. The FWG is comprised of law enforcement, crime scene, scientific and NGO members with expertise in the application of wildlife forensic analysis. Its work has included the production of wildlife evidence sampling kits, the publication of forensic guides for wildlife crime officers, and the establishment of a Forensic Analysis Fund (FAF), initiatives that have been widely replicated around the world.

The FAF is a fantastic initiative whereby civil society directly supports police investigations by providing funding to directly support forensic analysis in wildlife crime cases. World Wildlife Fund (WWF), TRACE, TRAFFIC, Royal Society for the Protection of Birds (RSPB), and Defra have all contributed to the scheme, which can match funds up to 50% of the total cost of the analysis.41

Whilst this funding initiative is unique and fully supported by the assessors, it is recommended that consideration could be given to expanding the definition of ‘forensic’ to include digital forensics, such as the lawful analysis of cell phones seized as a result of a wildlife crime investigation. One case that may have benefited from this type of funding support was the previously mentioned glass eel prosecution, where it was incumbent on the Environment Agency to analyse the phone due to a lack of NWCU capacity.

NGO expertise

NGOs also support police by providing expertise, or in some cases evidence, of the commission of crimes. This support is provided UK-wide. Wildlife crime or IVT is one area where NGOs have a major presence, and in the international context, NGOs often have better funding, a better intelligence picture, and higher level of expertise than domestic law enforcement agencies. However, NGO involvement can be controversial, can create issues for police/prosecutions, and in some law enforcement quarters is not welcomed. But NGOs also highlight issues and raise awareness, and can be indicative of community expectations.

NGO involvement is clearly a point of contention in the UK in respect to several PDGs. Where the UK is not have sufficient resources to investigate wildlife crime, there will be an increased civil society presence. The PDGs offer a controlled way for these organisations to have input in the national strategy to address these issues, representing current best practice and providing a mechanism for dialogue and change.

Environmental NGOs

These NGOs have expertise that could be utilised to address other crime types. The capacity of wildlife crime officers to do their job, but also offer forces value for money in developing expertise that could be utilised to address other crime types.

NGOs, such as a one-day badger persecution course.

There was some bewilderment expressed during the assessment process around the general training of police in England and Wales to investigate wildlife crime. Several of the interviewees, both trainers and course participants, complained of a lack of follow-up training and mentoring, of some participants being more interested in receiving the wildlife crime officer pin than in investigating wildlife crime cases, and of police receiving training and then moving on to other posts within a short period of time. What struck the assessors was also a lack of training on advanced investigative techniques and online crime investigation training, courses that are regularly taught in developing countries, sometimes with Defra funding. Until the fiscal situation improves, consideration should be given to identifying other courses that enhance the capacity of wildlife crime officers to do their job, but also offer forces value for money in developing expertise that could be utilised to address other crime types.

Issues were also raised that there was a reluctance from some forces to undertake the foundation course because of the cost factor and perceived low level of importance of wildlife crime. It was also mentioned during the interviews that some forces are happy to send participants and others never send anyone to courses. Complaints were also made that there were specialist courses for badgers and CITES-related offences, but not for some of the other PDGs, and while some local NGOs are delivering one-day awareness courses that are focused on crime issues in that geographical area, there is no standardisation or accreditation of these courses.

The College of Policing in the UK supports police forces in England and Wales by setting requirements, accreditation, delivering training, and professional development. According to the College, it creates and maintains easy access to knowledge, disseminates good practice and facilitates the sharing of what works.42 It does not provide wildlife crime training, and a search of the website results in zero hits for wildlife crime. The College of Policing was not interviewed as part of this assessment process.

Training

Wildlife crime training within England and Wales currently represents an assortment of different approaches, which generates less-than-ideal results. This does in no way reflect the quality of the material being taught nor those teaching it; rather, it has more to do with a lack of foundation training, a lack of investment, a lack of on-going training support, and a lack of ownership. This inconsistent approach is borne out in the operational outcomes, low conviction rates, and issues around data and data management, where officers and 101 call handlers are not identifying, correctly recording, or in some instances responding to, wildlife crime incidents.

As previously mentioned, there is a focus within England, Wales and Scotland on specialising the investigation of wildlife crime by having trained and in some Forces, dedicated wildlife crime officers. Wildlife crime training of police in England and Wales is primarily undertaken in one of five ways:

- By Border Force training, only on CITES;
- Through an NGO, such as a one-day badger persecution course.
- Through a number of courses offered by a former police officer, including a foundation course;
- A three-day CITES course through the NWCU;
- Force training at a local level;
- By Border Force training, only on CITES;
- Through an NGO, such as a one-day badger persecution course.

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42 About us, College of Policing, on their website found at https://www.college.police.uk/about and accessed on 24 June 2021.
As a result, much reliance is placed on one retired police officer 43 who developed a course seen by many police forces as best practice, which is the only accredited course in England and Wales. CITES Border Force Unit is also relied upon for training purposes. However, it was acknowledged that this course is more of a foundation course, and that there was never an opportunity to develop a truly advanced course. Reliance on one former law enforcement officer to deliver the training will need to be addressed and a succession plan needs to be developed. The obvious candidate to take over this training role is the NWCU. Under the current model, the NWCU is not geared to do so, but it would need only a small number of changes for this to occur.

The current model of training police on wildlife crime in England and Wales is in need of review to determine the most cost-effective way to deliver a standardised and accredited course that can address all levels of wildlife crime, including foundation training to all police officers as part of their initial police training. Whilst a few days of wildlife crime training during initial recruit training may not be enough to fully equip officers to investigate a wildlife crime case, it can at least sensitise and may even motivate some young officers to become a WCO, or provide an opportunity for talent spotting. Any review should consider what online training modules could be prepared and made available to police to understand the basics and raise awareness of wildlife crime, such as that provided by Border Force in respect to CITES-related matters. Consideration could be also given to designing a course that caters to senior officers or mid-level managers and how they can gain a better understanding of the possible benefits of promoting their force’s response to wildlife crime, including media training and awareness raising.

**Recommendations**

- Consider expanding the scope of the Forensic Analysis Fund to include the analysis of communication devices;
- Undertake a review of the current training model for police in England and Wales;
- Undertake a review of the number of trained WCOs who remain in post, looking at issues such as caseload and succession upon retirement;
- Increase the number of qualified investigators undertaking wildlife crime investigations;
- Establish a mentoring program for WCOs led by experienced detectives;
- Specialist training should be provided to WCOs to enable them to develop expertise that could be utilised to address wildlife crime and other crime types.

**Police Scotland**

Police Scotland is responsible for policing across the whole of Scotland, some 28,168 square miles covering a third of the UK’s landmass. It is the second largest force in the UK after the Metropolitan Police, with a workforce of 23,000 officers and staff.

Police Scotland is divided into 13 local policing divisions, each headed by a Chief Superintendent. The local policing divisions are supported by several national specialist divisions, the Specialist Crime Division, the Operational Support Division, Contact, Command and Control Division, and the People and Development, Finance and Corporate Communications Division.

**Structure**

The national lead for wildlife crime in Scotland is an Assistant Chief Constable whose portfolio also consists of the following business areas:

- Major Crime, including forensics and acquisitive crimes
- Public Protection
- Local Crime, including wildlife crime

Wildlife crime policing has devolved down to the territorial division and each such division has a wildlife crime lead who is a detective superintendent, and a wildlife crime liaison officer. In the larger rural divisions the liaison role is a full-time position. Each division has a cadre of WCOs who tend to be in a response or community role, but respond to wildlife crime cases as they come in. Incidents of wildlife crime are graded and if urgent, and no WCO is available, a community/response officer will attend. There are about 140 WCOs in Scotland, although this number can fluctuate as officers move from uniform into other roles.

The national coordinator is a detective sergeant whose role is to drive the policy and strategy of wildlife
crime investigations to ensure uniformity across the divisions, to coordinate and facilitate wildlife crime training, to ensure professional and effective investigations, and to act as the liaison with partner agencies. Under his/her supervision, there is a Wildlife Crime Investigative Support Officer, an experienced detective who provides investigative support to divisional WCOs.

Being a single unified police force creates a distinct communication advantage and is a strength of Police Scotland’s approach to dealing with wildlife crime. Dissemination of wildlife crime incidents are immediately available to all police in Scotland and are reviewed by the national coordinator.

Investigation Support
By far the highest profile wildlife crime type in Scotland is raptor persecution. Raptors are poisoned, shot, or trapped, and subsequently killed. The incidence of poisoning has decreased; however, the incidence of shooting has increased. Hare coursing is also prolific in Scotland and is the second most reported wildlife crime offence. Geographically, the highest number of wildlife offences in 2018-19 were recorded in Highland & Islands (32), followed by the Lothians and Scottish Borders (25). 47

In respect to prosecutions, in 2018-19 a total of 54 matters were referred for prosecution, with outcomes as shown in Table 3 below. 48

For further information on crime statistics in Scotland, please refer to the Data and Analysis Section of this report.

CITES matters are also investigated and there is support within Police Scotland for more proactive work to be conducted in this area. In October and November 2020, Operation Wingspan was undertaken. Focusing on each of the NPCC wildlife crime priorities, a communications strategy was implemented and during the operation, a one-day CITES course was delivered to 60 WCOs. After completing their training, these officers visited 350 businesses including antique, pet, and second-hand stores, to provide educational material to staff and to seize anything that may be illegal. Ultimately, 50 items were seized, of which five were identified as illegal. In addition, some proactive online monitoring was undertaken, which led to the seizure of 13 alligator heads and the charging of one individual. In relation to raptor persecution, multiple warrants were executed, arrests made, and persons charged.

The involvement of members of the CID in wildlife crime investigations is also a major strength and is something that should be replicated throughout the UK. One case in question involved the killing of five birds of prey in the Stewarty area. Members of the Dumfries CID and Police Scotland’s NWCU worked together, resulting in a successful conviction. Given the prevalence of raptor persecution across the UK and the ensuing interest that is generated in respect to these offences, it is surprising that not all raptor cases are investigated by criminal investigation staff, particularly if there is a crime series identified.

Analytical Support
Police Scotland does not have any dedicated wildlife crime analysts, instead relying on the NWCU for analytical support. The new sentencing provisions that potentially open the door to specialised investigative techniques (see below) could also revolutionise the way Scottish police investigate wildlife crime, changing it from a reactive model to a much more proactive one, based on data and advanced investigative techniques. It is recommended that additional analyst and intelligence officer positions be created within Police Scotland or the NWCU in order to address the expected increase in workload. Analytical work should not be left to uniformed police.

Advanced Investigative Techniques
It is worth noting that for Scotland, advanced investigative techniques are now potentially available in the context of wildlife crime following the introduction of the Animals and Wildlife (Penalties, Protections and Powers) (Scotland, 2020) Act and increased penalties therein. Use of such techniques may also serve as a deterrent to wildlife crime, as suspects must now consider that police “may” be covertly recording them. This may help mitigate the problem of remoteness, which is often a major factor impacting on the investigation and successful prosecution of wildlife crime offences, particularly raptor persecution. In addition to enhanced surveillance powers, Scottish police are now able to request call data records for suspects or seek cell tower dumps for remote locations, which may enable the identification of suspects and/or place suspects in the vicinity of the crime. This can enable the development of intelligence, connecting nominals, developing movement and lifestyle patterns, and enable the targeting of high-risk individuals. Combined with other available tools such as number plate recognition systems, this could well be a game changer for wildlife crime investigations in Scotland.

The use of these methods has already commenced in Scotland and investigations are continuing in several raptor persecution cases. The infrastructure for complex investigations is in place in Scotland, through the appointment of a senior investigation officer (usually a detective inspector). However, to make full use of the potential of such techniques will require advanced investigative training and experience, and the current system of uniformed police investigating wildlife crime may need to be reviewed. In the interim, WCOs should be allocated an investigations mentor who can ensure the appropriate use of these new tools so that investigations are not compromised by a failure to adhere to the necessary protocols.

Training
On 20 January 2020, Police Scotland launched a new wildlife crime investigators course in order to enhance their capability to deal with wildlife crime offences. Every police division in Scotland was represented in the inaugural course, which was held at the Scottish Police College and opened by the Assistant Chief Constable for Major Crime and Public Protection and the Cabinet Secretary for Environment, Climate Change and

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48 Ibid, Pg 11

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Land Reform.\(^1\) The five-day course covers topics such as investigative techniques, firearms legislation and ballistics, Regulation of Investigatory Powers (Scotland) Act 2000 (RIPA) authorisations, wildlife forensic recovery, and examination with inputs from partner agencies including COPFS, Scottish Government, RSPB and SNH.\(^4\) Police Scotland also delivered a one-day CITES awareness course to its officers. Police Scotland’s training on wildlife crime would be greatly enhanced by delivering wildlife crime training modules to student police officers undergoing basic training. As previously mentioned, whilst a few days of wildlife crime training during initial training may not be enough to fully equip them to investigate a wildlife crime case, it certainly cannot hurt, and it may even motivate some young officers to become a WCO and allow for talent spotting. At the time of writing, an electronic training package was being developed.

**Recommendations**

1. **Police Scotland to commence proactive monitoring of online platforms in order to identify if they are being used to traffic wildlife;**
2. **Creation of additional wildlife crime analyst and intelligence officer positions in Police Scotland or as part of the NWCU;**
3. **Increase use of detectives to investigate wildlife crime offences in Scotland;**
4. **Establishment of a system whereby detectives mentor WCOs;**
5. **In all identified wildlife crime cases, where a crime series (a number of criminal offences that have similar modus operandi) is suspected, consideration should be given to allocating these cases to detectives.**

**Police Service of Northern Ireland**

On 4 November 2001, the Police Service of Northern Ireland was created. The first PSNI-trained officers commenced duty in April 2002. The PSNI was proceeded by the Royal Ulster Constabulary which was established on 1 June 1922 after the partition of Ireland.\(^51\)

**Structure**

The PSNI is divided into three Areas and 11 policing districts that mirror district council boundaries. PSNI also has specialist departments including Crime Operations, District Policing Command, Legacy and Legal Department, Discipline and Anti-Corruption Branch, Operational Support, Strategic Communications and Engagement, Corporate Governance, Finance and Support Services and Human Resources. There are currently 6,952 police officers and 2,391 police staff working for the PSNI.

The PSNI is responsible for investigating wildlife crime cases in Northern Ireland and has established a dedicated Wildlife Crime Liaison Unit (WCLU) with a staff of three. This unit consists of two civilian staff and one police officer who is currently on restricted duties. The WCLU does not investigate wildlife crimes, but dedicated Wildlife Crime Liaison Unit (WCLU) with a staff of three. This unit consists of two civilian staff and one police officer who is currently on restricted duties. The WCLU does not investigate wildlife crimes, but instead provides advice to frontline police and acts as a point of contact for other agencies and partners, such as the NWCU. It also sits across the priority delivery groups in Northern Ireland.

Whilst PSNI has the power to investigate wildlife crimes, other agencies including DAERA are the mandated agency when it comes to investigating forestry offences or offences under pesticides legislation. Unfortunately, DAERA lacks the authorised officers to carry out this enforcement, which in turn has created issues for the police in Northern Ireland.

The main types of wildlife crime cases investigated by the PSNI include raptor persecution, hare coursing, fish poaching (DAERA and Loughs Agency also have a role), and badger baiting/set disturbance/hunting. For a comprehensive assessment of crime statistics in Northern Ireland, refer to the Data Section of this report.

The role of PSNI in investigative or supporting operations of the priority delivery groups are addressed in other sections of this report.

**Analytical Support**

Intelligence and analytical support for wildlife crime in Northern Ireland is provided by the NWCU and if necessary, the PSNI Intelligence Branch. Whilst PSNI analysts and intelligence officers are not dedicated to wildlife crime, they are able to support police, the NWCU, and the WCLU, should requests for assistance be made or OCG connections to wildlife crime be detected. This is one area where the situation could be improved through the creation of an intelligence analyst position within the WCLU to provide dedicated analytical support to officers on the ground and to act as a point of contact for NWCU analysts.

**Investigation Support**

The PSNI adopt a model whereby every police officer is regarded as a potential WCO, and that wildlife crime offences take the same priority as other day-to-day offences. This ensures that there is no delay in crime being investigated and evidence being lost. This is clearly different to the model adopted in England, Wales and Scotland, which train specialist officers. This system still has the safety net of the Wildlife Crime Liaison Unit that advises police on wildlife crime cases. Should the involvement of organised crime or economic crime be detected, officers from the Criminal Investigation Branch (CIB) would be allocated to the case.

Several examples of CIB involvement were provided to the assessment team. In addition, the WCLU has completed a report outlining possible OCG links to wildlife crime in Northern Ireland, although this was not shared with the assessors.

Leadership within PSNI views wildlife crime as the same as other crime types and deserving of the same police response.\(^1\) This translates to consistency of the relevant actors with stability in the system, as line managers, legal advisors, and PPS points of contact remain the same over long periods of time. This enables relevant actors to develop a very good knowledge portfolio,\(^1\) establish and maintain relationships, and develop long-term strategic plans, safe in the knowledge that the team will remain the same for the duration of the project. Standardised recruit training to all new PSNI student police officers is a definite advantage over the current England/Wales model. When combined with advanced investigative techniques training during their probation, the result is an increased effectiveness of PSNI officers at investigating wildlife crime.

The use of technology as a force multiplier is also a strength of the Northern Ireland model. During Operation Peregrine Watch, PSNI used drones in quarries to combat the targeting of falcon nesting sites and prevent illegal killing of chicks or egg theft. This had an immediate result in an increased number of nests from
an average of 49 per year in 2016 to 55 in 2017. The use of this technology was not only recognised for its innovation and effectiveness, winning the UK Operation of the Year Award in 2017, but has now been deployed to combat badger baiting, hare coursing and fish poaching. There have also been instances where the PSNI has deployed its helicopter on wildlife crime cases. The use of these scarce and expensive police resources to combat wildlife crime is indicative of the commitment of PSNI to investigate these issues.

Training

All new police and call handlers working for the PSNI receive wildlife crime training as part of their foundation training. Student police officers undertake 23 weeks of training before they undertake their probation development programme. During this programme, which runs over two years, officers are also taught advanced investigative skills. The training of all officers at one central training academy provides consistency and increases the amount of police with wildlife crime training and understanding. This foundation training is then built upon through mentoring and engagement with the WLCU and the CiB.

Partnership for Action against Wildlife Crime (PAW)

The relationship between the WCLU and the respective PAW NI representatives is also another strength of the Northern Ireland model. This cooperative approach with clear delineation lines helps PSNI to get their message to the community whilst reducing the cost burden in doing so. This close interaction between government and civil society is replicated elsewhere in the UK and is best practice.

Recommendations

→ Creation of an intelligence analyst position within the PSNI WCLU.

The prosecution and judicial structures across the UK are well-established and no useful recommendations can be made in that respect. However, in relation to wildlife crimes, the approach taken by prosecution authorities across the four countries does differ. All prosecution authorities agreed the legislation needs to be consolidated across the UK for a consistent approach. This is discussed further under the section on the various PDGs. Areas for improvement generally are as follows:

INTER-AGENCY COOPERATION

Inter-agency cooperation

Joint meetings are held between CPS, NWCU, and other stakeholders, and a MoU exists between the police, Natural England, and Natural Resources Wales covering everything from initial investigations, to prosecution, licensing and pre-charge advice. However, the current position on charging wildlife crime is that police may now charge the majority of such crimes across England and Wales without CPS input, raising the prospect of weak suspect interviews and poorly prepared files and leading to weak charging decisions, in policing areas that do not focus on such crimes. Pre-charge advice for such crimes should be a requirement for this specialist area, regardless of whether such crimes remain summary only or not.

Ancillary Orders

Referral for proceeds of crime (POC) application is sent to the Serious Fraud Office, which often regards such crimes as a low priority. As discussed further in the report, POC applications are rarely used in the

OVERVIEW OF PROSECUTION AND JUDICIAL HANDLING

On Prosecutions

England and Wales

Specialism

The Crown Prosecution Service (CPS) in England and Wales has a nominated Wildlife, Rural and Heritage Crime Coordinator based in London, and regional dedicated prosecutors appointed throughout the country. However, these dedicated prosecutors have a caseload that stretches beyond wildlife crime and do not necessarily prosecute these cases at court, sometimes leaving the trial in the hands of inexperienced counsel. With some prosecutors holding a caseload of 200 cases at any one time, this provides a huge challenge to CPS prosecutors assigned to the role. With the Royal Society for the Prevention of Cruelty to Animals (RSPCA) giving their prosecution mandate back to the CPS, this is likely to exacerbate the problem of case overload.

Training

There is no requirement to attend any foundation course for prosecutors assigned to this role, so the experience of such prosecutors varies and is dependent largely on them using their CPS learning account to find courses themselves, and often learning ‘on the job’. The policing foundation course does not cover prosecutions and at present, there are no other courses identified that are specifically aimed at prosecutions. The real strength of existing courses is the networking opportunities and thus, they enable access to policing expertise, but such joint training opportunities are rare. Independent counsels are sometimes instructed to prosecute such cases at court and their own knowledge may be severely lacking. Ignorance of the law by prosecutors and judicial officers, including legal advisors in the magistrates’ courts, is seen as a hindrance to strong outcomes at trial. This extends to the use of special measures in particular wildlife crimes, such as hare coursing, where intimidation by OCGs of farmers and landowners is not unusual. Where this is not appreciated by the judiciary, the CPS face a challenge in securing testimony from witnesses in this context.

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Ancillary Orders

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54 Discussion with Senior Legal Officer, Nottingham CPS 23 April 2021 and Senior Prosecutor, CPS 4 May 2021.
context of wildlife crimes. Other ancillary orders are largely scattered throughout the various applicable laws, although the Sentencing Act of 2020 has consolidated many of those powers upon conviction. The use of criminal behaviour orders has been used in some CPS areas to good effect, keeping potential OCG actors out of a county entirely. However, there is no uniform approach to the use of such orders across the CPS; for example, one CPS area described it as being ‘hostile’ to the use of this approach. It is to be expected that using such orders may not even be considered by prosecutors who rarely come across such cases, representing a potential missed opportunity.

Experts

There is a heavy reliance on experts in certain matters, but such experts are rare and there is little or no succession planning. For example, for carbon dating of ivory, there is only one expert in Edinburgh; in the context of prosecutions under the Hunting Act 2004, there is only one expert based in the North of England who can assist in explaining the role of the huntsmen, the meaning of certain terms used in their communications, and so on. Police expertise on such issues is required, and in advance of when that expertise retires.

Forestry crimes are rarely prosecuted by CPS (see section on ‘Forestry Crimes’). However, training on the existing expert resource is required, and in advance of when that existing expertise retires.

Recommendations

- Development by the CPS Prosecution College of an in-depth course for prosecutors assigned as focal points across the CPS. Attendance at this course should be compulsory for Crown Advocates and outside counsel should receive a preferential status for instruction upon attending the course.
- Support for co-training with COPFS in Scotland and Northern Ireland PPI to enable sharing of experiences, networking and development of expertise. The Wildlife Liaison Conference in Scotland is such one opportunity and every year, the Wildlife Enforcers Conference invites prosecutors from all over the UK. However, dedicated prosecutors training (joint across the UK) was raising as being of value; particularly given the Scottish approach from which prosecutors in the CPS and PPI could learn.
- CPS to support the development of a training curriculum for the judiciary (see section below).
- CPS to develop a consistent approach (such as a template) for impact statements in the context of wildlife crime (with the support of relevant NGOs), and to develop a consistent approach across the CPS areas regarding the use of ancillary orders such as CBOs. This may in turn require an analysis of the links between OCGs and certain wildlife crimes (see section on ‘Poaching’), as well as an analysis of where such orders are currently being used with a view to identifying obstacles to their use.
- Directory of experts to be created and disseminated to the CPS, and for Defra to identify where succession plans are required in this context.

Scotland

In Scotland, the Crown Office and Procurator Fiscal Service (COPFS) hosts a Wildlife and Environmental Crime Unit (WECU) that comprises five specialist prosecutors. The unit was set up in 2011 and adopts a ‘cradle to grave’ approach, with the training of new recruits taken up in-house in conjunction with NWCU, NatureScot, and NGOs, where possible. Like the CPS, however, this training is ad hoc and often left to the individual’s own initiative, as is the case with the police force across the UK.90

Forestry crimes are not handled by this unit unless they involve an environmental impact, so for example, a breach of a felling licence would not be handled by this team.

The case load varies in terms of complexity and seriousness. On the one hand, the unit might handle simple fish poaching cases such as fishing without a permit, which are normally handled through the issue of warning letters or conditional offers of fines as an alternative to prosecution. At the other end, they may handle complex environmental protection cases such as those concerning pollution that will take months or even years to investigate and prosecute.

The main challenges revolve around investigation and meeting the threshold for sufficiency of evidence, and, in Scotland, the requirement for two eyewitnesses in order to establish the required standard of corroboration. However, legislative changes have removed this requirement in relation to certain offences (see further into the report).

The view of members of the unit was that they had a good relationship with the police. Bi-annual meetings take place with the police and more informal contact on a case-by-case basis is quite normal. However, where cases are taken up by police officers who are not familiar with wildlife crimes, this is revealed in the quality of the report received for consideration of prosecution.

Of particular note is that the Scottish government pays for the unit to conduct forensic analysis through the Department of Science and Advice for Scottish Agriculture (SASA), rather than this coming out of the COPFS general budget. This enables such analysis to take place as required. However, in terms of financial investigations, rarely do the police flag this in the context of wildlife crime and as such, financial orders are not the norm.

Having one dedicated prosecution unit for the whole of Scotland is of benefit in ensuring consistency in the handling of all wildlife crime cases. Being the sole prosecutors for such crimes, all reporting agencies must come through them for an independent decision. The WECU contributes to the annual wildlife crime report produced by Scottish government, which is followed by Parliamentary engagement on the issues raised therein.

Recommendations

- As with the CPS, a standardised curriculum should be developed for the unit, utilising the expertise of the NGO sector and the in-house expertise of the unit;
- Joint events with prosecution services across the UK would be welcome, focussing on the detail of prosecutions and evidential challenges particular to trial;
- The training proposed under the Enforcement section above would, if adopted, go a long way to improving the quality of files submitted to the COPFS prosecution team;
- The recommendations regarding use of ancillary orders and impact statements under England and Wales above are repeated here.
Northern Ireland

In Northern Ireland, the PPS does not have a specialist unit for wildlife and forest crime but does benefit from the in-house legal capacity that has been built within the PSNI regarding such crimes, which breeds consistency and expertise therein. Prosecutions that fall under DAERA will go through the relevant departmental section, who themselves become more experienced with each case.

However, within the PPS, prosecutors are assigned to cases on an ad hoc basis depending on availability, but efforts are made to assign those with some familiarity with the issues. Within the PPS, training is currently focused on victim/witness care and not wildlife and forest crimes. A legal digest is issued every three months on the PPS intranet but given the low volume of cases relating to wildlife crime, this topic is rarely, if ever, covered. Training on wildlife crime is therefore generally ad hoc and dependent largely on external actors offering awareness raising courses.

The PPS Code for Prosecutors does not contain any specific guidance for wildlife and forest crimes, unlike the CPS. Accordingly, most prosecutors learn ‘on the job’. Like the rest of the UK, with the majority of such crimes not being recordable or notifiable, it is very difficult to ascertain the true scale of wildlife crimes in Northern Ireland and thus assign the necessary resources.

Recommendations

→ Development of a specific training curricula for prosecutors in Northern Ireland, utilising NGO and other external expertise. This should be part of continuing professional development (CPD) requirements, as with the police, to encourage interest from individuals to be more proactive in the regional offices when they are assigned such cases, and to breed consistency and expertise within the Service. Financial investigations and the use of ancillary orders were rare, so part of the training curriculum should include awareness raising of these issues and early identification of circumstances where such investigations and orders are required;

→ Joint training with investigators and prosecutors from the rest of the UK would also benefit the PPS on the issues concerning this niche area.

→ The recommendations regarding use of ancillary orders and on sentencing under England and Wales above are repeated here.

Judicial Handling

Concerns were raised by all stakeholders regarding the lack of sentencing guidelines for the judiciary and the low deterrent sentences being passed. In Scotland, generally speaking, Sheriffs and High Court judges were seen as more sensitive to the issues. However, sentencing remains a source of disappointment to investigators and prosecutors alike.

There is a presumption against custodial sentences in Scotland, discussed further in this report, and as already stated the vast majority of offences across the UK are summary only. Judicial hands are tied, to a large extent. The development of some guidance would be welcome but is unlikely to be taken up by the sentencing bodies that exist across the UK due to such crimes being seen as a low priority, limited sentencing power available, and the lack of judicial precedent. However, development of an online and/or in-person training course would be welcome across the UK and again, NGOs can play a crucial role. The course should focus on the role of OCGs in certain wildlife crimes, the use of ancillary orders, and the context of certain crimes that should merit additional measures, such as special measures for intimidated witnesses. The NWCU and the prosecution authorities would have a vital role to play in both the design and delivery of such a course.

Recommendations

→ Support the design and delivery of a training curriculum to be delivered across the UK to all judicial officers. This may be online or face-to-face delivery, and should involve relevant NGOs in the design;

→ Support to the bodies responsible for sentencing across the UK in developing prescriptive sentencing guidelines, where appetite permits.

Turning to the legislation, the report will now examine, briefly, the international framework on wildlife and forest crimes applicable in the UK before turning to an in-depth assessment of each PDG and specific issues concerning legislation, enforcement, prosecution and judicial handling of those priority areas.
OVERVIEW OF PRIORITY DELIVERY GROUPS

International Trade in Endangered Species (‘CITES Issues’)

The CITES Management Authority for the UK is Defra. Its executive agency, the Animal and Plant Health Agency (APHA), is responsible for issuing permits and certificates for plants and animals listed on the Appendices of CITES and Annexes under the Wildlife Trade Regulations. The Joint Nature Conservation Committee (JNCC) is the Scientific Authority for animals and the Royal Botanic Gardens, Kew is the Scientific Authority for plants.

Following the UK’s exit from the European Union in 2020 (‘Brexit’), a number of regulations pertaining to EU wildlife trade were amended, correcting certain deficiencies and enabling the implementation of the Northern Ireland Protocol with regard to CITES. Prior to Brexit, the EU Wildlife Trade Regulation (WTR) framework was as follows (and still applies to Northern Ireland):

- EC Reg 338/97 on the protection of species of wild fauna and flora by regulating trade therein as subsequently amended which allows for, among other things, import/export and re-export of dead specimens, parts or derivatives that are classed as household or personal effects.
- EU Reg 865/2006 laying down detailed rules concerning the implementation of EC Reg 338/97 [...];
- EU Reg 792/2012 laying down the design of permits, certificates and other documents provided for in EC Reg 338/97 and EC Reg 865/2006 [...];
- EU Reg 1587/2019 prohibiting the introduction of certain species into the EU.

Post-Brexit, the above regulations were amended by:

- The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (SI2020/1395);
  » to ease the post-Brexit transition, particularly regarding use of non-designated ports with the correct CITES documentation
  » Amendments to Annex C of the WTR regarding species submitted by Japan and Sri Lanka
  » Amendments to Annex C of the WTR regarding species submitted by Ukraine and Seychelles.

For the whole of the UK, the sanctions regime (which includes breaches of the EU WTRs) is primarily provided for by COTES 2018, as amended to adapt to withdrawal from the EU, and as amended in 2019 to enable certain offences to qualify as ‘serious crimes’ (see below). In essence, the situation regarding post-Brexit implementation as a whole, is as follows.18 61

In addition, the Customs Management and Excise Act 1979 (CEMA) is also relevant and is exercisable, in the context of wildlife crime, by Border Force. Both CEMA and COTES have application across England, Scotland, Wales and Northern Ireland. Forfeiture is exercisable under both laws.

Figure 2: Overview of post-Brexit implementation

<table>
<thead>
<tr>
<th>EU to NI / NI to EU</th>
<th>GB to NI</th>
<th>EU to GB</th>
<th>GB to EU</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e.g. Brussels to Belfast or vice versa)</td>
<td>(e.g. London to Belfast)</td>
<td>(e.g. Brussels to London)</td>
<td>(e.g. London to Brussels)</td>
</tr>
<tr>
<td>• Considered as intra - EU trade</td>
<td>• UK-GS issues export permit</td>
<td>• EU-MS (e.g. Belgium) issues export permit</td>
<td>• UK-GS issues export permit</td>
</tr>
<tr>
<td>• Normal intra - EU rules apply (certificate for Annex A listed species, proof of legal acquisition for Annex B - listed species)</td>
<td>• UK-NI issues import permit (according to EU)</td>
<td>• EU-MS (e.g. Belgium) issues import permit (if required)</td>
<td>• EU-MS (e.g. Belgium) issues import permit</td>
</tr>
<tr>
<td>• Border controls done by UK authorities at exit and entry point</td>
<td>• Border controls at normal exit and entry point</td>
<td>• Border controls at normal exit and entry points</td>
<td></td>
</tr>
</tbody>
</table>

Figure 3: Offences and Penalties relating to Import/Export and Re-export of endangered species under Annex A specimens.

<table>
<thead>
<tr>
<th>Offences</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchasing</td>
<td>Offering to purchase</td>
</tr>
<tr>
<td>Offering to purchase</td>
<td>6 months and/or fine</td>
</tr>
<tr>
<td>Using for commercial gain</td>
<td>6 months and/or fine</td>
</tr>
<tr>
<td>Displaying to the public for commercial purposes</td>
<td>6 months and/or fine</td>
</tr>
<tr>
<td>Selling</td>
<td>6 months and/or fine</td>
</tr>
<tr>
<td>Keeping for sale</td>
<td>6 months and/or fine</td>
</tr>
<tr>
<td>Offering for sale</td>
<td>6 months and/or fine</td>
</tr>
<tr>
<td>Transporting for sale</td>
<td>6 months and/or fine</td>
</tr>
</tbody>
</table>

Schedule 1 COTES 2018

6 months and/or fine on summary conviction

OR

5 years and/or fine upon conviction on indictment

Qualifies as ‘serious crime’ under the Serious Crime Act 2007 and UNTOC

The 2018 Regulations also included a requirement that in the advertisement for sale of an Annex A species of the Principal Regulations (EC Reg 338/97), the certificate number must be included/visible, which is particularly useful in the context of investigating online sales.
<table>
<thead>
<tr>
<th>Other offences contained in Schedule 1 of COTES 2018</th>
<th>Provision</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Without reasonable excuse, causing any movement within the United Kingdom of a live specimen of a species listed in Annex A from the location indicated in the import permit or in any certificate issued in compliance with the Principal Regulation, contrary to the provisions of Article 9 of the Principal Regulation, or the provisions of the Subsidiary Regulation</td>
<td>Article 9 of the Principal Regulation</td>
<td>Knowingly or recklessly making a false declaration or providing false information in order to obtain a permit or certificate. Article 16 (3)(b) (Principal Regulation)</td>
</tr>
<tr>
<td>Knowingly contravening the stipulations specified on a permit or certificate issued in accordance with the Principal Regulation or the Subsidiary Regulation</td>
<td>Article 16 (3)(c) (Principal Regulation)</td>
<td>Without reasonable excuse, causing the shipment of live specimens not properly prepared so as to minimise the risk of injury, damage to health or cruel treatment (as required by Article 9(5) of the Principal Regulation)</td>
</tr>
<tr>
<td>Knowingly or recklessly making a false import notification</td>
<td>Article 16 (3)(g) (Principal Regulation)</td>
<td></td>
</tr>
<tr>
<td>Knowingly or recklessly making a false declaration or providing false information in order to obtain a permit or certificate.</td>
<td>Article 16 (3)(h) (Principal Regulation)</td>
<td></td>
</tr>
<tr>
<td>Knowingly or recklessly using a false or invalid permit or certificate or one altered without authorisation as a basis for obtaining a permit or certificate or for any other official purpose in connection with the Principal Regulation or the Subsidiary Regulation</td>
<td>Article 16 (3)(i) (Principal Regulation)</td>
<td></td>
</tr>
<tr>
<td>Without reasonable excuse, causing any movement within the United Kingdom of a live specimen of a species listed in Annex A from the location indicated in the import permit or in any certificate issued in compliance with the Principal Regulation, contrary to the provisions of Article 9 of the Principal Regulation, or the provisions of the Subsidiary Regulation</td>
<td>Article 9 of the Principal Regulation</td>
<td></td>
</tr>
</tbody>
</table>

**Table 4: Other offences contained in Schedule 1 of COTES 2018**

<table>
<thead>
<tr>
<th>Other offences contained in Schedule 1 of COTES 2018</th>
<th>Provision</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowingly using specimens listed in Annex A to the Principal Regulation other than in accordance with the authorisation given at the time of issuance of the permit or subsequently.</td>
<td>Article 16 (1)(o) (Principal Regulation)</td>
<td>Without reasonable excuse failing to disclose the rejection of an application for an import, export or re-export permit or certificate, in accordance with Article 6(3) of the Principal Regulation</td>
</tr>
<tr>
<td>Knowingly using a permit or certificate for any specimen other than the one for which it was issued.</td>
<td>Article 16 (1)(k) (Principal Regulation)</td>
<td>Knowingly falsifying or altering any permit or certificate issued in accordance with the Principal Regulation or the Subsidiary Regulation.</td>
</tr>
<tr>
<td>Knowingly falsifying or altering any permit or certificate issued in accordance with the Principal Regulation or the Subsidiary Regulation.</td>
<td>Article 4 (6) (Principal Regulation)</td>
<td>Intentionally obstructing entry or, with intent to deceive, pretending to be an authorised person.</td>
</tr>
<tr>
<td>Without reasonable excuse failing to disclose the rejection of an application for an import, export or re-export permit or certificate, in accordance with Article 6(3) of the Principal Regulation.</td>
<td>Article 16 (1)(l) (Principal Regulation)</td>
<td></td>
</tr>
</tbody>
</table>

Where these offences involve conduct concerning fraud/ misrepresentation in relation to permits (subject to sanctions under Articles 16(1)(c) or (d) of the EC Directive 338/97), these too qualify as a ‘serious crimes’ under the Serious Crime Act 2007 in England and Wales.
COTES violations are primarily enforced by the national police force. Border Force hold primary responsibility for enforcing the CEMA and offences relating to import/export of wildlife contrary to provisions under CEMA and the COTES Regulations.

### Table 5: Key offences under CEMA as identified by Border Force

<table>
<thead>
<tr>
<th>Other offences contained in Schedule 1 of COTES 2018</th>
<th>Provision</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Export or shipping as stores contrary to any prohibition or restriction.</td>
<td>Section 68 CEMA</td>
<td>Fine of three times the value of the product or level 3, whichever is the greater.</td>
</tr>
<tr>
<td>Offering smuggled goods for sale</td>
<td>Section 87</td>
<td>Fine of three times the value of the product or level 3, whichever is the greater.</td>
</tr>
<tr>
<td>Being knowingly concerned in the importation or shipment as stores or in the intended exportation or shipment of stores with intent to evade any such prohibition or restriction.</td>
<td>Section 68(2)</td>
<td>Fine of three times the value of the product or £20,000, whichever is greater and/or 6 months imprisonment upon summary conviction. OR Unlimited fine and/or up to 7 years imprisonment upon conviction on indictment.</td>
</tr>
<tr>
<td>Untrue declarations (knowingly or recklessly)</td>
<td>Section 167(2)</td>
<td>£20,000 and/or six months on summary conviction and/or unlimited fine and/or up to 2 years imprisonment upon conviction on indictment.</td>
</tr>
<tr>
<td>Fraudulent evasion of duty</td>
<td>Section 170@20000 under (3)(a) or 48(a) likewise 170B</td>
<td>Fine of three times the value of the product or £20,000, whichever is greater and/or 6 months imprisonment upon summary conviction. OR Unlimited fine and/or up to 7 years imprisonment upon conviction on indictment.</td>
</tr>
</tbody>
</table>

Some of the offences identified above qualify as predicate offences for the operation of the Proceeds of Crime Act 2002, and the Criminal Finance Act 2017 (unexplained wealth orders) (UK-wide). It should be noted that the ‘unlimited fine’ across England and Wales is means tested. According to the NWCU, the profile of many offenders prosecuted so far would not make this financial penalty particularly hard-hitting, so there is little deterrent (for further analysis on the use of fines in wildlife crime cases, see Data and Analysis Section).

Under the COTES Regulations Article 4, which is perhaps the most relevant for Border Force, it is a defence for an accused person to establish that he/she had no reason to believe a specimen was listed in Annex A or B; or where he/she proves that reasonable enquiries were made to ascertain lawfulness of the specimen (importation or acquisition) and that at the time of the offence he/she had no reason to believe that the specimen had been imported or acquired unlawfully. Customs officials may give a person suspected of an offence 30 days to provide proof, after which the specimen may be liable to forfeiture under CEMA.

A civil sanctions approach is also provided for under the COTES Regulations but is not yet operationalised. Schedule 2 allows for the issue of compliance notices, monetary penalties, and stop notices. It also allows for the Management Authority to accept ‘enforcement undertakings’, giving offenders the opportunity to take such action as may be identified in the undertaking within a specified period. Non-compliance of all these civil sanctions may result only in civil sanction, not criminal proceedings. An appeal against a decision will proceed to the First Tier (Tax Chamber) Tribunal, which has powers to take such steps as the Management Authority might take in relation to the act or omission giving rise to the matter. The tribunal has powers to actively manage such cases towards a swift conclusion.

Guidance on operationalisation of the civil sanctions contained in the COTES Regulations is awaited from Defra and this may be an important tool to tackle online sales.

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62 Fine elevated to £20,000 by section 1(11) of Schedule 2 of Legal Aid, Sentencing and Punishment of Offenders Act 2012(Fines on Summary Conviction) Regulations 2015

63 Sentencing Act 2020 s125

64 Tribunal Procedure (First Tier Tribunal)(Tax Chamber) Rules 2009, Rule 5.
Enforcement (CITES Issues)

According to the NWCU Strategic Assessment published in November 2020, the UK is implicated as both a transit and destination country for trade in illegal wildlife products and is a source country in some cases, such as for live raptors in the falconry trade. Whilst a recent review conducted by the Wildlife Crime Conservation Advisory Group (WCCAG) determined that rhino horn no longer met the criteria for being treated as a priority, the following species and products are identified as priorities, meeting CITES criteria:

- European eel
- Illegal trade in raptors
- Ivory
- Medicinal and health products
- Reptiles
- Timber (with a particular focus on rosewood and Aquilanus).

The Home Office Strategy of 2018 also recognised that the illegal wildlife trade is an ‘urgent global issue’. It contributed towards ‘strengthening the network of IWT law enforcement experts, to help countries ‘coordinate’ across trade routes and to improve the UK’s own understanding of the linkages to wider security challenges.

However, investigating and targeting action against organised criminal groups was not part of the strategy as far as illegal wildlife trade is concerned. This is borne out by the low uptake of investigations by NCA in this context, and the lack of response from NCA during the conduct of this assessment. Furthermore, Border Force prioritises Class A drugs, terrorism, bio/chemical weapons, human trafficking, migrant smuggling, and firearms trafficking, which is both reasonable and prudent. Below this priority tranche, other competing priorities include tobacco/cigarettes, CITES-related offences and counterfeit goods.

Heathrow airport is one of the largest international airports in the world, handling around 80 million passengers a year (pre-COVID-19) and 75% of all UK freight. However, the Border Force CITES Enforcement Team (CET) contains just five full-time and four part-time officers; while the Heathrow CITES Enforcement Team comprises three operational officers plus a head of unit and is supported by one dedicated CITES scent detector dog. They cover not only Heathrow airport but also conduct sporadic operations at the Heathrow Worldwide Distribution Centre at Langley for inbound and outbound mail, as well as providing technical advice and guidance, and investigative support to officers across the UK ports and borders where CITES violations are detected inland. The Border Force CET currently comprises three operational BF officers, but it is hoped that this will increase to five officers in the coming months.

Felixstowe is one of the largest container ports in Europe and the busiest container port in the UK, handling 3,000 ships a year with more than four million twenty-foot equivalent units annually. However, there is just one officer assigned to intelligence and targeting, dealing not only with CITES-related work but also counterfeit medicines, tobacco, products of animal origin, and more. One trained officer is insufficient to meet the needs of this post. Furthermore, he has been there since 2005 and is due to retire in two years, when it appears there will be no successor plan for his replacement.

Clearly, the lack of trained staff with the necessary expertise to undertake CITES enforcement work is the major weakness of the UK Border Force response to wildlife and forest crime. Despite the high level of expertise of the staff within the CITES team, there is just not enough of them. Further, the staffing numbers within the CITES unit have dropped, although it is hoped two of the vacant positions will be filled.

The lower priority given to CITES enforcement by Border Force as an organisation is reflected by the low number of staff allocated to address this issue, and the fact that the word ‘CITES’ does not appear once in the 2025 UK Border Strategy. Despite the CITES PDGs, there are very limited resources assigned to the CITES team at Border Force.

Despite the sparsity of dedicated CITES enforcement staff, there are still significant seizures of CITES products made by Border Force and police in the UK. Border Force alone have made 6,100 seizures between 2013-2020. Of note, ivory seizures represent nearly 13% of the total CITES seizures in that time, but total only 510 kg of ivory.

Whilst commendable, these CITES seizures need to be viewed in the context of other seizures made by Border Force, including Class A drugs, firearms, and other illegal commodities. Statistics for CITES seizures are found below in Table 7.

<table>
<thead>
<tr>
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</tr>
</tbody>
</table>

*Derivatives (e.g. parts, powders, extracts)
**Preparations of Oriental Medicine which include Parts & Derivatives of Endangered Species

For further analysis of Border Force seizures refer to the Data Section.

Internationally, the UK has a strong and proactive track record of seizures, despite the limits in dedicated resources. Operation Tram (February 2010), Operation Ramp (September 2010), and Operation Thunderball (July 2019) all resulted in a high number of seizures within the UK and globally. However, despite the extremely valuable expertise and commitment of the units involved, the limited number of prosecutions and deterrent sentencing means these seizures serve as a disruption and not an end to these activities within the UK.

Border Force has no remit to investigate CITES offences. It must refer cases to the NCA, which can choose not to adopt or undertake such investigations—this is what usually happens as such crimes are not considered a priority for the NCA. Following refusal by the NCA, the Border Force team can refer to the police for adoption. Where POCA issues are identified, this might incentivise NCA to adopt the case, such as in the
Based on discussion with Border Force.

Discussions with Border Force Liz Down and Guy Clarke.

Section 9 of the Regulations.


71 Glass eel case identified below. Not one CITES-related seizure made at Felixstowe port has resulted in a prosecution since 2005.

As a result, the targeted selections are made by officers on the ground with no support from the intelligence directorate. Rather, intelligence pictures and targeting are undertaken and generated by the CITES team at Heathrow airport, whilst maritime targeting is controlled by the lone officer at Felixstowe port.

Another issue raised during the assessment was that costs associated with handling live specimens seized (at the Heathrow Animal Reception Centre (HARC)) can be considerable. Such expenses may be recoverable upon conviction and will be treated as a civil debt. More often than not, such expenses are borne by the taxpayers.

Species identification and a comprehensive understanding of CITES regulations requires a degree of specialisation and long-term exposure to the issue, or mistakes will be made. For instance, inspections may be conducted by frontline protection staff who may not have the experience in identifying certain items, such as at Felixstowe port when shark fins were at first thought to be bird wings. Whilst police forces across the UK receive training to ensure that each police force has some expertise in identifying certain species, the lack of sufficient dedicated CITES officers means that cases do risk failing to be properly identified.

A lack of intelligence support is also a significant weakness when it comes to a targeted enforcement response to wildlife and forest crime. Although Border Force utilises behavioural analysis techniques and other information to determine what cargo to inspect or what passenger to stop and search, a lack of specific target-related intelligence may result in a failure to identify organised crime groups or a crime series pertaining to wildlife and forest crime.

Challenges in data recording (see Data Section) make it difficult to accurately assess the extent to which the UK might be a transit hub for the trafficking of endangered species of flora and fauna.

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Challenges in data recording (see Data Section) make it difficult to accurately assess the extent to which the UK might be a transit hub for the trafficking of endangered species of flora and fauna.

Figure 4: Support given by Border Force to the Metropolitan Force during a premises search of a traditional medicine shop in London.

Most seizures made by Border Force are dealt with under CEMA, with goods being seized and then condemned. (For further explanation of this refer to the Data Section of this report). However, an appeal process is available to anyone who disagrees with such a seizure. The appeal process can take one of two routes: 1. To challenge the legality of the seizure, to be determined by a magistrate (or a Sheriff in Scotland); or 2. To seek restoration of the goods, a process that will be determined by a First Tier Tax Tribunal. Dealing with requests for restoration places a time-consuming burden on the Border Force officers at Heathrow and Felixstowe. Both avenues can result in return of seized species, but where a permit has not been issued in the first place, the person will be left in possession of an item which he/she can neither sell nor re-export, a lacuna that should be addressed.

Given the limited capacity within Border Force, the lack of dedicated intelligence resources at both Border Force and NWCU, and that NCA tends not to adopt such investigations as may come to light from seizures, the vast majority of cases involving seizures by Border Force are simply written off with no further action, or the seized exhibit destroyed with no further action. Accordingly, CITES investigations and prosecutions are few and far between. Further, as borne out by the data, law enforcement tends to focus on animals rather than plants.

The Home Office Strategy of 2018 recognises that the illegal wildlife trade is an ‘urgent global issue’. It committed towards ‘strengthening the network of IWT law enforcement experts, to help countries coordinate across trade routes and to improve the UK’s own understanding of the linkages to wider security challenges.’ Investigating and targeting action against such networks was not part of the strategy insofar as illegal wildlife trade is concerned. This is borne out by the lack of response from NCA when invited for interview during this assessment, a general failure to make use of advanced investigative techniques that could apply to offences concerning CEMA and COTES violations, and the low uptake of investigations referred by Border Force to the NCA.

Prosecution and Sentencing

Many offences under the COTES regulations and CEMA offer penalties of up to five- and seven-years imprisonment respectively, and whilst certain offences under COTES qualify as ‘serious crimes’ under the Serious Crimes Act, the imposition of deterrent sentences marked by lengthy periods of imprisonment are rare.

The following is a snapshot of convictions concerning endangered species in the UK:

- 4 May 2021 – Purchase and offering of Annex A species (gaur bison skulls). Fine of £1,000; costs of £1,000 and forfeiture.
- 10 March 2021 – Prohibited purchase and offering for sale of Annex A species (barasingha or swamp deer). Also making a false statement with intent to obtain a permit. Fine of £1,384 plus costs and forfeiture.
- 24 November 2020 – Seven counts of purchase, offer to purchase, selling/keeping for sale/commercial use of products derived from Annex A species (elephant hair – online selling). 32 weeks imprisonment suspended for 16 months; 200 hours unpaid work, £2,00 fine, £1,500 costs and forfeiture.

72 Notice 12A: what you can do if things are seized - GOV.UK (www.gov.uk) gives detailed guidance on the two procedures available to those aggrieved by a seizure.
74 Cases extracted from media pages of www.nwcu.co.uk
75 Notice 12A: what you can do if things are seized - GOV.UK (www.gov.uk) gives detailed guidance on the two procedures available to those aggrieved by a seizure.
77dealing
23 June 2020 – Prohibited trade of rhino horn, tiger skulls and elephant tusks, prosecuted under 1997 regulations – 56 weeks custody following one previous conviction for similar matters, and forfeiture. A timetable was put in place regarding a Confiscation Order and a Serious Crime Prevention Order.

16 January 2020 – five counts of fraudulently evading customs duty and any prohibition or restriction on trade in elephant tusks and walrus ivory. Suspended sentence of imprisonment of three months, £500 costs and forfeiture.

6 March 2020 – evasion of a prohibition on export of goods and failure to notify movement of animals – 200 kg of glass eels involving 16 consignments with a retail value of £53,265,000 on the black market. Two years imprisonment suspended imposed with 240 hours unpaid work and forfeiture. Confiscation hearing for recovery of approximately £250,000 is ongoing as of 4 June 2021. The accused claims he ‘can’t remember’ where his profits are as he has dementia. This investigation was a result of close cooperation between NWCU, Border Force, and counterparts in Spain, demonstrating excellent international and national cooperation amongst law enforcement agencies.

Northern Ireland: Four counts of trading in endangered species and four counts of evading the duty on imported goods, concerning 200 animals including lions, crocodiles, and a great white shark between 2014 and 2015. Cautioned.

The UK has a strong legislative framework for recovery of proceeds of crime following prosecution, but in discussions with the CITES team at Border Force, referral to the NCA and the Serious Fraud Office for pursuit of such investigations is often met with a refusal, as noted above. Some exceptions do apply, as in the glass eels case described above, and more recently, a case due to be heard at Derby Crown Court concerning ivory valued at around £250,000 with online transactions valued at around £65,000, in which the Border Force team assisted the investigation. Further, the UK has a range of other measures that can be imposed upon conviction, such as Serious Crime Prevention Orders (SCPO), which can include restrictions or prohibitions on travel, working arrangements, financial, property or business dealings, and ‘Criminal Behaviour Orders (CBO)’ or in Northern Ireland, ‘Anti-Social Behaviour Orders (ASBO)’. A SCPO has been imposed upon conviction, such as Serious Crime Prevention Orders (SCPO), which can include restrictions

In comparing the UK’s sentencing approach with some of these jurisdictions, the following examples paint an interesting picture:

- Malawi, September 2019: a case concerning three suspects charged with possession of listed species (rhino horn), sentenced to 18 years, 10 years and eight years imprisonment.
- Namibia, December 2019: Possession of ivory, sentenced to four years imprisonment or N$110,000 (approximately £5,000) fine.
- Malawi, July 2020: Chinese trafficking gang sentenced to a total of 56 years in prison, having been convicted for the trafficking of pangolins, rhino horn and ivory.
- Kenya, June 2021: Possession of elephant ivory, sentenced to 10 years imprisonment without the option of a fine at Kajado court, Kenya.
- Namibia, May 2021: Possession of one rhino horn, sentenced to four years of imprisonment or a fine (prosecuted under old law), and the forfeiture of a Mercedes Benz valued at approximately £30,000.

It is not suggested that the UK adopt such high terms for all such offences, as there are many reasons why such penalties are imposed in source and transit countries. These can include corruption and distrust of the judiciary, which can lead to a tendency for high minimum sentences (such as nine years minimum in Zimbabwe, and three years minimum in Kenya for possession); that these countries are closer to the impact of the loss of certain species reflected in tourism revenue, employment and GDP; the absence of alternatives to imprisonment, such as a functioning system for community service and other orders; among other factors. The allowance in the UK for the sale of carved or worked antique ivory (‘antique’ being that which pre-dates 1947 alongside exemptions granted with a government-issued certificate for 1947 – 1990 ivory) is also a factor upon sentencing, as is the limited capacity for investigations given that there is only one expert in the UK qualified to conduct carbon dating, which is an expensive process.

However, the imposition of mainly financial penalties for the trade of endangered species suggests a need to sensitise the judiciary. That financial investigations for the purposes of confiscation are rarely used also speaks of the need for sensitisation of those branches of the prosecution authorities responsible for taking up the mantle of proceeds of crime investigations in this context.

On the whole, the sentences imposed within the UK are received with disappointment by the stakeholders interviewed and they do not reflect the volume of resources that are required to investigate such crimes. It is noted that tying intention or purpose to possession and other offences that might entail transfer of specimens (alive, dead or trophies) limits the powers available for investigation and prosecution of these offences concerning CITES-listed species. It also provides a potentially easy defence and does nothing to deter those who would like to have such artefacts or medicines for personal use, thereby undermining the UK’s efforts to stop the trade in endangered species. Investigators have found themselves in the perverse situation of having to return raw ivory tusks to suspects where efforts to encourage surrender of such items fail.
Recommendations

→ Review the CITES regulations, in particular to remove the issue of intention and commercial gain from offences concerning possession and transport (the latter can be overcome by saying items are being moved as a ‘gift’ for example, making enforcement action extremely difficult). The appeal process for restoration should also be revisited with particular attention given to the issue of return of CITES-listed items without a retrospective permit.

→ For Defra to accelerate guidance on the use of civil sanctions under the COTES regulations. Also, for Defra to explore whether a change in Schedule 2 of COTES is required or whether specific guidance can be issued for where certain cases of non-compliance with civil sanctions could result in criminal proceedings in and of itself.

→ In anticipation of the ban under the Ivory Act 2018 - which will not have impact on Border Force but will have impact on the police force given it relates to domestic possession and sale of ivory - to design and deliver training for the Wildlife and Rural Heritage Policing teams across the UK regarding identification of ivory that does not qualify for exemption, and increased expertise and resources for carbon dating.

→ In terms of enforcement, there is a need to increase the number of dedicated CITES officers within Border Force and consider rotation of officers through the CITES Team to assist in staff succession (particularly at Felixstowe port) and increase expertise.

→ Create a Border Force analyst/intelligence officer position within the CITES Team and enhance the classification of IWT priorities to ‘B’. This would open the door to further intelligence resources and would enhance the ability of Border Force to exchange/disseminate intelligence to the NWCU to take forward investigations within the UK, as well as enhancing Border Force’s own operations.

→Whilst embassies may hold staff from the NCA and Border Force, they may lack IWT and CITES classification of IWT priorities to ‘B’. This would open the door to further intelligence resources and would enhance the ability of Border Force to exchange/disseminate intelligence to the NWCU to take forward investigations within the UK, as well as enhancing Border Force’s own operations.

→ For all prosecution services and identified instructed counsel across the UK, design and deliver a process for restoration should also be revisited with particular attention given to the issue of return of key offences and penalties applicable across the UK, see Annex A.

→ There is a need for greater awareness and resourcing to target plant-focused violations of CITES amongst law enforcement, prosecution, and within the judiciary.

→ See General Recommendations in Chapter I.

Raptor Persecution

During the assessment, Defra acknowledged that whilst all PDGs are important, raptor persecution and hare coursing generated a large amount of correspondence for Ministers. An example was given where the public across the UK was mobilised to write to their local elected politician, calling for an end to raptor persecution. The exercise was led by the organisation Wild Justice and resulted in over 100,000 emails and in turn hundreds of letters sent from MPs, stakeholders and members of the public to Defra Ministers demanding accountability on the issue. Similarly, there is a huge outcry regarding the damage that hare coursing does to rural farms and communities through the loss or damage to crops, theft of farm machinery, and damage to infrastructure. It is no coincidence that these are the only two PDGs on which Defra consistently sits.

Legislation

The main legislative provisions for protection of birds lie under the Wildlife and Countryside Act 1981 for England, Scotland and Wales (as amended), and for Northern Ireland, the Wildlife (Northern Ireland) Order 1985 (as amended).86 Across the UK, it is an offence to intentionally87 kill or injure a wild bird, to destroy or damage a nest, to intentionally take or destroy eggs, or to possess a wild bird or a wild bird’s eggs. Scotland and Northern Ireland have widened the mental element required for proof of an offence to include recklessness. Rarer birds are afforded greater protection (see Schedule 1). As with other animals, there are a further range of offences that can apply, including the misuse of snares and the use of pesticides. For a list of key offences and penalties applicable across the UK, see Annex A.

Table 8: Key legislation for raptor persecution

<table>
<thead>
<tr>
<th>Key Legislation (as amended)86</th>
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<tbody>
<tr>
<td><strong>England and Wales</strong></td>
</tr>
<tr>
<td>• Wildlife and Countryside Act 1981, as amended</td>
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<tr>
<td>• The Game Act 1831</td>
</tr>
<tr>
<td>• Animal Welfare Act 2006</td>
</tr>
<tr>
<td><strong>Scotland</strong></td>
</tr>
<tr>
<td>• Wildlife and Countryside Act 1981, as amended</td>
</tr>
<tr>
<td>• Possession of Pesticides (Scotland) Order 2005</td>
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<tr>
<td>• Nature Conservation (Scotland) Act 2004</td>
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<tr>
<td>• Animal Welfare (Scotland) Act 2020</td>
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<tr>
<td><strong>Northern Ireland</strong></td>
</tr>
<tr>
<td>• Wildlife (Northern Ireland) Order 1985, as amended</td>
</tr>
<tr>
<td>• The Wildlife and Natural Environment Act (Northern Ireland) 2011</td>
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</table>

Under section 16 of the WCA (Article 18 for the NI Order), licences for bird shooting can be granted, as derogations from Article 9 and under article 7 of the Birds Directive.88 Licensing authorities are Natural England, Natural Resources Wales, and NatureScot. Broadly, there are two types of licences, general or specific.
General licence 2: to kill or take certain birds to prevent serious damage to livestock, foodstuffs for livestock, crops, vegetables or fruit.

General licence 3: to kill or take certain birds for reasons of public health, public safety, or to prevent the spread of disease.

An example of where this has recently been effective involves a rejection of appeal by the Leadhills Estate in South Lanarkshire in January 2020. The appeal concerned the suspension of a general licence on that estate for three years based on evidence of the killing of six birds and disturbance of a nest between 2014 and 2019 on the Leadhills Estate. Although no culprits were identified, the civil standard of proof (balance of probabilities) was applied, and the restriction upheld. 91

This is an important power for the licensing agency in preventing abuse and protecting wild birds where the evidential standard does not meet that required for a prosecution. The challenges of identifying suspects and securing evidence to meet that standard in the context of raptor persecution are immense, with incidents often taking place far from human eyes and in remote locations. The response from the Scottish authorities represents a pragmatic approach, with the necessary checks and balances provided for by the notice and appeal process provided, that can and should be adopted elsewhere in the UK.

In addition, a report92 from NatureScot that confirmed a third of satellite tagged golden eagles in Scotland had disappeared in suspicious circumstances on or around grouse moors, catalysed an independent review of grouse moor management in 2018. A report issued in 2020 (“The Werrity Report”93) made several recommendations, one of which is to introduce a licensing scheme for the grouse moor business with inclusion of provisions to withdraw licences if there was strong evidence of unlawful activity or other breaches of codes of practice. Other considerations included the issue of mudlorn, and medicated grit which is used to keep game birds healthy but is associated with water contamination and risks to human health. The promise made by the Scottish government was to introduce these measures upon re-election. Again, consideration should be given to a UK-wide consistent approach.

Evidential requirements

Scotland has reduced the requirement regarding corroboration by at least two witnesses for proof of certain offences regarding raptors, possibly in recognition of the significant challenges of investigating these offences in such remote locations. 94 95 This requirement is not part and parcel of evidential requirements across the rest of the UK; however, it signals a recognition of the difficulties in proving such offences. Corroboration is still required in some form as it is across England, Wales, and Northern Ireland.

Sentencing powers

Another glaring difference between the statutory regimes governing raptor persecution relates to the sentencing provisions. Whilst in Northern Ireland, England and Wales, raptor persecution is a summary

83
only offence to be met with a maximum term of six months imprisonment and an unlimited fine, Scotland has increased penalties for many offences relevant to raptor persecution, making many of them above the threshold at which the RIPA may be applied, now potentially qualifying as ‘serious crime’.

Of course, other tests are applied; for example, that the conduct must involve violence, result in substantial financial gain, or be conducted by many persons in pursuit of a common purpose. In the context of raptor persecution, the financial gain aspect may be relevant to an application under RIPA. However, given that most surveillance in this context would be taking place on private land and therefore requiring a property interference authority, this in turn depends on whether such crimes are regarded as ‘serious’, despite what the legislation may state. According to the 2020 to 2021 scoreboard self-assessment, the NCA indicted in its annual assessment of the threat to the UK from serious organised crime that the illegal killing of birds was not organised crime.

Further, it should be noted that in Scotland, the presumption against sentences under 12 months (unless satisfied that there is no other appropriate way of dealing with the offender), set out in statute, potentially mitigates the impact of these changes. As mentioned elsewhere in this report, sentencing guidelines for wildlife crime in Scotland have been shelled, but development of a training module with the Scottish Judicial Institute would be welcome. NGOs such as the RSPB can feed into the development of such a module. This should be applied across the rest of the UK as discussed in ‘General Recommendations’ in Chapter I above.

Vicarious liability

The introduction of vicarious liability in Scotland96 in the context of raptor persecution was welcomed by concerned stakeholders such as the RSPB. Guidance was produced by the British Association for Shooting and Conservation, advising landowners on how they can mitigate the risk of such, notably through the exercise of due diligence such as, for example, clear instructions, provision of best practice guidance, and annual reviews and spot checks.97 However, the impact of this provision was questioned by the ___98 and challenges were raised by investigators and prosecutors interviewed during this assessment, including problems with identifying the owners of some of the larger estates where illegal killing of birds was occurring.

Since the introduction of the provision, only two successful prosecutions on vicarious liability have occurred in Scotland:

December 2014: A gamekeeper was convicted under section 1(1)a) of the WCA, namely intentional or reckless killing of a wild bird through the laying of poisoned bait which killed a buzzard, and for possession of banned pesticides. He was fined £4,450. His employer, a landowner, was convicted under the vicarious liability provisions of the WCA. He was fined £675.99

Use of Pesticides

A relatively small number of pesticide products have been associated with most cases of illegal poisoning of raptors and other wildlife. Accountability for holding such products is widely recognised but relevant legislation has only been fully implemented in this context in Scotland. Scottish law has operationalised the provision within the WCA regarding pesticides through the issue of the 2005 Order, something that hasn’t yet happened in England, Wales or Northern Ireland. In Northern Ireland, the use of certain pesticides can be prosecuted under the Plant Protection Products Regulation, which affords powers of entry by ‘authorised officers’, even into dwellings. However, a failure to address pesticide offences by DAERA creates problems for police investigations, as police are not authorised officers under pesticides legislation, and DAERA doesn’t have any enforcement officers of its own. The use of this legislation with amendments to create an offence for possession could certainly assist police investigate poisoning cases.

Disqualification

Scotland has widened the provisions relating to the basis for disqualification from possessing, controlling, disposing or selling of certain wild birds, to include certain COTES convictions relating to birds, and further extended the period of disqualification to five years. In Northern Ireland, the same period and extent applies to a wider range of species. However, across England and Wales, the basis for such a disqualification (and ensuing criminalisation if breached) is five years for a bird-related offence under the WCA but three years for offences concerning ill treatment of birds or animals. COTES is not considered a basis for disqualification under the WCA despite the market for peregrine falcons smuggled from the UK to the Middle East.100 However, regulation 10(c) of COTES does allow for banning orders for control or possession of a specimen for up to five years after conviction. Whether this has been used in the context of raptor persecution was unknown at the time of writing.

Enforcement

Raptor persecution was identified by interviewees as the highest profile wildlife crime within the UK and the most polarised PDG. In England and Wales, Operation Owl is the PDG’s law enforcement response to raptor persecution, with an objective of increasing public awareness and seeking support in addressing this crime type. In Scotland, raptor persecution is targeted as part of Operation Wingspan, which was a 12-month operation highlighting all PDGs, and in Northern Ireland Operation Raptor targets hot spot areas identified in raptor persecution.

On average there are about 100 reported raptor persecution offences within the UK every year, with shooting, poisoning and trapping being the primary means of killing the birds. Table 9 provides the number of raptor persecutions in the UK between 2007 and 2019. For further information, refer to the Data and Analysis Section of this report.

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96 Discussion with the NCA indicted in its annual assessment of the threat to the UK from serious organised crime that the illegal killing of birds was not organised crime.
97 Section 204(3) of the Criminal Procedure (Scotland) Act 1995, as amended.
98 Discussions with Head of the Scottish Judicial institute, 21 June 2021.
99 December 2014: A gamekeeper was convicted under section 1(1)a) of the WCA, namely intentional or reckless killing of a wild bird through the laying of poisoned bait which killed a buzzard, and for possession of banned pesticides. He was fined £4,450. His employer, a landowner, was convicted under the vicarious liability provisions of the WCA. He was fined £675.
100 https://www.thetimes.co.uk/article/smugglers-loot-peregrine-nests-for-birds-to-race-in-the-middle-east-t3vbj5b7c
same modus operandi) in Scotland that resulted in a conviction level playing field. These strategies may also serve as a deterrent to wildlife crime as suspects will have to dealing with traditional SOC. This will help mitigate the problem of remoteness, to enable the effective These specialised investigative techniques are the tools that police routinely use to such great effect when investigate all these cases.

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In identifying who might benefit from the death of a raptor in a given geographical area, an intelligence-led response to crime has a targeting element, and sufficient evidence already exists to target locations

Whilst the police may not have the necessary intelligence to prevent the crimes, there is enough intelligence to point to the locations where these offences are occurring, primarily near land used for grouse shooting. In identifying who might benefit from the death of a raptor in a given geographical area, an intelligence-led response to crime has a targeting element, and sufficient evidence already exists to target locations or individuals. Of course, this is all known to UK police because they developed the intelligence-led model of law enforcement. However, this model has not been put to use in the context of raptor persecution, in part because the law ties the hands of the police to the extent that they cannot proactively or effectively investigate all these cases.

These specialised investigative techniques are the tools that police routinely use to such great effect when dealing with traditional SOC. This will help mitigate the problem of remoteness, to enable the effective targeting of suspects who have been able to hide behind legal deficiencies and for the first time offer a level playing field. These strategies may also serve as a deterrent to wildlife crime as suspects will have to consider that police ‘may’ be covertly recording them.

Source: Data from RSPB (2019) Report

* with decimal notation adds up to 100

On average there are two raptor incidents per week, spread throughout the UK. Whilst this number is too high in terms of biodiversity loss, it presents police with enormous problems in respect to deploying resources to any geographical location to prevent these offences occurring. They are not like burglaries where a force can saturate an area with uniformed police to prevent or disperse the crime. As these numbers have remained constant for roughly 13 years, and the solvability rate has been very low, it can be inferred that the current methods used to investigate these crimes are ineffective. It should be noted that there have been some successes despite these difficulties. The use of drones by the PSNI to reduce damage to nesting sites,106 and the successful resolution of a five bird crime series (number of offences with the same modus operandi) in Scotland that resulted in a conviction107 and the arrest of a serving Scottish police officer in possession of peregrine falcon eggs and chicks,108 are such examples.

In addition to enhanced surveillance powers, increasing the penalties will also enable police to request call data records for suspects or seek cell tower dumps for remote locations which may enable the identification of suspects and/or place suspects in the vicinity of the crime. This will enable the development of intelligence, connecting nominals, developing movement and lifestyle patterns, and targeting of high-risk individuals. It should be noted that not all gamekeepers are implicated in raptor persecution and that many operate lawfully; it is the few that are causing the most damage. Changing the law to enable the application of RIPA would open the door to effective targeting.

Prosecution and Sentencing

According to the Wildlife Crime Report 2019 for Scotland,107 borne out by recent data provided by the NWCU, crimes against birds have stayed at a similar level to previous years and were the most reported type of crime in 2018 to 2019. In Scotland, prosecutions in court were undertaken in 31% of all wildlife crimes received, with a 65% conviction rate. Nearly two thirds of cases were disposed of via alternatives to prosecution, such as warning letters, or no action was taken, for example due to insufficient evidence. No custodial sentences were imposed for any wildlife crimes in Scotland between 2018 and 2019 (for further analysis see Data and Analysis Section).

In that same report of 2019, there were 20 convictions between 2014 and 2019, with the average custodial sentence imposed being 122 days and the average monetary fine involved being £973. Across the UK and the LINK report of 2019, only two prosecutions with one conviction occurred between 2017 and 2019. The NWCU website offers a long list of offences concerning raptors, the majority of which are still being investigated.

In Northern Ireland, data regarding prosecutions was not obtained at the time of writing. For England and Wales, the data was not organised in a way that could make it accessible in time for this assessment. The NWCU website shows several public appeals for information about raptor crimes and many ongoing investigations. However, such investigations are extremely challenging and so prosecutions are limited.

Sentencing outcomes across the UK include the following:

> 2017 Northern Ireland – unauthorised possession of a bird: Fine £750.108

In 2019 Scotland – Prosecution of offences relating to killing of raptors, possessing illegal pesticides, and other wildlife-related offences including firearm offences: Community payback order of 225 hours and a restriction of liberty order.

> 2019 Scotland – shooting a bird in contravention of section 1(1) of the WCA: Fine £335.00


Recommendations

To bolster the legislative framework required to properly address raptor persecution, the WCA and licensing regime across the entire UK should be synthesised and aligned. As it currently stands, the discrepancy in sentencing, vicarious liability, disqualification powers, and more (for example, operationalisation of the pesticide provisions in the WCA), presents a confusing picture to law enforcement and the public. Though raptor persecution has been set as a priority for the UK, the differences in the statutory and licensing regimes present many obstacles to ensuring raptors receive the same level of protection across the entire UK.

Particular focus should include:

- Aligning sentencing powers and for certain offences, raising the threshold to potentially trigger RIPA applications.
- Aligning disqualification periods and the basis for disqualification (for example, to include COTES violations across England & Wales);
- Aligning the licensing provisions across the UK particularly in relation to revocation of general licenses;
- To enhance powers of licensing authorities to revoke licences for gamebird shoots or amend those licences where abuse occurs with a proven link to estate management;
- Revisit the recommendations within the Law Commission report regarding definitions, schedules of species (and their amendment) and more, as consolidation and alignment across the UK is considered;
- Operationalise the provisions within the WCA regarding pesticides by identifying banned substances through statutory order (or equivalent) and consider extending the offence to one of possession without reasonable excuse or lawful authority;
- Support to prosecution authorities to achieve a consistent approach to data recording. Insofar as prosecution and adjudications are concerned, the lack of data on such prosecutions makes it difficult to make any firm conclusions. While prosecutions are rare across the UK given the difficulties in investigation, in Scotland the sheriffs were seen as generally well-apprised of issues when it came to sentencing. This was not reflected in discussions with prosecutors in England, Wales and Northern Ireland.
- For all three licensing authorities to ensure that their police forces have the requisite class licence for investigation.
- See General Recommendations in Chapter I.

Bat Crime

Legislation

The UK hosts 18 species of bats, all protected against injury, killing and disturbance. Their roosts are similarly protected. The primary law applicable across England, Wales and Scotland is the Wildlife and Countryside Act (WCA) 1981, though subsequent laws and regulations have amended it, and in the case of Scotland, expanded certain key provisions such as defences to allegations. For England and Wales, the Conservation of Habitats and Species Regulations 2017 are also important in the prosecution of offences such as disturbance of roosts. Power to grant licences is afforded under the primary Act though again, regional differences occur by virtue of subsequent laws and regulations. In Northern Ireland, protection is afforded under the Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 and the Wildlife (Northern Ireland) Order of 1985 as amended.

As with raptor persecution, the approach to sentencing taken in England, Wales, and Northern Ireland is markedly different to Scotland, where imprisonment terms and financial penalties have been elevated (see Annex A). However, the observations regarding presumptions against imprisonment in Scotland and means testing of fines across the UK made earlier in this report, also apply here and so mitigate the impact of that increase under the Scottish regime.

<table>
<thead>
<tr>
<th>Key Legislation</th>
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<tbody>
<tr>
<td><strong>England and Wales</strong></td>
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<tr>
<td>• Wildlife and Countryside Act 1981 (Bats are a protected species under Schedule 5).</td>
</tr>
<tr>
<td>• Conservation of Habitats and Species Regulations 2017 (Schedule 2 European Protected Species includes bats).</td>
</tr>
<tr>
<td><strong>Scotland</strong></td>
</tr>
<tr>
<td><strong>Northern Ireland</strong></td>
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<tr>
<td>• The Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995</td>
</tr>
<tr>
<td>• Wildlife (Northern Ireland) Order 1985 as amended.</td>
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</table>

Defences afforded under the different statutory regimes offer a somewhat confusing picture. For example, in England, Wales and Scotland, possible defences may include: when the act relates to taking of a disabled animal or killing a seriously disabled animal, or when the offence was caused as an incidental result of a lawful operation (such as for preventing serious damage to livestock, crops, food for livestock, vegetables, fruit, growing timber or other property or fisheries). However, in Scotland, additional conditions are required to establish a defence in relation to lawful operations, placing a burden on the accused to show reasonable precautions were taken or that the result could not have been reasonably foreseen, and requiring mitigation measures to be put in place upon the consequence of the act becoming apparent. The latter condition is particularly relevant for crimes involving disturbance or destruction of bat roosts.

109 Also see the Environmental Protection Act 1990 and the Natural Environment and Rural Communities Act 2006.
have been convicted of a separate offence for each animal, adding a valuable ‘multiplier effect’. Under the WCA as amended and the Wildlife (Northern Ireland) Order 1985, forfeiture powers apply across all countries and where the conviction involves multiple species, the fine can be applied as if the accused had been convicted of a separate offence for each animal, adding a valuable ‘multiplier effect’.

Enforcement

Investigations of such matters are normally triggered by reports from members of the public such as ecologists, builders, tree felling and concerned citizens, rather than any intelligence-led operations, despite being a priority area. That these are only summary offences across England, Wales, and Northern Ireland is problematic from an investigation point of view: the associated six-month window for proceedings to commence after the sufficiency of evidence threshold has been met can be quite challenging given how many cases rely on expert testimony, which takes time to secure. Further, the penalties available do not always reflect the costs involved in bringing the case to trial. For further analysis on incident outcomes see the Data and Analysis Section.

Prosecution and Sentencing

The following snapshot of successful prosecutions and outcomes across England and Wales reveals again that financial penalties are the preferred option. Proceeds of crime legislation has been utilised in this context more than in any other PDG. Conservation-based penalties such as restoration are a possibility under a restorative justice approach.

- December 2020: Property developer Bellway Homes convicted of damaging/destroying a resting place for bats. Fined £600,000 with costs of £30,000.
- April 2018: Knightspur Homes Developer convicted of three counts of bat roost destruction. £12,000 fine plus costs and a Proceeds of Crime Confiscation Order for £5,285.

The Bellway Homes case involved the largest fine ever imposed in the context of bat crime. Although given that this company had a recorded revenue of £2.23 billion during the pandemic, this fine may not be particularly proportionate to the profits enjoyed by such companies. There appears to be a greater willingness to utilise proceeds of crime applications in the context of bat crime, which is encouraging and reveals an appreciation of the deterrent effect of such orders within this context. However, financial investigations of wildlife crimes are not priorities within the NCA or the Serious Fraud Office (for England and Wales) and the NWCU does not have sufficient capacity in-house for such analysis and financial investigations in all cases.

Recommendations

- Guidelines should be issued for the use of POCA applications in this context, particularly in relation to commercial developers. So far, POCA applications have not been based on profits but rather focus on the costs avoided, for example. As a strategy, the prosecution authorities across the UK should adopt a unified approach with the requisite prosecution departments sensitised and briefed accordingly, and the financial investigation capacity of the NWCU enhanced.
- Where confiscation orders are made in this context, it is recommended to make them available for conservation gain. This may require a change in the law or regulations governing proceeds of crime.
- There is excellent work going on across the UK in terms of public information and campaigns, particularly informing developers/homeowners of their obligations regarding bats and bat roosts. Targeted funding for specific conservation crime prevention work should be assigned for police and other organisations, including NGOs such as the BCT which operates a National Bat Helpline offering advice and guidance on bat welfare/offences.
- See General Recommendations in Chapter I.

Freshwater Pearl Mussels

Legislation

Protected primarily under the Wildlife and Countryside Act 1981 (as amended), large populations of freshwater pearl mussels are found in Scotland and the Highlands. The illegal killing of pearl mussels for their pearls has serious implications for the ecosystem, leading to the extinction of many such populations in many rivers. Investigations, however, are very difficult as it is rare that a suspect is caught in the act. Investigations into the killing of 100 pearl mussels in 2019 are yet to yield results and no prosecutions appear to have been conducted.

The Wildlife and Countryside Act 1981 lists freshwater pearl mussels under its Schedule 5, and other applicable regulations include them as a European protected species. The relevant offences are to be found under the following legislation, but in the context of activities relating to freshwater pearl mussels (killing, taking, disturbing) are only triable either way in Scotland, where they are punishable with up to five years imprisonment and/or a fine.

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referred to as ‘sett’. The badger is found throughout the majority of Great Britain and Ireland. The badger is an omnivore that lives in large family groups in underground burrows. The main focus remains on awareness raising, reporting, and proactive policing operations rather than investigation and prosecution.

**Badger Persecution**

**Legislation**

The European badger, *Meles meles*, is the UK’s largest land predator and one of the most recognisable animals within the UK. The badger is an omnivore that lives in large family groups in underground burrows referred to as ‘sett’. The badger is found throughout the majority of Great Britain and Ireland. A 2017 report, *Abundance of badgers (Meles meles)* in England and Wales by Judge et al., estimated that there were between 391,000 and 581,000 European badgers in England and Wales.

The International Union for Conservation of Nature and Natural Resources (IUCN) red list assessment for the European badger, *Meles meles*, is the UK’s largest land predator and one of the most recognisable animals within the UK. The badger is an omnivore that lives in large family groups in underground burrows referred to as ‘sett’. The badger is found throughout the majority of Great Britain and Ireland.

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The International Union for Conservation of Nature and Natural Resources (IUCN) red list assessment for the European badger, *Meles meles*, estimated that there were between 391,000 and 581,000 European badgers in England and Wales. Challenges of investigating and prosecuting badger persecution are set against a backdrop of licensed culling, as badgers are seen by many as a problem animal.

**Enforcement, Prosecution and Sentencing**

Despite being one of the priorities under the National Wildlife Crime Strategy, there appears to be little to report in terms of how the UK is tackling freshwater pearl mussel crimes. Challenges in investigation are obvious (for further analysis on offence rates and outcomes see Data and Analysis Section). The main focus remains on awareness raising, reporting, and proactive policing operations rather than investigation and prosecution.

Table 11: Key legislation for freshwater pearl mussels

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<tr>
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<td>• Wildlife and Countryside Act 1981, as amended (Freshwater pearl mussels are a protected species under Schedule 5).</td>
</tr>
<tr>
<td>• Conservation of Habitats and Species Regulations 2017 (Schedule 2 European Protected Species)</td>
</tr>
<tr>
<td>Scotland</td>
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<tr>
<td>Northern Ireland</td>
</tr>
<tr>
<td>• Wildlife (Northern Ireland) Order 1985, as amended (Schedule 5 includes freshwater pearl mussels).</td>
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As one of the UK wildlife crime priorities, 2019 saw a significant increase in badger crime offences compared to 2018 and 2017. Incidents and patterns of badger crime vary across the UK. Data from NI indicates a decrease in offences between 2016 and 2018 (see Fig 19), while Scottish sources report an increase from 2014 to 2018 (see Fig _). After an initial increase in incidents between 2016 and 2018 in England and Wales, rates decreased in 2019 (see Table 29). These offences, like others mentioned above, are notifiable, and so identifying and then assigning the required resources is a challenge. Licences relating to culling or other activities concerning badgers may be granted under the Protection of Badgers Act as well as under the Town and Country Planning Act 1990, with those licences issued by the government’s statutory nature conservation agencies such as Natural England, Natural Resources Wales, and NatureScot.

“Badger baiting” is a particularly cruel practice involving the digging out and killing of badgers in their setts, often with dogs, resulting in horrific injuries to both animals. Snaring, gassing, poisoning, shooting and lamping of badgers are also methods of killing these animals. The main laws applicable are as follows:

Table 12: Key legislation for badger persecution

<table>
<thead>
<tr>
<th>Key Legislation</th>
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<tbody>
<tr>
<td>England and Wales</td>
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<tr>
<td>• Protection of Badgers Act 1992</td>
</tr>
<tr>
<td>• Wildlife and Countryside Act 1981, as amended (Schedule 6 animals that may not be killed or taken by certain methods).</td>
</tr>
<tr>
<td>• Hunting Act 2004</td>
</tr>
<tr>
<td>• Wild Mammals (Protection) Act 1996</td>
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<tr>
<td>Scotland</td>
</tr>
<tr>
<td>• Protection of Wild Mammals (Scotland) Act 2002.</td>
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<tr>
<td>Northern Ireland</td>
</tr>
<tr>
<td>• Wildlife (Northern Ireland) Order 1985 as amended by the Wildlife and Natural Environment (Northern Ireland) Act 2011 (Badgers are Schedule 5 animals and Schedule 6 animals (may not be killed or taken by certain methods).</td>
</tr>
<tr>
<td>• Welfare of Animals (Northern Ireland) Act 2011</td>
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Overall, however, the legislation is hard to decipher in terms of the range of offences and penalties applicable. The disparities between Scotland and the rest of the UK present a potentially confusing picture to the public, as offences of killing, injuring or cruel treatment to badgers are triable either way in Scotland and punishable with up to five years imprisonment, whereas in England and Wales, these offences are summary only under the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981. Even where offences involve mutilation, stabbing, impaling, stoning or drowning, they are still only punishable with a fine and/or six months imprisonment in England, Wales and Northern Ireland; although in Northern Ireland, where the 2011 Act is used, these penalties can be higher.  

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121 Strategic Assessment – UK Wildlife Crime 2020- 2022
122 https://www.badgertrust.org.uk/badgers
125 https://www.badgertrust.org.uk/badger-crime-guide
A report issued by the Badger Sub-Group PAW Northern Ireland revealed that between 2016 and 2018, there were 155 badger crimes in Northern Ireland. The data is logged by PSNI and enables it to target certain counties in preventative and public awareness campaigns, but successful prosecution data is harder to ascertain. In Scotland, the annual wildlife crime report of 2019 reveals that badger crime is either increasing or being reported more often, with the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) reporting an increase in dog fighting and badger harm. A total of 10 cases were reported to COPFS but it is not clear if any prosecutions resulted. The challenges regarding data for England and Wales are stated elsewhere in this report.

Enforcement

The police response to badger crime is generally effective, well-coordinated and managed given the limitations imposed by legislation in all four countries. The police work well with the PDGs and together adopt a multi-pronged approach of education, awareness raising and enforcement.

An example of legislative issues creating enforcement problems is in Northern Ireland, where badger persecution is particularly hard to prosecute as hunting with hounds is legal. Accordingly, it is an easy defence for an accused person to raise when caught with a dog to say he/she is simply hunting for foxes. Expert testimony is required to confirm if a sett has been damaged or has been occupied, or whether injuries to a dog are consistent with it having been attacked by a badger as opposed to some other animal. Given how politicised the issue of hunting is, it is not considered appropriate to make any recommendation, though as with general poaching offences considered below, this issue presents a grave difficulty for law enforcement.

The NWCU also plays an important role in addressing badger persecution with the ISOs supporting WCOs and their intelligence identifying high-risk individuals. Whilst there will always be varying degrees of effectiveness in individual investigations, the systems that are in place to address badger persecutions are working well. Badger persecution is also an area where the courts in the UK have seen fit to pass terms of imprisonment, albeit not very lengthy.

Prosecution and Sentencing

Looking at convictions and sentencing information provided by PSNI and NWCU, it appears that the courts are more prone to imposing prison terms (albeit short ones) in relation badger offences. For further analysis on convictions see the Data and Analysis Section.

→ 5 May 2021: Injury to the dog used in an offence of badger baiting (disturbance of badger sett withdrawn). Four months imprisonment, fine of £750, and disqualification from owning an animal for 10 years. Accused released on bail pending appeal.

→ March 2021 (Northern Ireland): Badger-related offences. Three months imprisonment suspended for two years, costs and a 30-year ban from owning any animal.

→ July/September 2020: Offences relating to killing/injury and cruelty to badgers and foxes. Four months imprisonment and costs, together with disqualification from keeping dogs for life.

Deprivation order issued in respect of the dogs concerned, to be rehomed by the RSPCA.

→ November 2020 (Scotland): Offence connected with disturbance of a badger sett with dogs. 250 hours unpaid work and Restriction of Liberty Order for seven months.

→ July 2019: Convictions of four accused persons for activities relating to a badger sett and injuries caused to a dog (by a badger). Suspended sentence of imprisonment of 10 weeks, disqualification from owning a dog for five years, costs and a Criminal Behaviour Order excluding from North Yorkshire for 12 months.

→ July 2017 (Northern Ireland): Conviction for ‘badger baiting’ with injuries to dogs. Four months imprisonment suspended, kennelling costs and disqualification for life from owning animals.

Given the horrific injuries often inflicted on both badgers and the dogs used to fight or hunt them, the suspended terms of imprisonment are a source of disappointment to investigators, key stakeholders, and members of the public. Northern Ireland has additional legislation that caters specifically for causing unnecessary suffering and dog/animal fighting, including publicising or recording the same, associated gambling offences, and even being present at such a fight. Such offences are triable either way and punishable on indictment with prison terms of up to five years and a fine. This range of offences is not available across the rest of the UK.

Recommendations

→ Consider adopting the approach taken in the Northern Ireland legislative regime and extending offences to include those related to fighting with animals contained in section 8 of the 2011 Welfare of Animals (Northern Ireland) Act.

→ See General Recommendations in Chapter I.

Poaching of Deer, Fish and Hare Coursing

Legislation

Poaching provisions are to be found amongst a variety of laws, some of which date back to the 1800s with language that is ‘archaic and inconsistent’. The laws across the UK were drafted to protect the right of landowners to exploit certain wild animals in activities that could carry economic or other benefits. Accordingly, offences targeted trespassers, and the species identified as requiring protection include birds (all of which are protected under the laws of the UK) as well as ‘game’, i.e., deer and fish.

According to the NWCU, the concerns around poaching of deer and hare coursing relate less to the conservation hazard therein and more to the issue of organised crime groups and county lines drug dealing, where illegal drugs are transported from one area to another by such groups. Hare coursing and ‘tamping’ (essentially hunting at night, often with dogs) are seen as the recreation activities of choice for OCs, and other criminal behaviours often accompany these activities including gambling, intimidation...

128 See General Recommendations in Chapter I.
of landowners and criminal damage to their property should they resist, theft of farm equipment such as quad bikes, burglary, and possession of offensive weapons including cross bows, knives and even firearms.

<table>
<thead>
<tr>
<th>Poaching (including hare coursing)</th>
<th>Deer Poaching</th>
<th>Fish Poaching</th>
</tr>
</thead>
<tbody>
<tr>
<td>England and Wales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Game Act 1831</td>
<td>Deer Act 191</td>
<td>Salmon and Freshwater Fisheries Act 1975</td>
</tr>
<tr>
<td>Ground Game Act 1880</td>
<td></td>
<td>Salmon Act 1985</td>
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<tr>
<td>Night Poaching Act 1828</td>
<td></td>
<td>Theft Act 1968</td>
</tr>
<tr>
<td>Night Poaching Act 1844</td>
<td>Wild Mammals (Protection) Act 1996</td>
<td>Subsidiary Regulations and Orders</td>
</tr>
<tr>
<td>Hunting Act 2004</td>
<td></td>
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<tr>
<td>Scotland</td>
<td></td>
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</tr>
<tr>
<td>Wildlife and Natural Environment (Scotland) Act 2011</td>
<td>Deer (Scotland) Act 1996</td>
<td>Salmon and Freshwater Fisheries Act (Consolidation) (Scotland) Act 2003</td>
</tr>
<tr>
<td>The Agriculture (Scotland) Act 1948 (use of firearms)</td>
<td>Protection of Wild Mammals (Scotland) Act 2002</td>
<td>Theft Act 1968</td>
</tr>
<tr>
<td>Protection of Wild Mammals (Scotland) Act 2002</td>
<td></td>
<td>Wildlife and Countryside Act 1981 (for certain species)</td>
</tr>
<tr>
<td>Northern Ireland</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Game Preservation (Northern Ireland) Act 1928</td>
<td>Wildlife (Northern Ireland) Act 1985 (as amended)</td>
<td>Fisheries (Northern Ireland) Act 1996 and subsidiary regulations</td>
</tr>
<tr>
<td>(as amended in 2011)</td>
<td>Welfare of Animals (Northern Ireland) Act 2011</td>
<td>The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995</td>
</tr>
<tr>
<td>Wildlife (Northern Ireland) Act 1985 (as amended)</td>
<td></td>
<td>(for certain fish)</td>
</tr>
<tr>
<td>Welfare of Animals (Northern Ireland) Act 2011</td>
<td></td>
<td>Foyle Fisheries Act (NI) 1952</td>
</tr>
</tbody>
</table>

As with offences identified under other priority areas concerning bats and freshwater pearl mussels, the majority of relevant offences are summary only in England, Wales, and Northern Ireland. Forfeiture of anything used in connection with the offence is available under the relevant laws. When used in hunting, dogs are rarely forfeited given the costs and potential liability involved in caring for them pre- and post-conviction.

A range of additional sentencing powers are available that are particularly relevant to hare poaching and ‘lamping’ offences across England and Wales, in particular under the Powers of Criminal Courts (Sentencing) Act 2020. This Act enables compensation orders (including for ‘distress and anxiety’ caused by the offence which may be relevant to the intimidation of landowners in this context), disqualification from driving, and others such as raptor and badger persecution, specific guidance on the RIPA has been issued in the CPS guidance, which is welcomed by law enforcement and NGOs alike.

The Hunting Act 2004 governs the hunting of wild animals with dogs across England and Wales. In Scotland, the Protection of Wild Mammals (Scotland) Act 2002 does the same. Since its passage in 2004, hunting has remained a highly charged and political issue. The Hunting Act is often criticised by both police and NGOs as holding too many exemptions that make enforcement very difficult and interpretation has been subject to ‘fierce debate’. The Law Commission in 2004 saw fit to avoid making any submissions one way or the other. Consumptive utilisation of wildlife is as controversial in the UK as it is across many other jurisdictions and is outside of the scope of this report. However, the assessors would comment that those investigative authorities such as the police across England and Wales are caught in the crossfire between active pro- and anti-hunt groups, impacting their ability to conduct investigations and pursue prosecutions where appropriate, and in turn exposing them to attack from both groups. This is an unsatisfactory position for the UK’s police forces and so a review of the exceptions under the Hunting Act is recommended, with a focus on the challenges to effective policing within this narrow context.

**Enforcement**

The law enforcement response to poaching and hare coursing in the UK is reactive as these offences are not viewed as “serious” crimes (see Data and Analysis Section for data on offence rates and outcomes). Police are unable to proactively target high-risk individuals and are forced to concentrate their efforts on known hotspots or at times when these offences are likely to occur. Several of the interviewees expressed frustration that they were always one step behind the poachers and hare coursers and their ability to stop these crimes was limited.

These types of crimes often crossover with rural crime, as suspects damage fences and enter lands illegally. Theft of farming equipment and intimidation of potential witnesses are other issues that are frequently encountered in this area.

This is another area that could benefit from legislative change that would enable police to use advanced investigation methods and give them access to communications data.

**Prosecution and Sentencing**

The CPS has issued guidance in relation to hare coursing, which gives excellent advice on the types of evidence required, the use of victim impact statements, community impact statements and species impact statements. It also provides guidance on the use of dispersal orders under the Anti- Social Behaviour and Policing Act 2014, and clearly identifies ancillary orders upon sentencing as outlined above. Guidance also exists on the CPS website relating to deer poaching and the killing of wild animals through prohibited methods. Given the involvement of the NGO sector in the monitoring and (sometimes) investigation of these offences, and others such as raptor and badger persecution, specific guidance on the RIPA has been issued in the CPS guidance, which is welcomed by law enforcement and NGOs alike.

However, no data was available to show the full extent to which these ancillary orders, dispersal orders, and more were used in this context, but the law certainly provides a strong suite of tools to tackle these crimes. Given the low penalties available under the law for offences relating to hare coursing and deer poaching, the CPS and police have shown an imaginative approach in utilising “Criminal Behaviour Orders” to restrict the activities of convicted persons. For example, in March 2021, four men were convicted for ‘hare
Coursing’ or trespassing in pursuit of game after a 17-month long investigation.\textsuperscript{135} Fines of less than £1,000 each and cost orders were imposed. However, unusually, a three-year criminal behaviour order was applied for, and granted, against three of the four accused. The orders prohibited the convicted persons from:

\begin{itemize}
  \item Being in possession of a catapult, shot or air weapon in a public place;
  \item Being in the possession, control and company of any dog within the county of Essex unless travelling for a pre-arranged emergency vet appointment;
  \item Having a dog off the lead on private land without the owner’s consent;
  \item Associating with the other three accused persons in a public place in Essex;
  \item The penalty for breaching such an order is six months and/or a fine on summary conviction or up to five years and/or a fine upon conviction on indictment.
\end{itemize}

Police Scotland offence data from 2014-18 consistently shows poaching and hare coursing as the most prevalent wildlife offence, with over half of the NWCU intelligence logs passed to Scottish police related to species commonly involved in poaching (hare, deer and fish). Likewise, for this period, the majority (38\%) of COPFS cases related to fish poaching. Home Office data for police forces in England and Wales between 2018-2021 identified half of the offences related to fish. Ministry of Justice records between 2013-17 identified two thirds (64\%, n=375) of prosecutions and almost 60\% of convictions in England and Wales related to the Hunting Act 2004, and within this Act, 88\% and 90\% of cases respectively referred to ‘hunting a wild mammal with a dog’. Of the Hunting Act prosecutions and convictions identified, 88\% of offenders were ordered to pay fines (see Fig 30). The average fine was £224-£312. The Link Group noted that incidents, confirmed offences, and convictions that occurred between 2016-2019 were predominantly for fish offences (both poaching and other). Prosecutions and convictions for hunting offences involving priority and nonpriority species were the next highest category reported by the Link Group, with a conviction rate ranging from 42-54\%.

In terms of sentencing, the following information was gleaned from the NWCU website:

\begin{itemize}
  \item November 2020 – Guilty plea to theft of fishing rights and a public order offence. Conditional discharge and £641 costs.\textsuperscript{136}
  \item November 2018 – Fishing in a closed season without a licence. Fine of £660 plus costs and victim surcharge.\textsuperscript{137}
\end{itemize}

**Recommendations**

- A UK-wide assessment of hare coursing, deer poaching and badger baiting offences and their links to OCGs, with a view to developing a strategy on investigation and prosecution, and assignment of the necessary resources to implement a consistent approach across the UK. The NPCC Wildlife Crime Policing Strategy includes wildlife crime in one of its outputs in OCG mapping.

- See General Recommendations above relating to penalties, and a review of the Hunting Act 2004 and the exemptions within with a view to providing clarity for law enforcement.

\textsuperscript{135} See media files on www.nwcu.co.uk
\textsuperscript{138} See General Recommendations above relating to penalties, and a review of the Hunting Act 2004 and the exemptions within with a view to providing clarity for law enforcement.

\textsuperscript{140} https://www.gov.uk/government/news/fishing-trip-nets-gloucester-man-with-over-800-fines-and-costs

\textsuperscript{141} However, this provision has yet to come into force at time of writing.

Legislation

The inclusion into the CITES regulations requiring advertisements for CITES-listed wildlife products to display permit details is aimed at enhancing investigations in this realm. In its early stages, there have been some successful prosecutions as outlined above in the section on CITES. The UK has a vast array of legislation that can be utilised in this context and sit alongside offences relating to offers for sale as contained in the wildlife specific laws, for example, the Fraud Act 2006, The Theft Act 1968, and the POCA 2002. The key challenges, however, remain with investigations and the limited resources assigned to the NWCU.

Enforcement

The emergence of social media platforms and their use by wildlife crime networks is not a new phenomenon. Closed Facebook groups, Tik Tok and eBay, and the sale of wildlife utilizing encrypted communications applications such as WhatsApp, WeChat, Signal and Telegram are now commonplace. Police forces throughout the UK do not proactively monitor social media sites for the sale of CITES specimens, and this is a weakness in their approach to addressing wildlife crime. These issues are also addressed in the Data Section of this report.

This area also offers fertile ground for UK investigators, as the majority of nominals engaged in transnational wildlife trafficking who use online platforms have poor criminal tradecraft, often photographing their own vehicles, houses and associates. They will also provide bank account details on request or provide phone numbers for money movers. They will also keep the same phone numbers and online profiles for several years. However, if UK law enforcement agencies are not looking at online crime, they are missing the chance to exploit and disrupt these criminal networks.

At present, despite this being one of the PDGs, NWCU lacks the in-house capacity to further this priority in a meaningful way. Were this capacity to be built, then coupled with a small increase in resourcing of Border Force, the ‘pinch point’ at the ports and borders can be better targeted. After all, many commercial goods derived from CITES-listed species that are advertised online (legal or illegally) travel through seaports and airports.

Prosecution

No data was available in relation to prosecutions of cyber-related wildlife crime, although it is possible that various offences involving supply or sale may involve online trading (as in the Derbyshire ivory case referred to under ‘CITES issues’).

The CPS has issued guidance on cybercrime in general and on how to refer to online sale and purchase within that guidance. However, there is nothing particularly related to this priority area. No guidance could be found across Scotland or Northern Ireland on cyber-enabled wildlife crime.

It is worth observing that a large volume of material can be generated in a cyber-related investigation, which can pose challenges regarding disclosure obligations for many jurisdictions. This is particularly the case in jurisdictions that share a common law foundation with the UK and so bear the same obligations; however, this could be an opportunity for the UK to lead the way in such investigations and prosecution.

Recommendations

→ On enforcement, to enhance the effectiveness of the NWCU by establishing a cyber section within the unit. This section would assist in the analysis of electronic devices seized during wildlife crime cases within the UK. While the positions could be funded using the current funding methods, the equipment and licences could be gifted to the unit either as part of the forensic analysis fund or from other donors. Analysis of these devices would provide data that could be fed back into the NWCU’s intelligence database, increasing their intelligence holdings and thus generating further leads for investigations. For further information on this please refer to the Data section of this report.

→ Development of specific guidance for Border Force, police and prosecutors across the UK regarding cyber-enabled wildlife crime.

→ Establish a joint committee involving Defra, NWCU, Border Force, NCA, and possibly the Department for Culture, Media and Sport for a needs assessment in this priority area. Inclusion of technology companies could be considered where expertise or equipment might be available to such investigations, and public awareness/education to online consumers. Such companies may also be encouraged to proactively ban or restrict sales. Secondment to NWCU could be explored to build capacity for such investigations. An MOU between government and online sales platforms to support information sharing on possible cases should also be developed. Best practice recommendations specific to cyber-related wildlife crimes were put forward by CITES in August 2019. This committee should be convened to explore how those recommendations can be implemented in the UK.

→ Review existing national legislation and regulations relating to virtual transactions and consider prohibition of some items identified as particularly prevalent or of concern in this context.

→ Continue existing efforts in identification and removal of postings offering illegal wildlife and plant products for sale. There is a level of ‘plant blindness’ that is not limited to the UK’s law enforcement but has been observed by the technical team in nearly all jurisdictions where ICCWC assessments are conducted.

→ For Defra to consider proposing the inclusion of Lacey Act violations specific to cyber-enabled wildlife crime, enabling the UK to emerge as a leader in this space and alleviating the potential burden on less developed legal regimes in countering such crimes. The robustness with which the UK courts address the issue of extradition and rendition of foreign nationals into the UK mitigates the risk that the UK would adopt a similar approach taken by the USA in recent years in ‘removing’ suspects from jurisdictions in the absence of extradition procedures. Disclosure regimes are well developed across the UK with established principles and procedures, and although still burdensome, they make the handling of material at least possible in this context.

141 Under the Lacey Act, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife, or plants that are taken, possessed, transported, or sold in violation of U.S. or Indian law, or in international or foreign commerce involving any fish, wildlife, or plants that are protected by an international treaty or foreign law.
142 Disclosure also means, for example, see signatures to the Limpopo Charter which includes reference to obligations of disclosure of seized and unrelated material. They have developed any sort of policy to achieve this.
OVERVIEW OF FOREST CRIME

> Background

In terms of international trade, the UK imports around 81%\(^\text{143}\) of its timber requirements (for further analysis of legal and illegal timber trade see the Data and Analysis Section). With nearly half the world’s forests occurring in nations suffering rampant corruption (Sundstrom 2016\(^\text{144}\)), it is incumbent upon authorities in the UK to police the importation of forestry products with great vigilance. For example, the largest furniture exporter to the UK is China, a key trade country that has been implicated in illegally sourced wood.\(^\text{145}\) A report\(^\text{146}\) in 2021 by Forest Trends identifies that in general, the UK’s enforcement approach is focused on targeting high-risk timber and supply chains. However, the lack of public information means that it is difficult to fully determine the extent to which high-risk source countries are being subjected to checks or enforcement procedures. The lack of data/record is a consistent theme across wildlife and forest crimes in the UK. However, the Forest Trends report did note that the UK is poised to become a global leader in the use of physical and chemical testing to verify timber species and harvest locations, but that sanctions for non-compliance were weak. This will be explored further below in this section. Sustainable timber markets are essential, and for some UK multinational companies an awareness of the risks and opportunities afforded by committing to deforestation-free supply chains is needed.\(^\text{147}\)

The UK timber industry contributes significantly towards the domestic economy with guidelines and the UK Forestry Standard issued and overseen by the Forestry Commission. Within UK borders, there is an increased commitment, developed within a shared ‘Science and Innovation Strategy,’\(^\text{148}\) aimed at seven key priorities:

- Sustainable forest management in light of environmental change;
- Markets for forest products and services;
- Societal benefits from trees, wood and forests;
- Resource assessment and sector monitoring;
- Achieving multiple ecosystem benefits;
- Woodland creation and expansion;
- Tree health and biosecurity.

\(^{144}\) https://journals.sagepub.com/doi/10.1177/0309133315597385

> Legislation

Prior to devolution, the Forestry Act 1967 (in and of itself, a consolidating law and subjected to amendments, the last in 1991\(^\text{149}\)) was the main Act regulating forestry-related activities within Great Britain. The Forestry and Land Management (Scotland) Act 2018 and the Felling (Scotland) Regulations 2019\(^\text{150}\) carry over much of the 1967 Act in Scotland; for Northern Ireland, the Forestry Act (Northern Ireland) 2010 and the Forestry (Felling of Trees) Regulations (Northern Ireland) 2013 are used alongside the EU Directive on environmental impact assessments. Post Brexit, the Environment, Food and Rural Affairs (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended in 2019 carries over much of the EU Directive; and the Forestry (EU Exit) Scotland (Amendment etc.) Regulations 2019 does the same.

COTES regulations govern the international trade of endangered species of plants and forest products, whilst the Timber and Timber Products Placing on the Markets Regulations (UKTR) 2013 and UK FLEG Regulations of 2012 govern the issues of due diligence, traceability, record keeping, and prohibition on placing illegally harvested timber on the market. For Northern Ireland, EU Timber Regulations still apply. Across the UK, the Wildlife and Countryside Act 1981 prohibits the intentional uprooting, picking and commercial trade of any Schedule 8 wild plant and the intentional uprooting of any wildlife plant without permission from the landowner or occupier.\(^\text{151}\) The Conservation of Habitats and Species Regulations 2017 protects a number of ‘European protected species’ listed in the EU Habitats directive.

In 2003, forestry regulation in Great Britain was devolved and the Forestry Commission split into separate Commissions for England, Scotland, and Wales. In addition to the shared strategy and seven priority areas agreed across Great Britain, Scotland has placed an obligation on Scottish ministers and Scottish public bodies to promote sustainable forest management through their Forestry Strategy 2019 to 2029 and the 2018 Act, such as through procurement of sustainably sourced timber. The Environment (Wales) Act 2016 also places a duty on the Welsh government and bodies such as Natural Resources Wales to consider the sustainable management of natural resources, and the Well-Being of Future Generations (WFG) Act 2015 sets out goals including the Resilient Wales goal for public bodies and a framework for sustainable management. These Acts aim to address the root causes of biodiversity loss and embed the value of biodiversity through its public service delivery.\(^\text{152}\) In England and Wales, there is a general duty under the Forestry Act for the forestry authority to promote the interests of forestry, and the Natural Environment and Rural Communities Act of 2006\(^\text{153}\) places a duty on public bodies to conserve biodiversity.

Scottish Forestry, the Forestry Commission and Natural Resources Wales were all consulted for the purposes of this report. What is clear is that within the UK, a ‘soft touch’ is preferred in relation to violators with a preference for issuing stop notices and restocking requirements. Prosecutions are few and far between and generally reserved for persistent offenders, large-scale felling, or where notices have been blatantly ignored. However, there are differences in the powers of the agencies, with Scotland law and regulation

\(^{149}\) https://www.legislation.gov.uk/ukpga/1991/43/contents

appearing to have moved a little further ahead in terms of giving power to revoke, amend or suspend licences in the event of a breach.151 Crucially for prosecutions, in England and Wales, prosecution must commence within six months of the discovery of an offence, and no later than two years, unlike Scotland where proceedings must commence within six months of a prosecutor being satisfied that sufficient evidence exists and then no later than three years after the actual contravention.152 The ‘sufficiency of evidence’ test applies in the legal framework covering wildlife crime, and the same approach should be taken in the context of forest crime.

Offences including tree felling, breach of licences, and failure to comply are summary only, with fines being the only sentence available. In terms of prosecutions across the UK, data from prosecution agencies was not easily accessible and such offences are not notifiable to the Home Office. Accordingly, as with wildlife crime, it remains almost impossible to understand the full scale of forestry-related crimes in the UK. This has obvious implications for resource allocation.

Scotland

In Scotland, enforcement and investigation of forestry offences are conducted by local conservancy teams, of which there are five. As stated above, the preferred option is to issue restocking notices but where a prosecution is required, the team would prepare the evidential file and submit to the COPFS. At the time of interview, the number of prosecutions per year numbered around two at the most. A suite of training materials is being developed to support the preparation of case files where prosecution is required.

Wales

Natural Resources Wales has an in-house legal department which includes 20 solicitors, some of whom are former prosecutors. In a report in 2013, it was stated that insufficient officers are deployed to specialise in forestry crime. However, these positions have since been filled, and there are currently 12 dedicated forest crime specialists within the CPS. Investigation and prosecution of illegal tree felling in Wales is conducted by local authorities, with proactive management of woodland taking a backseat to issues such as health and safety. This is not just related to the pandemic; this cutback was observed in a report in 2013,162 and again, in a report in 2017 that focused on London woodland.163 With the consultation led by Defra in December 2018,164 this is an issue that could form part of any implementation; particularly measures to introduce new duties on local authorities. Upskilling of local authority officers who are often unaware of the legal framework and requirements for felling licences would be a positive step forward (in addition to or even in the absence of establishing dedicated officers within local authorities), and the imposition of a duty for forestry matters, as envisaged in the Defra consultation of 2018, should be advanced.

England

The Forestry Commission has three main pillars: Forestry Services (covers regulation); Forestry England (covers publicly owned forests); and Forest Research. Whilst the Forestry Commission has an in-house legal team, there are insufficient resources within the Commission to power this unit towards bringing prosecutions itself. In relation to investigations, a person has been appointed as of 5 July 2021, but investigations will not be executed until the relevant frameworks/MOU/s/policies are put in place. Accordingly, investigations are outsourced to Defra, which might then refer the case to the CPS on behalf of the Commission. Forestry Commission cases are currently allocated to the Serious Fraud Office (SFO) where, if the monetary value is low, prosecution does not usually follow. A training course offered to the CPS by the Forestry Commission in December 2020 was attended by a small number of officers from the

SFO, despite it being the primary port of call for forestry prosecutions. A request has been made to the head of the CPS Wildlife, Rural and Heritage Crime team to relocate such referrals to the regional wildlife crime specialists within the CPS.

Recommendations (Domestic Forest Crime)

- It is recommended that a review of the Forestry Act 1967 is undertaken to align with the legal framework in Scotland regarding powers to suspend, revoke or amend felling licences and to mirror the provision relating to fines being imposed ‘per tree’, thus increasing the potential financial sanction and improving the deterrent effect. The England Tree Action Plan 2021 to 2024 seeks to reform the felling licence system158 and Wales is aiming to add these powers to the Forestry Act 1967 through the proposed Agriculture (Wales) Act. The opportunity is ripe to coordinate the approach and ensure consistency, particularly as the consultation by Defra in 2018 (Protecting and Enhancing England’s Trees and Woodlands) included a proposal to improve the Forestry Commission’s powers to tackle illegal tree felling.159 The time limits for prosecution should also be adjusted to mirror those for wildlife-related offences.

- Fines generally should be increased, and consideration given to the option of imprisonment for serious offences such as large-scale felling. The valuation of trees should be standardised across the UK (currently commercial timber value is generally low). Courts should consider other measures such as natural capital valuation models. For example, the Helliwell valuation method is based on the amenity value of trees but does not take into account factors such as biodiversity, economic impact, and carbon sequesters, and CAVAT is a method that considers the value replacement. These valuation models should be reviewed and aligned for use across the UK for a consistent approach in the courts.

- In order to have impact regarding public service delivery and embed biodiversity values therein, training and sensitisation of those public bodies is required150 and a needs assessment should be conducted.

- All three agencies across England, Wales and Scotland cited the need for better coordination and standardisation of local authorities, which are the first port of call for planning applications and oversee tree preservation orders. A single point of contact within local authorities regarding forestry matters would be a welcome development. However, in discussions with stakeholders, lack of funding and staff cuts within local authorities was seen as a key challenge, with proactive management of woodlands taking a backseat to issues such as health and safety. This is not just related to the pandemic; this cutback was observed in a report in 2013,162 and again, in a report in 2017 that focused on London woodland.163 With the consultation led by Defra in December 2018,164 this is an issue that could form part of any implementation; particularly measures to introduce new duties on local authorities. Upskilling of local authority officers who are often unaware of the legal framework and requirements for felling licences would be a positive step forward (in addition to or even in the absence of establishing dedicated officers within local authorities), and the imposition of a duty for forestry matters, as envisaged in the Defra consultation of 2018, should be advanced.

References

151 See section 18 and section 35 of the Forestry and Land Management (Scotland) Act 2018
152 S56 of the Forestry and Land Management (Scotland) Act 2018 as compared with section 17 of the Forestry Act 1967.
154 Section 30 and section 31 of the Forestry and Land Management (Scotland) Act 2018
159 https://www.defra.gov.uk/forestry/policy/protection/trees-and-woodlands/rights.action
160 Discussion with Scottish forestry on 31 May 2021
162 https://www.london.gov.uk/sites/default/files/171130-londonwoodlandevidencereport.pdf
According to the LINK report, there were 487 plants and plant products seized by the UK Border Force between 2018 and 2019, 75% of which was rosewood. During ‘Operation Thunderball’, a month-long international operation led by World Customs Organisation and INTERPOL and cutting across 111 countries, there were 487 plants and plant products seized by the UK Border Force, nearly 5,000 cactus extract tablets (including coffee / tea sachets and dietary supplements), more than 100 live orchid plants and six live cactus plants, 900 tablets containing hoodia (a cactus-like succulent plant) marketed as weight loss aids, 750 kg of products containing Aloe andangensis, marketed as beard grooming kits, rosewood ladders and guitars.

Prosecutions under the COTES regulations for these products were not availed, but according to Border Force in Felixstowe port, not a single prosecution has occurred in the last 15 years in relation to timber products seized upon entry.

Under the Timber and Timber Products (Placing on the Market) Regulations 2013 as amended, certain activities have been criminalised across the UK.

### Table 14: Key offences under the Timber Products Regulations 2013

<table>
<thead>
<tr>
<th>Key Offences under section 4 of the Regulations</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Placing illegally harvested timber on the market</td>
<td>3 months imprisonment or fine upon summary conviction; up to 2 years imprisonment and a fine if convicted on indictment. The fine is capped at £5,000 in Scotland.</td>
</tr>
<tr>
<td>Failing to exercise due diligence</td>
<td>3 months imprisonment or fine upon summary conviction; up to 2 years imprisonment and a fine if convicted on indictment. The fine is capped at £5,000 in Scotland.</td>
</tr>
<tr>
<td>Failing to maintain and evaluate due diligence systems</td>
<td>3 months imprisonment or fine upon summary conviction; up to 2 years imprisonment and a fine if convicted on indictment. The fine is capped at £5,000 in Scotland.</td>
</tr>
<tr>
<td>Failing to comply with traceability obligations</td>
<td>Summary only, punishable with a fine (capped at £5,000 in Scotland).</td>
</tr>
<tr>
<td>Failing to comply with record keeping obligations</td>
<td>Summary only, punishable with a fine (capped at £5,000 in Scotland).</td>
</tr>
<tr>
<td>Obstruction of an inspector</td>
<td>Summary only, punishable with a fine (capped at £5,000 in Scotland).</td>
</tr>
<tr>
<td>Failing to comply with a notice of remedial action</td>
<td>Summary only, punishable with a fine (capped at £5,000 in Scotland).</td>
</tr>
</tbody>
</table>

There appears to be little coordination or communication between the domestic forestry agencies, though the Forestry Commission has set up a referral route through which they receive information or requests to sell felled timber. However, budget allocation to the Competent Authority fell between 2018 to 2019, despite a rise of EUTR regulated product imports from Brazil and the Russian Federation (the UK’s top two high-risk source countries) and increased demand from other high-risk countries such as Turkey, Viet Nam, India and Ukraine. Minor non-compliances are addressed with a warning letter, with guidance and support offered to the offender. Serious breaches are dealt with through a notice for remedial action, of which 15 were issued in 2018-2019 and one between October 2019 and March 2020. Prosecutions are rare and when they do occur, the fines upon conviction remain relatively low, around £5,000 although they...
are unlimited in law. In discussions with prosecutors in Scotland, and information from the prosecution authorities in Northern Ireland, it was confirmed that forest crime prosecutions are extremely rare. This is evidenced by the absence of forestry offences and prosecutions in the data collated for this assessment, wherein there is a notable bias towards terrestrial fauna in the available data and research.

Case example:

- In 2019, a UK furniture company pleaded guilty to two criminal offences under the EU Timber Regulations. However, the fines totalled £8,000 with an additional costs order imposed. It is debatable whether this can be said to be a truly effective and deterrent fine for either deliberately, recklessly or unwittingly contributing to the illegal destruction of the planet’s forests.

Post-Brexit, the guidance issued by the UK government identifies the following:

Due diligence checks will be carried out on timber flowing:
- From GB to NI
- From GB to EEA to GB
- From GB to EU & EEA (will need to comply with EUTR due diligence rules)

There will be no new due diligence checks for timber flowing:
- From EU & EEA to NI
- From NI to GB

There will be no changes to the current processes for:
- UK businesses first placing timber on the internal market, with due diligence carried out as before.
- Businesses importing timber from outside of the EU & EEA (Timber and timber products covered by valid FLEGT or CITES licences are considered to comply with the requirements of the regulations).

Post-Brexit, UK importers from the EU switched from being ‘Traders’ to ‘Operators’ thus changing their responsibility for due diligence checks. This may improve the opportunities for the Competent Authority to enforce stronger compliance in relation to certain products such as Myanmar teak. However, that products may flow from Northern Ireland into Great Britain without those checks has been raised as a concern both in the run up to and post-Brexit.

**Recommendations (International Forest Crime)**

- From a legislative/prosecutorial point of view, it is recommended that the penalties for breach of the regulations needs to be expanded to enable civil sanctions such as stop notices and penalty notices.
- Increase awareness within law enforcement particularly at Border Force regarding targeting and identification of timber for examination and seizure.

### DATA AND ANALYSIS

#### Introduction

This section evaluates data availability and analysis on UK wildlife and forest crime (“wildlife crime”). It comprises two parts:

1. An examination of data collection systems in place, including the agencies involved and data flow (for example, processes and sharing). This section considers the strengths and limitations of both the available data and data analysis.
2. An analysis of the data available on UK wildlife crime, focusing on the prevalence and nature of incidents and criminal justice statistics and including data generated by grey and scholarly research. This part also briefly considers the scientific data which monitors and evaluates biodiversity health and statistics on the legal CITES trade.

The data evaluated focuses solely on the UK and constitute countries, but not the Overseas Territories and Crown Dependencies (OTCDs). While data and research are available on other important aspects of wildlife crime, such as the offender motivations, the related impact and harms, and enforcement and other responses, these issues are beyond the scope of this report.

The aims of this section are, thereby, to a) evaluate the data availability, systems and processes in place; and b) establish the status quo of recorded wildlife crime incidents and offences, and rates of wildlife crime prosecutions and convictions in England, Wales, Scotland and Northern Ireland.

#### Measuring Wildlife Crime

The UK has a long history of collating and publishing administrative statistics on set crime indicators, such as notifiable crimes and prosecutions. These crime statistics are often supplemented by victimisation surveys, which help illuminate the ‘dark figure’ of crime. According to a UNODC report, this “mix of administrative statistics and survey-based indicators is considered the best way to go about assessing crime”. Each UK constituent country follows its own system of recording and publishing crime data on wildlife crime including incidents, recorded crimes, seizures, and other indicators which are summarised below. To provide a comparison and highlight the limitations of measuring wildlife crime compared to other offences, a brief overview on general crime recording practices in England and Wales is first provided.

**Crime recording practices in England and Wales**

Despite concerns over the quality and consistency of UK crime recording practices, administrative statistics can provide a reliable picture of the volume of accurately recorded crimes that come to the attention of the police. Crimes are either identified by the police or reported to the police by the public or by interest groups, such as Crime Stoppers. Incidents then need to be investigated to be recorded as a crime.

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If the offence is a notifiable offence, it must be recorded and reported in a consistent and standard format in line with the Home Office counting rules in England and Wales. The Home Office provides quarterly aggregated police recorded crime figures based on the notifiable recorded crimes174 provided by the 43 police forces and the British Transport Police in England and Wales. The Crime in England and Wales quarterly statistical bulletin also utilises a victimisation survey - Crime Survey for England and Wales (CSEW) - which documents household residents’ experiences of crime victimisation in the previous 12 months. Further data from other victimisation surveys, monitoring offences and police-recorded incidents supplement the bulletin. The combined data provides breakdowns, such as by offence, region, and characteristics of victims, allowing a greater depth of understanding about such crimes. This data provides a more comprehensive picture of crime rates and trends than police statistics alone.

The importance of quality crime statistics that are ‘fit for purpose’ is well recognised;175 the National Crime Recording Standards (NCRS) note the purpose of recording these crimes is to assist:

- “Investigations by capturing all information in one place [and maintaining consistency of recording across all forces];
- In providing the police and partners with data, which informs the targeted use of resources and allows the effectiveness of crime reduction strategies to be established;
- The public in making informed decisions about the risk of crime to themselves as individuals and to allow judgements on how effective Government, police and partners are in tackling crime;
- Government (both centrally and locally) to establish whether their policies are effective in driving down crime and to assess relative performance of the police and associated partners”.

Wildlife Crime Recording Practices

A wide range of governmental and non-governmental agencies and stakeholders involved in responding to UK wildlife crime collect and collate data, in a variety of formats and for diverse purposes (see Table 16). Wildlife crime is measured using different types of datasets, including: incidents (e.g. members of the public reporting a possible crime to NGOs or the police), offences (e.g. incidents identified as crimes by the police), investigations (incidents identified as crimes investigated by NGOs), seizures (e.g. illegally traded CITES specimens confiscated/seized by Border Force), and prosecutions (e.g. offences passed to the prosecution services and prosecuted) and their outcomes (e.g. convictions and penalties received for offences). The key law enforcement agencies record wildlife offences as follows:

→ The police record wildlife crimes on their local operating system, which synchronises to the Police National Database (PND), a UK-wide intelligence-sharing database. In England and Wales, the few (17) notifiable wildlife crime offences must be sent to the Home Office for statistical analysis on aggregated data and publication (see data limitations and data analysis below), while Scotland and Northern Ireland consistently record most wildlife offences. In Scotland, for example, the Scottish Crime Recording Standards sets the process for recording wildlife crimes, all of which are notifiable with separate crime codes. The NWCU directly accesses PND to conduct analysis and collect intelligence on wildlife offences across the UK.176

→ The CITES BF team measure Border Fororder CITES offences by collating all UK-related seizures logged onto one HMRC and one BF database, which are reported to the Performance Reporting and Analysis Unit (PRAU) on a quarterly basis. Data is validated and cleaned internally before removing nominal information to provide aggregated data and statistics online (BF transparency statistics). This data is provided frequently to the NWCU, World Customs Organization, Defra, the CITES Secretariat, and Elephant Trade Information System (ETIS).

→ The Prosecution and Court services in each country vary in their recording practices. The CPS in England and Wales manually collates data on prosecutions but does not produce data on wildlife cases or their outcomes. The Ministry of Justice holds records of magistrates’ courts proceedings for COTES and some other wildlife offences, which they occasionally report online (see Data Findings below). In comparison, the CAUSEWAY case management system in Northern Ireland links all prosecution, court and forensic service records for wildlife crime cases. Through case codes or specific legislation, it is thereby possible to trace wildlife crime cases through the criminal justice system from incident to exit. Despite this, data is not commonly produced or made available on wildlife crime in Northern Ireland. Police Scotland and the COPFS both contribute to the Wildlife Crime in Scotland annual report. Under the Wildlife and Natural Environment (Scotland) Act 2011, Ministers are required to present data and analysis on wildlife crime in this online report. Administrative statistics are combined with those from the NGO SSPCA to provide aggregated data on wildlife crime incidents, offences, and prosecutions and their outcomes.

Despite wildlife crime data for the whole of the UK existing in some format at each point of the criminal justice system in administrative statistics, there is often no efficient way to retrieve this data in its current format, and it is not possible to trace wildlife crimes through the criminal justice system (to conclusion or exit). Consequently, rich data exist on wildlife crime, although the scattered, varied and often incomplete sources available mean measuring the scale of these offences is complex and challenging.

An accurate measurement of UK wildlife crimes or the number or type of species involved is not currently possible. The administrative data available often broadly combines species or legislation type and granulated data is seldom available, meaning the scale and scope of wildlife crime is not evident in the measurements used. Wildlife-related offences also fail to appear on key UK victimisation surveys,177 which could provide vital information missing in administrative statistics. Rather, there is considerable reliance on NGOs and stakeholder groups to generate such data, despite their limited resources and inability to cover all wildlife crime offences (see available data - Table 16). These issues are discussed further in Data Limitations section below.

Data practices informing UK Wildlife Crime Priority Areas/PDGs

In order to develop the UK wildlife crime priority areas, an accurate measurement of wildlife crime is essential. The UK Tasking and Coordination Group (UKT CG), chaired by the NPCC, is responsible for setting these priorities. They focus on two criteria of offences: identified as posing the greatest current threat to conservation, and the highest volume crimes. The Wildlife Crime Conservation Advisory Group (WCCAG), chaired by the JNCC assesses the conservation risk to species and habitats from wildlife crime and the need for enforcement intervention, in order to identify and recommend priorities. This group includes representatives from the UK statutory nature conservation organisations, other statutory agencies,
relevant non-governmental organisations and the enforcement agencies. The WCCAG’s recommendations are developed into a strategic assessment,179 which is used to inform the UKTCG. The criteria used by WCCAG180 for identifying conservation priorities are:

1. “The ‘feature of conservation’ interest is known (believed or suspected) to be subject to significant and persistent criminal activity.
2. Action by enforcement agencies is necessary to make a significant contribution to overall conservation efforts.
3. The ‘feature of conservation’ interest is also subject to complementary action to enhance its conservation status”.

The scoring matrix identified in Table 15 is currently used to identify the level of threat of each feature of conservation interest, in comparison to other areas of concern. The highest scoring species are prioritised.

For evaluating and prioritising all other wildlife crimes, the NWCU uses a Management of Risk in Law Enforcement (MoRiLE) risk assessment approach. The NWCU has a central role in collating data across the UK on wildlife crime (see Table 18) and is best placed to prioritise UK wildlife crimes. It measures wildlife crime by collating data from several sources, including the PND, BF, NGOs and interest groups. However, the considerable gaps in wildlife crime data and the limited resources for engaging in proactive and in-depth data analysis, limit its ability to identify and evidence emerging threats sufficiently. In comparison, the JNCC indicates there are enough data from statutory conservation groups to assess the risk to wildlife; however, their evaluation would be more effective if this information was centralised.

Table 16: Available data on UK wildlife crime, by data type and owner

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Author/Owner and data provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline data – biodiversity indicators, monitoring &amp; legal trade</td>
<td>JNCC (2020–various reports)</td>
</tr>
<tr>
<td>CITES legal trade</td>
<td>JNCC (2012-16) evaluation of trade (from CITES database)</td>
</tr>
<tr>
<td>IFAW (2018) UK (and other) online CITES trade</td>
<td>Andersson et al (2021) scholarly research on UN Comtrade database</td>
</tr>
<tr>
<td></td>
<td>Green et al. (2020) scholarly research on APHA import records</td>
</tr>
<tr>
<td>Wildlife Crime Incidents, Offences, Investigations, Seizures &amp; Outcomes</td>
<td></td>
</tr>
<tr>
<td>International</td>
<td>EU-TWIX reported by UK BF CITES team (2018-2020)</td>
</tr>
<tr>
<td></td>
<td>BF transparency data (2013-2020)</td>
</tr>
<tr>
<td></td>
<td>Home Office reported notifiable (CITES) offences for England and Wales (2018-21)</td>
</tr>
<tr>
<td></td>
<td>MPs recorded wildlife crime incidents and crime reports for the Greater London area (2017-2020)</td>
</tr>
<tr>
<td>CITES prosecutions and outcomes</td>
<td>TRAFFIC (1981-2020) outcome for CITES prosecutions</td>
</tr>
<tr>
<td>National</td>
<td>NWCU (2013-2020) outcome for CITES (and other wildlife) prosecutions</td>
</tr>
<tr>
<td></td>
<td>MPS outcomes for wildlife crime reports for the Greater London area (2020)</td>
</tr>
</tbody>
</table>

Table 15: Wildlife Crime Priorities Scoring Matrix used by WCCAG to identify conservation threat level

<table>
<thead>
<tr>
<th>Score</th>
<th>Impact on Favourable Conservation Status (FCS)</th>
<th>Enforcement necessary</th>
<th>Complementary actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level</td>
<td>(Impact)</td>
<td>(Enforcement)</td>
<td>(Action)</td>
</tr>
<tr>
<td>4 Very High Concern</td>
<td>Criminality is a/the major factor detrimentally affecting conservation status.</td>
<td>Without enforcement the situation is highly unlikely to change. A key response.</td>
<td>Wide range of planned actions. Commitment from government and NGOs using a full suite of responses.</td>
</tr>
<tr>
<td>3 High Concern</td>
<td>Criminality is having a significant detrimental effect on conservation status.</td>
<td>Enforcement desirable and will have a significant effect to achieving conservation objectives.</td>
<td>Significant action to tackle the problem. Commitment evidenced. National action plans or similar devised.</td>
</tr>
<tr>
<td>2 Medium Moderate Concern</td>
<td>Criminality contributes to the conservation status.</td>
<td>Enforcement would be a useful contribution to conservation objectives.</td>
<td>Some action to raise awareness contributes to the solution.</td>
</tr>
<tr>
<td>1 Minor Concern</td>
<td>Criminality has a minor impact on FCS but other issues of more importance.</td>
<td>Enforcement would have a minor beneficial effect on conservation objectives.</td>
<td>Some minor action to heighten awareness but little else.</td>
</tr>
</tbody>
</table>

Table 17: Data availability, processes and sharing among key UK enforcement and statutory agencies

<table>
<thead>
<tr>
<th>Source</th>
<th>Data Type</th>
<th>Area</th>
<th>Requirement</th>
<th>Validation</th>
<th>Analyst</th>
<th>Sharing</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITES BF</td>
<td>All BF-CITES seizures. Yearly Aggregated Available from approximately 1995, Includes details on imports, (re)exports, location, species, quantity, origin, traded type.</td>
<td>UK</td>
<td>Yes: CITES Secretariat, WCO (CEN)</td>
<td>Yes: Internally by CITES team</td>
<td>Internal – own system</td>
<td>PRAU, Defra, HMRC, NVACU, WCO (CEN), ETIS, CITES Secretariat, Public (online), FOI responses</td>
</tr>
<tr>
<td>NWCU</td>
<td>All incidents reported by police forces/Recorded offences on PND, Internal Investigations BF CITES seizures, Statutory organisations &amp; NGO recorded incidents/cases, Reported prosecutions &amp; outcomes, Includes details on prevalence, trends, locations, offence type, species.</td>
<td>UK</td>
<td>Yes: (see Fig 2 below)</td>
<td>Yes: Incident/ reported offences, investigations, and prosecutions/outcome internally by NWCU</td>
<td>Internal – own system</td>
<td>Various (see Fig 2 below)</td>
</tr>
<tr>
<td>Home Office</td>
<td>Notifiable wildlife crime offences from 43 police forces, Quarterly, Aggregated. Includes details on prevalence, trends, offence type.</td>
<td>England and Wales</td>
<td>Yes: (wildlife crimes not reported)</td>
<td>Yes: Internally</td>
<td>Internal – own system</td>
<td>Public (online), FOI responses</td>
</tr>
<tr>
<td>London MPS</td>
<td>Recorded incidents and reports created, prosecutions and outcomes</td>
<td>Greater London Area</td>
<td>Yes</td>
<td>Yes</td>
<td>Internally – own system</td>
<td>FOI responses, Other</td>
</tr>
<tr>
<td>Scottish Government</td>
<td>All police recorded wildlife crime offences and related firearm offences, All COPFS prosecutions received, proceeded against and outcomes, USA cases, SAC cases, SBT cases, NWCU intel logs, SSPCA investigations, Aggregated for 8 years, Includes prevalence and trends.</td>
<td>Scotland</td>
<td>Yes: Legal requirement</td>
<td>Yes: by agencies providing</td>
<td>By agencies providing data</td>
<td>Public (online), FOI responses</td>
</tr>
<tr>
<td>PSNI</td>
<td>All incident reports [logged SA cases or PSNI response], Daily since 2013, Includes data on offence, offender, victim, prevalence.</td>
<td>NI</td>
<td>Yes: Optional analysis conducted by wildlife division</td>
<td>Yes: By Wildlife Liaison Officer</td>
<td>Internal on Spreadsheet</td>
<td>FCO responses, Partner agency requests</td>
</tr>
<tr>
<td>NI Department of Justice Database</td>
<td>All reported offenses, prosecutions and their outcomes for wildlife crimes</td>
<td>NI</td>
<td>Yes: Automatically collated on central system</td>
<td>Yes: By agencies providing</td>
<td>Internal system</td>
<td>Criminal Justice System agencies, NI EA, DEFRA NI, FOI requests</td>
</tr>
</tbody>
</table>

Table 17 summarises the data available from key enforcement and statutory agencies, the processes in place, and sharing requirements. It highlights the lack of harmonisation in the data collected, the systems in place and how data is reported.
To emphasise the complexity and resource requirements of data sharing, an example of the annual/bi-annual reporting requirements of the NWCU is detailed in Table 18. The NWCU collates crucial data into a central location to fulfill its remit “to gather intelligence, information, and evidence to compile a strategic assessment of wildlife crime in the UK.” With few resources to generate its own primary data collection, the Unit relies heavily on data collected by other statutory and non-statutory organisations. As the Unit’s full analytical capacity is required to fulfill its reporting requirements (Table 18), further analysis and crime data reports are either not possible, such as reports on any non-priority offences, or very limited, such as reports on priority offences including poaching, cybercrime or organised crime. Despite the value of and need for proactive data collection and analysis, and intelligence-led enforcement, the Unit’s resources require it to be reactive in most areas of its work. This approach lacks consistency with the National need for proactive data collection and analysis, and intelligence-led enforcement, the Unit’s resources reports on priority offences including poaching, cybercrime or organised crime. Despite these limitations, Fig 5 demonstrates the potential for data triangulation and alignment. The map reveals that many organisations/agencies are involved in a feedback loop, whereby they collect data and disseminate it to others, with the aim of improving the comprehensive understanding of a phenomenon. The practice of using multiple sources of data or types of analysis (triangulation) to provide a more comprehensive understanding of a phenomenon is used in the Scottish Government, NWCU and PAW Group reports, to strengthen the measurement of UK wildlife crime. However, triangulation of wildlife crime data is difficult due to the variations and incompatibility of the available data (see Data Limitations).

To summarise, the NWCU collates data from various sources into a central location to provide a comprehensive understanding of wildlife crime in the UK. However, the Unit’s resources are limited, and the approach lacks consistency with the National need for proactive data collection and analysis, and intelligence-led enforcement. Despite these limitations, the Data Limitations suggest that data triangulation and alignment is possible, and the NWCU has the potential to improve its understanding of wildlife crime in the UK.

Table 18: (Bi-)Annual Reporting Requirements of the NWCU

<table>
<thead>
<tr>
<th>Task</th>
<th>Frequency</th>
<th>Requesting Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic Assessment</td>
<td>2 yearly</td>
<td>UKTCG (NPCC portfolio holder)</td>
</tr>
<tr>
<td>MoRiLE risk assessment</td>
<td>2 yearly</td>
<td>UKTCG (NPCC portfolio holder)</td>
</tr>
<tr>
<td>Tactical Assessment</td>
<td>6 monthly</td>
<td>UKTCG (NPCC portfolio holder)</td>
</tr>
<tr>
<td>NNPC strategy- action plan evidence gathering</td>
<td>6 monthly</td>
<td>UKTCG (NPCC portfolio holder)</td>
</tr>
<tr>
<td>NWCU: wildlife crime presentation for enforcing training course</td>
<td>6 monthly</td>
<td>Wildlife Training</td>
</tr>
<tr>
<td>Confirmed raptor persecution incidents for mapping publication</td>
<td>Annual</td>
<td>Raptor Persecution PDG E&amp;W</td>
</tr>
<tr>
<td>Bat crime incident hotspot analysis and mapping</td>
<td>Annual</td>
<td>Bat Crime PDG</td>
</tr>
<tr>
<td>Operation EASTER target list, crime pattern analysis, operational order</td>
<td>Annual</td>
<td>Policing UK</td>
</tr>
<tr>
<td>ETCS ivory seizure submission</td>
<td>Annual</td>
<td>Policing UK</td>
</tr>
<tr>
<td>EC CITES seizure submission</td>
<td>Annual</td>
<td>EC, via Traffic and Defra on behalf of Policing UK</td>
</tr>
</tbody>
</table>

The practice of using multiple sources of data or types of analysis (triangulation) to provide a more comprehensive understanding of a phenomenon is used in the Scottish Government, NWCU and PAW Group reports, to strengthen the measurement of UK wildlife crime. However, triangulation of wildlife crime data is difficult due to the variations and incompatibility of the available data (see Data Limitations). Despite these limitations, Fig 5 demonstrates the potential for data triangulation and alignment. The map reveals that many organisations/agencies are involved in a feedback loop, whereby they collect data and disseminate it to others, with the aim of improving the comprehensive understanding of a phenomenon. The practice of using multiple sources of data or types of analysis (triangulation) to provide a more comprehensive understanding of a phenomenon is used in the Scottish Government, NWCU and PAW Group reports, to strengthen the measurement of UK wildlife crime. However, triangulation of wildlife crime data is difficult due to the variations and incompatibility of the available data (see Data Limitations). Despite these limitations, Fig 5 demonstrates the potential for data triangulation and alignment. The map reveals that many organisations/agencies are involved in a feedback loop, whereby they collect data and disseminate it to others, with the aim of improving the comprehensive understanding of a phenomenon. The practice of using multiple sources of data or types of analysis (triangulation) to provide a more comprehensive understanding of a phenomenon is used in the Scottish Government, NWCU and PAW Group reports, to strengthen the measurement of UK wildlife crime. However, triangulation of wildlife crime data is difficult due to the variations and incompatibility of the available data (see Data Limitations). Despite these limitations, Fig 5 demonstrates the potential for data triangulation and alignment. The map reveals that many organisations/agencies are involved in a feedback loop, whereby they collect data and disseminate it to others, with the aim of improving the comprehensive understanding of a phenomenon. The practice of using multiple sources of data or types of analysis (triangulation) to provide a more comprehensive understanding of a phenomenon is used in the Scottish Government, NWCU and PAW Group reports, to strengthen the measurement of UK wildlife crime. However, triangulation of wildlife crime data is difficult due to the variations and incompatibility of the available data (see Data Limitations). Despite these limitations, Fig 5 demonstrates the potential for data triangulation and alignment. The map reveals that many organisations/agencies are involved in a feedback loop, whereby they collect data and disseminate it to others, with the aim of improving the comprehensive understanding of a phenomenon.
Many examples can be found of close cooperation between national and local agencies and civil society organisations. As the map indicates, two enforcement agencies – NWCU and BF – facilitate much of this collaboration, while priority delivery groups and PAW structure the engagement. NGOs are integral to the detection and recording of wildlife crimes, and in some cases the prosecution of offenders, ensuring their role as key data providers and partners. Academics, in collaboration with enforcement agencies, are developing online tools to differentiate between legal and illegal online trade, such as the University of Kent Model ‘itrade’ and NWCU partnership. Organisations such as FloraGuard (funded by the Economic and Social Research Council) analyse online marketplaces for illegal plant trade and assist enforcement and Social Research Council) analyse online marketplaces for illegal plant trade and assist enforcement in the partnerships and data generated, and are fundamental to our understanding of and responses to wildlife crime, both nationally and internationally. One interviewee argued that a sharing culture needs to be fostered, rather than the current culture in which agencies are restrained by ‘fear getting it wrong’.

Data limitations

Notwithstanding the excellent work and existing partnerships detailed above, the available data and analysis falls on many quality dimensions and characteristics identified by the Office for National Statistics (2021). This includes relevance, accuracy and reliability, timeliness and punctuality, coherence and comparability, accessibility, and clarity. While the specific limitations of each data source used in this report is detailed in the findings section below, an overview of these limitations is provided in this section.

The scope of wildlife crime data

Despite the use of ‘wildlife crime’ as a homogeneous term, it is crucial to note that wildlife crime captures a huge range of offences, species, offenders, motivations, locations, and modus operandi. The assessment of ‘wildlife and forest’ refers here to all wild fauna and flora, including animals, birds and fish, as well as timber and non-timber forest products. ‘Wildlife and forest crime’ refers to the taking, trading (supplying, selling or trafficking), importing, exporting, processing, possessing, obtaining and consumption of wild fauna and flora, including timber and other forest products, in contravention of national or international law. The extensive list of existing legislation relating to wildlife crime (see Annex A) exemplifies the challenges of measuring such a wide range of wildlife incidents, crimes, and prosecutions. Furthermore, as wildlife crime is not one single offence, each species is likely to be subject to different offences and modus operandi. Thereby, there are different data collection challenges affecting different species, and analysis of one wildlife crime should not be viewed as relevant to all wildlife crimes.

Robust data is required on each species and offence type to accurately measure the prevalence and nature of UK wildlife crime and provide an appropriate baseline for future trends. This is important as there is a prominent terrestrial and fauna bias evident in the statistics available. Despite a marine area approximately 3.5 times the size of the land area and offences involving timber, plants and fish dominating the wildlife trade, it is notable that there is less data available on these offences, especially in the domestic context.

The most detailed data and analysis available from law enforcement and other key stakeholders, such as NGOs, relates to the seven UK wildlife priority areas. However, even the consistency of this data in terms of availability and granularity is lacking across the UK. For example, understanding of the extent of bat, badger, freshwater pearl mussel, and raptor offences was considered better than that of CITES, cyber-enabled and poaching offences. This coincides with the presence of NGOs that specialise in documenting the former offences.

Wildlife crime data lacks granularity, that is, a level of detail in the data. Limited granularity results in less precise analysis. Greater granularity allows a deeper dive and assessment of the efficacy and efficiency of data. Granular data could clarify the nuances of wildlife crime and allow for a more targeted and specific tactical-level focus by law enforcement agencies. The emphasis on quantifiable data is also notable. While this data helps to address questions on prevalence and trends, it seldom goes beyond this to answer key questions on who, why, when, how? These questions are commonly addressed by qualitative research and need to be answered to effectively prevent wildlife crime, adequately resource agencies, and evaluate their responses.

Granular and qualitative data generation and analysis bring their own challenges. They require more resources including a larger storage space and system capacity, more time for analysis and experienced data analysts, and raise issues around data protection under the General Data Protection Regulation (GDPR). Although available, granular data may not be accessible to enforcement agencies, NGOs, and

Figure 5: Main UK agencies and data flow for UK wildlife crimes

scholarly research due to concerns around the legality and appropriateness of data sharing. However, as some data owners such as enforcement agencies may not have the capacity to engage with in-depth analysis, the potential of the data is not realised. This highlights the importance of clear data sharing agreements between and across stakeholders.

**Notifiable and Recordable Offences in England and Wales**

That wildlife crimes are not recordable and notifiable across the UK means that wildlife crime statistics lack the basic elements of the aforementioned crime recording ‘best practices’ to adequately measure the scale and nature. Out of the numerous statutory instruments relevant to wildlife crime (Defra 2019), at present only 17 wildlife crimes are notifiable. Some wildlife offences are recorded as ‘Other Notifiable Offences’ (Code 99); however, this is a ‘miscellaneous’ category including many non-wildlife offences and excluding many wildlife offences. More recently, a few wildlife offences were provided with separate codes (Code 96). As notifiable offences with unique codes, it would be possible to establish wildlife crime trends and make comparisons to other offences.

However, it is important to note that while statistical analysis of notifiable offences provides data on the prevalence and patterns, it will not necessarily improve data granularity, including the nature of these offences and the offenders involved. Thereby, although making all wildlife crimes notifiable and recordable offences is identified as a critical step to more accurate wildlife crime data, such as that provided in the Scottish report, it is not a panacea to the data limitations discussed herein. For example, this change will not remedy the challenges identified by interviewees in the initial identification and recording of wildlife crime offences, as discussed below.

**Identifying, recording, and reporting wildlife crime and the ‘Dark Figure’**

Under-reporting and recording of crime (also called the ‘dark figure’ of crime) is an issue that affects the precision of all crime statistics. Some offences, like wildlife crimes, are more susceptible to measurement error as they are more likely to go undiscovered. The dark figure within wildlife offences also varies, whereby underreporting is more likely for certain species and offences where there is limited focus, such as non-priority areas, or where crimes are easier to conceal. Other offences, such as CITES violations, with ivory trafficking being a good example, are arguably more visible and produce more robust measurements due to being prioritised and the mandatory reporting systems in place, for example reporting to the CITES Secretariat and ETIS database. However, simple changes to processes used to regulate the trade can have a significant and unintended negative impact on the rates of detection and recording of priority offences. For example, by replacing the personal effects imports form (C3185) with the automated online ToR01 system in 2019, the HMRC removed valuable information utilised by BF agents to target undeclared hunting trophies, even the basic elements of the aforementioned crime recording ‘best practices’ to adequately measure the scale and nature. Out of the numerous statutory instruments relevant to wildlife crime (Defra 2019), at present only 17 wildlife crimes are notifiable. Some wildlife offences are recorded as ‘Other Notifiable Offences’ (Code 99); however, this is a ‘miscellaneous’ category including many non-wildlife offences and excluding many wildlife offences. More recently, a few wildlife offences were provided with separate codes (Code 96). As notifiable offences with unique codes, it would be possible to establish wildlife crime trends and make comparisons to other offences.

For example, by replacing the personal effects imports form (C3185) with the automated online ToR01 system in 2019, the HMRC removed valuable information utilised by BF agents to target undeclared hunting trophies, including ivory. This has reduced the targeting of these types of offences.

At each point, administrative statistics on wildlife crime are impacted by the populations’ interest and awareness of the offence, their understanding of who to report offences to, and willingness to cooperate with enforcement. Human ‘victims’, such as land owners responsible for the land on which an offence occurs, may also not report crimes as they feel the police will not respond, while call-handlers and officers may not recognise it is an offence, may record it incorrectly, or it may be subsumed under a more serious offence unrelated to wildlife such as a firearms offence. In contrast to domestic wildlife crime offences, there are clear reporting requirements for CITES offences. Nonetheless, interviewees noted that reporting BF officers regularly mis-recorded or omitted vital information, for example on country of export, species, or volume, some of which cannot be confirmed retrospectively. This is a recurring challenge that impacts data accuracy and wastes valuable resources (for example, non-CITES plants such as mango and lemon trees being recorded as CITES offences). The turnover and recent increase in BF officers, who do not receive sufficient training on CITES, exacerbates these recording issues.

Given the complexity of wildlife offences, education, awareness, and experience are crucial for correct detection and reporting. Although training has increased and key resources such as SPECIES+ trade database exist, these issues remain problematic.

The unequal distribution of official resources, and detection and reporting biases among enforcement officers (such as ivory compared to plants or timber, or by forces who prioritise wildlife crimes compared to those that do not) will impact the visibility of wildlife crimes. For example, as CITES is category C on the BF strategy, it receives little intelligence and few resources to target offenders. An interviewee explained the impact of this:

`Mail Centres, “Langley and Coventry are currently the biggest (CITES) risk when it comes to seizures where numbers are concerned in the UK.” In 2019, there were nearly 300 seizures in Langley, of which only four were made by the local staff. This is the impact of BF officers ‘targeting to risk’, as these officers must follow the BF prioritisation. “If it were moved to B it would totally change the targets, officers around the country would be looking for it”. This is important as current BF CITES resources allow the team to attend mail centres just once a week to do targeted searches."

The issue of inequality continues through the criminal justice system, whereby the level of priority given to wildlife crime will impact decisions made by the CPS and judiciary in how they respond to offenders. As there is no requirement to publicly record the prosecutions and outcomes for wildlife crimes in England and Wales, and thereby no central resource to provide this information, the limitations of data quality and the invisibility of wildlife crime is persistent through the criminal justice system.

Wildlife crime incidents may be documented by the many and varied agencies involved in responding to wildlife crime that do not have a sole focus on these offences and thereby do not collate or publish the data, for example the NCA and Trading Standards. Table 19 details other potential data sources on wildlife crime that were identified, but were not available for the report and not currently in prevalence estimates. If utilised, these data sources may illuminate hidden areas of UK wildlife crime and outcomes.

**Table 19: Potential data sources on UK Wildlife Crime**

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cyber-enabled wildlife crimes</td>
<td>[NWCU, Telecoms, Social Media Platforms]</td>
</tr>
<tr>
<td>Serious and Organised wildlife crime</td>
<td>[NWCU &amp; NCA]</td>
</tr>
<tr>
<td>Wildlife seizure findings from postal service screening operations</td>
<td>[Defra]</td>
</tr>
<tr>
<td>Impact statements provided in court</td>
<td>[JNCC and NGOs]</td>
</tr>
</tbody>
</table>

[181] See [https://data.gov.uk/dataset/695f6775-3e51-4dd4-911a-19575638384c/home-office-counting-rules-for-recorded-crime](https://data.gov.uk/dataset/695f6775-3e51-4dd4-911a-19575638384c/home-office-counting-rules-for-recorded-crime)

[182] CITES trade data is criticised for the inconsistent use of product, term and unit codes between Parties, misreporting or non-reporting, and the difficulty of comparing trade statistics across Parties (IUCN 2019). The trade data is used to calculate the CITES Secretariat and ETIS database, however, simple changes to processes used to regulate the trade can have a significant and unintended negative impact on the rates of detection and recording of priority offences. For example, by replacing the personal effects imports form (C3185) with the automated online ToR01 system in 2019, the HMRC removed valuable information utilised by BF agents to target undeclared hunting trophies, including ivory. This has reduced the targeting of these types of offences.

[183] See [https://data.gov.uk/dataset/695f6775-3e51-4dd4-911a-19575638384c/home-office-counting-rules-for-recorded-crime](https://data.gov.uk/dataset/695f6775-3e51-4dd4-911a-19575638384c/home-office-counting-rules-for-recorded-crime)

[184] CITES trade data is criticised for the inconsistent use of product, term and unit codes between Parties, misreporting or non-reporting, and the difficulty of comparing trade statistics across Parties (IUCN 2019). The trade data is used to calculate the CITES Secretariat and ETIS database, however, simple changes to processes used to regulate the trade can have a significant and unintended negative impact on the rates of detection and recording of priority offences. For example, by replacing the personal effects imports form (C3185) with the automated online ToR01 system in 2019, the HMRC removed valuable information utilised by BF agents to target undeclared hunting trophies, including ivory. This has reduced the targeting of these types of offences.

[185] See [https://data.gov.uk/dataset/695f6775-3e51-4dd4-911a-19575638384c/home-office-counting-rules-for-recorded-crime](https://data.gov.uk/dataset/695f6775-3e51-4dd4-911a-19575638384c/home-office-counting-rules-for-recorded-crime)

[186] See [https://data.gov.uk/dataset/695f6775-3e51-4dd4-911a-19575638384c/home-office-counting-rules-for-recorded-crime](https://data.gov.uk/dataset/695f6775-3e51-4dd4-911a-19575638384c/home-office-counting-rules-for-recorded-crime)
The constraints of measuring wildlife crime do not simply lie at the point of data collection, such as the need for effective methods and instruments specific to wildlife crime, but also at the point of data processing and analysis. Data collected on wildlife crime is not necessarily collated in a manner that makes it accessible or in a format suitable for extraction and detailed analysis or for reporting externally. Both the equipment (including databases, IT system capacity, compatibility and fitness) and technical expertise (including data/intelligence/financial/cybercrime analysts) to extract and analyse data was identified as ineffective and inefficient. For example, the case study provided below indicates that despite the APHA Unicorn system being identified as a huge and rich source of intelligence, data extraction and analysis of offences is problematic as the system was not developed with these functions in mind. This is characteristic of much of the available data across the UK. Furthermore, key enforcement agencies such as the NWCU and Border Force lack the required data access and data analyst personnel required to do more than simply react to data requests. Consequently, the data collated is seldom exploited sufficiently to move beyond simple aggregated prevalence rates. For example, despite the assurance by enforcement agencies such as the NWCU that poaching and trade in some species is facilitated by organised crime, such as hare coursing and the eel and reptile trade, it is not possible to clarify the number, nature or distribution of social networks involved or how these offences converge with other serious and organised crimes. While data exists within the NCA, it is not identified as a priority offence and the data is not in an easily accessible format. Although it is a requirement of the NWCU to identify links to organised crime, its capacity to do so is limited by access to serious and organised crime data and specialists such as the NCA. The restricted data is likely to be a contributing factor to the limited understanding of and resources available to respond to organised wildlife crimes. Similar issues arise in our ability to evaluate the response to wildlife crime. For example, it is not possible to adequately analyse the deterrent effect of prosecutions and subsequent sanctions on offenders. While the use of civil sanctions in wildlife cases is an appropriate model to deal with regulatory crimes, such as those involving business, it is not clear if this ‘light touch’ approach is also encouraging repeat offending, for example, raptor persecution among landowners.

**Case Study: APHA Unicorn, PND & BF systems**

Unicorn is an extensive data system for the APHA to record the legal CITES trade. It is also recognised by statutory and enforcement agencies as an important tool in identifying wildlife trade offences and future trends, for example an increase in rhino horn on the legal market. However, the system is over 20 years old and cannot provide the data tracking, extraction, or analysis functions necessary to engage in trend analysis. Rather, it has few functions and data must be exported to excel to conduct analysis. Consequently, the rich data available and potential proactive analysis is not exploited. Furthermore, the embedded police officer who previously evaluated the data, flagging up possible trade offences and requesting inspections, is no longer in the APHA. With adequate access and analysis capabilities, key agencies such as the NWCU, JNCC, RBG and KEW could more effectively assist APHA in identifying potential offences, using their enforcement, scientific and intelligence analysis expertise. While the system is currently being upgraded, this is unlikely to provide the necessary functionality, as it has not been designed with crime data analysis in mind. The equivalent US system was suggested as a potential model/template.

The PND records incidents, crimes, custody records and intelligence from all police forces. The PND provides the NWCU with easy and live access to police force reports on wildlife crime, which were previously obtained via emails. However, PND was designed for sharing nominal data, not as a tool for detailed data analysis, and thereby it lacks this functionality. Identifying and extracting relevant data is problematic and time consuming. The NWCU does not have the capacity to mark incidents as wildlife crimes, easily exclude irrelevant cases or export all the relevant cases. There is a large variation in the use of keywords, for example between Code 96 Wildlife and Code 96 animal, making it difficult to differentiate livestock, domestic animal and wildlife crime. As such, while rich data exists on recorded wildlife offences, the NWCU is reliant on ineffective keyword searches and data mining in order to obtain relevant UK data. While small increases to the functionality of PND are possible and have been developed for other enforcement programmes such as Modern Slavery and Human Trafficking, according to an interviewee piecemeal changes to the system would not be sufficient to make it ‘fit for purpose’ for NWCU.

In the past year a new system has been introduced at BF. At present the CITES BF team, alongside other BF officers, are required to use both the old (Centaur) and new (ePMS) systems concurrently. This requires duplication of data entry, resulting in many BF officers not entering CITES data onto the old system and incorrectly adding information to the new system. While the CITES team provided feedback to the developers of the new system, for example on their need for a purpose-built extraction tool, its introduction has created challenges for the team. Within the system there is capacity to analyse nominal and other data to provide important intelligence on CITES offences and offenders. However, despite their extensive recording and reporting practices, CITES BF does not have the trained analysts to act upon this rich data. Although data is sent to the NWCU, it also lacks the capacity of dedicated analysts to fully utilise the data. The CITES team also has access to the Unicorn system, however, the computer on which it sits is not currently functioning.

Despite computer equipment being identified as the only area for improvement (albeit a low priority) in the 2015 UK CITES biannual report, IT equipment and data systems, and the enforcement experts to use them are still lacking. Further resources including technology, staff, training, and access to experts, alongside the commitment to develop a strategic approach to data collection, sharing and analysis, are crucial to improve the measurement of UK wildlife crime.
Data Convergence and Sharing

Data sharing across and outside official organisations is reportedly compromised due to fear over the misuse of data, including concerns over GDPR breaches, the quality standards of the information generated, and the lack of formal sharing agreements. Where NGOs and interest groups can and do fill the data gaps, there are differences in how they identify and count offences, leading statutory agencies to query the trustworthiness of the data. While care must be taken to standardise and ensure the quality of non-statutory data sources, it is obvious that NGOs and other stakeholders provide vital data on wildlife crime, especially granulated data on specific species and offence types. Data convergence and sharing is limited further by the data feedback loop, which can be viewed as one-way, whereby those who contribute data do not necessarily receive feedback on the use of their data.

Data Convergence and collaboration are required to address these limitations. Data convergence and collaboration are required to produce and share data and analysis for a comprehensive annual report on wildlife crime. The report should be a strategic tool for prioritizing responses and allocating resources. To achieve this, all agencies and organisations who respond to wildlife crime should be encouraged to share their data and intelligence, both within and outside official organisations. This would require the development of formal sharing agreements, such as an MOU, to ensure the effective sharing of data.

A fundamental barrier to the UK government and national agencies effectively preventing and tackling wildlife crime is reliable and longitudinal data on the scale and nature of wildlife crime offences. This assessment confirms it is not possible to accurately measure the scale or capture the complexities of UK wildlife crime in the available data. It is likely that should resources be made available for data to be recorded, managed, analysed and shared effectively, a more accurate measurement of wildlife crime would be possible. This would require all agencies and organisations who respond to wildlife crime to evaluate their data collection and management processes and to develop strategies for effective data convergence and collaboration.

Case Study – PAW Group MOU

The Partnership for Action Against Wildlife Crime (PAW UK) is a collaboration of organisations who work together to reduce wildlife crime. The PAW is jointly chaired by Defra and the ACPO lead for wildlife crime. Membership of the group includes government departments, devolved administrations, statutory bodies, police and regulatory bodies.

There are currently three PAW working groups that report to the chairs, including the Conference and Training Group, Forensics Working Group, and Marine Working Group. There are also PAW working groups in Northern Ireland and Scotland that address country-specific issues.

Their MOU sets out the roles and responsibilities of PAW members, including a section on data exchange and disclosure, in particular:

Data exchange between the organisations is encouraged but will only take place in appropriate circumstances and in compliance with data protection and other relevant legislation.

Where necessary, the organisations will establish procedures to share data and intelligence at a local and national level. All parties will share data and intelligence with the NWCU. NE has an existing Information Sharing Agreement with the NWCU. NE and NRW will provide information on species licences and SSSI consents to the police in connection with possible criminal enquiries.

Performance indicators

Few agencies report having performance indicators which are specific to enforcing wildlife crime. Rather, if identified, more general performance indicators were referred to, such as the Civil Service values and Performance indicators to which staff in the Wildlife and Environmental Crime Unit of the Scottish COPFS adhere to. The signed agreement (2015, 2017) in place for the NWCU refers to how the performance of the unit is measured (Schedule 7, page 43). The unit’s objectives and KPIs have been under review since 2020.

Other enforcement agencies identified their role had expanded beyond targeting and investigation to raising awareness and educating other UK and international agencies. While the move to raising awareness and education is fundamental in responding to wildlife crime here and abroad, the use of already very restricted enforcement resources to do so and the apparent limited focus on successful outcomes, should be of concern. It is particularly important for those who have dual roles, such as WCOs, and limited resources, such as NWCU and BF, to work with SMART performance indicators. These must recognise the scope of wildlife crime enforcement roles and ensure the focus is not simply on numbers but on the quality of successful outcomes.

Recommendations

Data collection must be more consistent, reliable, and accessible, to adequately measure the extent of UK wildlife crime and thereby enhance the ability to set priorities and responses and allocate resources. This could be achieved by:

- Making all wildlife crimes a recordable and notifiable offence, with discrete wildlife crime codes to reduce ambiguity, confusion, and disparity between nations;
- Making it a legislative requirement, as in Scotland, for all UK criminal justice system agencies to produce data and analysis for a comprehensive annual report on wildlife crime, supplemented by reliable stakeholder data;
- Recognising the diverse nature of wildlife crime offences by generating, analysing and reporting granular data;
- Undertaking an appraisal of plant crime, to both establish a baseline and identify the gaps and limitations of the available data. Set up a task group on plant crime and designate a lead for the collation of plant crime offence data, for instance the NWCU.

Prevent data loss at each stage of the reporting process by developing a strategic approach to the collection, sharing and analysis of wildlife crime data. This should involve:

- Awareness raising for the public and enforcement, and training for enforcement and statutory agencies, to ensure crimes are recorded appropriately and prioritised. This is required both at incident stage and if they become notifiable offences.
- Enabling more effective data sharing and analysis between stakeholders with an MOU to allow the triangulation and validation of data;
Developing a strategic approach to data collection, sharing and analysis, including an evaluation of the suitability of current data systems including Unicorn, BF systems, and NCD for wildlife enforcement (end user) use, and data convergence and triangulation, such as the centralised NI system, and develop a plan for improvements;

Providing BF, NWCU and APHA with the capacity to analyse the huge and vital sources of intelligence they possess by providing dedicated analysts within these agencies, who also need to be provided with IVT awareness and targeting training, and a more effective link to related specialist agencies such as the NCA. In particular, it is crucial for the NWCU to move from a reactive approach to data collection and analysis, to a proactive strategy involving a more in-depth and flexible approach, for example with an analyst for cybercrime;

Enhancing partnerships between statutory agencies and civil society through funding and opportunities for collaboration, such as DICE.

Data Findings

Methodology

The mixed method approach adopted to collate and evaluate the data available on the prevalence and nature of UK wildlife crime and responses involved empirical qualitative interviews and email exchange with key stakeholders, and a review of academic and grey literature and analysis. While the ICCWC toolkit predominantly focuses on the international trade in wildlife, Defra requested a broader view of domestic wildlife crime. It is crucial to note that wildlife crime is not a single crime, rather it involves thousands of species and offence types. Where possible, data was collected on all offences relating to wildlife, which could include taking, processing, obtaining, trading, importing, exporting, consuming/use, and cruelty to flora and fauna, with particular focus on the seven UK wildlife crime priorities. As the legal and illegal trades are interlinked and biodiversity markers may provide evidence of wildlife crime, these were also briefly considered to provide context. Importantly, all research data was compiled and analysed within a two-month period (May-June). Given the broad remit and narrow timescale, it is important not to read these findings as comprehensive or conclusive; rather, they provide a snapshot of the prevalence and nature of UK wildlife crime and responses from the data made available for the assessment.

An initial appraisal through Google Scholar and NGO websites of the grey literature published since 2017 identified numerous Government, NGO and partnership organisation reports which provided prevalence data on domestic and international wildlife crime. Concurrently, online interviews and email exchanges with 13 agencies provided wildlife crime incidents, offences, investigations, prosecutions and convictions data, and an overview of data availability, analysis and sharing among organisations. Those contacted predominantly involved government and law enforcement agencies, as many NGOs publish their data online. All stakeholders contacted were asked to provide prevalence data for the last three years to the end of 2020. Many signposted the researcher to the existing grey literature (see Table 1 above for an overview of the data received/identified). While these agencies were prioritised for prevalence data, it is recognised that wildlife crime involves many other stakeholders, including the financial sector, trading associations, transport associations, online sites, and donors, who could also help fill gaps in our knowledge. Agency data on incidents, offences, trade, seizures, investigations, prosecutions, convictions, and penalties was received in a variety of formats including written documents, excel spreadsheets, tables, charts, and

UK Nature Biodiversity Indicators, Monitoring & Legal Trade

There are many agencies/bodies and nature conservation groups that monitor biodiversity across the UK, due to nature conservation mainly being a devolved responsibility in the UK. JNCC coordinates nature conservation at the UK level, providing robust scientific data, tools, technologies and analytical techniques to evidence and monitor the status, trends and patterns of biodiversity growth and loss. Its reports are available online, the most recent of which (2020) is summarised here as a brief overview of UK biodiversity indicators and monitoring. The CITES trade database provides publicly available data on CITES-listed trade to and from the UK. An overview of the legal CITES trade is provided here, based on a recent and detailed review of CITES-listed taxa imports and re-exports between 2012-16. These studies offer necessary context and background to the following sections which report on the data available on UK wildlife crime.

Biodiversity Indicators and monitoring

For its size (approximately 240,000km²), the UK has a diverse mix of habitats and species, with a marine area approximately 3.5 times the size of the land area. The JNCC biodiversity indicators report on the trends in the abundance (population) and distribution (how widespread) of priority species across the UK, with 1970 onwards the baseline for recording. There are 2,890 priority species listed across England, Wales, Scotland, and Northern Ireland. The report shows the average change in 219 species (103 birds, 23 butterflies, 13 mammals, and 80 moths) for which robust abundance trends are available. It is important to note that the data is taxonomically limited; for example, it includes no vascular or non-vascular plants, fungi, amphibians, reptiles, or fish and the only invertebrates are butterflies and moths. Furthermore, the data includes different time periods, data collection methods and data analysis. While these 219 species showed little change in the period 2013-2018 (approximately 7% decrease), the longitudinal index of relative abundance of priority species in the UK had declined to 36% of its base-line value in 1970, statistically
significant decrease. Over this long-term period, 21% of species showed a strong or weak increase and 63% showed a strong or weak decline. Distribution trends are also provided for 422 species including 93 bees, wasps and ants, 120 bryophytes and lichens, 117 moths and 92 other taxa, for which detailed quantitative time-series data is available. A significant decrease of 28% occurred in this index between 1970 and 2017. Moths and bees, wasps and ants experienced the strongest declines during this period. Between 2012 and 2017, the indicator increased by 3% and therefore, it was assessed as stable.

Further information is available on woodland, plants, fisheries, mammals and birds. UK woodland, at the 31 March 2020 was estimated to be 3.21 million hectares (13% of the total land area). Certified woodland areas are often used as an indicator of sustainable forest management. In March 2020, 43% (1.4 million hectares) of total woodland was certified across the UK, which is consistent since 2007 and an increase of 7% since 2001. Plant species abundance was also monitored for four broad habitats across the UK, as these are indicative of the health of the habitat; these include: arable field margins; broadleaved woodlands and hedges; bog and wet heath; and lowland grassland. In 2019, the indicators show an overall decline since 2015 levels, with only bog and wetlands showing a rise towards 83% of the baseline.

Sustainable fisheries are the indicators used for good marine environmental status, which measure the percentage of fish stocks harvested sustainably across the UK and those at full reproductive capacity. Indicators are based on a group of 20 species in 57 stocks for which there are reliable estimates of fishing mortality and spawning biomass. From 1990 to 2018, the percentage of fish stocks fished at or below sustainable levels increased from 9% to 35%. In the CBD sixth National Report, the JNCC identified that marine protected areas covered 24% of UK waters (see Fig 6), a tenfold increase since 2007.

The bat index, comprising 10 species trends, is used as an indicator for mammals. Overall, the index has increased by 45% between 1999 and 2020, including a 10% increase between 2013-18. Trends since 1999 show the increase applies to only five of the 10 species monitored. Furthermore, as the rarest bat species are more difficult to monitor, they are not included in this index. Bird populations have long been considered to provide a good indication of the broad state of UK wildlife. The indicators focus on common native birds of farmland, woodland, freshwater, and marine habitats, showing a general decrease: farmland -55%; woodland -29% since 1970; water and wetland -17% since 1975; and seabirds -28% since 1986. Overall, the indicators demonstrate that many species of plant and animal have undergone substantial changes in their abundance and distribution since monitoring began, leading to some increases, but mostly decreases of monitored species. This is reinforced by reports from NGOs such as the British Trust for Ornithology (BTO 2020), which provides more detailed analysis of specific species decline. In its current report, there are 28 species for which their best long-term trends show statistically significant population declines of greater than 50% over periods of 30–51 years, the majority of which are farmland and woodland specialists. This outweighs the increase observed in 21 species. Further, the State of Nature Report (2019) assessment against the IUCN Regional Red List criteria, found 15% of extant species are classified as threatened and thereby at risk of extinction in Great Britain. The decline is highlighted in the CBD Sixth National Report, which identified that only five out of the 20 agreed Aichi targets that were set in 2010 are assessed as being on track. Species decline is ongoing, and this is concurrent with a reported shortfall in Government funding for biodiversity in the UK.

Legal CITES Trade

The UK is a key consumer and (re-)exporter of CITES-listed species, involving a diverse range of flora and fauna. According to Pavitt et al., detailed analysis of the CITES-trade Database for CITES-listed taxa imports and (re-)exports between 2012-16, the UK was the 15th highest global importer, with 38,000 transactions equating to 2% of global trade, and 14th highest (re-)exporter with 42,500 transactions equating to 1% of global trade. The majority of UK imports and (re-)exports were for commercial purposes. It is important to note that the estimates do not include UK-EU trade, due to the free movement of intra-EU trade. The UK exit from the EU will change these rates, as some EU trade will now be subject to the usual CITES controls (see International Trade in Endangered Species Section above). An insight into the scale of UK-EU trade is provided through Article 10 certificates, of which approximately 10% (7,956) originated from EU Member States: 92% of these related to live, captive-bred tortoises, particularly Herman’s tortoise from Slovenia and Croatia. Table 20 provides a breakdown by location (including EU) of the 82,981 Article 10 certificates issued by the UK between 2012-17. Overall, certificates issued have increased by 46%, with the majority for live and captive specimens, and dominated by reptile (52%) and bird (41%) groups.

Table 20: Number of Article 10 certificates issued by the UK, 2012-2017.

<table>
<thead>
<tr>
<th>Origin of Specimens</th>
<th>Total</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK</td>
<td>49,494</td>
<td>59.6</td>
</tr>
<tr>
<td>EU</td>
<td>7,799</td>
<td>9.3</td>
</tr>
<tr>
<td>Rest of World**</td>
<td>21,300</td>
<td>25.7</td>
</tr>
<tr>
<td>Rest of World (via EU)</td>
<td>157</td>
<td>&lt;1</td>
</tr>
<tr>
<td>Unknown</td>
<td>4,231</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>82,881</td>
<td>100</td>
</tr>
</tbody>
</table>

** This includes 10 certificates issued with unknown origin and an EU country other than the UK reported as the EU Member State of export.

** Rest of the World: countries other than the EU. This includes UK Overseas Territories and Crown Dependencies.

Source data from Pavitt et al. 2019.

Approximately 66% of UK CITES transactions were directly imported and 34% were indirect. In the five years, a total of 837 taxa were imported, including 311 plant, 160 coral, 121 reptile and 103 mammal taxa. Sixteen percent involved CITES Appendix I, 81% Appendix II and 3% Appendix III. Over three-quarters of import transactions involved direct-trade in live or raw coral. The majority (82%) of these transactions were Indo-Pacific, followed by the US (4%). Fig 7 details the key taxa and associated species, and the main trade routes for the 23,001 transactions.

Table 20: Number of Article 10 certificates issued by the UK, 2012-2017.
Fig 7: Proportion of all direct import transactions reported by the UK, 2012-2016, grouped by EU Annex and by taxonomic group, and showing the main trade routes for each.

Each import transaction represents a larger number of animals, plants or timber, with a total of 670,000 items/individuals traded between 2012-16. The majority (60% n = 400,700) again represented live coral (61% wild and 39% captive), followed by live reptiles (20% n = 134,716) and artificially propagated tropical pitcher plant hybrids (4% n = 25,788). Almost all Appendix I (95% n = 3,430, majority orchid species) and Appendix II (99%, majority reptiles) listed individuals were live, captive sourced. A further 47,000 of identified non-individual imports were recorded, including American alligator, caiman, and Siberian weasel.

More than three-quarters (78%) of (re-)export transactions were re-exports rather than direct exports. Over the five years, (re-)exports involved 466 taxa, including CITES Appendix I (12%), II (74%) and III (4%). Of the 246 taxa directly exported, 21 species were native wildlife (seven species belonged to OTCD), and half of taxa were captive-sourced birds. Re-export transactions largely consisted of reptiles (76%) and mammals (20%), while half of the remaining taxa were American Alligator. The majority of (re-)exports involved the Middle East (35% exports) and China (19% re-exports). Fig 8 details the key taxa, associated species, and the main trade routes for 42,492 transactions.

Fig 8: Proportion of all (re-)export transactions reported by the UK, 2012-2016, grouped by EU Annex and by taxonomic group, and showing the main trade routes for each.

Over the five years, a total of 33,000 items/individuals were (re-)exported, of which there were three dominant species: southern medicinal leech (35%), gyrfalcon (14%); and the common snowdrop (12%). Almost three quarters (72%) of re-exports were wild-sourced and for commercial purposes (92%), with the majority comprising mammal skins. A further 24,000 non-individual commodities were directly exported, dominated by captive-bred grey jungle fowl feathers to the US and scientific specimens from captive-sourced long-tailed macaque for biomedical research to Switzerland. There was considerably more re-export of Appendix I species than direct export, including 27,000 items of worked elephant ivory.

Although this ICCWC Assessment does not focus on UK OTCDs, it is noted by Pavitt et al. that while there were few reported exports from the UK to these territories, OTCDs reported high levels of trade from the UK, which indicates inconsistencies between reported imports and exports. Records indicated the UK imported large quantities of specimens for scientific purposes (£1,008-1,808) and live plants (£1,008-1,808) from these territories.

While recognising the limitations in estimating the value of the trade due to the absence of reliable and specific price data, especially for plants, the JNCC report provides a minimum value estimate for (re-)exports for animals (£127m) and plants (£390m). These estimates were considerably higher than for imports, which were valued as £127m for animals and £11.18m for plants. Fig 9 maps the key plant and animal trade routes for imports and exports, indicating that both the US and Asia were important destinations for plant and animal (re-)export. Asia also dominated UK plant imports and was one of the three key locations (alongside the US and Australia) key locations for animal imports.
Wildlife Crime Incidents, Offences, Investigations, Seizures, Prosecutions and Outcomes

This section looks at the data available on the prevalence and nature of wildlife crime in the UK. Wildlife crime in the UK is measured using different types of datasets, including:

- Incidents, such as members of the public reporting a possible crime to NGOs or the police,
- Offences (incidents identified as crimes by the police),
- Investigations (incidents identified as crimes investigated by NGOs),
- Seizures (illegally traded CITES specimens confiscated/Seized by Border Force),
- Prosecutions (offences passed to the CPS and prosecuted) and their outcomes (penalties received for offences).

While emphasis is placed on the seven UK priority wildlife crime areas, other wildlife crimes are discussed where there is available data. Due to the variability and availability of data sources, the section is divided into four parts based on geographic locations:

1. UK-wide data, which includes CITES offences and a few other domestic wildlife crimes.
2. Northern Ireland
3. Scotland
4. England and Wales, whereby UK crime data is largely generated at the country-level with England and Wales commonly grouped together.

Each geographical part first identifies the trends and nature of reported wildlife crime, followed by the number of prosecutions and their outcomes.

It is important to note that the data provided herein is likely to substantially under-represent the actual volume of wildlife offences. As discussed above, accurately assessing the state of wildlife crimes across the UK is currently impossible for several reasons:

1. There is no single data source on wildlife crime, rather there are many agencies and organisations who collect and collate different types and levels of information, providing a scattergun approach to prevalence estimates. The available data often lacks consistency and granularity, making it difficult to identify the nature of the offence, victim or offender.
2. In England and Wales, most wildlife crimes are not notifiable or recordable, meaning that the annual crime statistics available for many other (human-focused) crimes are not available for wildlife crime.
3. There is a notable bias in the available data on recorded wildlife crimes towards terrestrial vertebrate species, rather than marine species, plants and timber. As to be expected, there is often more data on priority species.
4. It has been noted repeatedly in the grey and academic literature that wildlife crime largely goes

Recommendations

- Continued and enhanced monitoring is required annually to prevent further biodiversity loss and to help identify threatened species and wildlife crime priorities. Movement towards more granular data and an evaluation of the impact of wildlife crime on UK biodiversity could be achieved with enhanced funding for biodiversity research by the UK Government;
- Repeat the analysis of UK legal wildlife trade post-EU exit to provide a baseline for future trade analysis;
- Clearer pricing points for legal commodities, in particular timber, would provide better estimates for the legal trade and support prosecutions and sentencing for illegally traded wildlife;
- Limitations have been identified regarding the capacity of the APHA Unicorn CITES trade database to record, analyse and monitor the trade and to identify non-compliance and criminality. The requirement to include all EU trade will create further pressure on the system. As part of the EU exit plan, a new system should be considered to ensure it is fit for recording and enforcement purposes.
undetected, unreported and unrecorded, meaning the gap between reported and actual crime is significant. For example, CITES seizure data presents only the known illegal CITES trade, the targeting and enforcement of which is limited by resources and prioritisation. This is important to note as, i) this is likely to represent only a small portion of the illegal trade and ii) there are many more species (illegally) traded outside the CITES remit, particularly plants and timber. This limitation in data also relates to prosecutions, convictions and disposals. Despite the trustworthiness of the sources (detailed below) used to provide this overview of UK wildlife crime, care must be taken in drawing conclusions from the analysis as the complexity and variability of wildlife offences are not evidenced in the data. Thereby, any inferences may be unreliable and not represent the complete picture. Nonetheless, the following presents the most recent and in-depth review of UK wildlife crime available.

UK-wide Wildlife Crime

CITES offences are reported at UK level, while some NGOs and wildlife interest groups provide national coverage on domestic UK priority species. Thereby, both statutory and non-statutory agencies are used to provide an overview of UK-wide wildlife crime, with an emphasis on three UK wildlife crime priority areas for which data exists: CITES-listed species, raptors and bats. The data provided herein represents only those confirmed incidents and offences. The requirement to centrally record and regularly report CITES seizures ensures the data provided offers a robust measurement of the known illegal wildlife trade. Nonetheless, due to the aforementioned resource and recording constraints, there are also data limitations with the accuracy of information recorded on the seizure country of export, species and quantities (see Data Limitations, and International Trade in Endangered Species – Enforcement section). CITES seizures from across the UK are recorded by BF and reported to the World Customs Organization CEN, CITES Secretariat and the EU-TWIX database. The CITES seizure data discussed here is derived from both the EU-TWIX database (2018-20) and BF transparency data (2013-2020).198

The NWCU and TRAFFIC collate data on wildlife crime convictions. As there is no central database or reporting requirements to provide an official record in each country or across the UK, both compile their data from a variety of sources including publicly available reports, intelligence logs, investigations, and other reports. Therfore, although they provide the most comprehensive UK convictions dataset, these figures do not necessarily afford a full record. While TRAFFIC focuses specifically on CITES and CITES forensic investigations, the NWCU identifies both CITES and domestic wildlife crime convictions. The RSPB (2019)198 and BCT (2018)199 report on their recorded raptor and bat incidents since 2007 and 2016 respectively. While providing the most complete account of UK bird crime, data from the RSPB details only those offences confirmed by its investigation unit.

What follows is an overview of incidents, offences, investigations and seizure prevalence rates, followed by the number of prosecutions and their outcomes.

## Incidents, Offences, Investigations and Seizures

### CITES

In 2021, BF published information about the number and volume of its CITES seizures between 2013 and 2020, as part of its publicly available transparency data.200 A total of 6,100 seizures were made (Table 21), with a sharp increase in rates in 2017 (1,076) and 2018 (1,116). Over one third (36%) of the seizures in the eight-year period occurred within these two years. According to TRAFFIC (2020),201 UK seizures in 2018 (1,011 seizures)202 were the third highest in the EU and included all exported ivory seizures. This increase was consistent with the significant escalation in worldwide seizures reported in 2017 (20,762 seizures) in the UNODC 2020 Wildlife Crime report.203 The reason for this increase, UK and worldwide, is likely multifaceted. For example, it may be due to enhanced prioritisation, investigations, and enforcement of CITES; species additions to CITES (see below) or a surge in specific offences. The lowest number of overall seizures were reported in 2020, which may be explained in part by the COVID-19 travel restrictions in place during this period. Furthermore, it is observed by BF that a change in reporting systems resulted in seizures made at Gatwick airport being omitted from the data in the last quarter of 2019, which may account for some of the reduced seizures identified in that year. Thereby, care must be taken in comparing the last two years to previous years. It is also important to note that there are problems in how seizure quantities are recorded, which can significantly impact on reported prevalence rates. For example, oriental medicine rates may appear lower if the number of bottles, cartons or pallets are recorded, or appear higher if the number of pills within the above are recorded.

**Table 21: Total BF CITES Seizures, 2013-2020, by seizure category and year**

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>569</td>
<td>24</td>
<td>18</td>
<td>43</td>
<td>14</td>
<td>6</td>
<td>128</td>
<td>15</td>
<td>142</td>
<td>187</td>
</tr>
<tr>
<td>2014</td>
<td>512</td>
<td>22</td>
<td>14</td>
<td>40</td>
<td>23</td>
<td>6</td>
<td>140</td>
<td>35</td>
<td>33</td>
<td>210</td>
</tr>
<tr>
<td>2015</td>
<td>858</td>
<td>31</td>
<td>22</td>
<td>183</td>
<td>13</td>
<td>45</td>
<td>180</td>
<td>27</td>
<td>26</td>
<td>334</td>
</tr>
<tr>
<td>2016</td>
<td>689</td>
<td>20</td>
<td>16</td>
<td>16</td>
<td>12</td>
<td>36</td>
<td>220</td>
<td>69</td>
<td>18</td>
<td>141</td>
</tr>
<tr>
<td>2017</td>
<td>1,076</td>
<td>28</td>
<td>21</td>
<td>176</td>
<td>13</td>
<td>37</td>
<td>168</td>
<td>171</td>
<td>401</td>
<td>69</td>
</tr>
<tr>
<td>2018</td>
<td>1,116</td>
<td>41</td>
<td>7</td>
<td>108</td>
<td>12</td>
<td>82</td>
<td>167</td>
<td>189</td>
<td>433</td>
<td>82</td>
</tr>
<tr>
<td>2019</td>
<td>792</td>
<td>27</td>
<td>11</td>
<td>54</td>
<td>10</td>
<td>67</td>
<td>189</td>
<td>247</td>
<td>117</td>
<td>79</td>
</tr>
<tr>
<td>2020</td>
<td>488</td>
<td>4</td>
<td>8</td>
<td>45</td>
<td>6</td>
<td>17</td>
<td>119</td>
<td>192</td>
<td>80</td>
<td>22</td>
</tr>
<tr>
<td>TOTAL</td>
<td>6,100</td>
<td>197</td>
<td>117</td>
<td>810</td>
<td>103</td>
<td>296</td>
<td>1,311</td>
<td>945</td>
<td>1,250</td>
<td>1,124</td>
</tr>
</tbody>
</table>

* Totals include (a) parts, powders, extracts
** Preparations of oriental medicine which include parts and derivatives of endangered species

Source: Data from BF Transparency data (2020)

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200 BF (2020). Preparations of oriental medicine which include parts and derivatives of endangered species
201 The data has been compiled using the home Office seizure counting rates, data processing and quality assurance have been completed. A single seizure is where only one seizure category is recorded on a single seizure occasion (e.g. caviar). A multiple seizure is where two or more category types (e.g. caviar and timber) are seized on a particular occasion.
203 Ibid

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It is important to note that each BF seizure may represent several species and a quantity of individuals or volume of product. Thereby, the number of seizures, alone, does not clarify the scale and nature of the illegal wildlife trade. Other than in live species, many products are made up of parts such as bone, skin, leaves, etc. and derivatives such as extracts, bile, eggs, etc., which may contain many of the same species, for example a fur coat, or more than one species, for example oriental medicine, making it difficult to measure the scale/volume of the trade accurately. In line with CITES reporting requirements, quantities are measured by BF in units (individuals), kilograms and litres. Table 22 details the number of units for each category between 2013-19. Overall, there was a downward trend in the number of units seized, apart from ivory, which saw a sharp increase largely relating to timber and wood products. The 2017 increase was identified by an interviewed expert as relating to the introduction of Dalbergia spp. to CITES Appendix II.

Seizures increased from 50 to well over 100 a year, and as a consequence there was a decrease in other areas of risk due to enforcement resources. Looking across all categories, the mean number of units per seizure have decreased, from 1,329 in 2013 to 48 in 2020, with the average year involving 409 units per seizure.

Regarding priority CITES areas, the scale and trends in illegal timber and wood, oriental medicine and ivory can be identified. Although oriental medicines made up 18% of total seizures for this period, they involved two-thirds of the total units seized (Fig 6). Most of these seizures took place between 2013-15 (Table 3). The average seizure for oriental medicines included 1,503 units and 5% of seizures by weight. Timber and wood products composed 21% of units and seizures, with the highest number of seizures in 2017. The average seizure for these products involved 417 units. In terms of weight (kilograms), timber and wood products involved the greatest mass of all categories (Fig 11).

The number of units of ivory seized increased sharply in 2017 and again in 2018, however, it decreased to nine seizures in 2020 (Table 22). The average seizure involved just two units. Ivory seizures recorded by BF were measured by weight, however, decreased sharply from 2015 (Table 23). These figures demonstrate the varying nature of these three trades, in terms of scale, volume and yearly trends. Despite plant derivatives representing a large portion of the illegal trade, in terms of units (11%), weight (26%) and volume (95% of litres) recorded, they are not identified as a UK CITES priority area.

Between 2013-20, a total of 5,481 live animals and birds and 5,305 live plants were seized. While these quantities are significantly lower than that of parts and derivatives, these seizures are further complicated by the need to ensure the care and welfare of the live individuals, and the possible need to rehome them. While it was not possible to collect data for the purpose of this report on the outcome for seized live animals and birds, this is an important aspect of the trade to consider when evaluating data on the responses and impact of the illegal wildlife trade.
Almost 90% of seizures were made in England and Wales, with 10% in Scotland and one incident recorded at Belfast Docks in Northern Ireland (Table 24). Over a third (36%) of seizures were made at Heathrow, with the Langley mail centre accounting for 32%. Discussions with BF CITES for the purposes of this report highlight mail centres as a key risk location for illegal trade and for undetected offences (see Data Limitations). The majority of seizures were made in mail transport (53%), followed by air (42%) and then sea (4%) (Fig 13). Air travel, including air freight, air passengers and air mail, is a core transit mode for seized CITES products, making up 80% of those reported (Table 25). Sea freight was detailed in only 3% of seizures.

In 15% of seizures, the transport details were unknown.

Table 23: Total BF CITES Seizures in kilograms, 2013-2020, by seizure category and year.

<table>
<thead>
<tr>
<th>Year</th>
<th>TOTAL</th>
<th>Caviar</th>
<th>Coral</th>
<th>Ivory</th>
<th>Animal &amp; Bird Deriv.</th>
<th>Plant deriv.</th>
<th>Timber/ Wood</th>
<th>Oriental Medicine**</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>7,396</td>
<td>465</td>
<td>518</td>
<td>111</td>
<td>111</td>
<td>111</td>
<td>111</td>
<td>2,352</td>
</tr>
<tr>
<td>2014</td>
<td>24,200</td>
<td>18</td>
<td>863</td>
<td>59</td>
<td>23</td>
<td>1,024</td>
<td>21,213</td>
<td>1,000</td>
</tr>
<tr>
<td>2015</td>
<td>6,734</td>
<td>21</td>
<td>251</td>
<td>1</td>
<td>410</td>
<td>5,092</td>
<td>950</td>
<td>950</td>
</tr>
<tr>
<td>2016</td>
<td>1,186</td>
<td>20</td>
<td>89</td>
<td>46</td>
<td>1,028</td>
<td>877</td>
<td>1,133</td>
<td>1,133</td>
</tr>
<tr>
<td>2017</td>
<td>62,639</td>
<td>91</td>
<td>80</td>
<td>40</td>
<td>331</td>
<td>21,813</td>
<td>40,242</td>
<td>40</td>
</tr>
<tr>
<td>2018</td>
<td>6,194</td>
<td>91</td>
<td>16</td>
<td>72</td>
<td>4,790</td>
<td>1,210</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>2019</td>
<td>11,125</td>
<td>20</td>
<td>6</td>
<td>53</td>
<td>889</td>
<td>10,126</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>2020</td>
<td>842</td>
<td>48</td>
<td>2</td>
<td>8</td>
<td>353</td>
<td>403</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>TOTAL</td>
<td>122,349</td>
<td>774</td>
<td>1,510</td>
<td>580</td>
<td>548</td>
<td>31,615</td>
<td>81,265</td>
<td>6,057</td>
</tr>
</tbody>
</table>

*Derivatives (e.g. parts, powders, extracts)
**Preparations of oriental medicine which include parts and derivatives of endangered species. Also includes Ginseng, Hoodia & herbal supplements.
Source: Data from BF transparency data

More granular data was provided by BF from the EU-TWIX database for 2020. This data is analysed here to provide a clearer overview of the nature of the illegal trade in terms of the location of seizures, direction of trade, transportation type, purpose of trade, place of export, and category of species. In 2020, BF recorded 489 seizures, which involved 504 species of flora and fauna. These figures are a significant decrease on previous years (Fig 12). As detailed above, this decline coincides with global travel restrictions resulting from COVID-19 and thereby are not exemplar of a typical year, or directly comparable to previous or future years. Comparisons to 2021 will be further impacted by the EU exit, as mentioned above.

<table>
<thead>
<tr>
<th>Year</th>
<th>TOTAL</th>
<th>Caviar</th>
<th>Coral</th>
<th>Ivory</th>
<th>Animal &amp; Bird Deriv.</th>
<th>Plant deriv.</th>
<th>Timber/ Wood</th>
<th>Oriental Medicine**</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>504</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Data from EU-TWIX database
Mammals and reptiles were the most common species group exported from the UK. This is consistent with the taxa most commonly exported in the legal trade, as detailed above.

Table 27: Total BF CITES Seizures, 2020, by exporting region

<table>
<thead>
<tr>
<th>Region</th>
<th>Seizures</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asia</td>
<td>258</td>
<td>51.2</td>
<td>51.2</td>
<td>51.2</td>
</tr>
<tr>
<td>Europe</td>
<td>12</td>
<td>2.4</td>
<td>2.4</td>
<td>53.6</td>
</tr>
<tr>
<td>North America</td>
<td>44</td>
<td>8.7</td>
<td>8.7</td>
<td>62.3</td>
</tr>
<tr>
<td>South America &amp; Caribbean</td>
<td>8</td>
<td>1.6</td>
<td>1.6</td>
<td>63.9</td>
</tr>
<tr>
<td>Africa</td>
<td>29</td>
<td>5.8</td>
<td>5.8</td>
<td>69.6</td>
</tr>
<tr>
<td>Middle East</td>
<td>46</td>
<td>9.1</td>
<td>9.1</td>
<td>78.8</td>
</tr>
<tr>
<td>Oceania</td>
<td>6</td>
<td>1.2</td>
<td>1.2</td>
<td>80.0</td>
</tr>
<tr>
<td>UK</td>
<td>70</td>
<td>15.7</td>
<td>15.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>504</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Data from EU-TWIX database

Plants were the most common commodity seized, with the majority being cacti (Cactaceae spp.) (Fig 14). Reptiles (most frequently Crocodylia spp.) were found in 20% of seizures, and mammals (most commonly Loxodonta africana) in 14%. Sixteen percent of seizures were for timber and wood products, of which Agarwood (Aquilaria spp.) was most common in 12% of all seizures. Derivatives and extracts (animal 25%, plant 38%) were the most prevalent type of seizure; for example, cactus derivatives and extracts (for example in dietary products) were found in 24% of seizures, while only 15 seizures included live cacti. Other live seizures involved reptiles (sox) and coral (one). However, most reptile seizures involved ‘small leather products’. Further discussion with BF agents for the purpose of this report identified that the fashion industry accounts for many of these products, including handbags and watch straps. Agarwood seizures were described as chips (26, reduced to small pieces) and wood (27, such as shaped strips). Mammal seizures were largely for carved ivory (42).
SeIZures are categorised internally as ‘significant’ or ‘emergIng’ by BF according to the prevalence of such seizures, with ‘significant’ indicating an established pattern of illegal trade. This category provides an indicator of the frequency and trends of such offences. Eighty-five percent (426) of seizures were categorised as significant and 8% (42) as emerging. Wood/Timber products (65%), birds (43%) and coral (50%) were more likely to be identified as an emerging rather than a significant trend. Further discussion with BF agents for the purpose of this report identified that caviar seizures, particularly in beauty products, have recently returned to the ‘significant’ category as a large number of seizures have taken place since the UK exit from the EU. In contrast, frequent recent seizures of monkey blood have been placed in the emerging category.

Species categories are separated below in terms of the UK CITES priority areas and non-priority categories (Fig 15). As there were no reported European eel seizures, this category is not discussed below. To provide some context on the illegal eel trade, the JNCC (2020) report identifies that the illegal trade in glass eels involves direct movement from the main EU source countries including France, Spain, the UK and Portugal to East Asia, particularly Hong Kong, China and mainland China, with many other EU Member States used as transit countries. For example, in 2015, the French authorities seized air freight containing 120 kg of glass eels reportedly originating in the UK and bound for Hong Kong, China.

CITES Priority Species

In the 2020 BF data, priority species were identified in just under half of the seizures (49% n=248). As indicated above, reptiles (96) were the most commonly seized priority area, followed by timber (81) and ivory (45). Of these priority groups, ivory (48%) and reptiles (44%) were the most common export seizures, while only two items of imported ivory were seized. Ninety percent of timber was seized upon import and 10% during transit. Of medicinal products were seized on importation. The two raptor seizures involved one import and one export.

Table 28 provides a cross tabulation of the priority species and the areas they were exported from. Half of the timber seized was exported from the Middle East, with 15-16% from both Asia and North America. Reptile exports were commonly identified as from the UK (35%) and Asia (23%). Ivory was also predominantly a UK export (82%), with Asia exporting 7%. Three in four medicinal seizures were from Asia, with 13% from North America. With the exception of medicinal products, which were more commonly seized in Scotland, all other priority species were predominantly seized in England and Wales. While commercial seizures dominated the illegal trade in 2020, one quarter of medicinal seizures were categorised as being seized from tourists. Air freight was the most common transport type for priority species (44%); however, details are unknown for 28% of priority species seizures. Timber and reptile seizures were commonly linked to air freight, while medicines were predominantly seized from air passengers or air mail. The transport type for ivory was unknown in 74% of seizures, but where identifiable, air mail was the most likely transport used (seven seizures).

Table 28: Total BF CITES Seizures, 2020, Cross-tabulation of UK priority CITES species categories and the areas they were exported from

<table>
<thead>
<tr>
<th>Priority &amp; Non-priority species</th>
<th>Area Exported from</th>
<th>Asia</th>
<th>Europe</th>
<th>North America</th>
<th>South America &amp; Caribbean</th>
<th>Africa</th>
<th>Middle East</th>
<th>Oceania</th>
<th>N/K</th>
<th>UK</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Timber</strong></td>
<td>Count</td>
<td>13</td>
<td>12</td>
<td>1</td>
<td>6</td>
<td>41</td>
<td>8</td>
<td>0</td>
<td>81</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% within P&amp;NP</td>
<td>16.0%</td>
<td>0.0%</td>
<td>14.8%</td>
<td>1.2%</td>
<td>7.4%</td>
<td>50.6%</td>
<td>0.0%</td>
<td>9.9%</td>
<td>100.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Reptile</strong></td>
<td>Count</td>
<td>22</td>
<td>10</td>
<td>14</td>
<td>2</td>
<td>8</td>
<td>0</td>
<td>1</td>
<td>5</td>
<td>34</td>
<td>96</td>
</tr>
<tr>
<td>% within P&amp;NP</td>
<td>22.9%</td>
<td>10.4%</td>
<td>14.6%</td>
<td>2.1%</td>
<td>8.3%</td>
<td>0.0%</td>
<td>1.0%</td>
<td>5.2%</td>
<td>35.4%</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td><strong>Medicinal</strong></td>
<td>Count</td>
<td>18</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>24</td>
</tr>
<tr>
<td>% within P&amp;NP</td>
<td>75.0%</td>
<td>0.0%</td>
<td>12.5%</td>
<td>0.0%</td>
<td>8.3%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>4.2%</td>
<td>0.0%</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td><strong>Ivory</strong></td>
<td>Count</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>37</td>
<td>45</td>
</tr>
<tr>
<td>% within P&amp;NP</td>
<td>6.7%</td>
<td>0.0%</td>
<td>2.2%</td>
<td>0.0%</td>
<td>2.2%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>4.4%</td>
<td>82.2%</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td><strong>Raptors</strong></td>
<td>Count</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>% within P&amp;NP</td>
<td>50.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>0.0%</td>
<td>50.0%</td>
<td>100.0%</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>Count</td>
<td>57</td>
<td>10</td>
<td>30</td>
<td>3</td>
<td>17</td>
<td>42</td>
<td>1</td>
<td>16</td>
<td>72</td>
<td>248</td>
</tr>
<tr>
<td>% within P&amp;NP</td>
<td>23.0%</td>
<td>4.0%</td>
<td>12.1%</td>
<td>1.2%</td>
<td>6.9%</td>
<td>16.9%</td>
<td>0.4%</td>
<td>6.5%</td>
<td>20.0%</td>
<td>100.0%</td>
<td></td>
</tr>
</tbody>
</table>

**Fig 15: Total BF CITES Seizures, 2020, by UK priority species categories**

Note: BF refers to the region that seizures were identified as being seized or passed through the UK to an international destination, BF agents for the purpose of this report identified that caviar seizures were predominantly seized in England and Wales. While commercial seizures dominated the illegal trade in 2020, one quarter of medicinal seizures were categorised as being seized from tourists. Air freight was the most common transport type for priority species (44%); however, details are unknown for 28% of priority species seizures. Timber and reptile seizures were commonly linked to air freight, while medicines were predominantly seized from air passengers or air mail. The transport type for ivory was unknown in 74% of seizures, but where identifiable, air mail was the most likely transport used (seven seizures).

Source: Data from EU-TWIX database


208 Transit refers to products moving through the UK (e.g. Manchester airport to Heathrow) or passing through the UK to an international destination.

209 Seizures for this region were identified by an enforcement interviewee as predominantly for agarwood (oud(h)) [Aquilaria spp.] to be used as incense, sourced SE Asia and most commonly seized in Scotland. With the exception of medicinal products, which were more commonly seized in Scotland, all other priority species were predominantly seized in England and Wales.
Raptors

The RSPB’s Birdcrime report (2019) and Raptor Persecution Map\(^{[211]}\) provide the most in-depth analysis of raptor persecution and other bird crimes across the UK. Since 2007, 1,329 confirmed incidents were recorded (Table 29). In 2019, of the 85 confirmed raptor persecution incidents, over half involved shooting and a third involved poisoning. When compared to the longitudinal data for 2007-19, the general trend in incident types is consistent; however, shootings were notably higher in 2019 (-53% compared to a 12-year average of -40%). As Fig 16 demonstrates, incidents occur across the UK, however, they have been most prevalent in England and Scotland since records began, making up 56% and 33% respectively in 2019. Four of the five most impacted counties are in Scotland and one in England. In 2019, twelve species were targeted, with buzzards and red kites most victimised.

It is important to note that these incidents may involve more than one specimen and species. For example, in 2019 one individual pleaded guilty to nine charges, including killing two goshawks, three common buzzards, three badgers and an otter, along with other charges involving the setting of illegal snares, possessing banned pesticides and devices to catch raptors. The report also documented two illegal bird trades (illegal taking, possession or sale) in raptors (18) and other wild birds (27) and in eggs/chicks (including 25 illegal sales, nine egg collecting/taking incidents). Many of these incidents involved Schedule 1 species, including peregrine falcon, red kite, little tern, marsh harrier, and goshawk. Furthermore, there were seven other wild bird poisoning incidents.

Table 29: RSPB UK-wide confirmed raptor persecution incidents between 2007-19, compared to 2019 alone

<table>
<thead>
<tr>
<th>Incident Type</th>
<th>2007-19</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Shooting</td>
<td>529</td>
<td>40</td>
</tr>
<tr>
<td>Poisoning</td>
<td>497</td>
<td>37</td>
</tr>
<tr>
<td>Trapping</td>
<td>203</td>
<td>15</td>
</tr>
<tr>
<td>Nest Destruction</td>
<td>30</td>
<td>2</td>
</tr>
<tr>
<td>Other</td>
<td>70</td>
<td>5</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>1329</td>
<td></td>
</tr>
</tbody>
</table>

Source: Data from RSPB Birdcrime (2019) Report

\(^{[203]}\) with decimal places added up to 100

\(^{[204]}\) Source: Reproduced from RSPB (2019)

Organised and Cyber-related Wildlife Crime

According to the ENVI Committee (2016)\(^{[213]}\) analysis of UK wildlife crime in 2016, there were 19 OCGs identified across the UK involving 134 individuals that were linked to wildlife crime. OCGs were mainly linked to poaching, raptor persecution and CITES-related offences. The NCA identified those OCGs involved in the illegal wildlife trade as increasingly flexible in their ability to generate new income (NCA 2015:27)\(^{[214]}\). Prior to the amendment of the CITES regulations in 2018 to include a new offence for internet sales without a CITES permit, IFAW conducted a study into the online wildlife trade in open-source platforms such as social media and marketplaces in four locations, including the UK.\(^{[215]}\) This is currently the most relevant and complete data available on the UK online wildlife trade and possible noncompliance. It is important to note, however, that the study focused only on the trade in fauna, similar prevalence data on the UK online plant or timber trade has not been published. However, UK projects such as FloraGuard


\(^{[214]}\) RSPB (2019) Raptor Persecution Map Hub. Available at: https://www.arcgis.com/apps/opsdashboard/index.html#/0f04dd3b78e544d9a6175b7435ba0f8c


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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND | 145 | WILDLIFE AND FOREST CRIME ANALYTIC TOOLKIT REPORT
have evaluated the illegal trade in endangered plants in UK, US and Australian marketplaces, identifying a buoyant and largely unregulated trade.\(^9\)

The IFAW study identified a total 1,194 advertisements from 35 online marketplaces and three social media platforms were identified during the six-week period. These advertisements offered 2,456 specimens (including 1,534 EU Annex A, 451 Annex A/B and 471 Annex B species), of which over 75% (1,885) were live animals. The trade was estimated to be valued at £741,676. Live turtles and tortoises were most commonly offered (756), alongside a large number of birds (444 parrots, 266 owls, 65 raptors, 14 other), and seahorses (106) (Table 30).

Compared to the 2014 IFAW study, a significant drop in ivory sales was noted in the report; nonetheless, it remained the most common part/product on sale. This drop in sales coincides with the aforementioned increase in ivory seizures in 2017. The illegal trade also mirrors the dominance of reptiles in the online trade. Online marketplaces continued to be the primary mechanism for trading wildlife online, with Ebay, Preloved and Birdtrader dominating the trade (56%). Social media platforms accounted for 6.2% of the trade identified, with posts mainly on Facebook (74) and Instagram (47). While half of the traders referred to the legality of their items, particularly for antique ivory and captive-bred live animals), only 87 provided evidence such as a valid CITES Article 10 certificate number in the advertisement. While it was not possible to determine the illegality of the trade, 15 logs representing 99 (8%) suspect posts were passed on to UK enforcement agencies for investigation.

The study highlights the growing relevance and influence of online trade in the UK, providing a snapshot of the scale and nature of the legal trade and possible illegal trade. The authors also note that significant progress has been made in regulating and enforcing the online trade; nonetheless, the number of protected wildlife identified for sale, the absence of evidence provided on legality and the existence of closed groups (although not analysed in the report) provides opportunities for illegality.

### Table 30: Number and percentage of animal species (live or derivatives) advertised on UK online posts, by species group

<table>
<thead>
<tr>
<th>Species group</th>
<th>Live animal specimens</th>
<th>Parts and product specimens</th>
<th>Total specimens</th>
<th>Total per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turtles and tortoises</td>
<td>756</td>
<td>22</td>
<td>778</td>
<td>31.68%</td>
</tr>
<tr>
<td>Parrots</td>
<td>444</td>
<td>4</td>
<td>448</td>
<td>18.24%</td>
</tr>
<tr>
<td>Owls</td>
<td>226</td>
<td>32</td>
<td>258</td>
<td>12.13%</td>
</tr>
<tr>
<td>Ivory and suspected ivory</td>
<td>248</td>
<td>248</td>
<td>248</td>
<td>10.10%</td>
</tr>
<tr>
<td>Crocodiles and alligators</td>
<td>113</td>
<td>113</td>
<td>226</td>
<td>4.60%</td>
</tr>
<tr>
<td>Seahorses</td>
<td>106</td>
<td>106</td>
<td>212</td>
<td>4.32%</td>
</tr>
</tbody>
</table>

*Source Reproduced from IFAW (2018) report*

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**Prosecutions and their outcomes**

### All Wildlife Crimes

Between 2013 and 2020, the NWCU identified 416 wildlife crime convictions across the UK. From a high of 108 convictions in 2014, rates have dropped significantly to just 28 in 2020 (Fig 17). It is notable that a sharp rise in poaching cases from 20 in 2013 to 70 in 2014 was responsible for the high (Table 31). Convictions over this period were predominantly for poaching, followed by all other non-priority crimes and CITES offences (Fig 18). There were 76 convictions for CITES offences, which is consistent with the...
number reported by TRAFFIC for this period (discussed below). Although convictions for all offence types have declined since 2013, it is notable that CITES offences dropped from 18 in 2016 to just four in 2020. While the NWCU tactical assessment indicates that freshwater pearl mussel crimes are rare, only one such offender was convicted during this period. Badger convictions remained mostly stable, with slight fluctuations in raptor and bat cases. Over the eight-year period, a very small number of convictions related to forestry/timber (three), plants (two) and fish (35, including eel and shellfish).

Table 31: All Wildlife Crime Convictions recorded by the NWCU 2013-2020, by year and priority area

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Badgers</td>
<td>12</td>
<td>5</td>
<td>4</td>
<td>5</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td>5</td>
<td>40</td>
</tr>
<tr>
<td>Bats</td>
<td>4</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>23</td>
</tr>
<tr>
<td>Raptors**</td>
<td>13</td>
<td>6</td>
<td>6</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>35</td>
</tr>
<tr>
<td>CITES/CEMA</td>
<td>14</td>
<td>14</td>
<td>8</td>
<td>18</td>
<td>4</td>
<td>6</td>
<td>8</td>
<td>4</td>
<td>76</td>
</tr>
<tr>
<td>Poaching (Hare Coursing)</td>
<td>20</td>
<td>70</td>
<td>9</td>
<td>18</td>
<td>15</td>
<td>4</td>
<td>3</td>
<td>8</td>
<td>147</td>
</tr>
<tr>
<td>FWPM</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>All Other Nonpriority</td>
<td>27</td>
<td>11</td>
<td>8</td>
<td>11</td>
<td>7</td>
<td>12</td>
<td>12</td>
<td>7</td>
<td>94</td>
</tr>
<tr>
<td>Total</td>
<td>91</td>
<td>108</td>
<td>39</td>
<td>56</td>
<td>36</td>
<td>25</td>
<td>33</td>
<td>28</td>
<td>416</td>
</tr>
</tbody>
</table>

Source: Data provided by NWCU
* cases that were subsequently overturned or prosecuted in the Republic of Ireland were omitted
**raptor persecution and related/offence only. CITES raptor trade offences are counted under CITES
In terms of outcomes:

- Two-thirds (67%) of convictions resulted in a monetary fine (Table 33). The monetary fines ranged widely, from £45 to £600,000, with the highest fines relating to environmental damage (SSSI areas and bat roosts) and fish poaching incidents. The average fine fluctuated from £753 (2014) to £9,580 (2015), largely influenced by a few atypical cases with significant monetary penalties (Table 34). Where large monetary penalties were awarded, this was usually the only penalty in place. Over the eight-year period, the average fine paid was £4,276.

- Many offenders (59%) were also required to pay costs and just over a third paid a victim surcharge.

- Eleven percent of convictions resulted in a custodial sentence, with a similar number receiving a suspended sentence (10%) or community sentence (9%) (Table 33).

- While custodial and suspended sentences fluctuated slightly between 2013 and 2020, the use of community sentences and conditional discharges notably reduced (Table 33 & Fig 19).

- Twelve cases involving the Proceeds of Crime Act were identified, some of which were ongoing. The penalties imposed in concluded cases ranged from £1,000 to £104,147.

Table 33: All sentencing outcomes for Wildlife Crime Convictions recorded by the NWCU, 2013-2020, by penalty type and percentage of all convictions

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Convictions</td>
<td>91</td>
<td>108</td>
<td>39</td>
<td>56</td>
<td>36</td>
<td>25</td>
<td>33</td>
<td>28</td>
<td>416</td>
<td>100</td>
</tr>
<tr>
<td>Of which received*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Custodial Sentence</td>
<td>7</td>
<td>6</td>
<td>5</td>
<td>6</td>
<td>4</td>
<td>3</td>
<td>6</td>
<td>8</td>
<td>114</td>
<td>11</td>
</tr>
<tr>
<td>Suspended Sentence</td>
<td>6</td>
<td>7</td>
<td>3</td>
<td>8</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>7</td>
<td>34</td>
<td>10</td>
</tr>
<tr>
<td>Community Sentence**</td>
<td>13</td>
<td>3</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>36</td>
<td>9</td>
</tr>
</tbody>
</table>

*offenders may receive one or more of the following
** community service category includes community orders and unpaid work
***also includes those cases awaiting sentence

Source: Data provided by NWCU

Fig 19: Non-monetary sentencing outcomes for Wildlife Crime Convictions recorded by the NWCU 2013-2020, by penalty type.
CITES OFFENCES

Since 1968, TRAFFIC documented 245 prosecutions for CITES offences in the UK. Within the first decade, 47 cases were documented, which increased to 61 cases between 1996-2005 and then 99 cases between 2006-2015. Between 2013 and 2020 (the same period provided by the NWCU), TRAFFIC identified 75 CITES convictions (compared to 76 by the NWCU\(^2\)). While yearly case numbers are small, there has been a general downward trend from 16 cases in 2013 to five in 2020.

Animal parts or derivatives including skin, fur, eggs, and taxidermy were identified in 40 cases, while 33 convictions involved live animals and in two cases the species/parts were unknown. Live species cases peaked in 2013, with convictions involving wildlife parts/derivatives highest in 2016. Given the scale of the aforementioned legal and illegal plant and timber trades, it is remarkable that only one offence applied to plants, occurring in 2016 for uprooting wild plants/keeping snowdrops for sale/fraud, and none to timber/forestry. The protection status of species involved in the illegal trade was provided in their database using both the CITES appendices [I and II] and EU Annex [A and B]. Fig 20 shows the overall percentage of each, with the majority identified as Appendix I or Annex A. An interviewed enforcement officer explained these rates may be due to officers focusing on Annex A and sales offences which are easier to prosecute, for example Article 10 violations, compared to proving guilty knowledge and illegal importation.

Convictions between 2013 and 2020 related to a large variety of animal species (Fig 21). Over a quarter of cases (20) involved a mixture of species categories such as mammals, fish, reptiles, birds, and raptors, indicating that the offender did not specialise in a certain species or type. Convictions are categorised below according to the current CITES priority areas, with all other non-priority species grouped into three general categories. Thirty-five convictions involved non-priority species including all other mammals and birds, eggs and marine species, most of which were mammals (27). Priority area convictions largely involved raptors (19), ivory (16) and reptiles (12). Convictions for raptors and reptiles have generally reduced, while those for ivory have slightly increased.

\(^{216}\) There was a slight discrepancy between the cases identified by the NWCU and TRAFFIC.
In considering the outcomes for CITES cases, Table 36 details the maximum sanctions possible under the regulations used to prosecute offenders. The range of custodial penalties is also provided here for the 10 relevant cases, which involved illicit products ranging in commercial value from £14,000 to £2 million. While it is important to consider case details when comparing the maximum penalty possible to the actual outcome, it is notable that the highest penalty involved just over three years custody, with seven of the convictions requiring custody of 12 months or less.

Table 36: Custodial sentences for CITES Wildlife Crime Convictions recorded by TRAFFIC, 2013-2020, by regulation used and outcome

<table>
<thead>
<tr>
<th>Regulation Section Used</th>
<th>No. of Cases</th>
<th>Outcome</th>
<th>Maximum Sanction</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEMA s370 (2 and 3)</td>
<td>4</td>
<td>- 6 months imprisonment</td>
<td>Summary: £1,000 or 3 x the value of the goods and/or &lt;6 months imprisonment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 12 months in prison (each)</td>
<td>Indictment: Unlimited fine and/or &lt;7 years imprisonment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 28 months imprisonment and 2 x 12 months concurrent (and POCA)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 3 years, 1 month imprisonment</td>
<td></td>
</tr>
<tr>
<td>COTES r8 (1 and 2)</td>
<td>3</td>
<td>- 24 weeks imprisonment</td>
<td>Summary: £5,000 maximum and/or &lt;6 months imprisonment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 14 months imprisonment (also confiscation order awarded £100,642, failure to pay = 3 further years custodial penalty)</td>
<td>Indictment: ≤5 years imprisonment and/or unlimited fine</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 56 weeks imprisonment</td>
<td></td>
</tr>
<tr>
<td>CEMA and COTES</td>
<td>2</td>
<td>- 6 months imprisonment</td>
<td>As above</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 9 months imprisonment</td>
<td></td>
</tr>
<tr>
<td>Theft</td>
<td>1</td>
<td>- 10 months imprisonment</td>
<td>Summary: £5000 maximum and/or &lt;6 months imprisonment</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Indictment: Maximum 7 years imprisonment and/or unlimited fine</td>
</tr>
</tbody>
</table>

Source: Data provided by TRAFFIC

Table 36 shows the average fine fluctuated, with higher average penalties in 2017 and 2019. However, the average fine in 2020 was significantly lower.

Table 37: Total monetary penalties (fines, cost, victim surcharge) and average fines paid for CITES Wildlife Crime Convictions recorded by TRAFFIC, 2013-2020, by year

<table>
<thead>
<tr>
<th>Year</th>
<th>Monetary Penalties</th>
<th>Average Fine*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>£138,029</td>
<td>£1,791</td>
</tr>
<tr>
<td>2014</td>
<td>£14,270</td>
<td>£1,022</td>
</tr>
<tr>
<td>2015</td>
<td>£6,020</td>
<td>£1,583</td>
</tr>
<tr>
<td>2016</td>
<td>£19,747</td>
<td>£1,413</td>
</tr>
<tr>
<td>2017</td>
<td>£8,355</td>
<td>£917</td>
</tr>
<tr>
<td>2018</td>
<td>£3,105</td>
<td>£3,850</td>
</tr>
<tr>
<td>2019</td>
<td>£5,745</td>
<td>£2,000</td>
</tr>
<tr>
<td>2020</td>
<td>£2,200</td>
<td></td>
</tr>
</tbody>
</table>

*Calculated by dividing the total number of fines by total fines received and rounding up to nearest pound (not including costs and victim surcharge).

Source: Data provided by TRAFFIC

Although few, some of the costs paid included forensic investigations. According to TRAFFIC data, almost 50 forensic investigation cases have been funded by FAF since 2007 through to April 2021. The total costs of these investigations amounted to £33,292.73, with an average cost of £679. Costs were recovered in three of the 50 cases identified. Of the 45 cases to 2020, half resulted in a successful prosecution, with one case from 2017 yet to go to court. Despite strong forensic support, some cases failed to reach court.

Raptors

The RSPB Birdcrime Report (2019) highlights a longitudinal trend in the low number of convictions resulting from known raptor persecution incidents (Fig 22). In 2019, out of the 85 confirmed raptor persecution incidents, there was one prosecution which resulted in a conviction. The individual was a gamekeeper, which is consistent with analysis of the 109 convictions between 1990 and 2019, where two thirds of defendants were gamekeepers. The overall conviction rate for all 15 bird crime prosecutions in 2019 was 85%.

NWCU records identified three prosecutions for raptor offences in 2020, one of which is being appealed. The two concluded cases resulted in monetary penalties of £450 and £653 (also £85 in costs and a victim surcharge of £63). This is consistent with most (non-CITES) ‘raptor-related’ and ‘raptor persecution’ cases noted by the NWCU between 2013 and 2020. Of the 35 convictions, 200(20) received monetary penalties (£4,750 maximum). Additionally, one four-month custodial sentence, four suspended sentences, and 10 other penalty types such as community sentences were delivered.

In the UK submission to the ‘Updated Assessment of National Scoreboard Reporting by Contracting Parties to the Bern Convention and Members of the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade [IKB] of Migratory Birds in the Mediterranean (9-11 June 2021)’, it was noted that IKB prosecutions were generally delivered within one year of the offence, with less than 25% acquittals.

215 It is important to note that the low number of cases (see Table 3) makes comparison difficult as a single case can significantly impact the average fine.
Bats

According to BCT figures provided to the Link (2020) report, 11 defendants were convicted out of a total of 602 referred cases between 2016-19. The BCT annual report (2018) details the outcomes for the 122 cases referred to the police (Fig 23). The results demonstrate how difficult it is to evidence and prosecute bat crimes. Most cases with sufficient evidence were addressed outside of court with warnings and cautions. The report notes that it is unusual for a case to be referred, investigated, prosecuted, and concluded within 12 months, making it difficult to compare incidents in-year to prosecutions and convictions. For example, it notes that in the first six months of 2019 there were three cases of bat crime heard by the courts, one of which was reported in 2017 and another in 2018. BCT has never documented a bat crime conviction that resulted in a custodial sentence, which is consistent with conviction records maintained by the NWCU. BCT identified fines ranging from £35-£18,000. The NWCU database detailed a case in 2020 which resulted in a £900,000 fine, which was reduced to £600,000 for an early guilty plea. The offender was also required to pay £31,401 in costs and a £20,000 donation to BCT.

Fig 22: A. Number of confirmed raptor persecution incidents compared to convictions between 2010-19.
B. the occupation/interests of the 181 individuals convicted for incidents 1990-2019

Northern Ireland

Data from a variety of formal and informal sources is considered here to provide an overview of wildlife crime in Northern Ireland. DAERA enforces wildlife crime legislation in Northern Ireland, including the related responsibility for the licensing and inspection of pet shops, animal boarding establishments, riding, and zoological establishments. In their annual reports on Animal Welfare (Animal Welfare Service Delivery statistical bulletin 2016-17 and Animal Welfare Report 2018), wildlife offences are considered. The PSNI, the lead enforcement agency for animal fighting, wild animals and animals on the road, provided data on wildlife-related seizures from 2016-19. The data provided do not distinguish between wildlife and other incidents or identify the number of investigations or offences resulting from these incidents. The PAW NI badger and raptor persecution reports are also considered here, as they provide granular and longitudinal data on the prevalence and nature of these offences and outcomes. Initially, an overview of the prevalence and type of wildlife crime offence is provided, including analysis of two UK priority areas – badgers and raptors. The number of prosecutions and their outcomes is then discussed. There are considerable gaps in the available data on wildlife offences in Northern Ireland. Data on convictions is easier to access through the PSS (NI), whose data analysts can extract data on the outcomes for wildlife crimes by legislation type. It is also possible for agencies in NI to trace wildlife crimes through the criminal justice system, as the case systems are compatible. Despite these data capabilities, no national report exists on wildlife crime. Given the timeframe, it was not possible to extract this information for the report.

Both aggregated data for wildlife crimes alone and granular data for specific offences and priority areas is required to provide a more accurate account of the nature and prevalence of wildlife crime in NI. Care must be taken in drawing conclusions from the analysis provided herein.

Incidents, Offences, Investigations and Seizures

All Wildlife Crimes

Table 38 compares the number of non-welfare calls between 2016 and 2018 as recorded by DAERA (2018), which is the general category in which wildlife crimes and animals on the road incidents are recorded. The data indicates a slight downward trend during this period. In 2018, 2% of non-welfare incidents were confirmed as being wildlife-related. DAERA provides a breakdown of Regional Council responses (April to March) to non-animal welfare complaints in 2016 (1,334) and 2017 (1,240), of which 6% in both years (84 and 70 respectively) were referred to the PSNI for ‘animal fighting, snared animals/road incidents’. Data provided by the PSNI wildlife team for this assessment identified 10 of their 334 seizures between 2018-20 as being related to wild animals and 208 to dogs, some of which may be wildlife-related incidents (see Annex C).
Utilising PSNI incident reports, PAW NI provides reports on two wildlife crime priority areas: badgers and raptors.

**Badgers**

Aggregated incident data is disaggregated by the PSNI into six categories: injured no suspicion, sett disturbance, suspected badger baiting, traps and/or snares, poisoning, and shooting. From 2016 to 2018, 263 badger-related incidents were recorded. As “injured no suspicion” incidents are not considered a wildlife crime, this reduced the number of potential offences reported to 155 incidents. Of these incidents, the majority (see Fig 24) related to badger baiting and sett disturbance. While the incidents occurred in all six counties, the majority year-on-year occurred in the southeast counties, which are also home to the highest density of badgers (Fig 25) and people. The higher number of incidents are thereby likely related to the greater opportunity for offending, larger population of potential offenders, and the likelihood of the incident being witnessed.

**Table 38: Number of calls received relating to animal offences 2016-2018, by incident type.**

<table>
<thead>
<tr>
<th>Calls Received*</th>
<th>2016 (Jan–Dec)</th>
<th>2017 (Jan–Dec)</th>
<th>2018 (Jan–Dec)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. animal-related calls received</td>
<td>8,833</td>
<td>9,237</td>
<td>+5%</td>
</tr>
<tr>
<td>No. of non-welfare calls</td>
<td>8,109</td>
<td>8,046</td>
<td>-1%</td>
</tr>
<tr>
<td>No. welfare calls</td>
<td>724</td>
<td>1,191</td>
<td>+65%</td>
</tr>
</tbody>
</table>

*Source: Data collated from DAERA Animal Welfare Service Delivery statistical bulletin 2016-17 and Animal Welfare Report 2018 detailing the nature of calls to the 101 non-emergency number.

Fig 24: Badger-related incidents categorised by the PSNI 2016-2018*

Fig 25: Map of Badger-related Incidents by type and scaled to occurrences

Key: • Set disturbance  • Suspected Badger Baiting  • Traps/Snares

*Source: Reproduced from the PAW NI (2019) report (p.10). As the figures do not accompany the summary, they cannot be discussed herein.
Prosecutions and their Outcomes

The PPS Policy and Information Unit in Northern Ireland provided a summary of decisions issued by the PPS for wildlife offences between 2018-2020 (Fig 28), based on the principal wildlife crime legislation (see Annex A). The number of decisions issued in wildlife cases referred to the prosecution service fluctuated, increasing from 66 in 2018 to 95 in 2019, and reducing again in 2020 to around 68. Each year, approximately 60% of cases resulted in a summary prosecution in the Magistrates/Youth Court (Fig 28). The decision not to prosecute was taken in almost a third of cases each year. Although few in number, the proportion of diversions used doubled in 2020 (10%) when compared to previous years (5%). Indictable Crown Court prosecutions were disclosed in 2018 and 2019 only, involving three cases each year.

![Fig 28: Decisions issued for Wildlife Offences* 2018-2020](image)

*Number of suspects
**0 indictable prosecutions in 2020 refers to a figure <3 (in line with PPS Northern Ireland statistical disclosure control policy)

Source: Data provided by the PPS Northern Ireland

The outcomes for wildlife crime prosecutions were also provided for the period 2018-20, with the findings summarised as follows:

- Over the three years, the PPS decided to prosecute in 62% of cases. Of these, 117 cases were disposed of at court and 69 offenders were successfully convicted. Although prosecution decisions and outcomes in year are not directly comparable as outcomes may be outstanding, this equates to a conviction rate of 59% for those disposed of and an approximate 49% conversion rate of prosecutions taken.

- As detailed in Table 39, most prosecutions (107) and convictions (64) were for summary offences brought before the Magistrates and Youth Courts, rather than indictable offences brought before the Crown Courts.

- Almost 10% of summary offenders were acquitted, mostly in 2017, while 40% of offenders in the Crown Court were acquitted.

- ‘Other’ outcomes were commonplace in the Magistrates Court, particularly in 2017. These included cases being withdrawn due to diversionary route and defendant deceased.

Raptors

The Raptor report provides a 10-year overview (2009-2018) of raptor persecution and secondary poisoning in NI. During this period there were 66 confirmed illegal killings/injuries to raptors. Incidents involved eight different species, most frequently the common buzzard (49%), red kite (21%), peregrine falcon (19%), and sparrow hawk (6%). When confirmed nest destruction (two incidents) and bait/poisoning (five incidents) are added, this resulted in 72 incidents, which may equate to more actual killings (see Fig 26). Offences most frequently involved poisoning (72%) and shooting (22%), with the remainder relating to trapping (3%) and nest destruction (3%). The geographical distribution of persecution follows a similar pattern to the reported badger incidents (Fig 27), with figures showing both a year-on-year increase in confirmed incidents and the number of locations (10 km sq.) in which they occur.

![Fig 26: All confirmed Bird of Prey victims by species reported in NI 2009-18](image)

Source: Data from PAW NI report (2019)

![Fig 27: Ten-year hotspot map of confirmed incidents](image)

Source: Reproduced from PAW NI report (p23)
Almost half of cases involved fish poaching (26%) and offences against birds (20%). In 2018, cruelty offences (18%) were the second most common offence due to decreasing rates in most other wildlife offences. (Fig 30).

While offences against birds remained consistent, badger crime increased from 5-15 offences and fish poaching decreased by 24% (Fig 29).

In 2018, wildlife offences were recorded in all police divisions, with the Highland and Islands (19%) and the Lothians & Scottish Borders (15%) accounting for the greatest majority.

Table 39: Prosecution Outcomes for Wildlife Offences 2018-2020, by court type and outcome

<table>
<thead>
<tr>
<th>Year</th>
<th>Convicted*</th>
<th>Acquitted</th>
<th>Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Crown</td>
<td>Magistrate**</td>
<td>Crown</td>
<td>Magistrate</td>
</tr>
<tr>
<td>2020</td>
<td>2</td>
<td>15</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>2019</td>
<td>1</td>
<td>30</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>2018</td>
<td>2</td>
<td>19</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>64</td>
<td>4</td>
<td>10</td>
</tr>
</tbody>
</table>

*Convicted of at least one offence. This refers to the overall outcome for the defendant; some of which may have been convicted of another non-wildlife offence.

**Magistrate and Youth Court

Source: Data provided by the PPS Northern Ireland

Further data was received from the PSNI wildlife crime team on the outcomes resulting from all animal incidents received by PSNI between 2016-18. For example, in 2018, 16% (28) of these incidents resulted in seizures, 11% (19) in prosecutions and 7% (11) in convictions. However, it is not possible to determine the number of incidents that relate specifically to wildlife crime (see Annex C for further breakdown).

Scotland

The annual Scottish Government Report on Wildlife Crime collates data from formal and informal sources on the prevalence and nature of all wildlife crimes in Scotland, including recorded crime statistics from the police, investigation data from Scottish SPCA, SASA and SAC cases, cases reported to COPFS for prosecution, numbers proceeded against and outcomes, and intelligence data from the NWCU. Some of this data details UK wildlife crime priority areas. The 2020 report provides the basis for the analysis provided below, for the period of 2014-19. Initially, an overview of offence prevalence and types is provided, including analysis of priority areas, followed by the number and types of prosecutions and their outcomes. Despite the reliability of the available data, care must be taken in drawing conclusions from the analysis, as the number of offences, convictions, and custodial sentences recorded can be very low, especially when broken down by offence type, making comparisons problematic. Hence, any inferences may be unreliable and not represent the complete picture. It is important to note the complexity and variability of wildlife crime offences are not reflected in the detail provided.

Incidents, Offences, Investigations and Seizures

All Wildlife Crime

Figures 23 and 24 provide an overview of the different types of wildlife crime recorded each year by Police Scotland. The total recorded offences decreased year-on-year over this five-year period (with a small increase of five offences in 2017), resulting in an overall reduction of 40% (Fig 29). In summary:

Further information is provided in the Scottish report from the Scottish SPCA to supplement administrative data. In 2018 (April to March 2019) they received 156,000 calls to their helpline, a decrease of almost 25% in previous years. They note:

- They assisted with 42 police-led investigations.
- Their own SIU conducted 45 wildlife crimes investigations relating to the priority areas; most involved badger persecution (21), six of which were passed to COPFS.
- The number of cases passed to COPFS has fluctuated over the five-year period, ranging from between 5-10% of those investigated.

Priority Wildlife Crime Offences

The NWCU provided 441 intelligence logs on wildlife crimes to the Scottish police in 2018. A third of these logs related to non-priority wildlife offences. Over half related to species commonly involved in poaching - hare (109), deer (93), fish (49). This is consistent with Police Scotland disaggregated offence data from 2014-18 (Fig 31), which consistently shows poaching and coursing as the most prevalent offences.

Badger and raptor persecution also feature consistently in all these three data sources, albeit at lower levels for NWCU logs and police offence data. There have been no investigations, logs or offences relating to bat persecution in 2018, and CITES and freshwater pearl mussel (FWPM) offences are also noticeably absent. The FWPM recorded offences in 2014/15 included four illegal pearl mussel fishing and one water pollution incident/s.

To provide some further context on FWPM, between 2010 and 2014 the 33 recorded offences in the JNCC (2020) report involved 27 incidents of illegal pearl mussel fishing and seven involved water pollution and river works. Their report also identified evidence of wildlife crime affecting 35% of Scottish rivers (according to the FWPM national survey of Scotland 2013).

Fig 31: Police Scotland offences data from 2014-15 to 2018-19, by priority and non-priority areas

Table 40: Scottish wildlife DNA Forensic Unit cases 2014-15 to 2018-19, by UK wildlife crime priories

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Badger persecution</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Bat persecution</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CITES</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Freshwater pearl mussels</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Poaching and coursing</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Raptor persecution</td>
<td>10</td>
<td>5</td>
<td>4</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Other wildlife crime</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Other (e.g. animal cruelty)</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>14</strong></td>
<td><strong>7</strong></td>
<td><strong>14</strong></td>
<td><strong>11</strong></td>
<td><strong>21</strong></td>
</tr>
</tbody>
</table>

Source: Reproduced from Scottish Wildlife crime report 2020 (p18)

In terms of the nature of priority area crimes, further analysis is provided in the report for badger, poaching and coursing and raptor persecution. The most common species, season, location and crime type involved is summarised in Table 36, demonstrating the complexity and variability of wildlife crime offences.
Table 43 details the outcome of COPFS cases received. In particular:

- Most cases resulted in ‘No Action’ (34%) or an alternative (e.g. warning letter) to prosecution (33%). Most ‘no action’ cases were prohibited for legal reasons.
- In 2014, 40% of cases were prosecuted; however, on average each year this involved less than a third of cases.
- The conversion rate (e.g. prosecutions resulting in convictions) ranged from 70-82%.
- In 2018 almost two-thirds of prosecutions resulted in a conviction.

Table 43: All reported wildlife crime cases received by COPFS between 2014-18, by outcome

<table>
<thead>
<tr>
<th>All reported Wildlife Crimes</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Offences</td>
<td>284</td>
<td>261</td>
<td>231</td>
<td>236</td>
<td>171</td>
<td>1183</td>
</tr>
<tr>
<td>Total COPFS cases received</td>
<td>98(7)</td>
<td>99(9)</td>
<td>94(5)</td>
<td>67</td>
<td>54(*)</td>
<td>412</td>
</tr>
<tr>
<td>% Offences received by COPFS</td>
<td>35</td>
<td>38</td>
<td>41</td>
<td>29</td>
<td>32</td>
<td>35</td>
</tr>
<tr>
<td>Outcome</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No action</td>
<td>24</td>
<td>40</td>
<td>27</td>
<td>30</td>
<td>19(*)</td>
<td>140</td>
</tr>
<tr>
<td>Alternative to prosecution</td>
<td>34</td>
<td>27</td>
<td>35</td>
<td>23</td>
<td>18(*)</td>
<td>137</td>
</tr>
<tr>
<td>Prosecuted</td>
<td>40</td>
<td>23</td>
<td>32</td>
<td>14</td>
<td>17</td>
<td>126</td>
</tr>
<tr>
<td>Convictions</td>
<td>28</td>
<td>16</td>
<td>25</td>
<td>*</td>
<td>11</td>
<td>80</td>
</tr>
<tr>
<td>% Conversion rate from prosecutions</td>
<td>70</td>
<td>70</td>
<td>78</td>
<td>-</td>
<td>82</td>
<td>71</td>
</tr>
</tbody>
</table>

*Data suppressed - COPFS does not provide statistical information for groups of fewer than five, numbers are replaced with an asterisk.
( ) indicate those submitted by specialist reporting agencies (e.g. SSPCA)
Source: Data provided by COPFS for the Scottish Wildlife Crime Report 2019

Prosecutions and their outcomes

A total of 412 cases were received by the COPFS dedicated Wildlife and Environmental Crime Unit (WECU) between 2014-19. This equates to 35% of the reported police offences (Fig 43). While most cases were received from police divisions, 21 were submitted by a specialist reporting agency (see Scottish SPCA data above). During the five-year period, COPFS cases showed as similar pattern of decline (55%) as reported offences (40%). Likewise, fish poaching (38%) and offences against birds (23%) represented the majority of cases in this period, followed by other wildlife offences (17% - including COTES offences) and hunting with dogs (16% - e.g. hare coursing and fox hunting) (Table 42). In 2018, five cases referred to badgers and seven cases to hares or rabbits.

Table 43: All reported wildlife crime cases received by COPFS between 2014-18, by outcome

<table>
<thead>
<tr>
<th>All reported Wildlife Crimes</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Offences</td>
<td>284</td>
<td>261</td>
<td>231</td>
<td>236</td>
<td>171</td>
<td>1183</td>
</tr>
<tr>
<td>Total COPFS cases received</td>
<td>98(7)</td>
<td>99(9)</td>
<td>94(5)</td>
<td>67</td>
<td>54(*)</td>
<td>412</td>
</tr>
<tr>
<td>% Offences received by COPFS</td>
<td>35</td>
<td>38</td>
<td>41</td>
<td>29</td>
<td>32</td>
<td>35</td>
</tr>
<tr>
<td>Outcome</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No action</td>
<td>24</td>
<td>40</td>
<td>27</td>
<td>30</td>
<td>19(*)</td>
<td>140</td>
</tr>
<tr>
<td>Alternative to prosecution</td>
<td>34</td>
<td>27</td>
<td>35</td>
<td>23</td>
<td>18(*)</td>
<td>137</td>
</tr>
<tr>
<td>Prosecuted</td>
<td>40</td>
<td>23</td>
<td>32</td>
<td>14</td>
<td>17</td>
<td>126</td>
</tr>
<tr>
<td>Convictions</td>
<td>28</td>
<td>16</td>
<td>25</td>
<td>*</td>
<td>11</td>
<td>80</td>
</tr>
<tr>
<td>% Conversion rate from prosecutions</td>
<td>70</td>
<td>70</td>
<td>78</td>
<td>-</td>
<td>82</td>
<td>71</td>
</tr>
</tbody>
</table>

*Data suppressed - COPFS does not provide statistical information for groups of fewer than five, numbers are replaced with an asterisk.
( ) indicate those submitted by specialist reporting agencies (e.g. SSPCA)
Source: Data provided by COPFS for the Scottish Wildlife Crime Report 2019

Table 42: Wildlife cases received by COPFS in 2014-15 to 2018-19

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Badgers</td>
<td><em>(</em>)</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Birds</td>
<td>17(*)</td>
<td>15(*)</td>
<td>24(*)</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td>Cruelty to wild animals</td>
<td>11(*)</td>
<td><em>(</em>)</td>
<td>8(*)</td>
<td>0</td>
<td><em>(</em>)</td>
</tr>
<tr>
<td>Deer</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Fish poaching</td>
<td>38</td>
<td>30</td>
<td>35</td>
<td>18</td>
<td>15(*)</td>
</tr>
<tr>
<td>Hunting with dogs</td>
<td>6</td>
<td>15</td>
<td>7</td>
<td>22</td>
<td>7</td>
</tr>
<tr>
<td>Other wildlife offences</td>
<td>17</td>
<td>20</td>
<td>14(*)</td>
<td>*</td>
<td>11</td>
</tr>
<tr>
<td>Other conservation offences</td>
<td>0</td>
<td>*</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>98(7)</td>
<td>90(9)</td>
<td>94(5)</td>
<td>67</td>
<td>54(*)</td>
</tr>
</tbody>
</table>

*Data suppressed - COPFS does not provide statistical information for groups of fewer than five, numbers are replaced with an asterisk.
( ) indicate those submitted by specialist reporting agencies (e.g. SSPCA)
Source: Reproduced from Scottish Wildlife Crime Report 2019 (p10)
Monetary fines were the most common penalty (70% in 2018) given for nearly all wildlife offences (except badgers) with an average fine of £608. The predominant use of fines is also consistent with the reported period 2009-16, with the average fine between 2014-18 lower than that in 2009 (£637).

Five percent of all wildlife crime convictions resulted in a custodial sentence, which on average lasted 131 days.

Despite the ongoing low number of custodial sentences, the length of sentences has increased significantly (from 60 days in 2005), according to a report commissioned by the Scottish Sentencing Council, which looked at the length of custodial sentences from 2005-15.

Table 44: People with a charge proved for wildlife crimes in Scottish Courts, by main penalty 2014-18

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>People proceeded against</td>
<td>51</td>
<td>25</td>
<td>23</td>
<td>27</td>
<td>15</td>
</tr>
<tr>
<td>People with a charge proved</td>
<td>35</td>
<td>20</td>
<td>22</td>
<td>24</td>
<td>10</td>
</tr>
<tr>
<td>Of which received:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Custody</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Community sentence</td>
<td>2</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Monetary</td>
<td>28</td>
<td>11</td>
<td>15</td>
<td>16</td>
<td>7</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: Reproduced from Scottish Wildlife Crime Report 2019, COPFS (p14)

England and Wales

Data from a variety of formal and informal sources is considered here to provide an overview of wildlife crime in England and Wales. Both the Home Office (for all police forces in England and Wales) and Metropolitan Police Service (MPS) (which covers Greater London area, excluding City of London, approximately 15% of the population of England and Wales) provided data on reported wildlife crimes specifically for this report. While the Home Office data identifies police recorded crimes between 2018 and 2021, the MPS identifies incidents, reports created and outcomes for 2017-20. Their offence data is supplemented by the Link report, which draws together reported incidents and outcomes from sixty wildlife NGOs, detailing four incidents, reports created and outcomes for 2017-20. Their offence data is supplemented by the Link report, which looked at the length of custodial sentences from 2005-15.

The Home Office provided disaggregated data from their Annual Data Returned from police forces in England and Wales on wildlife crime offence types from 2018 to 2021 (Table 45). The data is noted as officially sensitive and not to be shared or cited in the public domain. Caution is advised in interpreting the data as it does not include all police forces (see Table 45 below note*) and has not been fully reconciled with the forces or quality assured. Recorded offences initially demonstrated a downwards trend, from 2018 (73) to 2020 (53), but with a significant increase in 2021 (172 offences). Over the four years, half of offences related to fish, followed by habitat (21%) and CITES (19%) crimes. Three priority areas are identifiable: bird, CITES, and fish offences. There have been no reported bird crimes since 2019. Fish offences consistently make up the largest portion of offences since 2019. Since 2018, wherein CITES offences were the most prevalent, they have decreased year-on-year.

Table 45: Home Office reported crime from Annual Data Returns from Police forces* in England and Wales 2018-21, by offence type.

<table>
<thead>
<tr>
<th>Offence Type (related codes)</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021**</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>CITES (099/03, 17 &amp;18)</td>
<td>29</td>
<td>40</td>
<td>12</td>
<td>24</td>
<td>11</td>
</tr>
<tr>
<td>Fish (098/88 &amp; 91 &amp; 92 &amp; 95)</td>
<td>22</td>
<td>30</td>
<td>19</td>
<td>38</td>
<td>28</td>
</tr>
<tr>
<td>Bird (190/01 &amp; 02 &amp; 06)</td>
<td>7</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Habitat (099/02 &amp; 48)</td>
<td>8</td>
<td>11</td>
<td>9</td>
<td>18</td>
<td>9</td>
</tr>
<tr>
<td>Invasive (099/20)</td>
<td>5</td>
<td>7</td>
<td>8</td>
<td>16</td>
<td>2</td>
</tr>
<tr>
<td>Other 098/02 &amp; 03 &amp; 98, 156/11</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>3</td>
</tr>
</tbody>
</table>

| TOTAL                      | 73   | 100 | 50   | 100  | 53   | 100 | 172 | 100 | 348 | 100 |

*Excludes data from Derbyshire, Greater Manchester, Wiltshire, Staffordshire and West Police Forces.

Incidents, Offences, Investigations and Seizures

All Wildlife Crime

The Home Office provided disaggregated data from their Annual Data Returned from police forces in England and Wales on wildlife crime offence types from 2018 to 2021 (Table 45). The data is noted as officially sensitive and not to be shared or cited in the public domain. Caution is advised in interpreting the data as it does not include all police forces (see Table 45 below note*) and has not been fully reconciled with the forces or quality assured. Recorded offences initially demonstrated a downwards trend, from 2018 (73) to 2020 (53), but with a significant increase in 2021 (172 offences). Over the four years, half of offences related to fish, followed by habitat (21%) and CITES (19%) crimes. Three priority areas are identifiable: bird, CITES, and fish offences. There have been no reported bird crimes since 2019. Fish offences consistently make up the largest portion of offences since 2019. Since 2018, wherein CITES offences were the most prevalent, they have decreased year-on-year.
The MPS provided data on recorded wildlife incidents and crime reports (CRIS) created for 2017-2020, with further detail on the reports created and outcomes (discussed further below) for 2020. Between 2017-19, the number of reported incidents decreased (359 to 236), with a sharp rise in 2020 (to 499) (Fig 32). In 2017, 10% of these incidents related to CITES offences, increasing to 17% in 2018 and 20% in 2019. On average, 16% of incidents involved CITES species.

An FOI request (15953 - 2019) to the Met Police provides a glimpse into the nature of non-CITES offences, specifically crimes relating to the Wildlife and Countryside Act (1981) from 2014-2018. A total of 85 offences were reported – relating to ‘new species’ (099/20) [5], area of special scientific interest (099/48) [1] and wild bird protection (190/00) [79]. No further granulation of the data is available.

Fig 32: The Metropolitan Police Wildlife Crime incidents received related to CITES and non-CITES offences for 2017-2020

Approximately one third of incidents subsequently became crime reports, between 2017 and 2020 (Fig 33). In 2020, thirty percent of incidents were created as reports, of which 89% were non-CITES offences. Table 46 shows that reports were as likely to be created for CITES as non-CITES offences.

Table 46: The Metropolitan Police Wildlife Crime incidents received, and crime reports created 2017-20 and 2020 breakdown by CITES and non-CITES

<table>
<thead>
<tr>
<th>Year</th>
<th>Non-CITES</th>
<th>CITES</th>
<th>TOTAL</th>
<th>Percent difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Reports received</td>
<td>444</td>
<td>89</td>
<td>55</td>
<td>11</td>
</tr>
<tr>
<td>Reports created</td>
<td>135</td>
<td>89</td>
<td>16</td>
<td>11</td>
</tr>
</tbody>
</table>

Fig 33: The Metropolitan Police Wildlife Crime incidents received, and crime reports created 2017-20 and 2020 breakdown by CITES and non-CITES

The Link report details both priority and non-priority wildlife offences. While direct comparisons cannot be made across offence types due to missing data, Table 47 details the number of incidents, those offences referred to the police230 and the number of confirmed offences for each offence type.

Table 47: Number of Link member reported incidents, police referrals and confirmed offences for wildlife crimes in England and Wales, 2016-19, by offence type

<table>
<thead>
<tr>
<th>Offence Type</th>
<th>Incidents</th>
<th>Referred to the police</th>
<th>Confirmed Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Badgers</td>
<td>612</td>
<td>740</td>
<td>675</td>
</tr>
<tr>
<td>Bats</td>
<td>145</td>
<td>195</td>
<td>137</td>
</tr>
<tr>
<td>CITES</td>
<td>n/k</td>
<td>n/k</td>
<td>n/k</td>
</tr>
<tr>
<td>Raptors</td>
<td>157</td>
<td>204</td>
<td>207</td>
</tr>
<tr>
<td>Non-Priority</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant &amp; Fungi</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hunting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amphibians &amp; Reptiles</td>
<td>15</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>Fisheries (eel)</td>
<td>3158</td>
<td>(2)</td>
<td>3599</td>
</tr>
<tr>
<td>Marine Mammals</td>
<td>216</td>
<td>169</td>
<td>326</td>
</tr>
</tbody>
</table>

*Source: Data provided in Links report 2020
**Data provided by LACS only
*All non-priority incidents fluctuated and declined from 2016 to 2019. Within the priority areas, the following is noted:

230 It is important to note that confirmed offences do not provide an accurate account of the scale, as given organisations commonly report not hearing feedback on the cases referred to the police.
Badger crime

There were high rates of badger persecution incident reports, compared to other species. These cases were less likely to be referred to the police than bat and raptor persecution. Nonetheless, while badger incidents showed a decline, the number reported to the police increased significantly (from 52 to 270).

The nature of badger crime remained consistent in 2019, with most incidents involving sett disturbance (50%) and baiting (20%). Sett disturbance was commonly for the purpose of hunting (31%), and although low in numbers, both forestry and agricultural related disturbances showed a significant increase.

Hare coursing

In 2018 Lincolnshire Police identified 35 forces which had recorded hare coursing within their area; of these, 12 forces were assessed as likely to suffer medium to high numbers of hare coursing incidents (800+ per annum). Records from just one police force in England (Lincolnshire), identified 1,965, 1,365 and 873 incidents respectively from September to March in 2016, 2017 and 2018 (2019 figures were incomplete, with 1,048 reported incidents to February). Most incidents occurred November to January.

Raptor persecution

Raptor incidents increased, as did their referral to the police. Between 30 and 43% of raptor incidents were confirmed as offences. The level of raptor persecution was relatively consistent (see Fig 34, incidents between 2012 and 2019), as was the nature of the persecution. Most incidents in 2019 (55) involved shooting (30) and poisoning (18) and are linked to land management. Between 2007-17, 72% of 58 satellite-tagged hen harriers were killed (or most likely killed) on or near grouse moors, according to research published by Natural England (Link Report 2020).

Fish poaching

Most incidents and confirmed offences linked to fisheries, of which a very small portion were eel related. Incidents declined by 16% between 2016-19, while offences have remained stable (1%). Despite the downward trend in the number of cases, rod licencing offences composed the majority of confirmed fishery crimes (92% of 2016-19 offences). Other types of offences (poaching, eel, theft, nets and boats) all showed an increase in confirmed offences (albeit very slight in some cases). Poaching was largely reported to be motivated by the profits available for illegal imports and theft of high value fish (e.g. outsized carp) and cultural differences in anglers from abroad. Hunting, with specific focus on hare coursing, is analysed in this report.

Bats

Bat incidents increased during the reported period, as did their referral to the police. As the data provided on bat crime is relevant to the whole of the UK, it has been discussed above in UK-wide wildlife crime data.

Plant and fungi

As indicated in Table 27, no records are available on UK domestic plant and fungi offences with which to estimate the scale (details on UK CITES plant trade are provided above). The Link report identifies the nature of offences as both intentional and unintentional, with collecting wild and rare specimens (orchids) and ‘foods’ (mushrooms) for commercial trade, documented in the UK.

Prosecutions and their outcomes

Ministry of Justice

It is not possible to extract all wildlife crime prosecutions and convictions for England and Wales from the CPS or Ministry of Justice databases. A report by the Home Office (2020) identified outcomes for the offences coded as ‘Miscellaneous crimes against society’, which includes wildlife crimes, for 2019-2020. This reveals:

- Thirteen percent were charged/summoned or responded to out of court (formal 1%, informal 2%).
- The large majority were not prosecuted as they had evidential difficulties (39%), were deemed not in public interest (10%), or action was taken by another body (4%).

The Ministry of Justice Experimental Statistics for England and Wales reported by Finlay et al. (2019) identified 585 prosecutions and 323 convictions for wildlife offences between 2013-17. These are detailed on Table 48, in summary:

- Prosecutions in 2017 were 60% lower than in 2013 (71 compared to 180).
- Over two thirds (64% n=375) of prosecutions related to the Hunting Act 2004, and within this Act, 88% (329) referred to ‘hunting a wild mammal with a dog’ (329).
- Conviction rates followed a similar pattern, with significantly lower (38 compared to 99) convictions in 2017 when compared to 2013.
- Almost 60% of convictions related to the Hunting Act 2004, of which 90% were for ‘hunting a wild mammal with a dog’.

According to Ministry of Justice reports, overall, a conversion rate of 55% (prosecutions resulting in convictions) was achieved, with 2016 resulting in the highest number (60%). While few in number, all seven prosecutions under the Wild Mammals Act were successful. Conversion rates for Wildlife and Countryside Act offences were the lowest, at 47%.

Priority species:

With regard to identified priority species (e.g. badger, bat, CITES, freshwater pearl mussels, poaching (hare and deer) and raptor), there were 116 badger, 55 deer and 41 hare prosecutions, and 70, 42 and 16 convictions respectively (Fig 35). Further analysis of Hunting Act prosecutions and convictions between 2013-18 identified that 88% of offenders were ordered to pay fines (see Fig 36). The average fine was £224–£312.

Table 48: Annual Prosecutions and Convictions for Wildlife Offences in England and Wales provided by the Ministry of Justice 2013-17

<table>
<thead>
<tr>
<th>Offences under Act</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wildlife and Countryside Act 1981(b)</td>
<td>11</td>
<td>5</td>
<td>3</td>
<td>8</td>
<td>5</td>
<td>52</td>
</tr>
<tr>
<td>Deer Act 1991</td>
<td>2</td>
<td>13</td>
<td>25</td>
<td>6</td>
<td>5</td>
<td>55</td>
</tr>
<tr>
<td>Protection of Badgers Act 1992</td>
<td>50</td>
<td>18</td>
<td>26</td>
<td>16</td>
<td>6</td>
<td>116</td>
</tr>
<tr>
<td>Wild Mammals (Protection) Act 1996</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Hunting Act 2004:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hunting a wild mammal with a dog</td>
<td>87</td>
<td>60</td>
<td>84</td>
<td>49</td>
<td>49</td>
<td>329</td>
</tr>
<tr>
<td>Knowingly permitting land to be entered or used in the course of hunting a wild mammal with dogs</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Knowingly permitting a dog to be used in the course of hunting a wild mammal</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Participating in a hare coursing event</td>
<td>12</td>
<td>0</td>
<td>8</td>
<td>6</td>
<td>1</td>
<td>27</td>
</tr>
<tr>
<td>Attending a hare coursing event</td>
<td>11</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>14</td>
</tr>
<tr>
<td>Deer Act 1991</td>
<td>9</td>
<td>0</td>
<td>11</td>
<td>13</td>
<td>6</td>
<td>70</td>
</tr>
<tr>
<td>Protection of Badgers Act 1992</td>
<td>26</td>
<td>11</td>
<td>14</td>
<td>13</td>
<td>6</td>
<td>70</td>
</tr>
<tr>
<td>Wild Mammals (Protection) Act 1996</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Hunting Act 2004:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hunting a wild mammal with a dog</td>
<td>44</td>
<td>35</td>
<td>41</td>
<td>29</td>
<td>21</td>
<td>170</td>
</tr>
<tr>
<td>Knowingly permitting land to be entered or used in the course of hunting a wild mammal with dogs</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Knowingly permitting a dog to be used in the course of hunting a wild mammal</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Participating in a hare coursing event</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Attending a hare coursing event</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>8</td>
</tr>
</tbody>
</table>

Source: Ministry of Justice Experimental statistics: Principal offence proceedings and outcomes by Home Office offence code data tool
Notes: a) The figures presented relate to defendants for whose these offences were the principal offence for which they were dealt with. When a defendant has been financially dealt with or more offences are the principal offence for which he was dealt with. When a defendant has been financially dealt with or more offences of which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

1) The offence under Wildlife and Countryside Act 1981 are 'Schedule 5 and schedule 6 - killing, injuring or taking certain wild animals'; offences under the Protection of Badgers Act are 'offences of cruelty to badgers and special protection for badgers and their setts'; the offence under Wild Mammals (Protection) Act 1996 is 'cruelty to a wild mammal'.
2) There were no prosecutions for 'Knowingly facilitating a hare coursing event', 'Permitting land to be used for the purpose of a hare coursing event', 'Permitting a dog for a hare coursing event', 'Participating in any hare coursing event', or 'Controlling or handling a dog at a hare coursing event' also offences under Hunting Act 2004.

Source: Reproduced from Finlay et al. (2019) using Ministry of Justice Experimental statistics
RSPCA

An alternative source on conviction rates was provided by the RSPCA for England and Wales for the period of 2016-2019 (Fig 37). On average the RSPCA had 42 convictions annually, with a significant decline from 2016 and 2019 (from 66 to 30 respectively). This decrease is consistent with the trajectory suggested in Ministry of Justice statistics. However, the majority of RSPCA convictions referred to offences under the Badgers Act (1992) (n=66), and Wildlife and Countryside Act (1981) (n = 58), rather than the Hunting Act (see above).

While the data is not directly comparable, many of the convictions secured by the RSPCA in 2016 and 2017 do not appear in Ministry of Justice data (see Table 49), suggesting a higher number of convictions for Badger and Wildlife and Countryside Act offences.

Fig 37: Number of Convictions secured by the RSPCA 2016-2019, by Act

Source: Data provided by the RSPCA

<table>
<thead>
<tr>
<th>Convictions</th>
<th>MoJ 2016</th>
<th>RSPCA 2016</th>
<th>MoJ 2017</th>
<th>RSPCA 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wildlife &amp; Countryside Act</td>
<td>8</td>
<td>12</td>
<td>5</td>
<td>26</td>
</tr>
<tr>
<td>Deer Act</td>
<td>25</td>
<td>19</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Badger Act</td>
<td>16</td>
<td>32</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Wild Mammal Act</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Hunting Act</td>
<td>57</td>
<td>0</td>
<td>52</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>110</td>
<td>66</td>
<td>71</td>
<td>38</td>
</tr>
</tbody>
</table>

Source: Data provided by RSPCA and Finlay et al. (2019) using Ministry of Justice Experimental statistics

Metropolitan Police Service

Of the 499 incidents received by the MPS, 151 resulted in the creation of a report. Table 50 shows that almost a fifth (22% n=29) of all reports created resulted in an outcome. The majority (14 of 16) of CITES reports created resulted in an outcome, compared to less than a quarter of non-CITES reports created. Community resolutions (26) were the most reported outcome, alongside warnings (6). A total of three charges and three convictions were brought against offenders, approximately 4% of crime reports created. This is consistent with the aforementioned FOI request (15953 - 2019) to the Met Police, which identified that of the 85 reported offences, half did not identify a suspect, 6% received a caution, and 5% were charged/summoned.

Table 50: The Metropolitan Police Wildlife Crime reports received, reports created and outcomes for 2020-21, by CITES and non-CITES offences

<table>
<thead>
<tr>
<th>Non CITES</th>
<th>CITES</th>
<th>TOTAL</th>
<th>Percent of crimes received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wildlife crime reports received</td>
<td>444</td>
<td>89</td>
<td>55</td>
</tr>
<tr>
<td>Wildlife crime reports created</td>
<td>135</td>
<td>89</td>
<td>16</td>
</tr>
</tbody>
</table>

Table 49: Comparison of Conviction rates for 2016-2017 reported by the Ministry of Justice (MoJ) and RSPCA

<table>
<thead>
<tr>
<th>Convictions</th>
<th>MoJ 2016</th>
<th>RSPCA 2016</th>
<th>MoJ 2017</th>
<th>RSPCA 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wildlife &amp; Countryside Act</td>
<td>8</td>
<td>12</td>
<td>5</td>
<td>26</td>
</tr>
<tr>
<td>Deer Act</td>
<td>25</td>
<td>19</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Badger Act</td>
<td>16</td>
<td>32</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Wild Mammal Act</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Hunting Act</td>
<td>57</td>
<td>0</td>
<td>52</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>110</td>
<td>66</td>
<td>71</td>
<td>38</td>
</tr>
</tbody>
</table>

Source: Data provided by RSPCA and Finlay et al. (2019) using Ministry of Justice Experimental statistics

Link Group

The Link report (2020) identified the outcomes recorded by their NGO organisations from 2016-2019 (Table 51). The key findings were:

- Out of a total 624 badger cases referred to the police, 17 were identified as prosecuted, with no known defendants convicted from 2016-2019.
- Between 82% and 90% of cases annually referred to the police resulted in no further action.
- The most common outcomes identified were warnings (45) and cautions (7).
- A total of 11 defendants were convicted between 2016-2019. Although the number of CITES
incidents and referrals are unknown, Link members reported 15 known prosecutions across the UK in 2016, which reduced to 8 in 2019.

→ Between 2016-19, few raptor offences resulted in a prosecution (2) or conviction (1), compared to 14 convictions in 1990.

→ Between 2016-18, 156 hunting prosecutions were noted, resulting in 74 defendants convicted. The conviction rate ranged from 42-54%.

→ The majority of fisheries offences, reported incidents and confirmed offences in the Link report, also result in a significant number of convictions. With 75% of offences resulting in a conviction, these offences stand out from all other wildlife crimes. Further data and analysis is essential for identifying how the successful prosecution of these crimes can be applied to other wildlife crimes.

→ Bat offences are discussed above with UK-wide data.

Table S1: Number of Link member reported incidents, police referrals and confirmed offences for wildlife crimes in England and Wales, 2016-19, by offence type

<table>
<thead>
<tr>
<th>Offence Type</th>
<th>All Police Referrals</th>
<th>Number of cases prosecuted</th>
<th>Number of defendants convicted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Badgers</td>
<td></td>
<td>624</td>
<td>5</td>
</tr>
<tr>
<td>Bats</td>
<td></td>
<td>602</td>
<td>-</td>
</tr>
<tr>
<td>CITES</td>
<td></td>
<td>-</td>
<td>15*</td>
</tr>
<tr>
<td>Raptors</td>
<td></td>
<td>748**</td>
<td>n/k</td>
</tr>
<tr>
<td>Hunting</td>
<td></td>
<td>-</td>
<td>57</td>
</tr>
<tr>
<td>Fisheries</td>
<td></td>
<td>11,421*** (8)</td>
<td>-</td>
</tr>
<tr>
<td>Non-Priority</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant &amp; Fungi</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Amphibians</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Reptiles</td>
<td></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Marine Mammals</td>
<td></td>
<td>14</td>
<td>n/k</td>
</tr>
</tbody>
</table>

* CITES prosecutions in the UK, not just England and Wales. ** Maximum number, based on most incidents being reported to the police. *** Reported on could not trends offences data in the UK. There are no figures on police referrals provided. **** Proceeding to a priority area. However, it is not clear what proportion of hunting and fisheries offences refer to priority species or species of interest. Source: Data provided in Links report 2020

Scholarly Research

The scholarly literature which directly aims to identify the scale and scope of UK wildlife crime is sparse (especially in comparison to research on key source countries). The review demonstrates there is a significant lack of primary research in this area, as only ten articles were found that met the study inclusion criteria. These sources are not representative of the wealth of scholarly literature which addresses other important aspects of wildlife crime within and outside the UK – for example: motivations and explanations for, and responses to wildlife crime; demand reduction; technological solutions; forensic investigation techniques; general population studies; comparative illegal wildlife trades; online illegal wildlife trade and links to organised crime.

The data provided in the scholarly research has not adequately answered the Rapid Evidence Assessment question (see Methodology section above and annex B below), rather it provides insight into the prevalence of specific trades and crimes, levels of non-compliance and opportunities for offending. While it fills some of the gaps in the grey literature and available data, it is important not to read these findings as conclusive.

Recommendations

→ An evaluation of conversion rates is recommended to identify the lessons that can be learned and applied to other offences. Large variations (e.g. bats, fishery offences) exist in the conversion rates of wildlife offences (from incidents, reports to the police, recorded crimes, offences sent to the prosecution services and prosecutions taken). The number of successful prosecutions and the type of sentences received by offenders is evidently disproportionate to the wildlife crime incidents recorded. Many factors influence this trend (as discussed elsewhere) and require further evaluation to identify possible responses.

→ An evaluation of the sentencing approach to wildlife offenders (including the use of POCA, restorative justice sentences, maximum fines and longer custodial sentences) is recommended. It is important to understand why wildlife offenders seldom receive maximum penalties or custodial sentences, why fines are most commonly applied, and if these sentencing approaches are effective.

→ Make it a requirement for governments to provide annual data and analysis on the number of prosecutions and outcomes for wildlife crime across the UK.

→ See also related recommendations in Measuring Wildlife Crime.
The literature supports the claim that the UK is a major destination for CITES and non-CITES wildlife trade, especially the trade in exotic pets, for which the UK was among the top three legal importers worldwide, according to the UN Comtrade database (Andersson et al. 2021). Andersson et al. found that due to the lack of granularity in the trade data systems, the specific nature of the legal trade is largely unclear, despite flows of the legal trade correlating with, and providing cover for, illegally traded wildlife. The data limitations are reiterated in Green et al.’s (2020) study of APHA import records of non-CITES listed live wildlife, whereby the lack of detail on taxonomy, origin (country or wild/captive-bred) and import purpose prohibits identifying the scope, scale and dynamics of this trade. This study found between 2014-18, almost 49 million individual animals were imported to the UK from 90 countries. The majority of wildlife comprised gamebirds (93%), while of the remaining 7% amphibians were the most imported taxonomic class (73%), followed by reptiles (17%), mammals (4%), birds (3%), and arachnids (<1%). A buoyant exotic pet trade is further supported by Elvin et al.’s (2020) study which details the scale of the legal licensed exotic pet trade in England, Wales and Scotland (in 2019 licences permitted the sale of 54,634 amphibians, 64,810 reptiles, 23,507 birds, and 6,479 mammals, involving nearly 2,000 traders). This paper also conveys the difficulty of identifying the scale of this trade and the gaps in enforcement which provide opportunities to overlay the legal and illegal trades.

Harris et al. (2019) suggest compliance is high within the legal commercial ivory trade, but that many traders do not always check compliance and report significant barriers to compliance, suggesting a possible large dark figure of ivory offences. This is supported by Collins et al. (2017) who conclude that the unclear and onerous legal guidance on ivory, and the dealers’ reliance on ‘knowledge and experience’ rather than scientific testing, may result in ‘ghost ivory’ being illegally sold by traders to unsuspecting buyers. In Hinsley et al.’s (2017) study, orchid hobbyists and growers in the UK, US and Japan self-reported smuggling (10%), laundering (5%) and receiving orchids online without the required paperwork (11%). The findings suggest high compliance among the majority of respondents, with a small subgroup of repeat offenders. Despite the reported levels of compliance, just over a third (39%) reported good or complete understanding of CITES and almost two-thirds (62%) negatively viewed CITES and alluded to the ease of non-compliance (9%). Across the three studies, the limited understanding of and support for the regulations is consistent and points to possible higher levels of noncompliance than reported by respondents. The Hobbs et al. (2019) study, using DNA analysis of shark fins for sales in the UK, found that 1,504 reported incidents, 418 involved poaching, 801 coursing and 285 AKP. While the RCS found 18% of AKP, 18% of poaching and 26% of coursing incidents were reported to the police. The most common reason for not reporting was the belief that the police were not interested/bothered (19%) or the police could not do anything (18%). The surveys support the claims among stakeholders that there is a large ‘dark figure’ of wildlife crime and these incidents are not seen as prioritised by the police. Whitehead et al. (2021) echo recent stakeholder calls for increased regulation of the online trade. The authors identify the need to regulate the online trade with a potential 5-15% of 13,600 posts selected via web crawling and parsing software potentially involving cybercrime. Importantly the study highlights the need for a collaborative approach which maximises the ability of AI and experts and enforcement to distinguish between legal and illegal trade. In terms of convictions, Newton’s article provides an overview of the available evidence on the illegal persecution of raptors in the UK, identifying 83% of convicted offenders were game-keepers and the buzzard is the most commonly targeted species.

Reliable data on the quantity and composition of the wildlife trade (legal and illegal) are vital for informing regulation and law enforcement decisions, conservation and biosecurity approaches. Yet these data are rarely collected or are difficult to obtain. That there is significant need for further empirical data collection, ideally synthesising and building on that collected by other stakeholders, is unmistakable. In their analysis of UK stakeholders responding to the illegal wildlife trade, Moshier et al. (2019) found that while NGOs consistently occupied 4 of the 5 most central positions in the generated networks, academic institutions routinely occupied 4 of the 5 most peripheral positions. McFann and Pires (2018) systematic review of the state of wildlife crime research among Criminology and Criminal Justice scholars concludes quantitative studies are rare in the literature, conceptual or theoretical studies and those employing qualitative methods are more common. A review of academic publications on IWT by Marguiles et al. (2019) within the Web of Science database identified 265 peer-review articles published between 1995 and 2019, notably, only 26 addressed the trade in plants. These findings are consistent with the data gaps evident throughout the report on plant and timber offences, what is commonly referred to as ‘plant blindness’. The limitations of the scholarly research suggests there is insufficient attention to the IWT in general, and UK wildlife more specifically, from funding agencies who support UK scholarly research.

Recommendations

→ Provide government funding for a report detailing a systematic review of the (grey and scholarly) literature, to identify the status quo of data available to address the scale and nature of, and responses to UK wildlife crime.

→ Require UK research funding bodies to provide calls which prioritise empirical and collaborative wildlife crime research and the development of data sharing and networks. This must include wildlife such as plants and timber, and social science disciplines which provide insights into the nature, behavioural and sociological aspects of, and successful responses to the trade.

→ Develop a strategy (between government agencies for education, research, and environment) to forge formal partnerships between scholars and key enforcement agencies and stakeholders (such as the successful partnership of Flanagan (KEW, BF and the University of Southampton) and DICE (with the NWCU)). This could facilitate scholarly access to non-sensitive enforcement crime data, enhancing IWT data and analysis for all stakeholders and contributing to evidence-based policies and enforcement strategies.

ANNEX A

Table A1. Key wildlife offences and application to species under the priority groups

Key Wildlife Offences and Priority Species Covered by Legislation by Country

<table>
<thead>
<tr>
<th>Country</th>
<th>Act</th>
<th>Key Offences</th>
<th>Penalties</th>
<th>Priority Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>England and Wales</td>
<td>Wildlife and Countryside Act 1981 As amended</td>
<td>s1(1)(a) Intentionally killing, injuring or taking any wild bird</td>
<td>s21: 6 months and/or unlimited fine</td>
<td>Raptors</td>
</tr>
<tr>
<td></td>
<td></td>
<td>s1(1)(aa) Intentionally taking, damaging, destroying or disturbing a nest of a Schedule 2A1 bird</td>
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<td></td>
<td>s1(1)(b) Intentionally taking, damaging or destroying a nest of a wild bird whilst it is in use or being built</td>
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<td></td>
<td>s1(1)(c) Intentionally taking or destroying the egg of any wild bird</td>
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<td></td>
<td></td>
<td>s1(1)(d) Intentionally or recklessly disturbing a Schedule 1 wild bird whilst it is in or near a nest containing egg or young</td>
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<td></td>
<td></td>
<td>s1(1)(e) Intentionally or recklessly disturbing dependent young of a Schedule 1 bird</td>
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<td>s1(2)(a) Possession or control of a live or dead bird or part or derivative thereof</td>
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<tr>
<td></td>
<td></td>
<td>s1(2)(b) Possession or control of an egg or part of an egg</td>
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<tr>
<td></td>
<td></td>
<td>s1(3)(a) Intentionally killing, injuring, taking, damaging, destroying, disturbing a wild bird, nest or egg or young in a specified area</td>
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<td></td>
<td></td>
<td>s1(3)(b) Entering into a specified area or part thereof</td>
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<td></td>
<td>s1(4) Prohibiting of certain methods or taking of wild birds (including setting of articles ‘calculated to’ cause bodily injury to wild birds)</td>
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<td></td>
<td>s1(4)(f) Knowingly causing or permitting the above</td>
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</tbody>
</table>

Under section 21(5), where an offence was committed in relation to more than one bird/nest/egg, the fine can be imposed as if the person was convicted of separate offences on each. In addition to the penalty prescribed, courts may order forfeiture of the bird/nest/egg and anything used to commit the offence under section 21(6).

Further, under section 7 of the Act, no person can keep or possess a Schedule 4 bird if he has been convicted of any offence in relation to wild birds’ certain provisions (e.g., Schedule ZA1 birds), or within three years of having been convicted of an offence under this Part insofar as it relates to the protection of birds or other animals or any offence concerning protection of birds, other animals or any offence involving their ill treatment.

NI protects any wild bird nest. E and W protects only nests of Schedule 1 birds (see section on Northern Ireland below).

<table>
<thead>
<tr>
<th>Country</th>
<th>Act</th>
<th>Key Offences</th>
<th>Penalties</th>
<th>Priority Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>England and Wales</td>
<td>Wildlife and Countryside Act 1981 Schedule 5 Protected Species</td>
<td>s9(1)(a) Intentionally kill, injure or take</td>
<td>s21: 6 months imprisonment and/or an unlimited fine (as)</td>
<td>Rats, Freshwater pearl mussels, amongst others</td>
</tr>
<tr>
<td></td>
<td></td>
<td>s9(4)(a) Intentionally or recklessly damage or destroy a structure of place used for shelter or protection</td>
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</tr>
</tbody>
</table>

243 (Cap removed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Does not apply to Scotland or Northern Ireland).
9(4)(b) Disturb an animal occupying a structure or place that it 
serves for that purpose

9(4)(c) Obstruct access to such as structure or place

9(2) Possess or control any live or dead animal or part or 
derivative thereof.

9(4) Intentional and reckless disturbance of any wild animal 
in particular a dolphin, whale or basking shark.

9(5)(a) Use of any electrical device or poisonous, poisoned or 
stupefying substance calculated to cause bodily injury to 
any Schedule 6 or 6ZA wild animal

9(5)(b) Use for purposes of killing a Schedule 6 animal using 
the listed prohibited methods (e.g., a net, poison, semi-
automatic weapon)

9(5)(c) To set a trap or snare calculated to cause bodily injury 
without reasonable excuse, a snare

9(7)(c) Failing to inspect, without reasonable excuse, a snare

Additional powers of Criminal Courts

Where conviction involves more than one animal (or plant), can be 
treated for the purposes of the offence as having been convicted of 
separate offences for each animal, plant etc. **124**

**s21 (5)**

Forfeiture upon conviction of the species and anything used in 
the commission of the offence

**s21(5)**

Forfeiture upon conviction of the species and anything used in 
the commission of the offence

**s21(6)**

Forfeiture upon conviction of the species and anything used in 
the commission of the offence

Time limit for bringing proceedings – Section 20. 6 months from when prosecutor is satisfied 
sufficient evidence warrants prosecution and no more than 2 years after commission of offence

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### England and Wales

| Wildlife and Countryside Act 1981 prohibited means of killing/ taking of certain Scheduled animals | **s11** (1) (a) to (d) | Use of a trap or snare for the purposes of killing, taking or retraining a Schedule 6 or 6ZA wild animal

**s21** (1) Where conviction involves more than one animal (or plant), can be treated for the purposes of the offence as having been convicted of separate offences for each animal, plant etc. **125**

**s21** (5)

Forfeiture upon conviction of the species and anything used in the commission of the offence

**s21(5)**

Forfeiture upon conviction of the species and anything used in the commission of the offence

**s21(6)**

Forfeiture upon conviction of the species and anything used in the commission of the offence

**s21(1)**

6 months imprisonment and/or an unlimited fine

**s21(2)**

Use of a trap or snare for the purposes of killing, taking or retraining a Schedule 6 or 6ZA wild animal

**s21(2)(a) |**

Use of a trap or snare calculated to cause bodily injury to any Schedule 6 or 6ZA wild animal

**s21(2)(b)**

Use of any electrical device or poisonous, poisoned or stupefying substance calculated to cause bodily injury to a Schedule 6 animal

**s21(2)(c)**

Use of any electrical device or poisonous, poisoned or stupefying substance calculated to cause bodily injury to any Schedule 6 or 6ZA wild animal

**s21(2)(d)**

For the purposes of killing a Schedule 6 animal using the listed prohibited methods (e.g., a net, poison, semi-automatic weapon)

**s21(2)(e)**

Forfeiture upon conviction of the species and anything used in the commission of the offence

**s21(2)(f)**

Forfeiture upon conviction of the species and anything used in the commission of the offence

**s21(3)**

Failing to inspect, without reasonable excuse, a snare

**s21(3)**

Failing to inspect, without reasonable excuse, a snare

**s21(4)**

Failing to inspect, without reasonable excuse, a snare

**s21(5)**

Failing to inspect, without reasonable excuse, a snare

**s21(6)**

Failing to inspect, without reasonable excuse, a snare

**s21(7)**

Failing to inspect, without reasonable excuse, a snare

**s21(8)**

Failing to inspect, without reasonable excuse, a snare
**England and Wales**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>s1(1)</strong></td>
<td>Entry into land without consent or other lawful authority in search or pursuit of deer with intent to taking, killing or injuring it</td>
</tr>
<tr>
<td><strong>s1(2)(a)</strong></td>
<td>Intentionally killing, taking or injuring a deer or attempting to do so</td>
</tr>
<tr>
<td><strong>s1(2)(b)</strong></td>
<td>Searching for or pursuing a deer with that intention</td>
</tr>
<tr>
<td><strong>s1(2)(c)</strong></td>
<td>Removing the carcase without consent of the owner or other lawful authority</td>
</tr>
</tbody>
</table>

**Pest Act 1954**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>s1(1)(a)</strong></td>
<td>Using or knowingly permitting the use of an unapproved spring trap or permitting an approved spring trap to be used for an unauthorised purpose</td>
</tr>
<tr>
<td><strong>s1(1)(b)</strong></td>
<td>Selling or exposing or offering for sale any unapproved spring trap with a view to it being used for an unlawful purpose</td>
</tr>
<tr>
<td><strong>s1(1)(c)</strong></td>
<td>Possession of a spring trap for unlawful purposes</td>
</tr>
<tr>
<td><strong>s1(1)(d)</strong></td>
<td>Damage or destroy a breeding site or resting place (no need to show it was deliberate)</td>
</tr>
</tbody>
</table>

**Pesticides In Hunting – England and Wales**

The Control of Pesticides Regulations 1986 contain a number of prohibitions regarding sale, supply, storage and use but falls short of criminalisation.

**Additional powers of compensation (including for distress and anxiety)**

- **s2** Taking or intentionally killing a schedule 1 species deer at night
- **s13** Cancellation of any firearm or shotgun certificate

**Disqualification from driving**

- **s4(1)** Setting a trap, snare, poisoned or stupefying substance calculated to cause bodily injury to a deer
- **s4(2)** Using a trap, snare, poisoned or stupefying substance for the purpose of taking or killing a deer
- **s4(3)** Using a Schedule 2 firearm, arrow, spear, or similar missile or any missile carrying poison or other agent

**Time limits for prosecution:** 6 months from when prosecutor is satisfied sufficient evidence warrants prosecution. No more than 2 years after commission of offence.
### England and Wales

**Night Poaching Act 1828**  
- **s1** Unlawfully taking or destroying game or rabbits in any land, open or enclosed, or unlawfully entering in any land with any gun, net, engine or other instrument, for the purpose of taking or destroying game.

- **Summary conviction**, level 3 (£1000) fine.  
- **Additional powers of compensation** (including for distress and anxiety) and forfeiture also lie under the Powers of Criminal Courts (Sentencing) Act 2000 s130 and s143.

**Badger, deer, and hare coursing and general game poaching**

**Time limit for prosecutions** is just 3 months. This offence can be used against those who are effectively ‘going equipped’ to hunt. There is no need to show an actual hunt. Additional sentencing powers are afforded under s4A of the Game Law (Amendment) Act 1960 which allows for forfeiture of any vehicle or article used in the commission of an offence.

### Game Act 1828

- **s10** Trespass during the day in search of game, woodcock, snipes or conies (rabbits).

- **Summary conviction**, level 3 (£1000) fine.  
- **Badger, deer, and hare coursing and general game poaching**

**Additional powers** include the ability to confiscate any dog or article used in the course of the offence or was in his possession at the time of arrest.

### Wild Mammals Protection Act 1996

- **s1** To mutilate, kick, beat, nail, impale, stab, burn, stone, crush, drown, drag or asphyxiate any wildlife mammal with intent to inflict unnecessary suffering

- **s5(1)** Summary conviction — unlimited fine and/or up to 6 months’ imprisonment  
  
  **On indictment:** up to 5 years’ imprisonment and/or fine.

- **s5(2)** Where committed in respect of more than one wild mammal the maximum fine can be determined as if the person had been convicted of separate offences for each wild mammal.

- **s6** Confiscation of any vehicle or equipment used in the commission of the offence.

- **s8** Disqualification from driving is also an option under s146.

### Hunting Act 2004

- **s1** Hunting with dogs without an exemption under the Act.

- **s2** Knowingly permitting land to entered or used in the course of or for the purposes of a hare coursing event.

- **s2(1)** Knowingly permitting land to entered or used in the course of the commission of an offence under section 1.

- **s2(2)** Knowingly permitting a dog which belongs to him to be used in the commission of an offence under section 1.

- **s2(4)** Participating, attending, facilitating, permitting land to be used for a hare coursing event.

- **s2(5)** Entering, permitting, controlling or handling a dog in the course of or for the purposes of a hare coursing event.

### Exemptions to hunting offences

- Under Schedule 1 are wide and were often cited by officers as an obstacle to their policing such events and prosecuting offenders. In particular, allowance for ‘field trials’ in which dogs flush out or recover shot animals is a relatively easy defence as is a defence of ‘flushing out’. The Hunting Act also enables flushing of mammals such as foxes where the purpose is to enable a bird of prey to hunt the same and so cases are cited where a hunt has proceeded with a bird of prey ‘accompanying’ the hunt as a means of raising a defence.

- No additional distinction for CITES protected species. Schedule 2 offences relating to unauthorised fishing, and fishing using prohibited means, destruction or damage of dams etc. are triable either way. Other offences such as the Theft Act and Salmon Act 1986 may also be used.

### Salmon and Freshwater Fisheries Act 1975

- **Summary:** Unlimited fine; for some offences a maximum of three months’ imprisonment.

- **Fish poaching**

<table>
<thead>
<tr>
<th>England and Wales</th>
<th>Hunting Act 2004</th>
<th>Salmon and Freshwater Fisheries Act 1975</th>
</tr>
</thead>
<tbody>
<tr>
<td>s1</td>
<td>Hunting with dogs without an exemption under the Act</td>
<td>Summary: Unlimited fine; for some offences a maximum of three months’ imprisonment.</td>
</tr>
<tr>
<td>s2(1)</td>
<td>Knowingly permitting land to entered or used in the course of the commission of an offence under section 1</td>
<td></td>
</tr>
<tr>
<td>s2(2)</td>
<td>Knowingly permitting a dog which belongs to him to be used in the commission of an offence under section 1</td>
<td></td>
</tr>
<tr>
<td>s2(4)</td>
<td>Participating, attending, facilitating, permitting land to be used for a hare coursing event</td>
<td></td>
</tr>
<tr>
<td>s2(5)</td>
<td>Entering, permitting, controlling or handling a dog in the course of or for the purposes of a hare coursing event</td>
<td></td>
</tr>
<tr>
<td>s5(1)</td>
<td>Summary conviction — unlimited fine and/or up to 6 months’ imprisonment</td>
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<tr>
<td>s5(2)</td>
<td>Where committed in respect of more than one wild mammal the maximum fine can be determined as if the person had been convicted of separate offences for each wild mammal.</td>
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<tr>
<td>s6</td>
<td>Confiscation of any vehicle or equipment used in the commission of the offence.</td>
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<tr>
<td>s8</td>
<td>Disqualification from driving is also an option under s146.</td>
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</tr>
<tr>
<td>s1(1) Cruelly illtreats a badger</td>
<td>s12 forfeiture of any badger or badger skin and forfeiture of any article or weapon used in the commission of the offence.</td>
<td>s1(1)(a) Intentionally or recklessly killing, injuring or taking any wild bird</td>
</tr>
<tr>
<td>s1(2) Cruelly illtreats a badger</td>
<td>s12 where the offence is committed in respect of more than one badger, the maximum fine shall be determined as if the offender has been convicted of a separate offence for each badger.</td>
<td>s1(5)(b) Intentionally or recklessly obstructing a wild bird from using its nest</td>
</tr>
<tr>
<td>s2(1)(a) Cruelly illtreats a badger</td>
<td>s12(3) E&amp;W for 6 months and/or unlimited fine</td>
<td>s1(5)(c) Intentionally or recklessly taking or destroying an egg of a wild bird</td>
</tr>
<tr>
<td>s2(1)(b) Using badger tongs in the course of killing, taking or attempt</td>
<td>s12(4) E&amp;W for each badger.</td>
<td>s1(5)(d) Intentionally or recklessly disturbing dependent young of a Schedule 1 bird</td>
</tr>
<tr>
<td>s2(1)(c) Digging for a badger without authorisation</td>
<td>s12(5) E&amp;W for each badger.</td>
<td>s2(1)(a) Possession or control of a live or dead bird or part or derivative thereof</td>
</tr>
<tr>
<td>s2(1)(d) Using a prohibited firearm.</td>
<td>s12(6) E&amp;W for each badger.</td>
<td>s2(1)(b) Possession or control of an egg or part of an egg</td>
</tr>
<tr>
<td>s2(2) Knowingly causing or permitting the above</td>
<td>s12(7) E&amp;W for each badger.</td>
<td>s3(5a) Intentionally or recklessly harassing a Schedule 1 wild bird</td>
</tr>
<tr>
<td>s3 Offences in relation to badger sets (damaging/destroying/disturbing, causing a dog to enter/obstruction.</td>
<td>s12(8) E&amp;W for each badger.</td>
<td>s3(5b) Intentionally or recklessly harassing a Schedule 1A wild bird</td>
</tr>
<tr>
<td>s122A Time Limit within 6 months of sufficiency of evidence test being passed and no later than 2 years.</td>
<td></td>
<td>s3(5c) Knowingly causing or permitting the above</td>
</tr>
<tr>
<td></td>
<td></td>
<td>s5(1) Prohibition of methods of killing or taking (including those ‘likely to’ cause bodily injury a) to e) and subsection f) ‘knowingly causing or permitting any of those activities’</td>
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<tr>
<td>Scotland</td>
<td>Wildlife and Countryside Act 1981</td>
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<tr>
<td>s19A</td>
<td>Accused can be convicted on evidence of one witness for offences under s6(1) and s6(2) where it relates to grouse, partridge or pheasant or ptarmigan included in Part 1A of Schedule 3.</td>
<td></td>
</tr>
<tr>
<td>s6(1)(a)</td>
<td>Selling, offering or exposing for sale or has possession or transports for the purpose of sale any live bird or egg or part of egg of a species under Schedule 3 Part 1.</td>
<td></td>
</tr>
<tr>
<td>s6(1)(b)</td>
<td>Advertising or publishing in a manner to convey he buys or sells or intends to buy or sell the same.</td>
<td></td>
</tr>
<tr>
<td>s6(2)(a)</td>
<td>Selling or offering or exposing for sale any dead wild bird or part or derivative thereof (except for certain specified birds).</td>
<td></td>
</tr>
<tr>
<td>s6(2)(b)</td>
<td>Advertising or publishing in a manner to convey he buys or sells or intends to buy or sell the same.</td>
<td></td>
</tr>
<tr>
<td>s6(2A)</td>
<td>Knowingly causing or permitting any of the above (except sub-sections 1b) and 2b.</td>
<td></td>
</tr>
<tr>
<td>s6(3)</td>
<td>Showing or causing or permitting to be shown for the purposes of a competition any live wild bird (except for a bird included in Part 3 Schedule 3) or any live bird one of whose parents was such a wild bird.</td>
<td></td>
</tr>
<tr>
<td>s21(4)(b)</td>
<td>12 months and/or £40,000 on summary conviction or 5 years imprisonment and/or a fine on conviction on indictment.</td>
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</tr>
<tr>
<td>s21(5) and s21(6) as above also apply.</td>
<td></td>
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<tr>
<td>Raptores</td>
<td></td>
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<tr>
<td>s21(1)(b)</td>
<td>Summary conviction – 12 months and/or £40,000 on summary conviction and/or a fine on conviction on indictment.</td>
<td></td>
</tr>
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<td>s21(1)(b) as above also apply.</td>
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<tr>
<td>Scotland</td>
<td>Wildlife and Countryside Act as amended by Schedule 6 of the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011</td>
<td></td>
</tr>
<tr>
<td>s7(1)</td>
<td>Possession or control of a Schedule 4 bird that has not been registered or ringed</td>
<td></td>
</tr>
<tr>
<td>Further, under section 7 of the Act, no person can keep or possess a Schedule 4 wild bird if he has been convicted of any offence in relation to wild birds within 5 years or 3 years depending on the nature of the offence.</td>
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<tr>
<td>s18A</td>
<td>Vicarious liability can apply to offences relating to the killing or taking of wild birds, where the offence is committed by an agent or employee.</td>
<td></td>
</tr>
<tr>
<td>s18B</td>
<td>Vicarious liability also applies when the culprit is providing relevant services for someone who has a legal right to kill or take a wild bird on that land or manages or exercises control over that right.</td>
<td></td>
</tr>
<tr>
<td>General poaching; could also apply to animals under Schedule 5 – bats and freshwater mussels</td>
<td></td>
<td></td>
</tr>
<tr>
<td>s21(1)(a)</td>
<td>Intentionally or recklessly kill, injure or take</td>
<td></td>
</tr>
<tr>
<td>s21(1)(b)</td>
<td>Intentionally or recklessly damage or destroy or obstructs access to a structure of place used for shelter or protection</td>
<td></td>
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<tr>
<td>s21(1)(b)</td>
<td>In addition to the penalty prescribed, courts may order forfeiture of the bird/egg and anything used to commit the offence.</td>
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<tr>
<td>s21(5)</td>
<td>Summary conviction – 12 months and/or £40,000 on summary conviction and/or a fine on conviction on indictment.</td>
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<tr>
<td>s21(5) as above also apply.</td>
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<tr>
<td>s21(6)</td>
<td>Summary conviction – 5 years imprisonment and/or a fine on conviction on indictment, and/or a fine on conviction on indictment.</td>
<td></td>
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<tr>
<td>s21(6) as above also apply.</td>
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<td>Scotland</td>
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<tr>
<td>s21(1)(B) and 1(c)</td>
<td>12 months or a fine up to £40,000</td>
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<tr>
<td>General poaching; could also apply to animals under Schedule 5 – bats - and freshwater mussels</td>
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<tr>
<td>9(2)</td>
<td>Possess or control any live or dead animal or part or derivative thereof.</td>
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<tr>
<td>s21(5) and s21(6) as above also apply.</td>
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<tr>
<td>s21(1)(A)6</td>
<td>Imprisonment and/or Level 5 fine (£5000) for offences under 8(2) and 5(a)</td>
<td></td>
</tr>
<tr>
<td>s21(1)(A)6</td>
<td>Summary conviction – 12 months and/or a fine up to £40,000 or on indictment, up to 5 years and/or a fine</td>
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</tr>
<tr>
<td>s21(1)(A)6</td>
<td>Accused can be convicted on evidence of one witness for this offence.</td>
<td></td>
</tr>
<tr>
<td>s12(1)</td>
<td>To set in position or use self-locking snare, or any other snare specified by the Scottish Ministers, to set in position calculated to cause unnecessary suffering to any animal coming into contact with it, or to use a bow, cross bow, explosive (not ammunition), decoy or knowingly causing or permitting the same.</td>
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<tr>
<td>s12(2)(a)</td>
<td>Use of a trap or snare for the purposes of killing, taking or retraining a Schedule 6 or 6ZA wild animal</td>
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<tr>
<td>s12(2)(b)</td>
<td>To set a trap or snare likely to cause bodily injury to any Schedule 6 or 6ZA wild animal</td>
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<tr>
<td>s12(2)(c)</td>
<td>Use of any electrical device or poisonous, poisoned or stupefying substance likely to cause bodily injury to a Schedule 6 animal</td>
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<tr>
<td>s12(2)(d)</td>
<td>For the purposes of killing a Schedule 6 animal using the listed prohibited methods (e.g., a net, poison, semi-automatic weapon)</td>
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<tr>
<td>s12(2)(e)</td>
<td>Using a mechanically propelled vehicle for the purposes of driving a Schedule 6 animal</td>
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<tr>
<td>s12(2)(f)</td>
<td>Knowing causing or permitting any of the above</td>
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</tr>
<tr>
<td>s11B(1) and s11B(3)(a)</td>
<td>Failing to inspect a snare once every 24 hours</td>
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<tr>
<td>s19A</td>
<td>Possess or control any live or dead animal or part or derivative thereof.</td>
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<tr>
<td>s10A</td>
<td>Intentionally and recklessly disturbs or harasses any wildlife animal including dolphins, whales or basking sharks</td>
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<td>s10A</td>
<td>Summary conviction – 12 months and/or a fine up to £40,000 or on indictment, up to 5 years and/or a fine</td>
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<td>s10A</td>
<td>Accused can be convicted on evidence of one witness for this offence.</td>
<td></td>
</tr>
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</table>
Scotland

Wildlife and Countryside Act as amended by Schedule 6 of the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011

s11B(2) and s11B(3)(b)
Failing to remove or release an animal (dead or alive) and/or failing to remove or restore the snare

s11C Setting snares on land with authorisation of the owner or occupier or being in possession of a snare whilst on such land

The types of prohibited snares are widened under Scottish law to include any other snare that is specified by Scottish Ministers. Further descriptions of the type of snare (not self-locking) that is prohibited is included under a new section 11(1A). In addition, Scotland has imposed requirements for fitting snares with an identification number or tag and, where intended to catch foxes or hares, they must also include a readable statement of that intent. Failure to so do is a further criminal offence under section 11A(5) and there is presumption in law that any tag found evidence of the identification of the person who set the snare (s11D). s11E also goes on to impose record keeping requirements and failure to produce such a record is also an offence under section 11E(4). These offences are punishable with a £5000 fine and/or imprisonment up to 6 months (see section 21(1) and (1)(A)). In addition, the Spring Traps (Scotland) Order is applicable.

s11G Intentional killing, injury or taking of a wild animal under Schedule 6A (hares and rabbits etc.)

Scotland

Wildlife and Countryside Act as amended by Schedule 6 of the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011

s15A Possession of pesticides containing a prescribed active ingredient.

Where used in relation to raptors, vicarious liability provisions may also apply (see above).

s15B Use Of Pesticides in Poaching

Wildlife Countryside Act 1981 As read with the Possession of Pesticides (Scotland Order 2005)

s15A Possession of pesticides containing a prescribed active ingredient.

Where used in relation to raptors, vicarious liability provisions may also apply (see above).

s21(4D and 4E) Summary conviction – 12 months and/or a fine up to £40,000 or on indictment, up to 5 years and/or a fine.

s21(5) and s21(6) as above also apply.

s21(5) and s21(6) as above also apply.

General poaching; could also apply to animals under Schedule 5 – bats - and freshwater mussels

s21(5) and s21(6) as above also apply.

Raptors, also applies to general poaching offences and animals under Schedule 5 – bats - and freshwater mussels

Deer (Scotland) Act 1996

s27(1) Taking or wilfully killing or injuring deer on any land without legal right

Level 4 fine (for each deer) and/or 3 months imprisonment

Deer – Under Schedule 3

s17(2) Removing the carcass without lawful authority

Forfeiture etc. (see notes below)
Scotland

Protection of Wild Mammals (Scotland) Act 2002 (penalties amended under the Animals and Wildlife (Penalties, Protection and Powers) (Scotland) Act 2020)

s1(1) Hunting any wild mammal with a dog

£40,000 fine and/or up to 12 months' imprisonment on summary conviction.

Hare coursing, badger baiting, among other general poaching offences where a dog is used

s2(1) Owner/occupier knowingly permitting another to hunt a wild mammal with a dog

£40,000 fine and/or up to 12 months' imprisonment on summary conviction.


s1(1) Wilfully kills, injures or takes (or attempts) a badger

£40,000 fine and/or up to 12 months' imprisonment on summary conviction.

s2(1) Owner/occupier knowingly permitting another to hunt a wild mammal with a dog

£40,000 fine and/or up to 12 months' imprisonment on summary conviction.

Hare coursing, badger baiting, among other general poaching offences where a dog is used

Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003

Offences such as prohibited methods of fishing salmon and freshwater fish are contained in sections 1 and 2. These are considered ‘serious crimes’ under the Schedule 3 of the Serious Crimes Act. Other laws may apply such as the Theft Act.

Fine Level 4 and forfeiture (£60)

Fish poaching

Scotland

Protection of Wild Mammals (Scotland) Act 2002 (penalties amended under the Animals and Wildlife (Penalties, Protection and Powers) (Scotland) Act 2020)

s1(1) Hunting any wild mammal with a dog

£40,000 fine and/or up to 12 months' imprisonment on summary conviction.

Hare coursing, badger baiting, among other general poaching offences where a dog is used

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Hare coursing, badger baiting, among other general poaching offences where a dog is used

Scotland

Protection of Wild Mammals (Scotland) Act 2002 (penalties amended under the Animals and Wildlife (Penalties, Protection and Powers) (Scotland) Act 2020)

s1(1) Hunting any wild mammal with a dog

£40,000 fine and/or up to 12 months' imprisonment for each deer and/or up to 12 months' imprisonment on summary conviction.

Deer – Under Schedule 3

s17(1) Killing or injuring a deer by any means other than shooting

£40,000 fine for each deer and/or up to 12 months' imprisonment. Forfeiture etc. (see notes below).

s18(1) Taking or intentionally killing a deer at night without lawful excuse (e.g., public safety, prevent damage to crops, pasture, woodlands etc. under sub-section (2))

Level 4 fine for each deer and/or 3 months imprisonment.

Forfeiture etc. (see notes below).

s19 Using a vehicle to drive on land with intent to take, kill or injure without lawful excuse (i.e., deer management)

Level 4 fine for each deer if applicable and/or 3 months imprisonment.

Forfeiture etc. (see notes below).

s20 Discharging a firearm or other missile from a moving vehicle at any deer

£40,000 fine for each deer and/or up to 12 months' imprisonment on summary conviction.

Forfeiture etc. (see notes below).

s21 Using a firearm not an authorised class of firearm

Notes: Additional powers upon conviction include s31(2) cancellation of any firearm/shotgun certificate, s31(6) forfeiture of any deer illegally taken or in his possession at the time of the arrest and s31(5) power to disqualify from holding a license under section 33.

s21(5) Using any firearm or ammunition for the purposes of wilfully injuring a deer

Up to 5 years imprisonment and/or a fine on indictment.

Forfeiture etc. (see notes below).

s22 Possession of a deer or firearm/ammunitions which make it reasonable to infer that a relevant offence had been or was being committed

Notes: Additional powers upon conviction include s31(2) cancellation of any firearm/shotgun certificate, s31(6) forfeiture of any deer illegally taken or in his possession at the time of the arrest and s31(5) power to disqualify from holding a license under section 33.

s20 Discharging a firearm or other missile from a moving vehicle at any deer

£40,000 fine for each deer and/or up to 12 months' imprisonment.

Forfeiture etc. (see notes below).

s18(1) Taking or intentionally killing a deer at night without lawful excuse (e.g., public safety, prevent damage to crops, pasture, woodlands etc. under sub-section (2))

Level 4 fine for each deer and/or 3 months imprisonment.

Forfeiture etc. (see notes below).

s19 Using a vehicle to drive on land with intent to take, kill or injure without lawful excuse (i.e., deer management)

Level 4 fine for each deer if applicable and/or 3 months imprisonment.

Forfeiture etc. (see notes below).

s21 Using a firearm not an authorised class of firearm

£40,000 fine for each deer and/or up to 12 months' imprisonment on summary conviction.

Forfeiture etc. (see notes below).

s21(5) Using any firearm or ammunition for the purposes of wilfully injuring a deer

Up to 5 years imprisonment and/or a fine on indictment.

Forfeiture etc. (see notes below).

Notes: Additional powers upon conviction include s31(2) cancellation of any firearm/shotgun certificate, s31(6) forfeiture of any deer illegally taken or in his possession at the time of the arrest and s31(5) power to disqualify from holding a license under section 33.
### Scotland

#### Protection of Badgers Act 1992

**s2(1)** Cruel treatment of a badger
- a. Cruelly illtreating a badger
- b. Using badger tongs in the course of killing, taking or attempt
- c. Digging for a badger without authorisation
- d. Using a prohibited firearm

**s2(3)** Knowingly causing or permitting the same

**s3 (1)** Interfering with a badger sett (damaging, destroying, obstructing etc).

**s3(2)** Knowingly causing or permitting the same

**s4(1)** Scotland selling or offering for sale a live badger

**s4(2)** Scotland – knowingly causing or permitting a s4(1) offence

**s5(1)** Scotland – knowingly tagging or marking or ringing a badger without a license

**s5(2)** Scotland – knowingly causing or permitting the s5(1) offence

**s12A** Time limit within 6 months of sufficiency of evidence test being passed and no later than 3 years

**Fish poaching**

**s12** Forfeiture of any badger or badger skin and forfeiture of any article or weapon used in the commission of the offence.

**s12** Where the offence is committed in respect of more than one badger, the maximum fine shall be determined as if the offender has been convicted of a separate offence for each badger.

**s13** Court can order destruction of the dog or disqualify the person from owning one. Costs can also be awarded.

**Note** the presumption in law in Scotland that if you are found in circumstances where it can be reasonably concluded that you are involved in a badger offence, you shall be presumed to be attempting to commit that relevant offence.

### Northern Ireland

#### The Wildlife (Northern Ireland) Order 1985

**s4(1)(a)** Intentionally or recklessly killing, injuring or taking any wild bird

**s4(1)(b)** Intentionally or recklessly taking, damaging, destroying or disturbing a nest whilst it is being built or is still in use

**s4(1)(ba)** Intentionally or recklessly taking, damaging or destroying a nest of a Schedule 1A wild bird

**s4(1)(bb)** Intentionally or recklessly obstructing or preventing any wild bird from using its nest

**s4(1)(ba)** Intentionally or recklessly taking, damaging or destroying a nest of a Schedule 1A wild bird

**s4(1)(bb)** Intentionally or recklessly obstructing or preventing any wild bird from using its nest

**s12** Fine £5,000 fine

**s4(2)** Scotland – knowingly causing or permitting a s4(1) offence

**s5(1)** Scotland – knowingly tagging or marking or ringing a badger without a license

**s5(2)** Scotland – knowingly causing or permitting the s5(1) offence

**s12** Unlimited fine £8,500 fine Scotland

**s12** Unlimited fine £8,500 fine Scotland

### Fish poaching

**s12** 6 months imprisonment and/or £8,500 fine Scotland

**s27(7)** Where an offence was committed in relation to more than one bird, egg, nest, animal or other thing, the fine can be imposed as if the person was convicted of separate offences on each.

**s4(1)(ba)** Intentionally or recklessly taking, damaging or destroying a nest of a Schedule 1A wild bird

**s4(1)(bb)** Intentionally or recklessly obstructing or preventing any wild bird from using its nest
### Northern Ireland

<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>s6(1)</td>
<td>Prohibition on certain methods of killing or taking wild birds (a) to (e)</td>
</tr>
<tr>
<td>s6(5)</td>
<td>Occupier or owner who knowingly causes or permits a person to commit an offence under sub-section 1)</td>
</tr>
<tr>
<td>s7(1)(a)</td>
<td>Selling, offering or exposing for sale any live bird or egg or part of egg</td>
</tr>
<tr>
<td>s7(1)(b)</td>
<td>Advertising/publishing in a manner to convey he buys or sells or intends to buy or sell the same</td>
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<tr>
<td>s7(2)(a)</td>
<td>Selling or offering or exposing for sale any dead wild bird or part or derivative thereof</td>
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<td>s7(2)(b)</td>
<td>Advertising or publishing in a manner to convey he buys or sells or intends to buy or sell the same</td>
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<tr>
<td>s8(3)</td>
<td>Offences connected with captive bird shooting including owner or occupiers of land who permit the land to be used for such purposes. Schedule A1 provides year-round nest site protection for some birds of prey such as golden eagles, red kites, barn owls and peregrine falcons. Schedule 1 identifies birds subject to special penalties which includes golden eagles, turtle doves and hen harriers. Schedule 2 identifies birds that may be taken outside the close season (e.g., Mallards and tufted ducks).</td>
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</table>

### Offences connected with captive bird shooting including owner or occupiers of land who permit the land to be used for such purposes.

- **s6(1)(c)** Intentionally or recklessly taking or destroying the egg of any wild bird
- **s6(1)(a)** Intentionally or recklessly disturbing a wild bird whilst it is in or near a nest containing eggs or young
- **s6(1)(b)** Intentionally or recklessly disturbing dependent young
- **s6(2)** Possession or control of a live or dead bird or part or derivative thereof
- **s6(3)** Possession or control of an egg or part of an egg
- **s6(4)** Knowingly causing or permitting the above
- **s6(5)** Occupier or owner who knowingly causes or permits a person to commit an offence under sub-section 1)
- **s7(1)(a)** Selling, offering or exposing for sale any live bird or egg or part of egg
- **s7(1)(b)** Advertising/publishing in a manner to convey he buys or sells or intends to buy or sell the same
- **s7(2)(a)** Selling or offering or exposing for sale any dead wild bird or part or derivative thereof
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- **s8(3)** Offences connected with captive bird shooting including owner or occupiers of land who permit the land to be used for such purposes. Schedule A1 provides year-round nest site protection for some birds of prey such as golden eagles, red kites, barn owls and peregrine falcons. Schedule 1 identifies birds subject to special penalties which includes golden eagles, turtle doves and hen harriers. Schedule 2 identifies birds that may be taken outside the close season (e.g., Mallards and tufted ducks).

### The Wildlife (Northern Ireland) Order 1985 or are protected by the Wildlife and Natural Environment Act (Northern Ireland) 2011

- **s7(1)** Intentionally or recklessly killing, injuring or taking a Schedule 5 wild animal
- **s10(1)** Intentionally or recklessly killing, injuring or taking a Schedule 5 wild animal
- **s10(2)** Possession or control of any Schedule 5 animal, alive or dead, part or derivative thereof
- **s10(4)(a)** Intentionally or recklessly damaging or destroying or obstructing access to a structure or place used by a Schedule 5 animal for shelter or protection
- **s10(4)(b)** Intentionally or recklessly damaging or destroying anything that conceals such a structure
- **s10(4)(c)** Intentionally or recklessly disturbing such an animal whilst it is using its structure or place for shelter or protection

### Prohibition of certain methods

- **s12(1)** Use of a trap or snare for the purposes of killing, taking or retraining a Schedule 6 or 6A wild animal
- **s12(2)(a)** Use of a trap or snare for the purposes of killing, taking or retraining a Schedule 6 or 6A wild animal
- **s12(2)(b)** To set a trap or snare likely to cause bodily injury to any Schedule 6 or 6A wild animal

### Penalties

- Level 5 fine (£5000) and/or imprisonment up to 6 months
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### Schedule 5

- Applies to: Badgers, Freshwater Pearl Mussels, among others

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*This table provides a summary of the key provisions of the Wildlife (Northern Ireland) Order 1985 and the Wildlife and Natural Environment Act (Northern Ireland) 2011, focusing on the penalties and prohibitions related to the protection of wild birds, animals, and birds' nests/eggs. The table includes examples of specific prohibitions, such as the prohibition of certain methods of killing or taking wild birds, and the penalties associated with these offenses.*
The Wildlife (Northern Ireland) Order 1985 as amended by the Wildlife and Natural Environment Act (Northern Ireland) 2011

s12(2)(c)
Set in position any hook, line, electrifying device or poisonous, poisoned or stupefying substance likely to cause bodily injury to a Schedule 6 animal

s12(2)(d)
For the purposes of killing a Schedule 6 animal using the listed prohibited methods (e.g., a net, poison, semi-automatic weapon)

s12(2)(e)
Using any electrical device for killing or taking a Schedule 6 animal

s12(2)(f)
Using a mechanically propelled vehicle for the purposes of driving a Schedule 6 animal

s12A
Offences in connection with spring traps

s13(1)
Selling or offering to sell or possession or transport for the purposes of sale of a LIVE Schedule 7 animal (e.g., badger) or advertising that he wants to buy or sell the same without a license

s17(1) Level 5 fine (£5000) and/or imprisonment up to 6 months

Schedule 7
No snaring or trapping certain species such as: badgers, pine martens, otters, or stoats

Northern Ireland

The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995

34(1)(a)
Deliberately kill or take a wild animal

s34(6) Summary offence: Level 5 fine (£5000) under the Fines and Penalties (Northern Ireland) Order 1984

Bats

Northern Ireland

The Wildlife (Northern Ireland) Order 1985 as amended by the Wildlife and Natural Environment Act (Northern Ireland) 2011

s15B Possession of a pesticide harmful to wildlife (NO ORDER MADE THOUGH to operationalise this section in NI)

s19 Intentional killing, injury or taking of deer (Schedule 10)

s19(2) Intentional killing, injury or taking of deer at night

s19(3)
(a) Using a firearm to kill or injury a deer

(b) Discharging a firearm or missile from a vehicle at any deer

s22(1)
Entry onto land without the consent within intention of killing, injuring or taking deer

s22(2)
Intentionally killing, injuring, taking of deer or searching for deer or removing the carcass of a deer, without consent of the owner or lawful occupier

s22(5)
Failing to provide details or quit land upon request of an authorised person who has reasonable cause to suspect an offence as above

s24A Possession of articles capable of being used in the commission of a relevant offence

Punishable as if he had committed that offence

s26 Level 5 fine (£5000) and/or imprisonment up to 6 months

s27(1) where an offence was committed in relation to more than one bird, egg, nest, animal or other thing, the fine can be imposed as if the person was convicted of separate offences on each.

s27(8) In addition to the penalty prescribed, courts may order forfeiture of the bird/nest/egg and anything used to commit the offence.

Northern Ireland

The Wildlife (Northern Ireland) Order 1985

Northern Ireland

s11(2)(a) Knowingly causing or permitting any of the above

s11(2)(g) Knowingly causing or permitting any of the above

s12(2A)(1) and s12(2C)(a) Failing to inspect a snare once every 24 hours

s12(2B) and s12(2C)(b) Failing to remove or release an animal (dead or alive) and/or failing to remove or restore the snare

s12(2D) Possession, of self-locking snare

s12(2E) Setting snares on land with authorisation of the owner or occupier or being in possession of a snare whilst on such land

s12(2F) Setting snares on land with authorisation of the owner or occupier or being in possession of a snare whilst on such land

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(b) Discharging a firearm or missile from a vehicle at any deer

s22(1)
Entry onto land without the consent within intention of killing, injuring or taking deer

s22(2)
Intentionally killing, injuring, taking of deer or searching for deer or removing the carcass of a deer, without consent of the owner or lawful occupier

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Northern Ireland

The Wildlife (Northern Ireland) Order 1985

Northern Ireland

s11(2)(a) Knowingly causing or permitting any of the above

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s12(2A)(1) and s12(2C)(a) Failing to inspect a snare once every 24 hours

s12(2B) and s12(2C)(b) Failing to remove or release an animal (dead or alive) and/or failing to remove or restore the snare

s12(2D) Possession, of self-locking snare

s12(2E) Setting snares on land with authorisation of the owner or occupier or being in possession of a snare whilst on such land

s12A Offences in connection with spring traps

s15B Possession of a pesticide harmful to wildlife (NO ORDER MADE THOUGH to operationalise this section in NI)

s19 Intentional killing, injury or taking of deer (Schedule 10)

s19(2) Intentional killing, injury or taking of deer at night

s19(3)
(a) Using a firearm to kill or injury a deer

(b) Discharging a firearm or missile from a vehicle at any deer

s22(1)
Entry onto land without the consent within intention of killing, injuring or taking deer

s22(2)
Intentionally killing, injuring, taking of deer or searching for deer or removing the carcass of a deer, without consent of the owner or lawful occupier

s22(5)
Failing to provide details or quit land upon request of an authorised person who has reasonable cause to suspect an offence as above

s24A Possession of articles capable of being used in the commission of a relevant offence

Punishable as if he had committed that offence

s26 Level 5 fine (£5000) and/or imprisonment up to 6 months

s27(1) where an offence was committed in relation to more than one bird, egg, nest, animal or other thing, the fine can be imposed as if the person was convicted of separate offences on each.

s27(8) In addition to the penalty prescribed, courts may order forfeiture of the bird/nest/egg and anything used to commit the offence.
<table>
<thead>
<tr>
<th>Northern Ireland</th>
<th>Bats</th>
<th>Welfare of Animals Act (Northern Ireland) 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>s34(1)(b)</strong></td>
<td>Deliberately disturb a wild animal</td>
<td><strong>s58</strong> Fighting offences including causing an animal fight, advertising the same, receiving money or training an animal to fight. Further includes under sub-section 3 offences relating to supplying or publishing or showing videos, photos or images of such a fight.</td>
</tr>
<tr>
<td><strong>s34(1)(d)</strong></td>
<td>Damage or destroy a breeding site or resting place</td>
<td><strong>s31</strong> 12 months or £20,000 on summary conviction or up to 5 years and/or a fine on conviction on indictment.</td>
</tr>
<tr>
<td><strong>s34(2)</strong></td>
<td>Keep, transport, sell, exchange or offer for sale or exchange any species, alive or dead, or part or derivative thereof</td>
<td><strong>s32</strong> Deprivation of ownership of an animal.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>s33</strong> Disqualification from owning, transporting, keeping or control of an animal.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>s37</strong> Destruction of animal involved in a fighting offence.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>s38</strong> Reimbursement of expenses incurred in keeping of an animal to which the offence relates.</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>s39</strong> Forfeiture of anything used in the commission of the offence.</td>
</tr>
<tr>
<td><strong>s36(2)</strong></td>
<td>As read with s36(3) Using a prohibited method of taking or killing a wild animal listed in Schedule 3 e.g., dazzling devices, poisons, gassing or smoking out</td>
<td>Badgers but could apply to other poaching offences.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>BA (Northern Ireland) 2011</td>
</tr>
<tr>
<td><strong>s36(2)</strong></td>
<td>As read with s36(4) Prohibited means of taking or killing fish by poison or explosives</td>
<td></td>
</tr>
</tbody>
</table>
ANNEX C

PSNI animal incident data 2018-20

Table C1: Animal Seizures, by type, resulting from incidents reported 2018-2020

<table>
<thead>
<tr>
<th>Seizures*</th>
<th>2018</th>
<th>2019</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>%</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>Total seized animals</td>
<td>106</td>
<td>100</td>
<td>122</td>
</tr>
<tr>
<td>Wild-type</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owls</td>
<td>5</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Chaffinch</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sparrow</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spider</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crocodile</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swan</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pigeon</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dogs</td>
<td>23</td>
<td>27</td>
<td>107</td>
</tr>
</tbody>
</table>

*Data collated by PSNI wildlife crime team

Table C2: Outcomes resulting from all animal incidents received by PSNI between 2016-2018

<table>
<thead>
<tr>
<th>Outcome</th>
<th>2016 (Jan-Dec)</th>
<th>2017 (Jan-Dec)</th>
<th>2018 (Jan-Dec)</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>N</td>
<td>% Change</td>
<td>N</td>
</tr>
<tr>
<td>No. seizures</td>
<td>6</td>
<td>22</td>
<td>28</td>
</tr>
<tr>
<td>Total animals seized</td>
<td>25</td>
<td>54</td>
<td>106</td>
</tr>
<tr>
<td>Animal Type</td>
<td>n/a</td>
<td>n/a</td>
<td>73 Horse</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1 Donkey</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>23 Dogs</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5 Owls</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2 Pot-bellied pigs</td>
</tr>
<tr>
<td>Total prosecutions</td>
<td>13</td>
<td>46</td>
<td>19</td>
</tr>
<tr>
<td>Total convictions</td>
<td>5</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>% conversion rate</td>
<td>39%</td>
<td>20%</td>
<td>58%</td>
</tr>
</tbody>
</table>

Penalty

- Fine
- Probation orders
- Suspension sentence
- Community service order

Other actions/outcomes

- Information/advice dispensed with no visit required
- Visit carried out and information/advice dispensed
- Referrals made to another agency as appropriate, e.g. local council Animal Welfare Officer/Dog Warden/Department of Agriculture, Environment and Rural Affairs
- No offence disclosed


REA Methodology Details

The Rapid Evidence Assessment (REA) is adopted to identify and evaluate the most recent peer-reviewed scholarly research, specifically focused on the question “what does the literature report on the prevalence and nature of UK wildlife crime?” A REA synthesises the available research evidence as comprehensively as possible, within the constraints of a given timetable.

The review was conducted over one week to identify English language peer-reviewed scholarly articles and dissertations published between 2017-2021 which specifically addressed the prevalence and nature of UK wildlife crime. All study designs were eligible for inclusion. The timeframe necessitated this tight inclusion criterion and simplified evaluation criteria. The search strategy involved academic multidisciplinary databases - the University of South Wales resources archive/database ‘Find-it’, Criminal Justice Abstracts, Science Direct, Academic Search Complete and Criminal Justice Database - and Google Scholar (due to the broad range of sources on Google scholar, only the first 50 pages were evaluated). Key words, including any combination of: United Kingdom [also England, Wales, Scotland, Northern Ireland], CITES offence*/crime*/prosecution*/sentencing, wildlife crime*/offence*/prosecution*/sentencing, illegal wildlife trade/wildlife trafficking, patterns/trends in wildlife crime, poaching were used to retrieve sources. Initially just under two thousand abstracts were reviewed against the inclusion criteria to identify those relevant. Relevant studies were read in full to further sift out irrelevant (e.g. those reporting more generally on responses, enforcement, forensic investigation, legislation, or theory) or poor-quality studies, provide a rating and extract data. While it is best practice for a second reviewer to independently screen the selected studies, this was not possible within the timeframe and resources for this assessment.

The REA yielded 50 studies, of which 10 were assessed as eligible for answering the study question (e.g. number of offences, incidents, characteristics of offence, offender, victim, location). A quality assessment was conducted to evaluate the relevance of each article. To provide a ‘rapid’ review, concessions were made in the breadth and depth of the search and evaluation processes; consequently, some relevant studies (e.g. prior to 2017 or those outside of the social science, criminal justice and science field) may have been missed. While the timeframe made it impossible to provide a systematic review of legal documents and reports from government and NGOs, the assessment team acknowledges the extensive literature available from these stakeholders [e.g. WWF, TRAFFIC, Defra], some of which is captured in the scholarly literature. In acknowledging the limitations, we highlight the need for further research – both on existing research and in additional empirical research on the nature and prevalence of UK wildlife crime.