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DNA profiling confirmed the registered goshawk had been substituted with another bird

M Findlow Cheshire Police

A chip off the old block

More than a decade has passed since DNA profiling was first used in a raptor laundering prosecution, and the technique remains a key tool in the fight against wildlife crime. WCO Martin Findlow of Cheshire Police reports on a significant conviction involving goshawks.

"On 6 August 2009, John Keith Simcox of Malvern Avenue, Ellesmere Port, Cheshire, and his son John Kevin Simcox of Yeomans Way, Great Sutton, Cheshire, appeared at Chester Magistrates Court. Simcox (Snr) pleaded guilty to possessing a wild goshawk, making false representations to register the bird, and to obtain an Article 10 certificate. He was sentenced on 9 September 2009 to eight weeks in prison. His son pleaded guilty to possessing a goshawk and was given a two-year conditional discharge plus £65 costs.

Simcox (Snr) is an experienced falconer, and in 1987 he took possession of a pair of goshawks that had been imported

from Hungary. The birds were properly ringed and registered, and he used them as a breeding pair, selling the offspring to other keepers. Significantly, both birds had been fitted with microchips.

In 2007, Simcox (Snr) contacted Animal Health and informed them that a cable-tie had fallen off the female parent goshawk. Animal Health attended and a new Swiss ring was fitted. However, there was no reading from the microchip and Simcox suggested it must have failed. Shortly after this visit, a vet fitted a new microchip to the bird. Suspicion was then raised about the provenance of the breeding female, believed to be around 23 years old.

In November 2008, police officers from Cheshire supported by Andy McWilliam of the NWCU, Animal Health Wildlife Inspectors and RSPCA visited the addresses of Simcox and his son. A number of birds were examined and a blood



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sample was taken from the female goshawk. At the same time, blood was taken from an alleged offspring he had sold in 2002 to a keeper in the Midlands for £500.

DNA profiling undertaken by Trace, a wildlife DNA service, indicated that Simcox's female parent bird could not be the parent of the 2002 offspring, and it was established that it was extremely unlikely that the microchip in the Hungarian bird had failed. These circumstances suggested that the identity of the female parent had changed rather than the usual scenario of declaring a wild taken bird as a legitimate offspring.

With this new evidence, a search warrant was executed and the female goshawk seized from the son's address. An x-ray of the bird showed that there was only one microchip present. There should have been two – the original one which had "stopped working", plus the new one fitted following the visit of Animal Health.

All the evidence clearly indicated that the ageing female goshawk had died and been replaced with a younger wild taken bird sometime in 2007 or 2008 and that Simcox (Snr) had misled the authorities trying to register the new goshawk.

Simcox (Snr) was interviewed by police and NWCUC and claimed that an unknown male had called at his house one night with a wild disabled goshawk, so he placed it in an aviary with his breeding female. He found it dead in the morning and disposed of the carcass. It only occurred to

him during the interview that he must have disposed of his own bird by mistake. Simcox (Jnr) admitted that he was in possession of one of his father's female goshawks and claimed he was unaware of its origins.

In sentencing, District Judge Nick Sanders said: "What you did was a deliberate attempt to deceive the authorities that the bird you had ringed and chipped was the same bird."

This was a complicated enquiry and in particular I would like to thank PC Tony Owens of Cheshire Police, Andy McWilliam of NWCUC, the RSPCA, Animal Health staff and Wildlife Inspectors."

RSPB comment

This case clearly emphasises the value of registration as it allowed investigators to establish breeding relationships and to trace previous offspring for DNA profiling comparison. Following the controversial changes to Schedule 4, the goshawk remains one of only nine registerable species in England and Wales. In view of the protracted debate over Schedule 4 and earlier suggestions, the whole scheme may be abolished, and the RSPB is concerned that this may have been an incentive for some individuals to deal in wild birds hoping that the removal of registration would cover their tracks. Another DNA profiling enquiry involving goshawks is currently under investigation.

PROSECUTIONS

Barn owl conviction

Andy McWilliam of the NWCUC reports on a recent conviction in which an internet trader admitted selling and buying barn owls. He was fined and the court forfeited an illegally-purchased female owl.

"On 7 August 2009, Derek Shaylor of Walter Nash Road West, Kidderminster, appeared at Kidderminster Magistrates Court charged with two offences of prohibited sale of Annex A species (barn owl) and a further offence of prohibited purchase of another barn owl contrary to Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES). 51-year-old Shaylor pleaded guilty to all charges and was fined £200 for each offence, totalling £600. Magistrates also ordered the forfeit of a female barn owl that was still in his possession.

The NWCUC had received intelligence suggesting that Shaylor was offering

owls and raptors for sale on the internet without the appropriate Article 10 Certificates.

Subsequent enquiries established that Shaylor had one barn owl with an oversized leg ring and another without any ring. He had promised the buyers that the birds were legal and that Article 10s would follow on. Animal Health confirmed that neither Shaylor nor any of the birds had been issued with valid certificates.

On 15 June 2009, Staffordshire Police, assisted by NWCUC and the RSPB, executed a search warrant at Shaylor's home address and examined birds being kept in his aviaries and an outbuilding. A young barn owl was found at the address. Shaylor was arrested and interviewed. He admitted selling two barn owls without A10s and the prohibited purchase of the barn owl found at his address."



Duck destroyer sent down

WCO PC Graham Bilton of the North Yorkshire Police reports on a recent conviction and the reaction it generated within the local community, after a young man who killed ducks and their young "for a laugh" was caught and convicted.

"A grassed recreational area in West Ayton, adjacent to the River Derwent, is extremely popular with the public, including children, who regularly go there to feed the resident mallards. During the hours of darkness between 21 and 27 June 2009, residents witnessed a motor vehicle being driven on the grassed river bank area and adjacent lane deliberately running over mallards and their ducklings. The police were informed and witnesses provided a partial vehicle registration number. A 17-year-old youth was subsequently identified, and in July 2009, I arrested him on suspicion of intentionally killing wild birds.

While being interviewed, he admitted deliberately killing mallards on two occasions by driving over them as they slept on the roadside and the grassed river bank. This even went as far as reversing over a group of six newly-hatched ducklings. He showed very little remorse, stating he had gone to the area to kill the ducks for a laugh as he thought it was funny.

The youth appeared at Scarborough youth court on 15 September 2009 and pleaded guilty to two counts of killing wild birds and two counts of using a mechanically propelled vehicle in immediate pursuit of a wild bird



Mallards were deliberately run over by a youth in North Yorkshire

contrary to the Wildlife and Countryside Act 1981. This is believed to be the first conviction in England in relation to the latter offence. Following pre-sentence reports, on 29 September 2009, he received four months' custody, a training order and a 12-month driving ban. A subsequent appeal to the Crown Court resulted in a reduction in sentence, but it is hoped that a custodial punishment on first conviction will send a clear message to individuals involved in similar crimes.

This case generated outrage from the local community and clearly demonstrates how wildlife offences are of public concern. I would like to thank the RSPB for advice on legislation and the local community for their support. This case again shows the need for a committed and recognised WCO structure within the UK police."

The Fat Lady sings!

TV chef and "Fat Lady" Clarissa Dickson-Wright and race horse trainer Sir Mark Prescott both pleaded guilty to hare coursing charges following a private prosecution by the International Fund for Animal Welfare (IFAW).

On 1 September 2009, at Scarborough Magistrates Court, following their guilty pleas, Clarissa Dickson-Wright and Sir Mark Prescott received absolute discharges and were not ordered to pay costs. However, District Judge Kristina Harrison stated: "If what's happening fits within the definition set down by parliament within the Hunting Act, it's hare coursing. It's unlawful, people will be prosecuted and will be dealt with severely."

Hare coursing, in which hares are pursued by greyhounds, is banned under the 2004 Hunting Act. Charges under Section 5 of the Hunting Act were

brought against the pair following the submission of covert evidence gained by professional IFAW hunt monitors. The footage showed the defendants attending hare coursing events on two consecutive dates in March 2007 at locations near Nunnington and Amotherby in North Yorkshire.

Robbie Marsland, UK Director of IFAW, said: "We are extremely pleased with the outcome of this case which sends out a clear and strong message that anyone who chooses to ignore the Hunting Act and engage in activities involving the cruel pursuit of animals for sport can and will be prosecuted. Ignorance of the Hunting Act will not be accepted as an excuse."

In a separate case at Scarborough Magistrates last year, Judge Harrison also found racehorse trainer Miles Henry Easterby, of Great Habton near

Malton, and Major John Shaw, of Welburn near Kirkbymoorside, guilty of breaching the Hunting Act by permitting their land to be used for and attending an illegal hare coursing event. Both were given an absolute discharge and no costs were awarded.

Celebrity Dickson-Wright caught on camera at an illegal hare coursing event



Sparrowhawk conviction

Intelligence supplied by the NWCUC led to the conviction of a man for illegal possession of four sparrowhawks. A fine, a supervision order and a curfew were imposed, and the birds were confiscated.

On 17 September, Paul Wilkinson, 36, of Barracks Lane in Walsall Wood, Staffordshire, appeared at South East Staffordshire Magistrates Court and pleaded guilty to possession of four sparrowhawks contrary to the Wildlife & Countryside Act 1981 and purchase of the same birds (Annex A specimens) contrary to the Control of Trade in Endangered Species Regulations 1997. He was sentenced to a 12-month supervision order, a 16-week 7 pm to 7 am curfew and £65 costs. He was also fined £50 for breaching his bail. All the birds were forfeited.

The investigation started on 28 September 2009, when Staffordshire Police and NWCUC executed a search warrant at the home of Wilkinson and seized four young sparrowhawks. A female bird was unringed, and three



A McWilliam (NWCUC)

An over-sized close ring was found on one of the sparrowhawks seized from Wilkinson

males were wearing oversize rings, one of which had been filed out to increase its size. The circumstances strongly suggested these were wild-taken birds. Wilkinson was arrested and during interview he claimed to have bought the birds, without the required Article 10 Certificates, for £500. However, he refused to identify the alleged seller.

Conviction following gassing of badger sett

A landowner was convicted and fined after he recklessly gassed a badger sett while using a pesticide intended for controlling rabbit populations. He also admitted other offences relating to the pesticide.

On 20 August 2009, Richard Michael Butler of Pennypot Corner, Halstead, Essex, appeared at Colchester Magistrates Court and pleaded guilty to five charges including interfering with a badger sett contrary to the Protection of Badgers Act 1992, for which he was fined £1,500. There were also four charges under the Food and Environment Protection Act 1985 relating to use of a fumigant pesticide containing aluminium phosphide in a badger sett, two storage offences relating to the fumigant and also using the

product without being appropriately trained. He was fined a further £500 for using the product in the badger sett.

In March 2009, a report was made by the North East Essex Badger Group that an active badger sett on land near Gosfield, Essex, owned by Mr Butler had been interfered with and possibly gassed. An investigation was launched, involving Essex ECO PC Ruth Cordey and Natural England officers. This established that a badger sett had been gassed using an aluminium phosphide-based pesticide which generates the highly-toxic phosphine gas when brought in contact with moisture. Such pesticides can be legally used by suitably trained persons to control rabbits, moles and rats. A search of buildings belonging to Butler revealed a number of containers of the gassing product which were not being stored correctly. Interviews revealed that the product was not properly transported or used and Mr Butler was not trained to use the product.

WCO PC Ruth Cordey stated: "We believe Mr Butler had the intention of gassing rabbits on the land but the investigation revealed that a badger sett was also gassed. There is no suggestion that the defendant deliberately gassed the badger sett, but he was reckless."

Following this case, Essex Police and NE issued advice on pesticides. Paul Cantwell, Wildlife Management Adviser with NE, said: "We would like to issue this timely reminder to all those who store, transport and use pesticides to make sure that they are fully trained and compliant with the government's Code of Practice for using Plant Protection Products. It is essential that there is clear signage at any location where such products are stored. Otherwise, in case of a fire, emergency service workers could be placing themselves unknowingly at risk"



Ed Blane (NE)

Paul Cantwell, NE and Essex Police checking a badger sett for fumigants

Déjà vu in egg collecting conviction

An egg collector “devastated” by the confiscation of his 1,000-strong egg collection decided to amass another collection, but once again, has failed to stay on the right side of the law.

On 14 September 2009, John Dodsworth of Rodin Avenue, South Shields, Tyne and Wear, appeared at South Tyneside Magistrates facing 10 charges under the Wildlife & Countryside Act 1981 relating to the possession of birds’ eggs and taxidermy specimens. A plea to one charge of possessing 78 birds’ eggs, including eggs of the red-throated diver, red-backed shrike and crested tit, was accepted. Dodsworth received a Community Order to undertake 100 hours of unpaid work and £300 costs. He also agreed to sign a disclaimer for 341 birds’ eggs seized from another address during the investigation.

This protracted enquiry started in October 2006 when the Northumbria Police, assisted by the RSPB, executed a search warrant at Dodsworth’s home. A large egg collection and a number of taxidermy specimens were seized. Following this, the police were contacted by a member of the public who wanted to hand over an egg collection he alleged he was storing on behalf of Dodsworth. This man was later cautioned regarding his possession of these eggs.

A detailed examination of around 1,800 birds’ eggs along with a large volume of egg datacards and other exhibits was undertaken by the RSPB. It was alleged that much of the data was not original, of dubious value and in some cases had been falsified in order to disguise the provenance of eggs. Forensic handwriting analysis was

later undertaken to support this work, with financial support from The Forensic Analysis Fund.

In October 2008, Dodsworth appeared at Newcastle Crown Court in relation to charges under the Control of Trade in Endangered Species Regulations 1997. He pleaded guilty to two charges of purchasing Annex A taxidermy specimens, but was acquitted of purchasing birds’ eggs (see *Legal Eagle 57*). Summary offences contrary to the Wildlife & Countryside Act 1981 were referred back to the Magistrates Court.

Following his guilty plea at South Tyneside Magistrates, Dodsworth’s defence claimed he was unaware of legislative changes in 2004, which meant that any eggs taken unlawfully in Great Britain since 1954 were now subject to possession controls, not just ones taken since the inception of the Wildlife & Countryside Act 1981.

The court heard that Dodsworth had a similar conviction from 1998 when he was convicted of possession of nearly 1,000 birds’ eggs. On this occasion, Dodsworth had failed to provide reliable data to support his contention that the eggs were taken before the relevant legislation came into force. An appeal to the Crown Court had been unsuccessful and the necessity for reliable data had been made abundantly clear. During this enquiry, Dodsworth told the court he had been devastated after losing his egg collection in 1998 and had set about compiling another “legitimate” collection. However, it appears he had repeated his earlier mistake in failing to ensure that all the eggs in his possession were lawfully held and accompanied by reliable and authentic data. Dodsworth has since indicated he intends to appeal against sentence.



Eggs of red-throated diver were amongst those illegally held by Dodsworth

Record fine over “horrific” badger killings

A record fine was imposed after a farm manager and gamekeeper pleaded guilty to snaring and shooting four badgers.

On 18 August 2009, Anthony Rodgers, 57, of Breconside Farm, Moffat, was fined £3,500 after pleading guilty at Dumfries Sheriff Court to two charges contrary to the Wildlife & Countryside Act and one of breaching the Protection of Badgers Act between January and April 2008. Rodgers admitted catching four badgers in snares, resulting in them sustaining injuries as they attempted to escape, and then killing them by shooting them in the head. He also pleaded guilty to setting in position a quantity of snares in such a way as to be likely

to cause bodily harm to any wild animals and on one occasion to failing to inspect it on a daily basis.

On the evening of 2 April 2008, Mark Rafferty, an Inspector with the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) Special Investigations Unit, received information that a fox was caught within a snare near Breconside Farm, Moffat, and that this snare was not being checked daily.

On 3 April 2008, using statutory powers under Animal Health and Welfare (Scotland) Act 2006, Chief Inspector Cormack and Inspector Rafferty went to the farm and conducted a search of Crockett Wood, finding the remains of six dead badgers. These were in varying states of decomposition, ranging from very fresh, to skeletal bones. There was extensive evidence of badger activity, including latrines/dung pits, foraging sites and an extensive system of badger paths. The sett entrances showed evidence of recent activity including fresh spoil and bedding.

If a badger is caught in a snare, it will struggle frantically in an effort to escape. This commonly involves the

badger spinning around the point where the snare is attached, creating an area of very disturbed ground in a radius of approximately one metre. This distinctive mark is often described as a “doughnut”. One of these doughnuts was found by the Inspectors at a snaring site, with the strainer and support posts heavily marked by animal claws. The circumstances suggested that someone had been setting snares near the sett and catching badgers over a prolonged period.

It was originally thought the badgers had been beaten to death but a closer inspection showed that they had in fact been shot and the impact had shattered the skulls of the animals.

The SSPCA described the crime as horrific, and welcomed the fine imposed against Rodgers. SSPCA Chief Superintendent Mike Flynn said: “Overall, we believe that snaring is a cruel and indiscriminate practice which causes a great deal of unnecessary suffering in Scotland.”

The SSPCA would like to thank PC Colin McKinstry of Dumfries and Galloway Police, and area Procurator Fiscal, Pamela Rhodes.



Remains of one of the snared badgers

Mark Rafferty SSPCA

Christmas “bird” for kittiwake killers

Two men from South Shields were each jailed for five weeks after being caught shooting nesting kittiwakes at the Marsden Cliffs National Trust beauty spot.

Paul Michael Reed, 27, of Halstead Place and Dane Ord, 21, of Widdrington Avenue pleaded guilty at South Tyneside Magistrates Court on 27 November 2009 to killing nine birds.

The court heard that in May 2009 a local pub landlord saw three males on the beach shining a high-powered lamp at

the cliff face to illuminate individual birds before shooting them off their nests to waiting dogs on the beach.

A Northumbria Police helicopter was scrambled and the men were intercepted by officers on the beach. The men were found in possession of a lamp and a firearm was recovered from a nearby cave.

Crucially, the pub landlord joined the police and took several pictures of the dead birds. It was his photographic evidence that secured the conviction, as the police failed to seize the birds, which subsequently vanished – presumed to have been washed away on the tide. RSPB Investigations assisted with a detailed impact statement and addressed the court during proceedings.

This is the sixth incident involving crimes against kittiwakes at this South Shields National Trust property, including one incident in 2001 when 80 birds were shot and their dead bodies arranged on the seafront to spell out the word “DEATH”.

The RSPB wishes to thank CPS advocate Caroline McGurk for her unstinting efforts with this case.



Kittiwakes were shot off their nests at night

Paul Wright Simpson

Prima “fascia” house martin case

Two fascia company contractors have pleaded guilty to intentionally destroying two house martin nests containing chicks.

Scott Anthony Snowden, 39, of Fenchurch Close, Arnold, Nottinghamshire, and Sean Reek, 37, of Nelson Road, Arnold, Nottinghamshire, pleaded guilty to a joint charge of destroying two nests. Each defendant was fined £150 with £45 costs.

The court heard that a witness saw the house martins return to their nesting site on Bentley Road, Castle

Donnington, Leicestershire in May 2009. On 1 June 2009, the two contractors for Homestyle Fascias arrived at the house and, on 8 June, destroyed the two active nests, which contained chicks.

The suspects were interviewed by Leicestershire Police WCO Neil Hughes and both admitted intentionally destroying the nests but stated they did not know it was an offence to do so.

Neil Hughes, Leicestershire Police Wildlife Crime Officer commented: “Whilst I am disappointed in the low fine which does nothing to deter this kind of offence, the magistrates took into account both defendants’ full admission, guilty plea and no previous convictions. Ideally, the company should have been summonsed to court but proving intent is almost an impossibility, particularly when employees are contract workers and not directly employed by the company.”

The extension of the word “reckless” in the Wildlife & Countryside Act 1981 to all nest destruction offences such as that already in Scotland would bolster the investigation of these cases and put the onus of responsibility on people and companies working near nesting birds.

Mark Thomas

Two house martin nests containing chicks were destroyed by contractors



Operation Rambling – ivory sales on eBay

An international investigation by Her Majesty’s Revenue & Customs (HMRC) resulted in a conviction for a trader who was using the internet site eBay to sell elephant tusks and whale teeth which had been carved into billiard balls and corkscrews.

On 5 October 2009, Nicholas Noonan, 46, of Shortcroft Court, Barton-Le-Clay, Bedfordshire, pleaded guilty at Luton Crown Court to illegal trading in African elephant tusks, sperm whale teeth and ivory artefacts. The trade of these items is restricted under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). On 20 October 2009, Noonan was sentenced to 10 months in prison.

The investigation was launched in 2006, when covert agents from the US Fish and Wildlife Service received an unsolicited e-mail, via eBay, asking them to look at a number of tusks that were listed for sale by Noonan. Over the following months, Noonan traded various tusks, teeth and artefacts with the undercover agents; the evidence was then passed on to HMRC officers. Noonan’s home was raided by HMRC officers and after examination by experts at the British Natural History Museum, the items seized were confirmed to be African elephant tusks and sperm whale teeth. In an attempt to continue trading ivory on eBay, Noonan had illegally obtained a certificate of exemption, then falsely altered and used it to pretend that specimens pre-dated CITES controls.

Following sentencing, Peter Millroy, Assistant Director of HMRC, said: “This was a concerted effort to break a law which is designed to preserve species at risk of extinction. The sentence handed down today shows that anyone tempted to trade in protected creatures and plants should think again.”

Noonan was convicted for illegally trading in African elephant ivory



G Shorrocks (RSPB)

Final nail for Schedule 4 in Scotland and Wales

Following highly controversial changes to Schedule 4 bird registration in England on 1 October 2008, similar amendments have been made in Wales and Scotland. On 23 April 2009, Statutory Instrument 2009 No. 780 (W.68) "The Wildlife & Countryside Act 1981 (Variation of Schedule 4) (Wales) Order 2009" came into force. This mirrors changes in England reducing the list of registerable species on Schedule 4 of the WCA to just nine, and removing the requirement to register hybrids of these species. The remaining species are golden and white-tailed eagles, marsh and Montagu's harriers, honey buzzard, goshawk, osprey, peregrine and merlin.

Initially, the RSPB was pleased that Wales had retained full registration controls for peregrine and merlin. In England these species are regarded as registered if they hold a valid Article 10 Certificate, a system which means that once these species have been sold, the authorities may have little

chance of tracing the birds if they become the subject of any investigation. However, this encouraging news appears to have been a mistake and on 27 July 2009 Statutory Instrument 2009 No. 1733 (W.161) "The Wildlife & Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) (Amendment) Regulations 2009" was issued to bring the Welsh controls into line with England.

Despite advice from police, conservation organisations, the PAW Forensic Working Group and JNCC (the government's own scientific advisers), the failure to maintain and expand Schedule 4 as a valuable enforcement tool has been bitterly disappointing. On 21 December 2009, the final act in this sorry saga took place when Scotland issued Statutory Instrument 2009 No. 419 "The Wildlife & Countryside (Registration and Ringing of Certain Captive Birds (Scotland) Regulations 2009)", bringing the Scottish regulations into line with England and Wales.

Hen harriers on the brink

2009 was one of the worst years since records began for England's hen harriers, which are now on the brink of extinction as an English breeding species.

Hen harriers did not have a successful year in other parts of the UK either, with many pairs failing to breed. Those that did breed had fewer chicks. A harsh winter and a possible shortage of prey in spring may have contributed to this.

Illegal killing has left hen harriers on the brink of extinction in England



While there is no evidence of illegal killing or nest destruction associated with this year's breeding failures in England, persecution has led to today's critically low breeding numbers and patchy distribution.

The critical state of the English harrier population leaves it vulnerable to chance natural events. Dr Mark Avery, the RSPB's Director of Conservation, commented: "We always feared that with hen harrier numbers kept so low, the English population was extremely vulnerable to a bad year like this. There can be no place in England's future for the illegal killing of birds of prey. Landowners and shooting groups need to show real commitment and start working with NE, the RSPB and BASC to implement legal solutions such as diversionary feeding."

John Swift, Chief Executive of the British Association for Shooting and Conservation, commented: "A bad winter has left the hen harrier population even more vulnerable than before – this means that everybody must concentrate on doing what they can to ensure that the moorland habitat continues to be well managed and that persecution is confined to history."

In *Birdcrime 2008*, the RSPB called for raptor persecution to be tackled more effectively, starting with a thematic inspection of wildlife crime policing in England, Wales and Northern Ireland. The RSPB recently wrote to the Home Office and Her Majesty's Inspectorate of Constabulary requesting such an inspection. While this will not be possible for the foreseeable future, our respective organisations have agreed to discuss alternative approaches to answering the questions raised.

Top award for “Kempton case bobby”

West Mercia Police officer PC Tim Griffiths has been recognised for his outstanding work on the Kempton Estate case (*Legal Eagle 57* front cover). The complex joint investigation with the RSPB resulted in conviction for two gamekeepers for offences against raptors and badgers. PC Griffiths received a divisional commendation from the Chief Superintendent and it was richly deserved for his role in the lengthy and complicated prosecution. Well done, Tim!



PC Tim Griffiths received a divisional commendation

G. Shortrock (RSPB)

Scotland’s raptor researchers triumph at IEEM National Awards

A top prize for environmental management has been scooped by the Scottish Raptor Monitoring Scheme, a partnership of seven organisations and over 300 dedicated volunteers. The scheme, led by Scottish Natural Heritage (SNH), monitors the status of birds of prey in Scotland and has paved the way in developing survey and monitoring work.

Fresh from publishing the second edition of the acclaimed field guide *Raptors: A Field Guide for Surveys and Monitoring*, the group took first prize in the best practice section of the Institute of Ecology and Environmental Management’s (IEEM) annual UK awards. The scheme has been collecting data on population size, distribution and breeding success for birds of prey in Scotland for the last seven years. This huge set of data allows the fortunes of raptors to be monitored in relation to changes in the environment.

Roseanna Cunningham MSP, Minister for Environment, said: “Our birds of prey are part of our unique natural heritage. Research is vital if we are to help these magnificent creatures thrive, and this award shows that Scotland’s work is leading the way here and further afield. I congratulate all those involved in this important conservation project for gaining recognition for their hard work.”

Professor Colin Galbraith, director of policy and advice at SNH, said: “We are very pleased to be part of the scheme which has won this prestigious award. Congratulations to all the volunteer specialists who spend thousands of days each year developing our knowledge of these iconic birds. We are extremely fortunate to have such a dedicated group; indeed raptors here are perhaps the most closely monitored in the world. Scotland is leading the way in high quality research into raptors and this award acknowledges that fact.”

The Scottish Raptor Monitoring Scheme members are the Scottish Raptor Study Groups, Scottish Natural Heritage,

the Joint Nature Conservation Committee, the British Trust for Ornithology, the Rare Breeding Birds Panel, the Royal Society for the Protection of Birds, and the Scottish Ornithologists’ Club.

Data from the Scottish Raptor Monitoring Scheme has helped show the serious impacts of persecution on species such as the golden eagle



Chris Gomersal (rspb-images.com)

Tackling river poachers – and winning

Kenny Graham, a Water Bailiff with the River Tweed Commission, reports on the policing of the River Tweed and partnership working with Northumbria Police and Lothian and Borders Police under the PAW umbrella.

“The River Tweed Commission is responsible for policing the River Tweed on both sides of the border (England and Scotland), under The Scotland Act 1998 (River Tweed) Order 2006.

Historically, poaching on the Tweed has been rife and peaked during the mid 1980s’ “Salmon Wars”. At that time, it was not uncommon for a bailiff to confiscate 30 illegal nets in

the estuary alone during one shift and the yearly average was three thousand nets. However, sentences at court were deemed light and most poachers paid their fines by their next catch. Today, poaching in the Berwick area is vastly reduced with the close collaboration and assistance of Northumbria Police, in particular WCO PC Andy Swinburne, based at Berwick. He covers the south side of the river while PC Peter Gasken of the Lothian and Borders Police deals with the north side.

Over the last two years Berwick Magistrates have taken to handing Prohibition Orders to convicted poachers, which ban convicted

named poachers from going within 25 metres of the water’s edge. The continued breach of these orders this year has resulted in four persistent offenders each receiving custodial sentences ranging from eight weeks to six months.

The combination of effective enforcement and increased deterrents has had a clear impact on the poaching. In 2008, 24 cases were heard at Berwick Magistrates Court, and at the time of writing, there had been just four cases heard in 2009. We have made great strides in the fight against poaching and continue to value our good working relationship with the local police forces.”

Suspected shooting of a white-tailed eagle in Northern Ireland

An appeal for information has been launched by PSNI and conservation bodies following the suspected shooting of a white-tailed eagle in Northern Ireland, in August 2009.

On 17 October 2009, a dead white-tailed eagle was found floating on Lough Neagh by two kayakers. They removed a wing tag and radio transmitter that was attached to the bird. Two round holes in the transmitter consistent with shotgun damage indicate the bird may have been shot. Unfortunately the body of the eagle was left on the lake and has not been recovered despite extensive searches by members of the Northern Ireland Raptor Study Group (NIRSG).

Dr Marc Ruddock of the NIRSG said: “The resources, time and enthusiasm that go into the re-introduction programme is phenomenal, the loss of even one bird is devastating. It is horrifying to think as these birds begin to use our shores again they are subjected to persecution that is reminiscent of the factors and attitudes that originally

drove them to extinction. We cannot, and will not, tolerate shooting and poisoning of these magnificent birds.”

In relation to both incidents in NI, Alan Mee of the Golden Eagle Trust believes the re-introduction of red kites and white-tailed eagles can still be a success despite these setbacks. He stated: “We know from countries such as Norway that man can co-exist happily with eagles given the will to protect these species and their habitats. The return of eagles and red kites to parts of Eire and NI has been widely welcomed, and we appeal to the wider community to support these efforts and ensure these magnificent birds return to their rightful home. We believe the people of Northern Ireland will simply not accept eagles and kites being driven to extinction through illegal shooting and poisoning once again.”





G Shorrocks (RSPB)



G Shorrocks (RSPB)

Wildlife Crime Conference

The 21st UK Police and Customs Wildlife Enforcement Conference 2009 was held at the NPIA centre at Ryton-upon-Dunsmore, Warwickshire, in October. It was chaired for the first time by an enthusiastic Richard Crompton, Chief Constable of Lincolnshire Police, and the new ACPO lead for wildlife crime.

Richard said he was “tremendously impressed” by his predecessor and wanted to build on the legacy of Richard Brunstrom, continuing to improve wildlife crime investigation. He talked about the power of the media, and said he has had more press interest in four months as ACPO lead for wildlife crime than he had in four years of being ACPO lead for witness protection. Richard stressed the often serious and organised nature of wildlife crime, and the need to emphasise the harm it causes to society and communities when bringing offenders before the courts. Chief Constable Crompton appears to be under no illusion as to the size of the task he faces in his new role, but was very clear about his objectives. He intends to apply for more secure funding for the NWCUC and then to maintain this funding, so that operational support will be available for wildlife crime, even if resourcing for WCOs does not improve.

An opening address was made by Warwickshire Chief Constable Keith Bristow, who encouraged delegates to embrace partnership working because wildlife criminals are not restricted by force, organisational or national boundaries. He expressed delight that one of his officers, WCO PC Craig Fellowes, received a Lifetime Achievement award presented by WWF. Craig has the dubious distinction of being the most regular attendee at the conferences, having only missed one since they started in 1989. On Saturday, there was a series of strategy-based

Left: PC Craig Fellowes receives his Lifetime Achievement award from Heather Sohl of WWF

Right: Guy Clarke receives the Wildlife Enforcer of the Year award from Heather Sohl of WWF

presentations from UKBA, PAW, Animal Health and NWCUC, and a presentation from Interpol on procedures for dealing with offenders at international level. The afternoon workshops included a lively session on NIM by Sue Eddy, Senior Analyst at the NWCUC, who had delegates demonstrating their artistic flair (or lack of it!) as they tried to draw link charts to illustrate the connections involved in a poaching scenario.

Congratulations to Guy Clarke of UKBA for winning the WWF Wildlife Enforcer of the Year Award. A team leader for the Heathrow CITES, Guy has trained more than 100 police and border force officials and works stoically to raise public awareness of CITES. As if that wasn't enough he's also been involved in two major investigations recently, into the illegal importation of over 200 tortoises. Sergeant Louise Hubble of Hampshire Constabulary, a former winner, received the runner-up prize.

Sunday, the traditional day for case studies, was no less impressive, with presentations on recent cases: Bob Elliot (RSPB) on golden eagle persecution and Tom Dysart of the Crown Office Procurator Fiscal Service (COPFS) with an informative overview of the work of prosecutors in Scotland. The weekend closed with the usual round-up of the year's cases from Roy Pitt of Animal Health. Roy, who is due to retire this year, also received a PAW Certificate of Merit.

Keeping kites flying

An RSPB-led initiative is helping to raise awareness, knowledge and understanding of red kites in North Scotland. "Eyes to the Skies" is kindling a sense of shared ownership of these beautiful birds through the involvement of local schools, communities and businesses, and connecting young and old alike with a valuable and fascinating element of their natural heritage.

1989 saw a landmark reintroduction of red kites to the Black Isle near Inverness after an absence of a century. Twenty years on, kites make a home here, but since the late 1990s their numbers have been suppressed by persecution when the birds try to disperse from the safety of the woods and farms.

"Eyes to the Skies" has seen 15 red kite chicks fitted with satellite transmitters and adopted by local schools. Visit www.eyestotheskies.org.uk to follow their movements. The venture is now delivering education work and a programme of events in the Inverness, Easter Ross and Cairngorms National Park areas. A red kite feeding and viewing station will be opening on the Brahan Estate, Ross-shire early this year.

Claire Buchanan, Red Kite Community Officer commented: "It provides us with an excellent platform to reach the public and foster a wider awareness of these magnificent birds. Red kites are bound to humans via a communal landscape, and history has shown that this close relationship with man can be both beneficial and disastrous for kites. So far, this project has highlighted the positive side of that relationship – for example, a powerful story in the national press told of how a local gamekeeper helped to rescue a crash-landed kite."

North Scotland red kites recently celebrated their best breeding year since reintroduction, mirroring successes



Stuart Benn (RSPB)

A red kite, known as Lewis, ready for release

The "Eyes to the Skies" project celebrates the return of the red kite to Scotland

elsewhere in the UK. But rather than becoming complacent, Stuart Benn, Conservation Officer for the RSPB, said: "As long as illegal killings are proven to remain a threat, exciting initiatives like this are vital to changing attitudes and solidifying support for our wildlife."

The project has been co-funded by SNH, PAW Scotland, RSPB, Scottish and Southern Energy, Cairngorm & Highland Leader, Heritage Lottery Fund, The Highland Council and the RS MacDonald Charitable Trust.

New resources for Grampian Police Wildlife Crime Unit

The recent appointment of Constable Mike Davis to Grampian Police Wildlife Crime Unit as Wildlife Crime Analyst and Crime File management Officer takes the force to a new level.



PC Mike Davis has become a Wildlife Crime Analyst for Grampian police

In March 2006, Constable Dave MacKinnon was appointed to the role of full-time Wildlife Crime Officer with Grampian Police. Since then, he has increased both detection of offences and awareness of these crimes with the public and colleagues.

His efforts have proved effective, with reported wildlife crime increasing annually over the last three years, bringing the force closer to a truer reflection of criminality within the force area. This has led to an increase in workload, so, to develop the effectiveness of the unit, Constable Mike Davis has been appointed. He is

to ensure incidents are effectively dealt with, appropriate enquiries are made and intelligence collated. Mike has 17 years' service and was one of the founder members of the Grampian WCU. Mike said: "Grampian Police are committed to respond to the identified rural community need for Wildlife Officers and to deal with these crimes in a professional and robust manner. We want the public and our partners to be confident their concerns are being taken seriously and will be professionally investigated."

Herring gull now removed from some General Licences

Guy Shorrocks (RSPB)



Good news for gulls

Gull species once labelled as “pests” have been afforded greater legal protection, thanks to Natural England’s decision to remove them from certain General Licences in England in response to dramatic population declines.

After public consultation in early 2009, on 1 January 2010, NE issued a revised set of General Licences. These are issued in England under the Wildlife & Countryside Act 1981 and permit authorised persons to control certain species of birds for specific purposes, such as prevention of serious damage or spreading disease.

The RSPB welcomes NE’s decision to remove the herring gull from certain licences, as this is a red-listed, priority species in the UK Biodiversity Action Plan owing to a population decline of more than 50% in the last 25 years. Where this species is causing serious damage to crops, is spreading disease, or poses a threat to the conservation of flora and fauna, an individual licence must now be sought, enabling NE to better regulate the number of birds killed. The destruction of herring gull nests and eggs to preserve public health and safety may continue under General Licence, but the killing of adult birds is no longer permitted. The species remains on the licence permitting control to preserve air safety. The great black-backed gull has been removed from all General Licences with the exception of the air safety licence. This species is relatively scarce in England and there is no evidence to suggest it causes widespread problems, so recourse to individual licensing is more appropriate.

Other key changes include:

- the addition of four non-native species – ring-necked parakeets, monk parakeets, Canada geese and Egyptian geese – to certain General Licences

- the welcome introduction of the condition, already implemented in Scotland, that persons convicted of a wildlife crime cannot act under the General Licences
- consolidation of the sales licences, and explicit guidance on what constitutes “documentary evidence”

For further information, and copies of the new General Licences for England, go to www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx

And there’s progress in Wales, too...

The Welsh Assembly Government concluded a public consultation on their General Licences in November 2009. Proposals included the welcome removal of house sparrow, starling, herring gull, lesser black-backed gull and great black-backed gull from the licences, plus various improvements to the conditions surrounding the use of cage traps. We await the outcome of this consultation; the revised General Licences are expected to come into effect on 1 July 2010.

The Egyptian goose is now included on some General Licences



G Shorrocks (RSPB)

Red kite poisoned in County Down

PSNI are conducting an investigation following the confirmed poisoning of a red kite in a bird of prey "blackspot" in County Down.

A young kite was found dead on 8 October 2009 beside a rabbit which was later confirmed to have been laced with the pesticide alphachloralose. The RSPB Red Kite Project Officer Robert Straughan had radio-tracked the five-month-old red kite to the site and was appalled by his discovery. He said:

"Our Environment Minister, Edwin Poots, was present at this bird's release on 23 July 2009 and signed the RSPB's petition to stop the killing of birds of prey. Unfortunately, this recent death is a very unwelcome reminder that there is still some way to go before we stamp out crime against our local wildlife."

Other birds of prey have been shot or poisoned in this blackspot area: buzzards have been poisoned by the same pesticide, and in 2008 a kite was

found suffering the effects of alphachloralose poisoning, was treated and re-released, only to be found dead a month later. Another red kite was shot dead in August 2008.

The RSPB's red kite reintroduction programme has been running in Northern Ireland since 2008, and 53 birds have been released to date. The kites are of Welsh origin sourced with the project partners Welsh Kite Trust and the Golden Eagle Trust.

RSPB

Red kite "Y" being released in to the Irish countryside in 2009



Mal Mcann



A stark reminder that there is still a long way to go in stamping out the persecution of birds of prey.

Rangers in Kazakhstan catch an antelope poacher red-handed

A project run by the Association for the Conservation of Biodiversity of Kazakhstan (ACBK) has helped catch a saiga poacher red-handed.

In September, a joint operation with state rangers and their helicopter located the poacher from the air and filmed him with five dead saiga tied to the back of his motorbike. Usually poachers manage to dump the carcasses before being caught, which makes prosecution extremely difficult.

ACBK operates two anti-poaching units, working with five Government units, in the Altyn Dala (Golden Steppe) project area in Central

Kazakhstan, which covers 50 million hectares. The ACBK team also monitors key steppe and semi-desert species and implements educational activities in local villages and schools to help prevent poaching.

With support from the UNDP Global Environment Facility (GEF), the German Secondment Programme CIM, Frankfurt Zoological Society and the Louisoder Foundation, the ACBK project is co-funded by the RSPB and focuses on protection of flagship species including two critically endangered species – the saiga antelope and sociable lapwing. Both species have experienced catastrophic

declines in the past 20 to 30 years. The Kazakhstan saiga population was more than a million in the 1970s, all migrating through the Altyn Dala area. While Kazakhstan still holds most of the world population, there are now only 45,000 animals in Altyn Dala, though this is a sharp increase from only 1,800 in 2003.

All the dead saiga antelope seized during the recent incident were young, born in the spring of 2009. If convicted, a fine of between US\$5,000 and US\$7,000 may be imposed or a prison sentence of between two to five years. Additionally, compensation of up to US\$ 2,000 per animal must be paid.



Over 200 bodies of protected bird species were discovered in the mass grave at Mizieb

Mass bird grave found in Malta

BirdLife Malta staff and volunteers discovered one of the largest wildlife crime scenes in recent memory – a veritable bird cemetery. The discovery, on 20 September 2009, followed the shooting of several marsh harriers observed by a team of Raptor Camp volunteers. Over 200 bodies of protected bird species were found in the mass grave at Mizieb.

Working together, members of BirdLife Malta and CABS (Committee Against Bird Slaughter), entered the area of the shooting and discovered

bodies of recently-shot marsh harriers and night herons which had been crudely hidden under stones. The Administrative Law Enforcement (ALE) was immediately informed.

With the assistance of ALE officers, about a third of the Mizieb woodland was searched. The results were truly shocking. The remains of over 200 protected birds, predominantly birds of prey, were found hidden under stones, in plastic bags, under piles of rubble or stuffed into rusted barrels.

The government and opposition parties have failed to comment, despite the tangible proof of this large-scale killing of protected species. As there has been no directive from the government, two-thirds of the woodland remains unsearched, and it is likely that the bodies of many more protected species remain unearthed.

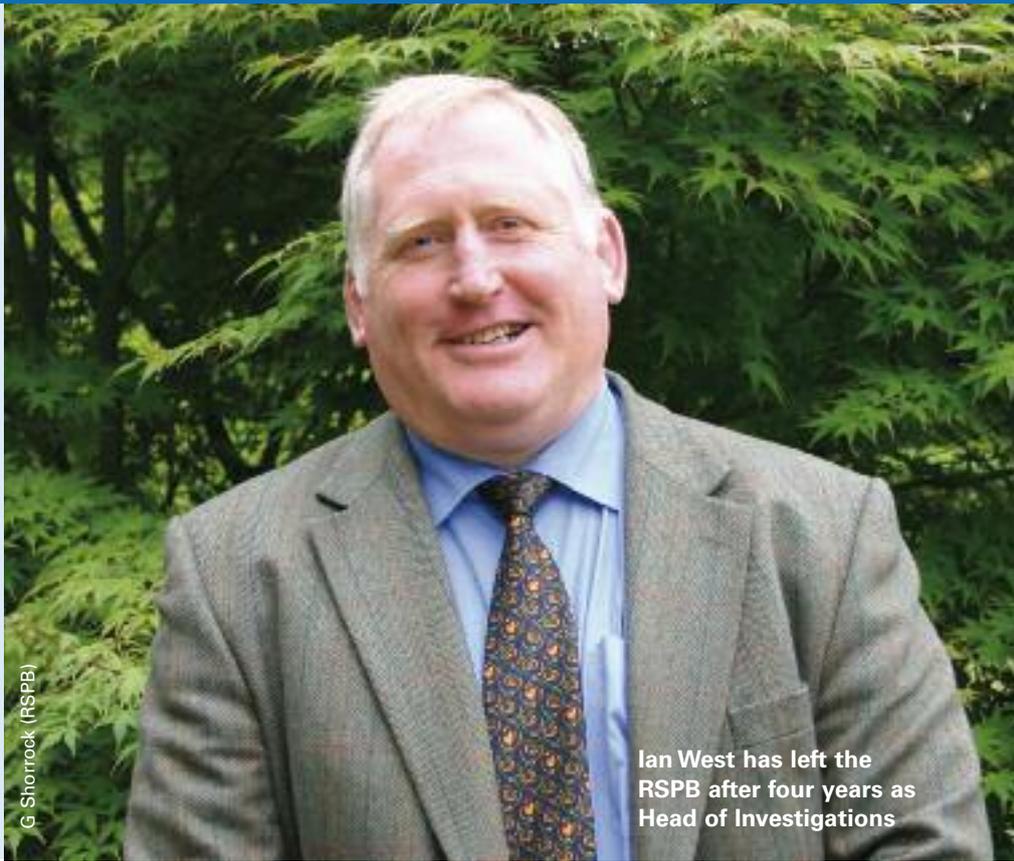
BirdLife Malta awaits the results of the police investigation, but members feel it is unlikely any person will be brought to justice.

AND FINALLY

West goes South!

The RSPB's Head of Investigations, Ian West, left the RSPB at the end of October 2009 to take up a new role as Deputy Chief Investigation Officer with the Department of Business Innovation and Skills, based in Watford.

Ian had a busy four years at the RSPB. He was heavily involved in setting up PAW Northern Ireland and lobbying to help secure long-term funding for the National Wildlife Crime Unit. Ian's commitment and enthusiasm were obvious to all who met him, and we would like to thank him for his hard work both for the RSPB and the PAW partnership. David Hoccom, the RSPB's Head of Species Policy, has taken on the role of Acting Head of Investigations on a temporary basis.



PAW

PAW is The Partnership for Action Against Wildlife Crime, a multi-agency body comprising representatives of the organisations involved in wildlife law enforcement in the UK. It provides opportunities for statutory and non-Government organisations to work together to combat wildlife crime. Its main objective is to promote the enforcement of wildlife conservation legislation, particularly through supporting the networks of

Police Wildlife Crime Officers and officers from HM Revenue and Customs and the UK Border Agency.

Please visit www.defra.gov.uk/paw for more information.



Write to be read

We welcome contributions to *Legal Eagle*. Please let us know about wildlife crime initiatives, news, events and prosecutions in your force. Send your articles to the Editor, The RSPB, Investigations Section, The Lodge, Sandy, Bedfordshire SG19 2DL, by e-mail to ian.west@rspb.org.uk or by fax to 01767 693078. The views expressed in *Legal Eagle* are not necessarily those of the RSPB or PAW. Please help us keep the WCO mailing list up to date by sending any changes to elizabeth.gilder@rspb.org.uk



The RSPB speaks out for birds and wildlife, tackling the problems that threaten our environment. Nature is amazing – help us keep it that way.

We belong to BirdLife International, the global partnership of bird conservation organisations.

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654. 232-0259-09-10

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Cover photo: Cheshire Police

For more information on wild birds and the law, visit www.rspb.org.uk/birdlaw
To sign the bird of prey pledge, visit www.rspb.org.uk/birdsofprey