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# LEGAL EAGLE

THE RSPB'S INVESTIGATIONS NEWSLETTER

FEBRUARY 2011 No 63

Tom Marshall (rspb-images.com)

## Scotland to get tough?

A new "vicarious liability" proposal in Scotland aims to make employers responsible for their employees' illegal actions, including the persecution of birds of prey.



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**Proposals to tackle wildlife crime by making employers responsible for their employees' illegal poisonings have been outlined by the Scottish Minister for Environment, Roseanna Cunningham. On 3 November 2010, the minister announced the Scottish Government's intention to bring forward a Stage 2 amendment to the Wildlife and Natural Environment Bill, when she was giving evidence to the Rural Affairs and Environment Committee.**

Ms Cunningham told the committee that the amendment would create a new vicarious liability offence that would target not only those who persecute birds of prey, but also the manager (or employer) of the persecutor. Managers found guilty could face six months in jail, be fined up to £5,000, or both. There will be a defence for managers who can show that they took steps to prevent persecution.

Ms Cunningham said: "Increased awareness and condemnation appears to be doing little to bring down the number of illegal bird poisonings in Scotland. Official figures show that 16 birds of prey were poisoned in the first six months of this year and I find this extremely disappointing. We have

robust legislation in place to tackle this sort of crime but tougher action has to be taken to deter those who think that they can get away with persecuting our wildlife.

"We have a duty to protect our birds of prey as they are an integral part of our national identity. They also help our economy by attracting tourists from across the world and we cannot afford to have our international reputation tarnished by the few who continue to target them illegally."

Responding to the proposals, Duncan Orr-Ewing, Head of Species and Land Management at RSPB Scotland, said: "Wildlife crime against some of our most vulnerable bird of prey species, including golden eagles, hen harriers and red kites, is having a serious impact on their populations in Scotland. We welcome the Minister's announcement that follows on from a similar recommendation in Her Majesty's Inspectorate of Constabulary's (HMIC) *Thematic Review of Wildlife Crime*.

"If we are to stop criminal activity against protected bird species, the ultimate responsibility must lie with landowners to put in place proper procedures. They must ensure that their employees work within wildlife

protection laws, as they do for laws relating to other aspects of land management operations. For the many responsible landowners in Scotland this should not involve a change in current practices.

"In our evidence to the committee overseeing the current Bill, we outlined the seriousness of the issue, and are pleased that the Scottish Government has responded with this positive proposal. We would actively encourage the committee and the whole Scottish Parliament, whilst examining the detail, to support the spirit of this amendment and pass it into law."

Statistics published by Science and Advice for Scottish Agriculture show that in the first half of 2010 there were 13 poison abuse incidents, with 16 birds of prey poisoned: three buzzards, five red kites, four golden eagles, two peregrine falcons, one sparrowhawk and a white-tailed eagle.

The Wildlife and Natural Environment (Scotland) Bill was introduced to the Scottish Parliament on 9 June 2010. It covers a range of subjects from game law to invasive and non-native species. It is hoped the Bill will be passed into law by spring 2011.



The rhino horns Allison tried to smuggle

Guy Shorrocks (RSPB)

## Rhino horn smuggler jailed

**A man has been jailed for 12 months following an attempt to smuggle two white rhinoceros horns out of the UK through Manchester Airport. Marc Granville of the UK Border Agency (UKBA) reports.**

"On 5 October 2010, Donald Allison, 62, of Inglewhite, Preston, was sentenced at Manchester Crown Court after an earlier guilty plea to the attempted smuggling of rhino horns contrary to the Customs and Management Act 1979. It is believed the horns were intended for the lucrative Chinese medicine market where the powdered horn is believed to cure cancer.

The horns, which sell for up to £60,000 a kilo, were removed from the body of Simba, a 41-year-old white rhinoceros who lived at Colchester Zoo in Essex. He died at the zoo in April 2009. When Simba's body was sent for incineration, it was discovered that the horns had been removed. Essex Police later cautioned an individual about the horns' removal.

Following intelligence reports, on 30 June 2009, officers from UKBA intercepted Allison at Manchester Airport as he tried to leave on a flight to China via Amsterdam. The horns were discovered concealed in Allison's luggage within a specially-constructed false artwork described as a "Vienna bronze sculpture" depicting a bird on a log. The sculpture had been created using resin and fibreglass to contain and disguise the two horns.

The UKBA Convention on International Trade in Endangered Species (CITES) team arranged for forensic analysis of the horns. DNA testing was carried out by Tools and Resources for Applied Conservation and Enforcement (TRACE) Wildlife Forensic network, supported by funding from the Partnership for Action Against Wildlife Crime (PAW) Forensic Analysis Fund. The tests confirmed the species as white rhino. Enquiries by the authorities located blood samples, which

had been taken from Simba before he died. Further DNA work, in collaboration with geneticists from South Africa, was able to establish the horns seized from Allison had originated from Simba.

This was a collaborative effort across many government departments, NGOs and charities. Without their advice and practical support, this excellent result could not have been secured."



The fake sculpture Allison used when attempting to smuggle the rhino horns

Guy Shorrocks (RSPB)



White-tailed eagle

RSPB (rspb-images.com)



## Egg collector loses his drive

Prolific egg collector Aaron Kiesel, of Hanley Avenue, Bramcote, Nottinghamshire, has received a three-month jail sentence (suspended for 12 months) and been banned from driving for 10 months, the first time this punishment has been handed down to an egg collector.

Officers from Nottinghamshire Police and the RSPB raided Kiesel's address in May 2009 after birdwatchers spotted him acting suspiciously at peregrine falcon and merlin breeding sites in Derbyshire. Thirty birds' eggs, including two clutches of woodlarks' eggs, were discovered at the address. Other egg collecting paraphernalia was also found.

Sgt Andy Hallsworth examining a padded egg container found in Kiesel's Rucksack.



Mark Thomas (RSPB)

Kiesel pleaded guilty to possessing the eggs, but denied having items capable of being used for possessing or taking eggs. On 26 August 2010, after a four-day trial at Nottingham Magistrates Court, Kiesel was found guilty of possessing items capable of being used to take and possess wild birds' eggs. A number of items belonging to Kiesel were confiscated including an egg-blowing kit, an egg cabinet, a camera and Swarovski binoculars.

During the trial, the court heard evidence that sedge warbler and cuckoo eggs found at Kiesel's house matched those found on photographs also found at the house, showing the eggs in the nest before being taken. It was accepted by the court that Kiesel had taken eggs as recently as 2009 and that his diaries showed he had amassed a large collection of eggs over the past 20 years. Peter Robinson, a former head of RSPB Investigations, was used as an expert by the defence. In delivering the verdict, the bench of magistrates praised the RSPB for providing objective and unbiased expert evidence. Kiesel was also ordered to carry out 150 hours community service and pay £300 costs. RSPB Investigations Officer Mark Thomas said: "Aaron Kiesel is a very active egg collector. He meticulously documented the finding and taking of thousands of birds' eggs, many from rare species and some even from nature reserves."

Following the sentencing, the RSPB and Nottinghamshire Police offered a reward of £1,000 for information to help locate the remaining thousands of eggs documented in Kiesel's diaries. In late November 2010 Kiesel lodged an appeal against the sentence, but this was later abandoned.

The RSPB wishes to thank Sgt Hallsworth and CPS Prosecutor Rod Chapman.

## Pigeon fancier cautioned

An elderly pigeon fancier in Middlesbrough has received an official caution for the illegal use of a Larsen trap.

On 20 April 2010 in Middlesbrough, RSPB officer James Leonard found a Larsen trap on top of a garage roof, next to a pigeon loft. There was a dead pigeon in the trap.

The following day, PC Joanne Ward of Cleveland Police, accompanied by the RSPB, went to the premises. An unset Larsen trap was recovered from the garage roof. It contained a dead wood pigeon in the decoy compartment. A suspect was arrested and, during interview, he admitted using the cage trap for trying to catch sparrowhawks, which he claimed were decimating his racing pigeons. He claimed he did not realise his actions were illegal.

Following CPS guidance, the suspect disclaimed the Larsen trap and accepted an official caution under Section 5 of the Wildlife and Countryside Act 1981 for setting a trap to take a sparrowhawk.

Cage traps are subject to strict control under an Open General Licence, issued by Natural England, and they can be used to control certain corvid species, also known as members of the crow family. All birds of prey are fully protected by law and the abuse of cage traps to kill them remains a problem. More information on General Licences can be found at [www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx](http://www.naturalengland.org.uk/ourwork/regulation/wildlife/licences/generallicences.aspx)

Sparrowhawks are sometimes illegally targeted around pigeon lofts



Guy Shorrocks (RSPB)

## Skull trader heads to court

A protracted investigation led to the conviction of a Coventry man for the illegal trading and smuggling of skulls of CITES specimens. Alan Roberts of the National Wildlife Crime Unit (NWCU) reports.

"On 20 August 2010 at Coventry Crown Court, Alan Dudley of Halford Lane, Keresley, Coventry, pleaded guilty to six charges contrary to the Customs and Excise Act 1979 and the Control of Trade in Endangered Species (Enforcement) Regulations 1997. These related to:

- the illegal importation of skulls of a howler monkey and a loggerhead turtle
- offering for sale skulls of a Goeldi's marmoset and a Humboldt penguin
- purchasing skulls of a goshawk and a long-eared owl
- offering to purchase the skull of a buzzard.

Dudley was sentenced to 25 weeks imprisonment (suspended for two years), fined £1,000 and ordered to pay £2,515 costs. He was given a three month curfew order during which he would be electronically tagged.

The investigation started on 11 March 2008, when the UKBA and I assisted

the West Midlands Police with the execution of a search warrant at Dudley's home. We found a large collection of skulls, set out in display cases, and taxidermy items. A freezer was found to be full of dead animals and birds. Enquiries revealed that, as well as being an avid collector of skulls for some years, Dudley had been licensed to dispose of animal waste, including zoo animals. He had used this opportunity to obtain potential taxidermy specimens and skulls.

He used some of these for trading to enhance his collections. He also obtained skulls of species such as howler monkey and loggerhead turtle through contacts on the internet and imported them, knowing that they would not have been granted permits.

In mitigation, his defence stated that he did not act for commercial gain, but had a deep and serious interest in natural history and that most of his collection was lawfully held. Judge Peter Ross described Dudley as an "amateur academic." He added: "Yours is a case where academic zeal has crossed the line into unlawful obsession."



Some of Dudley's collection of skulls

NWCU

## Football fan scores own gull

Shooting a gull when a goal was disallowed in the 2010 England v Germany World Cup game landed a hairdresser in court.

On 21 August 2010 at Exeter Magistrates Court, Thomas Philip Cook pleaded guilty to intentionally killing a wild bird. This followed an incident in Seaton, Devon on the evening of 27 June 2010. Cook was sentenced to a six-month conditional discharge and was ordered to pay £85 costs.

We all remember that goal. Lampard, 39 minutes into the England v Germany 2010 World Cup game. But few will remember it more than 40-year-old hairdresser Philip Cook. Cook was so outraged by the disallowed goal that, come half time, he took his air rifle and shot a gull off a roof opposite the hair salon on Queen Street, Seaton, firing across a public highway in the process.

The court heard that Cook had been kept awake the previous night by the noise from gulls roosting on his roof. Pleading guilty to killing a wild bird, the defendant stated:

"If it had been a really good match I wouldn't have done it ... they cause so much damage to vehicles and buildings and the noise is unbearable. But what I did was wrong and I wouldn't do it again, it was a moment of madness."

The herring gull is a fully-protected and declining seaside resident.



Mark Thomas (RSPB)



James Leonard (RSPB)



Illegally-set spring trap

## Cumbrian caution for illegal trapping

An official caution has been handed out for illegal spring trapping at an allotment in St Bees, Cumbria.

On 9 April 2010, an illegally-set spring trap was found on an allotment in St Bees, Cumbria. A member of the public noticed a live crow with its foot caught in the trap, and called the RSPB. An RSPB officer went to the site and found the trap on top of a small corrugated iron shelter. The trap did not have a bird in it, but was baited with cereal, which covered the trigger plate.

Cumbria Police's Wildlife Crime Officer (WCO), John Shaw, went to the scene and seized the trap, together with a dead crow that was found nearby. Its legs had been broken. PC Shaw found the trap owner, who was subsequently interviewed. He admitted setting the trap for crows, and for catching and killing a crow – the one that had been initially reported. Following guidance from the Crown Prosecution Service (CPS), the man was cautioned and given guidance on legal methods of control for "pest" species.

## Jail for Wanstead wildlife poisoners

More than 90 wild birds and a pet dog died when two pest control officers amused themselves during their lunch breaks by deliberately distributing poisoned bread at a popular leisure area.

On 18 October 2010 at Snaresbrook Crown Court, Terrence Webb, 28, of Peregrine Road, Ilford and Mark Page, 35, of White Hart Lane, Romford both pleaded guilty to two charges under the Theft Act 1968 and two charges under the Control of Pesticides Regulations 1986. Both were sentenced to four months imprisonment and fines of £7,000, with a further four months imprisonment if they default on the fines.

At the time of the incident, both Webb and Page were employed as pest control officers for Newham Council. On 8 and 9 March 2010 the pair drove to Alexandra Lake, Wanstead Flats in East London during their lunch break.

They had stolen a strong insecticide from their workplace, and used it to lace bread. They then scattered the bread on the ground by the lake, a popular local leisure area. This "prank" led to the lethal poisoning of over 90 birds and animals, including geese, moorhens, ducks and coots. A pet dog named Russett also fell victim to the bait, suffering violent convulsions before dying 20 minutes after ingesting some of the poisoned bread.

PC David Flint of the Metropolitan Police's Wildlife Crime Unit said: "This is by far the worst incident of wildlife poisoning my unit has investigated. These men showed a complete disregard for public safety with the indiscriminate use of dangerous chemicals. They derived personal amusement from the death of birds and caused the death of a pet dog. I believe we were lucky with this case in that there was not a serious injury or even fatality to a child."

Paul Butt, Senior Specialist with the Wildlife Management and Licensing Team of Natural England said: "The deliberate and reckless use of pesticides as occurred in this case is both illegal and irresponsible. The fact that this action was taken by trained professional pest controllers is of particular concern."

Newham Council has since sacked both men. Passing sentence, His Honour, Judge SR Wilkinson said: "Inevitably, these offences are so serious that only immediate custodial sentences can be justified." The prosecution dropped charges relating to the storing of pesticides and the theft of a sprayer. The remaining charges, relating to the Wildlife and Countryside Act 1981 and the Protection of Animals Act 1911, were ordered to lie on file.

## Spotlight on Derbyshire

In recent years, there have been problems with bird of prey persecution in Derbyshire. Unfortunately, this trend has continued into 2010 with more incidents coming to light.

### Buzzards poisoned

In February 2010, two buzzards were found near the village of Idridgehay, along with a chicken carcass.

In early April 2010, the bodies of four dead buzzards were found lying next to the remains of a dead pheasant on farmland near Kirk Ireton, Ashbourne, Derbyshire. A joint investigation involving Derbyshire Police, Natural England and the RSPB was launched. Analysis of the buzzards indicated that all six had died from carbofuran poisoning with the pheasant and chicken remains being confirmed as poison baits. A joint press appeal was issued, offering a reward for information leading to a conviction. Following the appeal, several premises were searched by Natural England and Derbyshire Police, but without success.

### Goshawks down

In late July 2010, the bodies of three dead goshawks were discovered at a location close to the Derwent Valley. The birds were all recently-fledged juveniles and were found lying

together, a short distance from a nest that had contained three chicks only weeks before. None of the juveniles were found wearing British Trust for Ornithology (BTO) rings despite those in the nest having been fitted with rings just prior to fledging. This was the only active goshawk nest in that location. Results from the season indicate that from six active nests, only one chick successfully fledged. Since 2007, there have been 20 nesting attempts within the Derwent Valley, but only four have been successful.

### Ongoing enquiry

In May 2010, RSPB Investigations assisted Derbyshire Police with a Wildlife and Countryside Act search warrant at an address in the Derwent Valley. This followed fieldwork carried out by the RSPB. A 39-year-old gamekeeper was arrested and enquiries are continuing.

### Police initiative

Derbyshire Police recently convened a working group looking at wildlife crime in the county. Partners include Derbyshire Wildlife Trust, the Royal Society for the Prevention of Cruelty to Animals, the RSPB, Natural England, the Environment Agency, Peak District National Park Authority and Derbyshire County Council.



PC Cooper with the four poisoned buzzards found near Kirk Ireton, Derbyshire

Mark Thomas (RSPB)

## Ospreys gunned down

RSPB Investigations received reports that four ospreys had been shot in autumn 2010. Three of the birds had been ringed in Sweden.

The first was a bird picked up in Caithness, which later died from its injuries. Another osprey was found in similar circumstances at Golden Cross in West Sussex. One was found shot dead near Caister in Lincolnshire and another was seen on migration over Spurn Point in East Yorkshire, missing a large section of its wing.

The three dead birds were wearing Swedish rings, having been ringed in June 2010. Appeals for information have been issued by the RSPB and the two police forces in question.

Mark Thomas, RSPB Investigations Officer, said: "The shooting and subsequent deaths of these birds is sickening. Not only is this an amazing species but the fact that three of them originated from Sweden and were passing through the UK on migration makes these killings a national disgrace."



The dead osprey found at Golden Cross, West Sussex

Seericroft Veterinary Centre



The aftermath of poisoned bread deliberately placed by a public lake (Courtesy of Natural England)

S Spasov



Guy Shorrocks (RSPB)



Charlie Everitt of the NWCU (left) receives the Wildlife Enforcer of the Year award from Chief Constable Richard Crompton



CC Richard Crompton and Brian Stuart (NWCU) meet with the Bulgarian delegation

Guy Shorrocks (RSPB)

# 2010 Wildlife Crime Enforcers Conference

Guy Shorrocks (RSPB)



More than 100 delegates from around the UK were joined by three government officials from Bulgaria at the 22nd Annual Wildlife Crime Enforcers Conference in Cheltenham, Gloucestershire in October 2010.

The opening remarks were made by Gloucestershire's Assistant Chief Constable Ivor Twydell who emphasised his strong support for wildlife crime enforcement and the importance of this work to the public. This was followed by an enthusiastic presentation by WCO Jon Palfrey, who outlined recent efforts to develop a secure business case to justify and develop wildlife crime work within the county.

In light of the current gloomy financial situation, Chief Constable Richard Crompton said this sort of approach would become increasingly important, and emphasised the need to make the link with issues such as public confidence, organised crime and partnership working.

Sergeant Rob Taylor North Wales Police (left) receives his runner-up award for Wildlife Enforcer of the Year from Chief Constable Richard Crompton

## WWF Wildlife Enforcer of the Year

The World-Wide Fund for Nature (WWF)-sponsored Wildlife Enforcer of the Year was won by Charlie Everitt, a reflection of his work since taking up his NWCU post in 2009. Charlie has been involved in operations involving traditional Chinese medicines, hare coursing and venison sales as well as dealing with cases involving CITES, raptor persecution and damage to Sites of Special Scientific Interest (SSSI). He also co-ordinated a community peregrine watch project.

The runner up was WCO Sgt Rob Taylor from North Wales Police.

## Other conference news

The entertaining after-dinner speaker was TV presenter Mike Dilger. Mike regularly presents on the BBC's *One Show*, which featured the case involving egg thief and smuggler Jeffrey Lendrum (see *Legal Eagle 62*). Mike recently accompanied the RSPB and others when three peregrine chicks reared from eggs taken by Lendrum were fostered into a Scottish nest site, and this was featured on the *One Show*.

The Conference also saw an RSPB presentation to Nick Crampton, recently retired from the Norfolk Crown Prosecution Service, and this was to be his last conference. Details of Nick's contribution to wildlife crime enforcement were outlined in *Legal Eagle 62*. Nick was presented with a Certificate of Appreciation and a framed print of an avocet, the symbol of the RSPB and a charismatic Norfolk bird.

In keeping with previous years, the conference hosted international delegates from Bulgaria, including police and

customs officers. Our Bulgarian BirdLife partner, the Bulgarian Society for the Protection of Birds (BSBP), arranged the visit with assistance from the RSPB. The visit forms part of an EU Life project for conservation work on raptors in Bulgaria. As highlighted in *Legal Eagle 62*, there have been problems with the illegal taking of raptors in Bulgaria. The project aims to improve enforcement activity for wildlife crime by the Bulgarian authorities.

Following the conference, a workshop was held in Bulgaria involving a range of government agencies. Brian Stuart, head of the NWCU, gave a presentation about how the UK authorities, supported by PAW and non-government organisations (NGOs), are working together to tackle wildlife crime. The BSBP would like to thank Brian for his contribution to the workshop and it is hoped this will help stimulate work by the statutory agencies in Bulgaria.



Nevin Hunter (left) and Andy McWilliam with TV presenter Mike Dilger

Guy Shorrocks (RSPB)



## Welsh General Licence updates

In response to dramatic population declines, several species once labelled as pests have been afforded greater legal protection thanks to the Welsh Assembly Government's decision to remove them from certain General Licences.

On 1 January 2011, the Welsh Assembly Government (WAG) is due to issue a set of revised General Licences following a public consultation in late 2009. These licences are issued annually in Wales under the Wildlife and Countryside Act 1981. They permit authorised persons to control certain

species of birds for specific purposes, for instance, to prevent serious damage or disease.

The RSPB welcomes the WAG's decision to remove five species of conservation concern – the house sparrow, starling, herring gull, great black-backed gull and lesser black-backed gull – from several of these licences. The starling and herring gull feature on the list of species of Principal Biodiversity Importance in Wales and are red-listed species of conservation concern. Like the great black-backed gull (also red-listed), the breeding populations of these species have declined by more than 50%. The lesser black-backed gull and house sparrow are both amber-listed species of conservation concern, with house sparrow also featuring on the list of species of Principal Biodiversity Importance. The house sparrow and herring gull are also priority species under the UK Biodiversity Action Plan.

The RSPB is pleased with the approach taken by WAG and believes the conservation status of these species presented a clear case for ensuring they are no longer subject to the effectively unregulated killing permitted by the General Licences. From 1 January 2011, licences to control these species will only be issued by WAG on a case-by-case basis.

Guy Shorrock (RSPB)



Starlings will get improved protection in Wales from 2011

## Operation Ramp clamps down on illegal animal trade

The UK's contribution to a global Interpol operation has been hailed a success by Wildlife Minister Richard Benyon.

Operation Ramp was launched in response to a growing trade in illegal wildlife, and targeted the illegal trade of reptiles and amphibians. Police, customs and wildlife enforcement authorities in 51 countries joined forces and carried out thousands of checks at ports, pet shops and animal suppliers. This is the second global Interpol operation to target wildlife crime, following Operation Tram earlier in 2010, which targeted the illegal trade in traditional medicines.

The operation ran during September and October, and focused on the illegal trade and possession of reptiles and

amphibians. Worldwide, it resulted in many arrests as well as the seizure of thousands of animals and illicit products worth more than 25 million Euros.

UKBA carried out 64 inspections involving more than 40,000 animals at Heathrow, Gatwick and Manchester airports. Unpaid revenue of £11,876 was claimed by the UKBA for two wrongly-declared shipments, though nearly all import and export activity was found to be legally compliant.

Police from 46 UK forces, the NWCU and Animal Health visited 556 reptile traders, importers and exporters, reptile shows and breeders across the UK, primarily concentrating on tortoises. Detailed assessments of the visits are ongoing and numerous non-compliance issues have been identified, resulting in police enforcement action.

Wildlife Minister Richard Benyon praised the organisations involved, adding: "Tackling wildlife crime is a top priority for the Government and we are committed to doing all we can to end it. I have seen for myself the expertise and dedication of those who police wildlife crime. By working in partnership with the public, police and conservation bodies, we can thwart these criminals and help protect endangered species."

Brian Stuart, head of the NWCU stated: "The success of Operation Ramp is the culmination of many months of painstaking intelligence gathering, and I welcome the extensive contribution made by my colleagues around the world in combating the illicit trade in endangered species."

NWCU



In the UK, Operation Ramp focussed on the illegal trade in tortoises

## Partnership funding for Grampian police Wildlife Crime Education Officer

Andy Turner talks about his new role, which began in July of this year.

"The post has been created in response to increasing demands for an education and awareness-raising input from the full- and part-time WCOs throughout Grampian, and is the first of its kind in Scotland and indeed the UK. Funding for the three-year post is provided through a Links Between Activities Developing the Rural Economy (LEADER) grant (part of the Scotland Rural Development Programme that promotes economic and community development within rural areas), Scottish Natural Heritage (SNH) and private funding from Aberdeen-based, oil service company Optima.

The primary aims of the Wildlife Crime Education Officer are to:

- raise awareness of wildlife crime among school children
- deliver seminars, talks and training events to countryside managers and practitioners
- raise awareness of wildlife crime among the general public through attendance at shows and events, and
- promote good news stories through the media.

It is important that the message I deliver is both balanced and representative of the views of conservation, game management and land-based organisations.

There is great scope for this role to raise awareness of wildlife crime and the benefits of good land management. In the long-term it will hopefully reduce wildlife crime.

Having spent the last eight years as reserve manager at St Cyrus National Nature Reserve on the Aberdeenshire coast with SNH, this new role should prove to be both challenging and an interesting change!"

Andy can be contacted at [andrew.turner@grampian.pnn.police.uk](mailto:andrew.turner@grampian.pnn.police.uk) or on 01224 304140.

Andy Turner at suspected deer poaching incident in Aberdeenshire



Dave Mackinnon

## Merseyside: working in partnership for wildlife

A new wildlife protection forum, Sefton Coast Wildlife Protection Group (SCWPG), has been set up to assist Merseyside Police in protecting the area from anti-social behaviour and other damaging activity affecting the area and its wildlife.

The SCWPG is an initiative of Operation Beachsafe, a partnership between Merseyside Police, British Transport Police, Sefton Metropolitan Borough Council, Merseyside Fire and Rescue Service, as well as local and national wildlife conservation organisations.

SCWPG members include the RSPB, National Trust; Natural England; Sefton Metropolitan Borough Council Coast and Park Rangers Service and the

Wildlife Trust for Lancashire, Manchester and North Merseyside.

The group will act as a point of contact for wildlife issues, and will liaise with Merseyside WCO Rachael Krueger on current and potential threats to local species and habitats, as well as reporting any incidents of criminal activity along the stretch of coastline.

For further information contact the chair of the Wildlife Trust for Lancashire, Manchester and North Merseyside, Peter Olson [peter.olson@blueyonder.co.uk](mailto:peter.olson@blueyonder.co.uk)

Andy Hay (rspb-images.com)



The Sefton coast is of international importance for rare dune habitats and species such as the red squirrel





Hertfordshire Police

Sergeant Jamie Barlett is the new full-time Wildlife and Environmental Crimes Co-ordinator for Hertfordshire

## New Rural, Wildlife and Environmental Crimes Co-ordinator for Hertfordshire

National recommendations from the Association of Chief Police Officers (ACPO) and a growing focus on rural and environmental crime has led to the appointment of a dedicated officer in Hertfordshire.

Sergeant Jamie Bartlett, who has been a WCO since 1989, is delighted with his new role. He said: "I am passionate about policing and passionate about rural policing and wildlife. Rural communities tend to be quite isolated, so rural policing is about forming networks and sharing information through the Safer Neighbourhood Teams and wildlife officers with schemes like Farmwatch, River and Canal Watch, Dogwatch and Barn Meets."

Jamie has already built up excellent relationships with agencies including Defra, Natural England, the British Association for Shooting and Conservation (BASC), the RSPCA and the RSPB. He also sits on a variety of working groups that concentrate on Rural Policing and Wildlife and Environmental Crimes issues. Some of the cases that Jamie has been involved in include the seizure of 43 owls which were being kept in terrible conditions in Hemel Hempstead, the successful prosecution of a construction company that destroyed a bat habitat in Hatfield, and the prevention of rare birds' eggs being stolen from a Hertsmere beauty spot. He also became involved with a high profile case involving *Big Brother*

celebrity Pete Burns and his infamous "monkey coat."

Jamie is keen to develop his new role into areas such as "property marking" for farm equipment and items of plant machinery so they can be linked to owners. He would also like to work on improving links with scrap metal yards to prevent theft of metal and diesel; as well as promoting cross-border Neighbourhood Team meetings, expanding the use of pagers by landowners to alert each other to suspicious activity and quality training for rural Special Constables.

## New hope for Irish eagles

The Irish Government has banned the use of all poisons for pest control under new rules aimed at stopping the continued persecution of birds of prey. On 18 October 2010, it became illegal to use poison to kill birds or animals, apart from rats and mice, in the Republic of Ireland.

The new regulations also make it an offence for a person to use any type of animal product such as fish, meat or eggs as bait to poison birds or animals unless licensed by government. Anyone caught breaking the law is liable to a fine of up to €5,000 or a prison sentence of up to 12 months.

There has been a spate of illegal poisoning incidents, which have blighted efforts to re-introduce eagles and red kites. The Golden Eagle Trust administers reintroduction programmes for the white-tailed eagle in Kerry, the golden eagle in Donegal, and the red kite in Wicklow, in partnership with the National Parks and Wildlife Service of the Department of Environment, Heritage and Local Government.

Between April and May 2010 three white-tailed male eagles were found dead near Beaufort, Co. Kerry. The first was found on 2 April. He had been released in Killarney National Park in 2008. The second, which had been released in 2007, was found nine days later. Finally, on 9 May, the third was found. Toxicology tests indicated the presence of the banned pesticide carbofuran. The Gardai and Department of Agriculture officials interviewed a sheep farmer and a prosecution file has been submitted.

Since the reintroduction began in 2007, eight white-tailed sea eagles have been found poisoned, plus a further bird believed to have been shot in Northern Ireland. Sadly, 2010 has seen the worst spate of confirmed poisoning in Eire in recent years. As well as the three white-tailed eagles, there have been a golden eagle in Co. Leitrim; two red kites and



Ian McCarthy RSPB (rspb-images.com)

White-tailed eagle

two peregrines in Co. Wicklow; a red kite in Co. Kildare (a bird released in Northern Ireland); and three buzzards.

During 2010, a further 22 white-tailed eagles were brought in from Norway. However, there are fears that the ongoing abuse of pesticides could result in the Norwegian government withdrawing its support and co-operation.

Dr Allan Mee, white-tailed sea-eagle programme manager for the Golden Eagle Trust stated: "The continuing loss of eagles to poisoning had cast a shadow over the future of this ambitious project. It is hoped that the enforcement of this new legislation will allow a safer future for all raptors in the Republic of Ireland."

## German raptors under threat

A report published in Germany shows that illegal raptor killing is widespread there. The report focussed on the state of Nord-Rhein Westfalen (NRW), but includes a Germany-wide overview.

Between 2005 and 2009, there were 180 confirmed crimes against raptors in NRW, but these are described as *Spitze des Eisberges* (the tip of the iceberg). The majority of the incidents occur between January and May, and most perpetrators are hunters or pigeon fanciers. Penalties handed out include removal of hunting licences and the use of cross-compliance rules to suspend agricultural subsidies, but

these are not always imposed. As in the UK, carbofuran is the most popular poison, even though it is illegal to use and possess it in Germany. Mevinphos, strychnine, chloropyrophos and zinc phosphate are also used illegally.

The report is based on a recently published paper in the journal *Charadrius* (Hirschfeld, A. (2010): *Illegale Greifvogelverfolgung in Nordrhein-Westfalen in den Jahren 2005 bis 2009*. *Charadrius* 46: 89-101) and can be downloaded at [www.komitee.de](http://www.komitee.de)





Guy Shorrock (RSPB)



White rhinos are under increasing threat from poachers in South Africa

## Rhino poaching soars in South Africa

Fuelled by international demand for their horn, as highlighted by the prosecution involving Allison (page 3), there has been a recent surge in illegal poaching of rhino in South Africa. Poaching methods have become increasingly high-tech, with individuals tracking and darting the rhinos from helicopters and then hacking off the horn with chainsaws while the animal lies unconscious. The rhinos are simply left to bleed to death. By November, at least 227 rhinos had been slaughtered in 2010, almost double the 122 killed last year.

South Africa holds over 90% of Africa's white rhinos and around a third of its black rhinos. The animals have responded well to conservation efforts over the last 30 years, but remain at risk as poachers try to take the rhinos' horns. The horns are desired for medical and ornamental use in East and Southeast Asia, where they are used to make medicines that are believed, locally, to be effective treatments for fever and high blood pressure. The economic boom in East Asia has driven up the demand for rhino horn. At prices quoted as high as £45,000 per kilogram, the horns – weighing on average 7kg each – are now worth more than their weight in gold.

At the moment, South Africa has more than 20 poaching

cases before the courts, with most of the 80 people arrested hailing from Vietnam. In one case, two veterinarians, a game farm owner and a pilot were arrested last month on charges of running a poaching ring near the world-famous Kruger National Park.

The demand from Vietnam – where a cabinet minister recently claimed his cancer had been cured by a potion containing ground rhino horn – is particularly fierce. Hanoi-based “kingpins” (allegedly with highly-paid contacts at the very highest levels of South African ministries and conservation groups) dominate the illicit trade. An investigation by the South African Broadcasting Corporation last year captured a Vietnamese diplomat on camera illegally buying rhino horn in front of the embassy building in the capital, Pretoria. The female diplomat was later recalled to Hanoi, without prosecution.

In response, South Africa has stepped up its enforcement work and in October launched a new National Wildlife Crime Investigation Unit to work with other agencies. The head of the country's National Prosecuting Authority has stated that all rhino poaching will in future be classified as organised crime.

## Rare macaws seized in Czech Republic

Customs officers and wildlife inspectors from the Czech Environmental Inspectorate (CEI) have seized 18 rare parrots during house searches and road checks in south Moravia and east Bohemia.

Among the birds seized were three juvenile Lear's macaws, one of the world's rarest parrots. With only a small remnant population of some 700 individuals remaining in its native north-east Brazil, the conservation status of Lear's macaws is classified as endangered by BirdLife International. The species is also extremely rare in captivity.

The seizure was part of *Operation Lora*, a long-term investigation focussed on uncovering international parrot smuggling rings. A similar investigation, *Operation Oxossi*, took place in Brazil last year, and was co-ordinated by Interpol.

Czech officials believe the trafficking is organized by Czech nationals, but involves gang members from many other countries including Brazil,

Portugal, Germany, Russia, Ukraine and the Netherlands. They specialise in smuggling rare parrots, and are believed to smuggle eggs or hatchlings to Europe using couriers. The birds are then declared as captive-bred in the EU, using falsified CITES certificates, fake rings, duplication of ring numbers and replacement of specimens using certificates from dead specimens.

The Czech operation in June 2010 resulted in the seizure of eight species of parrot including hyacinth macaws, great green macaws, red-browed amazons and yellow-headed amazons (all endangered), and Tucuman amazons (near-threatened). They were probably collected from nests in the wild and illegally transported to Europe. The seized birds, all aged around five months old, still need hand-feeding and have been placed in a rescue centre. It is expected that four people will be charged. Investigations are continuing across Europe.

The CEI has warned that the forged EU CITES documentation from such



One of the Lear's Macaws seized under Operation Lora

Czech government

countries as the Netherlands and Great Britain look like genuine certificates. They recommend that all enforcement authorities in the EU should verify CITES certificates (especially for parrots) with the relevant issuing Management Authority, and suggest that an EU database of issued certificates and permits from all countries could be a very useful tool for CITES enforcement.

Videos of the seizure can be viewed at the CEI website:

[www.cizp.cz/2653\\_Zadrzeni-vzacnych-papousku](http://www.cizp.cz/2653_Zadrzeni-vzacnych-papousku)

## Falcons seized in Pakistan

The Punjab Wildlife and Parks Department in Pakistan has seized a consignment of 53 wild sakers and peregrines at Islamabad Airport.

The birds, which were being smuggled to the Gulf state of Qatar in October 2010, are being housed at Lahore Zoo with a view to being released back into the wild. A prosecution case is under consideration.

BirdLife International classifies the global threat status of sakers as 'vulnerable' because they have undergone a rapid population decline, particularly on their central-Asian breeding grounds. The main factors appear to be unsustainable capture for the falconry trade, habitat degradation, and the impacts of agrochemicals. The world population is thought to be less than 17,000 pairs, possibly as few as 9,500 pairs, with an estimated population decline of about 32% between 1991 and 2010.



Sakers remain threatened by the demand for falconry

Mark Thomas (RSPB)



# AND FINALLY...

## The Sheriff of Berwick retires

Neighbourhood beat officer and WCO PC Andy Swinburne, who is also the Sheriff of Berwick, retired from Northumbria Police at the end of February 2011.



WCO and Sheriff PC Andy Swinburne retires

J Leonard (RSPB)

Andy has served 30 years with the police. He spent the first eight years with the Metropolitan Police, and then moved to Northumbria Police. He has only been a part-time WCO for five years, but in that time he has been involved in many cases, including the sale of ivory, badger sett interference, poaching and the illegal poisoning of birds of prey. Andy has worked with the RSPB on a number of cases, and was involved in the first ASBO application for egg collecting, as well as helping to set up protection for roseate terns on Coquet Island.

In May 2010, Andy was selected to be the Sheriff of Berwick, one of only 15 City and Town Sheriffs in England and Wales – a sign of the valuable contribution Andy has made to his local community. In November 2009, Andy was awarded a PAW Certificate

of Merit for his hard work combating wildlife crime.

Andy said: "I have had a terrific time tackling wildlife crime and have met many good people, some of whom I would class as personal friends, not just colleagues." He added: "In particular, I would like to thank the RSPB Investigations Department, RSPCA, Northumberland Badger Trust, Wildlife DNA Services, Natural England, NWCUC and IFAW (the International Fund for Animal Welfare). I hope to be able to continue in the field of wildlife crime following my retirement."

The RSPB would like to thank Andy for his outstanding efforts during the last five years and wish him the very best for the future.

## 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](http://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 and mailing list updates to the Editor, The RSPB, Investigations Section, The Lodge, Sandy, Bedfordshire SG19 2DL, by e-mail to [vicki.blair@rspb.org.uk](mailto:vicki.blair@rspb.org.uk) or by fax to 01767 693078. The views expressed in *Legal Eagle* are not necessarily those of the RSPB or PAW.



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. 232-0622-10-11

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For more information on wild birds and the law, visit [www.rspb.org.uk/birdlaw](http://www.rspb.org.uk/birdlaw)  
Sign to give wildlife a chance: visit [www.rspb.org.uk/lettertothefuture](http://www.rspb.org.uk/lettertothefuture)