



giving
nature
a home

The RSPB's investigations newsletter

November 2016, No 80

Legal Eagle

Pole trap outrage

In this issue: Gamekeeper cautioned for setting pole traps • Auctioneers fined for trading in unworked ivory • Four jailed for barbaric badger crimes.

Pole trap outrage

A gamekeeper has received a controversial police caution after admitting responsibility for setting three pole traps on a grouse shooting estate inside the Yorkshire Dales National Park.

On 6 May 2016, a member of the public reported finding three spring traps. They were illegally set on isolated posts about 100 metres apart, in a remote location on the Mossdale Estate near Hawes, inside the National Park.

Pole traps, which were outlawed in 1904, are metal spring traps placed on an exposed post to target birds of prey, which prefer exposed, high perches. When triggered, the traps snap shut with considerable force, crushing the birds' legs. Trapped birds remain hanging from the trap until they succumb to their injuries or are killed by the trap operator. Particularly concerning in this instance, was that a hen harrier had been seen earlier that morning, hunting on the fell a short distance away.

RSPB Investigators attended that same day, ensured all the traps were made safe and installed covert cameras on two of them. When the investigators returned on the evening of 9 May, all three traps had been reset. The covert footage showed an individual earlier that day resetting two of the traps. The traps were again made safe and the matter reported to the North Yorkshire Police (NYP).

The following day, Wildlife Crime Officers (WCOs) went to the site with RSPB investigators and recovered all three traps. Two of the traps had small feathers stuck to the jaws, suggesting they may previously have caught birds.

An individual was later interviewed by the police and accepted

responsibility for setting all three traps. He received an adult caution.

Based on the Gravity Factor Matrix for wildlife offences, the RSPB believes that all five aggravating factors were met, but none of the three mitigating factors. The RSPB wrote to NYP to ask for an explanation. The decision also caused widespread condemnation on social media, and Temporary Acting Chief Constable Amanda Oliver stated that her force would review the decision.

In the interim, the Moorland Association reported that the Mossdale Estate, owned by the Van Cutsem family, had resigned its membership of the Association, and the gamekeeper was no longer employed by the estate.

On 6 July, NYP issued a statement accepting it had not used the correct cautioning guidelines, and had it done so it was likely that the man would have been charged, rather than cautioned. NYP added that the decision making process for wildlife crimes had been updated, and, as the new lead on the National Police Chiefs' Council on rural and wildlife crime, it will share lessons with other forces. Encouragingly, NYP confirmed that the man's firearms licence has been revoked as a result of the incident.

The RSPB thanks the WCOs for their prompt response to this incident and is grateful for the support from the recently-formed Rural Policing Taskforce.



Common buzzards remain regular victims of illegal persecution

"Sickeningly violent" killing: gamekeeper convicted

A Dumfriesshire gamekeeper has been convicted of intentionally killing and possessing a common buzzard on the Newlands Estate, Dumfries, in 2014.

On 4 August 2015, following a trial at Dumfries Sheriff Court, William Dick, 25, of Whitehill Cottages, Kikmahoe, Dumfries, was found guilty of the two offences, contrary to the Wildlife and Countryside Act 1981. On 2 September 2015, he was fined £1,500 for killing the buzzard and a further £500 for possession of its body.

In court, two witnesses described hearing a gunshot when they were walking on the Newlands Estate in April 2014. They saw Dick standing beside a large bird that was hopping about unnaturally. They saw him throwing rocks at the bird, repeatedly stamping on it, and wrapping something in his jacket before putting it in his 4x4 and driving away. At the location of the attack, the witnesses couldn't see a bird, but there were feathers on the ground. One of the witnesses described the incident as "sickeningly violent".

The witnesses contacted the Scottish Society for the Prevention

of Cruelty to Animals (SSPCA). Officers from the SSPCA and Police Scotland recovered a dead hare, feathers, and a bloodied rock from the scene. DNA analysis at the Science and Advice for Scottish Agriculture (SASA) laboratory showed that the feathers were from a buzzard. The witnesses didn't know Dick's name, but recognised him as an Estate gamekeeper, and both separately identified him to police.

Dick lodged a defence that he had been on a training course on the day the offences occurred and would have been on his way home at the time of the killing. Upon sentencing, the Sheriff commented to Dick that his offending had been "to further the interests of your employer." An appeal against conviction was rejected on 15 July 2016.

Criminal proceedings are ongoing against landowner Andrew Walter Bryce Duncan, who is alleged to be vicariously liable for the crimes committed by gamekeeper Dick.

Ian Thomson, RSPB Scotland's Head of Investigations, said: "We welcome this conviction and hope that this sentence shows that our courts take these crimes seriously. It is unfortunate that buzzards are regularly vilified by some sectors of the game bird industry, despite them only just recovering after decades of persecution. While scientific evidence shows they have a minimal impact on released pheasants, the cruel actions of Mr Dick are symptomatic of a continued Victorian attitude towards birds of prey, one that all too frequently leads to them being illegally killed."

"We commend the prompt actions of the witnesses in reporting this incident, the rapid follow-up carried out by Police Scotland and SSPCA, the valuable wildlife DNA analysis carried out by SASA, and the dedication of Procurator Fiscal Kate Fleming in securing this conviction."



North Yorkshire WCOs at one of the pole traps

Elephant ivory: English auctioneer fined

The South Kensington auctioneers Christie's have been fined for offering for sale an "unworked" elephant ivory trophy.

On 23 May 2016, at Hammersmith Magistrates Court, a representative for Christie's pleaded guilty to offering for sale elephant ivory contrary to the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES). The company was ordered to pay a £3,250 fine, £85 costs and a £120 victim surcharge.

The incident related to an ivory tusk mounted on silver, believed to date from around 1880. It was offered for sale on 28 April 2015 in a Christie's auction with a guide price

of £1,200 – £1,800. Under the revised guidance issued by the European Commission to CITES Management Authorities, uncarved ivory tusks embellished with metal mounts no longer qualify under the "worked item" derogation. This allows most antiques exemption from normal sales controls, as long as the item was "significantly altered from its natural raw state for jewellery, adornment, art, utility or musical instrument" prior to March 1947. It is illegal to sell unworked elephant ivory of any age. The item was seized by

Metropolitan Police Wildlife Crime Officers during the sale viewing.

By chance, DC Sarah Bailey from the WCU was at court for another matter. She assisted the court with sentencing guidance, helped by a spreadsheet of CITES cases compiled by TRAFFIC (Trade Record Analysis of Flora and Fauna in Commerce) and the RSPB. The magistrate said: "Christie's professionals should know what they are doing and be beyond reproach. Balanced against that, the guidance is confusing and there have been changes in the regulations and guidance."

A Christie's spokesperson said: "Christie's unequivocally condemns the slaughter of elephants for illegal ivory and will not sell modern ivory, or unworked tusks of any age. We take the obligations in relation to endangered species very seriously. Our ongoing responsibility is to ensure that illegal ivory cannot be sold at Christie's, and as part of this we have a robust training programme in place that is regularly reviewed. This was an isolated incident and we believe that the honourable response was to accept the charge as made." The owner of the unworked ivory has been charged with offering it for sale and this matter is ongoing.

PC Rowena Roberts, WCO for Kensington and Chelsea Borough, said: "Anyone who owns antique ivory should be aware that it cannot be legally sold without an Article 10 Certificate, which can be obtained via the Animal and Plants Health Agency (APHA). The tusk in this case was mounted on silver, but was a raw, unmodified elephant tusk and therefore should not have been offered for sale without the correct documentation."



Uncarved ivory tusks with metal mounts are classed as "unworked"

A. Kitchener (APHA)



Guy Shorrocks (RSPB)

African elephants are under serious threat due to the illegal trade in ivory.

Scottish auctioneer fined for ivory trading

A Scottish auctioneer has been fined for offering three lots of "unworked" elephant ivory for sale. WCO PC Lorna Hinshelwood reports.

On 10 May 2016, Auctioneers LS Smellie and Son Ltd, of Lower Auchingramont Road, Hamilton, pleaded guilty at Hamilton Sheriff Court to offering for sale three lots of ivory on its website, all of which included elephant tusks contrary to the Control of Trade in Endangered Species Regulations 1997 (COTES). The company was fined £1,500.

In 2015, the Animal and Plant Health Agency (APHA) was alerted to the fact that the company was advertising for sale various items of unworked elephant ivory. Three lots were advertised as "elephant ivory", with no mention of the age, origin or Article 10 Certificates. Each lot had a photo showing what looked like ivory tusks, plus other items. As unworked items they would still require Article 10 Certificates, even if they pre-dated March 1947. There was no record of these and the matter was reported to Police Scotland and the National Wildlife Crime Unit (NWCU).

On 19 May 2015, police and NWCU officers executed a search warrant at the premises. We recovered the items, which were on display for sale, along with relevant documents. Andrew Smellie, auctioneer and joint managing director, voluntarily came for an interview that day. He confirmed that the company occasionally sold animal parts, including taxidermy and carved items, and either he or another person would undertake research. He was aware of some regulation relevant to the sale of ivory, but despite this, had taken no steps to ascertain what the rules were, or where his responsibilities lay. He stated he had never had any contact with APHA and had not heard of CITES or Article 10 Certificates.

An expert later confirmed that the items were elephant ivory, but was unable to date them or say if they were from African or Asian elephants. An impact statement

was provided by the Joint Nature Conservation Committee (JNCC), and the UK CITES Scientific Authority outlining that the demand for illegal ivory is a key driver in the killing of elephants.

The report includes: "Illegal killing of elephants for the illegal international trade in ivory is currently a very serious threat to elephant populations in many range States and is leading to dramatic declines in some populations, particularly in central Africa. Most worrying is the concern that the rise in levels of illegal killing means it is not just the small and fragmented elephant populations that could face extirpation, but also some of the previously secure large populations."

Thanks go to Dr Andrew Kitchener, National Museums Scotland, Charlie Everitt (NWCU) and Procurator Fiscal Kate Fleming for their work on this case.

Four jailed for barbaric badger crimes

Mobile phone footage showed four men laughing as they killed badgers by setting dogs on them. All have been jailed.

On 23 June 2016, at Bradford and Keighley Magistrates' Court, four Bradford men pleaded guilty to offences contrary to the Badgers Act 1990. They were Kaider Tariq, 22, of Dalby Avenue, Nathan Niland, 26 of Idle Road, Tristan Asbury, 18 of Lymington Drive and Luke Lowther, 26 of Farway, Holme Wood. Tariq and Niland, who had admitted additional charges for cruelty offences under the Animal Welfare Act 2006, were both jailed for 24 weeks. Asbury was sentenced to 18 weeks, and Lowther to 12 weeks' imprisonment. All four were given

lifetime bans from owning dogs, with Tariq banned from owning any animal.

The enquiry started when the Royal Society for the Prevention of Cruelty to Animals (RSPCA) was made aware of photographs of Tariq holding a dead badger on his Instagram account. On 8 July 2015, West Yorkshire Police and the RSPCA executed a warrant at his home. They found two dogs in poor condition and cockerels suffering from a serious foot infection.

Analysis of Tariq's phone identified

other individuals. Footage on the phone showed that, on 18 January 2015, all four men had been involved in digging out badger setts near York, with Lowther absent on a second trip on 25 January. The footage showed badgers being killed using dogs, shovels and by being kicked.

Their vehicle had been stop checked by North Yorkshire police following the second incident, which helped confirm their presence in the area. In October 2015, warrants were executed on addresses of other suspects. RSPCA officers seized a number of injured dogs from Niland's home.

The graphic video footage from the incidents was played to the court. There was further footage of dogs being set upon a domestic rabbit, leading to an additional charge of animal cruelty against Tariq.

Prosecutor Andrew Davison told the court the gang had shown "significant enjoyment of abusing and torturing badgers" by "savagely" attacking them. Chairman of the bench, Alice Brett, described the gang's actions as "truly barbaric" and an "extremely distressing case." She added, "All four defendants were laughing and celebrating triumphantly at the deaths of these animals, which we find truly repugnant."

RSPCA inspector Danielle Grimshaw, who led the investigation, said: "All the time you can hear the badgers screaming. They hit them with spades, hold them down while they're being mauled, and kick them like footballs. It was truly horrific." The RSPCA would like to thank the West Yorkshire Police for their assistance with the investigation.



nomad-photo.au (shutterstock.com)

Evidence of wilfully injuring a badger, alongside other crimes, led to three months' imprisonment.

Badger DNA alone leads to imprisonment

A stop check on a suspicious vehicle, and alert police work, led to the jailing of three men, despite no badger body being found. WCO PC Andrew Shaw reports.

On 4 April 2016 at Chesterfield Magistrates Court, Derbyshire, three men, Danny Green of Headingley Way, Edlington, Doncaster; Kyle Green of Armside Road, Maltby, Rotherham, and Martin Skinner of Askern Road, Toll Bar, Doncaster, pleaded guilty to three charges. Two were causing unnecessary suffering to their dogs, contrary to the Animal Welfare Act 2006, and the other of wilfully injuring a badger contrary to the Badger Act 1992. They were all sentenced to three months' imprisonment and banned from keeping dogs for five years.

The offences came to light on 11 May 2015, after a 4x4 vehicle was seen acting suspiciously in The Beeley Moor area of the Derbyshire Dales. When the vehicle was stopped, three males were found in the vehicle with two injured dogs. Officers noted that the dogs, occupants and vehicle were covered in blood, and what appeared to be badger fur was seen on the outside of the vehicle. No badger carcass was found.

The investigation hinged on the DNA evidence recovered from the vehicle, clothing and mouths of the dogs. Support was provided by Crime Scene Investigator (CSI) Julie Morledge and Blenheim Vets in Ashbourne. Forensic DNA testing on the samples was carried out by SASA, a laboratory service which provides analytical and forensic support for the investigation of wildlife crime incidents. The cost of the testing was partly covered by the Forensic Analysis Fund. Visit pawfwg.org for more details of the fund, which offers financial support to officers seeking to carry out forensic analysis during a wildlife crime investigation.

The results showed that the blood found on the offenders' clothes and their vehicle was that of a badger, and a hair that was embedded in the gum of one of the dogs also identified as belonging to a badger. The three men all refused to answer any questions put to them when interviewed and only entered a guilty plea on the morning of the

trial. The injured dogs were recovered and re-homed.

Derbyshire is a haven for wildlife and unfortunately certain members of society choose to target our wildlife. The sentences these men have received, together with the police investigation, show just how seriously we treat wildlife crime. I hope it will deter others from committing similar acts of extreme cruelty in the future. Derbyshire Constabulary thanks Blenheim Vets and the SASA for their support.



Lucy Webster (SASA)

DNA testing confirmed blood stains on clothing was from a badger

Courtesy RSPCA



The four defendants were convicted of offences involving serious cruelty to badgers

Yongyut Kumsri (shutterstock.com)



Fraser was convicted of selling eggs of Annex A species including Tibetan snowcock

Egg trader convicted

With increasing reports of birds' eggs being offered for sale on the internet, one trader has been convicted of offences.

On 6 April 2016, Peter Fraser, 67, of Bardsey Place, Longbenton, appeared at North Tyneside Magistrates' Court. He pleaded guilty to fraud by misrepresentation and eight offences contrary to COTES. The offences all related to the illegal trade in birds' eggs. He was fined £660 and ordered to pay costs and a victim surcharge totalling £155. Magistrates gave him the maximum credit for his early guilty plea.

In November 2015, Northumbria Police and the National Wildlife Crime Unit (NWCU) received information from the RSPB that a man was offering a Tibetan snowcock egg for sale on Internet auction site eBay. The species is included on Annex A of the EU CITES Regulations and the sale of such species is prohibited. The NWCU was able to identify the seller as Peter Fraser and an examination of his trading records

found that he was predominantly trading in replica birds' eggs. However, records showed that he had also offered real birds' eggs for sale, including a number of species included on Annex A. Files held by the Animal and Plant Health Agency (APHA) revealed they had no record of Fraser having been issued with any Article 10 Certificates to allow the trade in such items. His eBay records showed he had sold other real birds' eggs including those of the smew, velvet scoter and pochard, which he advertised as originating from Iceland.

In January 2016, officers from Northumbria Police and the NWCU executed a search warrant at Fraser's home address, where they found hundreds of replica eggs and art materials used to decorate eggs. Officers also found some real eggs, which Fraser identified as Tibetan snowcock and Himalayan

monal, both Annex A listed species. When interviewed, Fraser admitted selling several Annex A specimens, including Tibetan snowcock, Himalayan monal, Hawaiian nene goose and Cabot's tragopan, without the required permits. He claimed that the eggs had come from captive bred birds. He acknowledged that he had sold other real eggs that he had advertised as having originated from Iceland, however he admitted that these had actually been replica eggs that hadn't come from Iceland. He told the officers that by giving them the Icelandic provenance, he thought he'd make more money. He admitted that this was misrepresentation. Magistrates told Fraser that he had made financial gain from his activities and that it was only right that he should receive a financial penalty. Records indicate that a single snowcock egg had been sold by Fraser to a buyer in Belgium for £351.

Egg collector Beaton in Scotland

The actions of alert locals on the island of Shapinsay, Orkney, led to the conviction of an egg collector.

On 14 June 2016, William Charles Beaton, 73, pleaded guilty at Kirkwall Sheriff Court, Orkney, to two charges relating to the taking of 11 eggs of wild birds, and a third charge of possessing an article capable of being used to take or destroy wild birds eggs, all contrary to the Wildlife and Countryside Act 1981. He was fined £4,200.

On the 4 June 2016, Beaton, a retired solicitor from Devon, was spotted by a member of the public taking an egg from a beach at Furrowend on Shapinsay. When challenged, he initially claimed to be collecting pebbles, but then presented an arctic tern egg which he was told to replace. Local residents were swiftly alerted

through the use of social media and were able to track Beaton as he drove round the island and boarded the ferry back to Orkney Mainland.

In Kirkwall, Beaton was arrested by the police and detained overnight after a search of his car revealed ten eggs: three great skua eggs, two rock dove eggs and single eggs of a great black-backed gull, herring or lesser black-backed gull, a black-headed gull, a greylag goose and a blackbird. He was also found to be in possession of a spoon attached to two poles, an item used for collecting eggs.

Gary Aitken, Procurator Fiscal for Wildlife and Environment said:

"Scotland is home to a wide range of wild bird species, both rare and common, and all are protected by law. It is an offence to intentionally take the egg of any wild bird as it can have serious implications for their conservation and habitat. We hope this prosecution will serve as a clear message to others who participate in the illegal practice of collecting wild bird eggs that this type of offending will not be tolerated."

The eggs and extending spoon were forfeited by the Court. The eggs will now be sent to the Department of Natural Sciences at the National Museum of Scotland.



Guy Shorrocks (RSPB)

Great skua eggs were amongst those illegally taken by Beaton

SSPCA



Footage obtained from covert cameras recorded Craig Aitken checking and resetting illegal snares

Illegal snarer snared

Stealing covert cameras didn't stop the user of illegal snares being prosecuted.

Covert surveillance by the Scottish Society for the Prevention of Cruelty to Animals (SSPCA) caught a man using illegal snares. The cameras used were fitted with GPS technology, so stealing them allowed police to track him right to his home.

On 25 May 2016 Craig Aitken, 43, of Carlisle Place, Haddington, appeared at Edinburgh Sheriff Court. He had previously pleaded guilty to two offences relating to the illegal use of 47 self-locking snares, contrary to the Wildlife and Countryside Act 1981, and one charge of theft of two covert cameras. He was ordered to carry out 180 hours of unpaid work and given a 9pm to 8am curfew for six months.

Following a report, the SSPCA, with permission from a farmer, set up a

number of covert cameras and a live feed real-time recording video camera to monitor 47 home-made snares along a 300-metre fence near Haddington, East Lothian. Footage obtained from the cameras between 23 and 27 January 2015 showed Aitken checking and apparently resetting one of the 47 home-made snares. When SSPCA Inspectors returned to the farm on 11 February 2015, they found the cameras had been stolen and all of the snares had been disabled and anchored to the fence line by loops. One of the remaining cameras had footage showing the cameras being removed and Aitken's voice could be heard in the recording. However, Aitken was unaware of the GPS technology fitted to the covert cameras which led the police to his door.

Gary Aitken, Procurator Fiscal for Wildlife and Environment, said: "The use of snares is governed by legislation and their improper or illegal use can compromise the welfare and conservation status of protected species and other wild animals, and represents a threat to livestock and pets. Craig Aitken set a number of illegal snares without the landowner's permission in a way likely to cause any animals coming into contact with them to become suspended on the fence, causing unnecessary suffering and death. We are committed to eradicating this type of offending and will continue to work with the Scottish SPCA and Police Scotland to ensure that those who commit such crimes are brought to justice."

Wildlife trader fined

On 12 May 2016, John McCabe of Sedge Drove, Ten Mile Bank, Norfolk, appeared at King's Lynn Magistrates' Court. He pleaded guilty to selling a saltwater crocodile skull (Annex A) and three crab-eating macaque skulls (Annex B) contrary to the COTES as well as two charges of possession of cannabis. He was fined £1,045 on the COTES charges, £200 for the drugs, plus costs of £85 and a victim surcharge of £31.

The prosecution, led by Norfolk Constabulary, assisted by the NWCUC, followed an investigation that started when NWCUC officers became aware of monkey skulls being offered for sale with claims that the species were not protected. Enquiries showed that McCabe had bought similar skulls from Indonesia but had not obtained permits to import them. A warrant was executed on the 10 February 2016 and a number of skulls were seized.

NWCUC's Alan Roberts said: "He appeared to have bought two crab-eating macaque skulls from

Indonesia and one from Germany, but his adverts for sale referred to Rhesus macaques or just macaque. However, the dates seemed to indicate that they were the same items. He had also sold a saltwater crocodile skull. All these would need one permit or another yet he had none. The adverts were clearly misleading the buyers."

District judge Nick Watson said: "I regard the possession of the monkey skulls as more serious because you made efforts to get these imported into the country. You knew or should have known

they were on the list and you said in the advertisement you checked so you obviously made some effort to establish if it was on the list. The law allows the court to impose prison sentences, and very long prison sentences. By buying the items and selling them on, you are continuing that trade and putting species at risk."

The NWCUC would like to thank WCO Sgt Andy Tomlinson of Norfolk Constabulary and Norfolk CPS for their excellent work in this case.



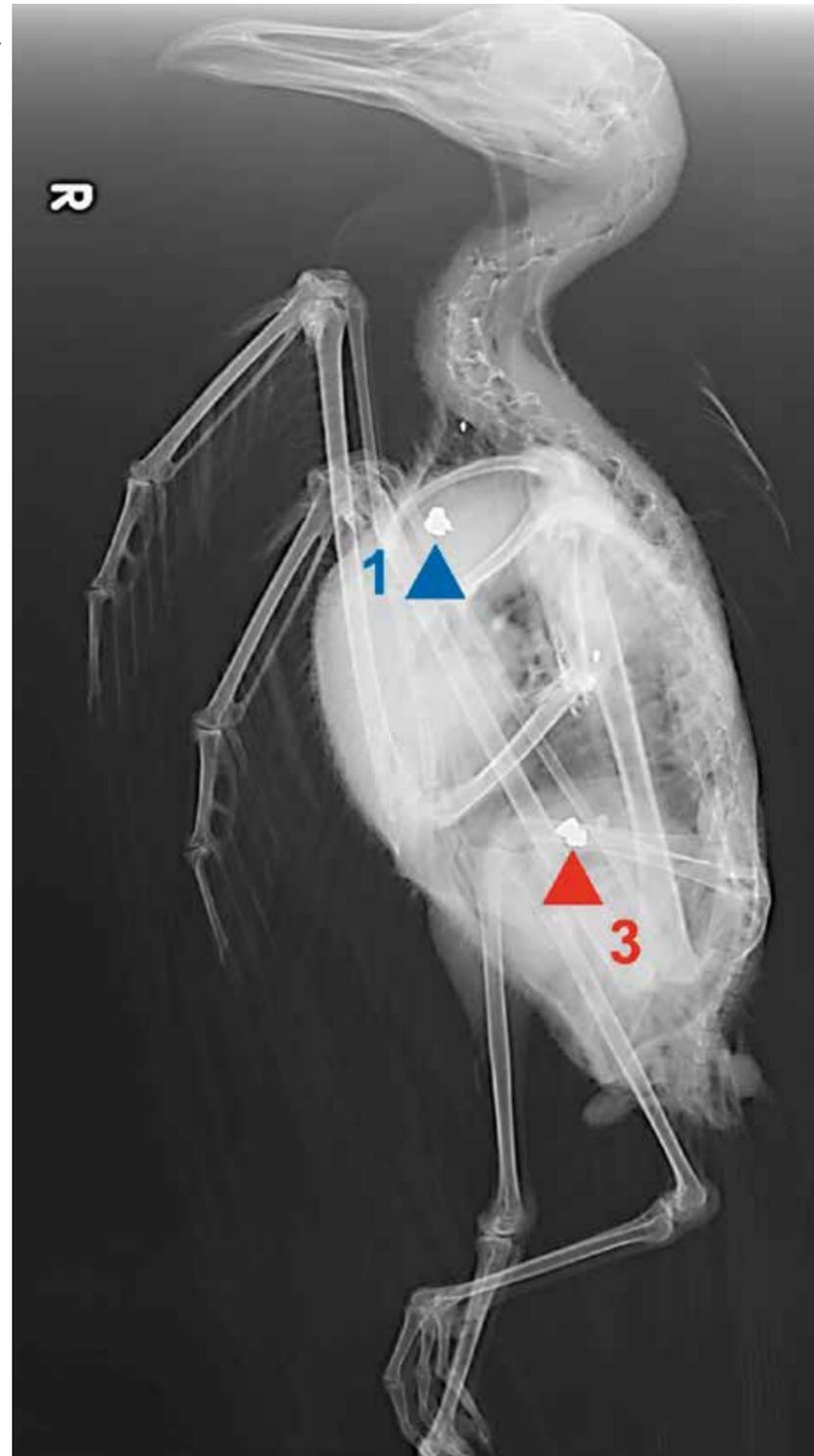
Crab-eating macaque skull seized from a purchaser by Thames Valley Police

Charlie Everitt (NWCUC)

Forensic evidence convicts gull shooter

A post mortem examination and ballistic tests on a seized air weapon linked a suspect to a shot herring gull. Merseyside WCO Rachael Krueger reports.

L. Ressel (Univ Liverpool)



On 7 April 2016, John Durkan, 35, appeared at Liverpool Magistrates' Court and pleaded guilty to intentionally killing a herring gull, contrary to the Wildlife and Countryside Act 1981, and firing an air weapon outside the curtilage of a dwelling contrary to the Firearms Act 1968. He received a community sentence and a curfew, and was fitted with an electronic tag for ten weeks. He was ordered to pay £145 costs and victim surcharge, plus £350 to Merseyside Police to cover forensic firearms tests. The air weapon was forfeited for destruction.

In May 2015, Merseyside Police received a report of a male shooting into the street from an upstairs window and killing a gull. Durkan initially claimed to have been shooting at rats with permission of the local authority, though this was shown to be untrue.

The body of the gull was recovered and submitted for a post mortem examination by the University of Liverpool Veterinary Services Laboratory. This confirmed the bird had died from being shot and two air gun pellets were extracted from the body. Forensic work was undertaken by the National Ballistics Intelligence Service (NaBIS) which compared these with an air rifle seized from Durkan. This confirmed the pellets had been fired by this weapon. A statement from the RSPB confirmed the identification of the bird as an adult herring gull.

Merseyside Police would like to thank the University of Liverpool Veterinary Services Laboratory and the RSPB for their assistance.

A radiograph showing the two air rifle pellets in the herring gull

Police partnership protection for peregrines

Police operations in Staffordshire and West Mercia have helped protect vulnerable peregrine nest sites.

Two peregrine breeding sites at quarries in Staffordshire and Shropshire have had regular problems with illegal persecution. It is suspected that a number of disgruntled pigeon fanciers may have been behind attacks on the sites. There have been a number of spring traps set on the nest ledge at the Staffordshire site, with at least one falcon being caught, and the nest has failed to produce young on several occasions. In Shropshire, there have been a number of poisoning incidents, with a male peregrine poisoned in 2015, leading to the failure of its nest.

In Staffordshire, PC Pete Clarke came up with the idea of an operation, which has run for the last three years. The birds are closely monitored 24/7 by both police officers and by Waste Care Ltd quarry workers, who keep in regular contact with PC Clarke. All local patrol officers have a copy of the operational order and are encouraged to stop check any



PC Clarke has run a peregrine protection scheme for three years

potential offenders. The RSPB has provided support and Smartwater covert equipment is deployed throughout the site. These efforts have been rewarded, with chicks fledging for the last three years.

West Mercia Police has also been monitoring a peregrine site at Clee Hill in Shropshire. In 2016,

PC Stephen Grant helped increase protection with support from Hanson Aggregates, the Shropshire Peregrine Group and the RSPB. A CCTV system was set up in the Hanson quarry and dedicated watches by local volunteers help to give the site protection during the breeding season. These efforts were rewarded with three chicks fledging.



Three peregrine chicks fledged from Clee Hill, Shropshire

Milestone for police wildlife crime training

This year, the National Wildlife Crime Officers Course has been running for 20 years. Organiser Craig Fellowes reports.

Back in 1996, I was a WCO serving with Warwickshire Police, and carried out a scoping exercise to look at the training of WCOs. It was quickly established that, in the absence of any structured UK training, there was a need for a bespoke wildlife crime course.

I had meetings with police forces as well as government and non-government agencies. With a great deal of support, I formulated a timetable. The first course ran in 1997, and a number of representatives from UK police forces attended. The Partnership for Action against Wildlife Crime (PAW) Conference and Training Group oversaw the course, and has continued to do so. Since that initial start, courses have been run every year, and we have now trained 1,186 delegates.

Although I have retired, I have continued to run the course. There's no doubt that the success has been down to the commitment of a wide range of supporting agencies which help to deliver the training. These include the NWCU, Natural England, UK Border Force, Royal Botanic Gardens Kew, Joint Nature Conservation Committee (JNCC), the RSPB, RSPCA, League Against Cruel Sports, Bat Conservation Trust, Badger Trust, British Association of Shooting and Conservation, and the Marine Management Organisation.

There have been some challenges, but the event is continually reviewed with feedback analysed after every course. Any issues are discussed by the training group,

and changes made if needed. Encouragingly, the feedback from delegates continues to be extremely positive. I never thought that the course would still be going so many years later. Every course is full, and currently we are seeing an increasing demand for this training across England and Wales. As a result of the success of this course, further training is being established with more requests for courses from partner agencies and the public. Education is key to prevention, detection and enforcement of wildlife crimes. This course has helped to protect wildlife and bring offenders to justice.

The RSPB thanks Craig for leading the delivery of this training for the last 20 years.

(RSPB)



Humberside 2016 – more than 1,000 officers have now received wildlife crime training

RSPB withdraws support from the Defra Hen Harrier Action Plan

Following a depressing series of incidents during 2016, the RSPB has decided to withdraw its support from this plan and focus attention on the need for a licensing scheme.

Legal Eagle 79 reported on the Defra *Hen Harrier Action Plan*, which was launched in January 2016. Whilst the RSPB welcomed the plan as potential for improvement, it stressed that immediate progress, including the cessation of illegal persecution, was essential. Unfortunately, events in 2016 have shown yet again that the shooting industry is unwilling or unable to control events taking place on sporting estates.

In February, a masked man with a firearm was filmed crouched with a firearm close to a hen harrier decoy on a grouse moor in the Peak District, Derbyshire. It is believed this was an attempt to shoot raptors drawn in by the decoy. The landowner, the National Trust (NT), has since announced that two shooting leases will end four years early in April 2018. The charity stated it had lost confidence that the tenant was committed to the

delivery of their vision for the land. When considering future renewals of shooting leases the NT would take careful account of meeting its objectives, in particular regarding increasing raptor populations.

In April, a serious raptor trapping incident took place on a grouse moor in England. This is currently under investigation. In May, a gamekeeper received a caution from North Yorkshire Police for illegally setting three pole traps on a grouse moor (see page 2). In June, spring traps were found illegally set in the open next to a rabbit bait on a grouse moor in Scotland. In addition, it's been a bad year for red kites. Eight birds were shot in northern England and toxicology tests are being carried out on others, which may have been poisoned.

Against this backdrop of persecution, it has been another disappointing breeding season.

In 2015, only six of 13 hen harrier nesting attempts were successful in England. This year there are only three English nests, none on grouse moors, and three satellite tagged hen harriers disappeared in suspicious circumstances.

The RSPB will push for the licensing of game bird shooting where, for example, crimes committed on such estates would result in the withdrawal of their right to operate. The RSPB believes this type of targeted ban can help stamp out illegal activity and drive up the environmental standards of shooting. In July, the Scottish Raptor Study Group successfully lodged a petition with the Scottish Parliament calling for the introduction of a licensing system for game bird hunting in Scotland. This was fully supported by the RSPB, which believes similar licensing controls could help drive up standards in England.

RPUK



Armed male with hen harrier decoy in the Peak District

Guy Shorrocks (RSPB)



Around 600 people attended Hen Harrier Day at the RSPB Rainham nature reserve

Hen Harrier Day 2016 draws crowds

The third annual Hen Harrier Day drew crowds around the country – people showing support for a beleaguered species.

Guy Shorrocks (RSPB)



Henry and RSPB Chief Executive Mike Clarke

A dozen events took place over the weekend of the 6 and 7 August, though one event in the Cairngorms had to be cancelled due to gale force winds. Around 2,000 people are thought to have attended the events around the UK. The programme was initiated by Birders Against Wildlife Crime (BAWC) and supported by the RSPB and a range of other organisations and individuals.

The main event was on the Saturday at RSPB Rainham Marshes nature reserve in London, where around 600 people enjoyed some excellent weather and speakers. TV presenter and naturalist Chris Packham was on

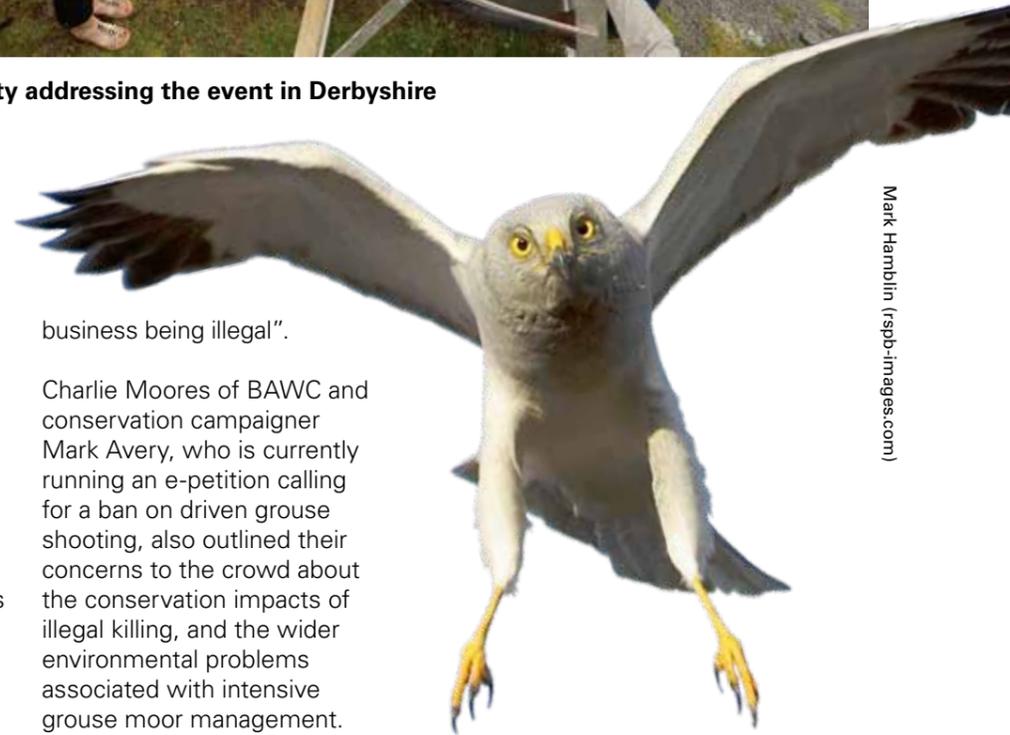
Guy Shorrocks (RSPB)



Natalie Bennett of the Green Party addressing the event in Derbyshire

hand again this year to eloquently highlight the problems facing hen harriers and other raptors from persecution. He also responded to some of the personal attacks levelled at him and other environmental campaigners from parts of the shooting community.

RSPB Chief Executive Mike Clarke outlined why the RSPB had pulled out of the Defra Hen Harrier Plan and why it was going to push for the licensing of grouse shooting. He explained that the RSPB expects the game shooting industry to take responsibility and if it ignores the law and fails to recognise the wider benefits to society it should lose its licence to operate. The problem would be worse if the industry stayed in denial and resorted to the tactics of smear and spin. Regarding the Defra Hen Harrier Plan, Mike Clarke explained that the industry had been given the chance to show leadership and effect change. Unfortunately that had not happened and for hen harriers it had been “business as usual – with that



Mark Hamblin (rspb-images.com)

business being illegal”.

Charlie Moores of BAWC and conservation campaigner Mark Avery, who is currently running an e-petition calling for a ban on driven grouse shooting, also outlined their concerns to the crowd about the conservation impacts of illegal killing, and the wider environmental problems associated with intensive grouse moor management.

Elsewhere around the UK there were other events: three in Scotland, two for the first time in Northern Ireland, one each in Lancashire, Cleveland, West Yorkshire, Dorset and Derbyshire. At Edale in Derbyshire, around 400 people listened to several speakers, including Police Crime Commissioner Hardya Dhindsa,

A male hen harrier

who outlined his intention to keep wildlife crime on the agenda. Natalie Bennett, leader of the Green Party, made the trip from London to give her enthusiastic support to tackling the problems of raptor persecution.

ENPE enters new phase

The European Network of Prosecutors for the Environment (ENPE) has entered an exciting new phase in its efforts to support environmental prosecutors. Peter Ashford, Senior Lawyer with the Environment Agency (EA), reports.

ENPE was founded in 2012 by environmental prosecutors from the EA and colleagues across Europe. Its purpose is to promote the enforcement of environmental criminal law by supporting environmental prosecutors. ENPE “completes the enforcement chain” alongside environmental networks: EnviCrimNet for police officers, the EU Network for the Implementation and Enforcement of Environmental Law (IMPEL) and the EU Forum of Judges for the Environment (EUFJE).

In recent years, there’s been a significant rise in international environmental crimes such as wildlife trade and shipping waste across frontiers. As these crimes grow in sophistication and scale, the efforts of networks such as ENPE become ever more important.

Since 2012, ENPE has grown steadily and 2016 sees a significant intensification of its work. ENPE has launched a new project that runs until 2020 thanks to backing

from the EU LIFE programme, the EA, the Irish Environmental Protection Agency, Dutch and Swedish environmental prosecutors and EUFJE. This project includes practical measures to build the capacity of environmental prosecutors. ENPE is researching the challenges prosecutors face in tackling environmental crime (in particular wildlife crime, waste crime and chemical pollution), and solutions to overcome these. This research also examines the extent to which courts can impose sanctions that are effective, proportionate and dissuasive.

ENPE has established a caselaw database to allow prosecutors to draw upon precedents from other jurisdictions when arguing before domestic courts in favour of strong, consistent approaches. Through its four working groups, ENPE will develop training packages, including guidance notes and best practice case studies, for use by environmental prosecutors.

The project kicked off publically in May 2016 with a conference in Utrecht, the Netherlands. In glorious sunshine and within the magnificent setting of the Dom Church in Utrecht, more than 150 delegates met to hear from Europe’s leading environmental criminal law professionals. Delegates heard about initiatives to strengthen efforts against environmental crime, as well as case studies of recent successes and ideas for sharing and embedding best practice.

ENPE is hosting follow-up events later this year. It will be formally launching its four working groups focussed on waste, wildlife and chemicals crimes as well as prosecution and sanctioning practices. The wildlife crime working group will focus on the international trade in endangered species. Workshops will explore the challenges in tackling these crimes, as well as solutions and examples of best practice in action. Visit environmentalprosecutors.eu for more information.



Delegates at the ENPE meeting in the Netherlands



A juvenile rhinoceros – yet another victim of poaching for the illegal trade in horn

Global forensics to tackle rhinoceros poaching

Dr Lucy Webster of the Wildlife DNA Forensics unit at Science and Advice for Scottish Agriculture (SASA), reports on a recent forensics conference in South Africa.

The rhino poaching crisis in Africa is being driven by illegal trade in their horns around the world. DNA analysis from rhino horn can be used to trace the origin of seized items – which can help enforcement to identify trade routes and the criminals involved. A rhino DNA profiling and database system developed in South Africa known as RhODIS®, has already provided evidence for many successful prosecutions, but there is a need for international co-operation to maximise this source of intelligence.

The University of Pretoria, which hosts RhODIS®, held a workshop in June 2016 to bring together wildlife forensic scientists to enhance rhino DNA testing on a global scale. The workshop was funded by the US Agency for International Development (USAID) and the WWF African Rhino Programme.

Forensic scientists from Malaysia, Thailand, Vietnam, Indonesia, Hong Kong, South Korea, South Africa, Kenya, Botswana, Namibia, the Netherlands, United Kingdom, Australia, Czech Republic, and India represented both rhino range states as well as many transit and consumer countries for this illegal trade. I was the representative from the UK.

The first part of the workshop was held in the Kruger National Park where we saw the brutality of these crimes at a poaching scene where a mother and a juvenile had been killed. The methods for crime scene investigation and sample collection for the RhODIS® DNA database were demonstrated. Technology is being used to great effect in these field investigations, using bespoke applications on tablet computers to streamline the process.

Back in Pretoria, the workshop continued with discussion on laboratory methods and the different needs for enforcement in each country. Topics included refining and validating existing methods, as well as developing new techniques so that a global rhino DNA testing system could be rolled out.

This meeting was the first step towards an international rhino DNA profiling system. Such a system would facilitate trans-national investigations into the illegal rhino horn trade, whether it originates from poached animals or stolen museum exhibits. The impetus is there to work together to disrupt trade and to identify and prosecute those responsible for the poaching crisis to protect these magnificent animals from further persecution.

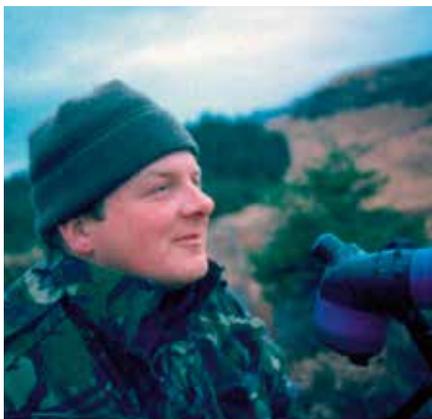
And finally...

In memory of colleague and friend Richard Evans

It is with great sadness that *Legal Eagle* reports on the recent death of RSPB staff member Richard Evans.

Richard, aged 52, joined the RSPB in 1988 and was a Senior Conservation Policy Officer at RSPB Scotland. He died in August after a sudden cardiac arrest whilst cycling to work. Richard had a highly distinguished conservation career and played a pivotal role in the defence and conservation of some of Scotland's rarest species and most highly valued protected areas.

In 1994, Richard moved to Mull as an RSPB Conservation Officer, and



for eight years worked on monitoring and protecting the white-tailed eagle population. It was during this period there were serious problems with egg thieves targeting this species and Richard, working with the RSPB Investigations Team and local police under Operation Easter, was instrumental in the conviction of a number of individuals. During this period he also met his future wife Solveigh on the island, and left in 2002 to work in Edinburgh. His work included tackling inappropriate wind farm developments and eagle re-introduction.

Softly spoken and understated, jovial, perceptive, tactically clever, and determinedly non-institutional, Richard was admired and loved by colleagues and friends – as much for his humanity as for his deep intelligence. He is survived by his wife Solveigh, son Aneurin, and his parents John L. Evans and E. Mary Evans.

PAW

PAW is The Partnership for Action Against Wildlife Crime, a multi-agency body of organisations involved in wildlife law enforcement in the UK.

PAW provides opportunities for statutory and non-governmental organisations to work together to combat wildlife crime, and 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.

Want more info?

Visit defra.gov.uk/paw



**PARTNERSHIP FOR ACTION AGAINST
wildlife crime**

The RSPB

UK Headquarters

The Lodge, Sandy, Bedfordshire SG19 2DL
Tel: 01767 680551

Scotland Headquarters

2 Lochside View,
Edinburgh Park, Edinburgh EH12 9DH
Tel: 0131 317 4100

Northern Ireland Headquarters

Belvoir Park Forest, Belfast BT8 7QT
Tel: 028 9049 1547

Wales Headquarters

Sutherland House, Castlebridge,
Cowbridge Road East, Cardiff CF11 9AB
Tel: 029 2035 3000

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 and mailing list updates to The Editor, The RSPB, Investigations Section, The Lodge, Sandy, Bedfordshire SG19 2DL, by email to guy.shorrocks@rspb.org.uk or telephone 01767 680551. The views expressed in *Legal Eagle* are not necessarily those of the RSPB or PAW.

The RSPB is the country's largest nature conservation charity, inspiring everyone to give nature a home.

The RSPB is a member of BirdLife International, a partnership to give nature a home around the world.

The RSPB is a registered charity in England and Wales 207076, in Scotland SC037654. 232-0567-16-17

Cover photo by the Metropolitan Police



**KEEPING
WILDLIFE
CRIME OFFICERS
INFORMED**

For more information on wild birds and the law, visit rspb.org.uk/birdlaw