



Nottingham Trent  
University

Department of Criminology and Criminal Justice

# **Policing Wildlife: Prosecution Practice and the Enforcement of Wildlife Crime Research Report**

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## Acknowledgements

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This research is carried out by researchers at Nottingham Trent University (NTU) and the University of Gloucestershire into the prosecution of wildlife crime. The research follows on from the research team's previous project into the nature of wildlife crime and its public policy and enforcement response, which considered the impact of austerity measures on wildlife crime policing. It explores prosecution practice in the UK and the factors influencing decisions on whether to pursue a wildlife crime case through to prosecution or to deal with it by way of an out of court disposal, including decisions to take no further action.

In completing this project, we acknowledge the support of the police officers, prosecution staff and NGOs who participated in our project by way of interview or written submission. We are grateful to those who gave freely of their time to answer our questions, provide information and participate in our research interviews. Their input was invaluable in helping us create the research framework and in providing critical evidence which is necessary in writing this report.

Any errors or omissions in this research are ours.

*This research was commissioned by the International Fund for Animal Welfare (IFAW). IFAW is a global non-profit helping animals and people thrive together, working in over 40 countries. IFAW engage stakeholders across government and institutions to tackle wildlife crime and the illegal wildlife trade. For example, IFAW campaigned from 2018 with other groups to support the ivory trade ban (that came into force in the UK in June 2022) to protect threatened elephant populations from further slaughter for their tusks.*

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# 1. Introduction

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This research was commissioned by the International Fund for Animal Welfare (IFAW) and is conducted by Principal Investigator Dr Angus Nurse from NTU's Department of Criminology and Criminal Justice (and ARU Law School), together with Co-Investigator Nadine Harding, Academic Course lead on the BSc Professional Policing at the University of Gloucestershire's School of Natural and Social Sciences.<sup>1</sup>

The project conducts empirical research (UK based) to investigate prosecution practice and to assess the extent to which evidentiary issues may be hampering the prosecution of wildlife crimes. Our research considers the reasons why cases fail at court as well as the reasons why wildlife crime cases may be discontinued and not proceed to prosecution on either evidentiary or on public interest grounds. The research considers the decision-making practices employed in decisions not to pursue a case through to prosecution. This includes examining potential areas of conflict between investigators and prosecutors on the merits of a wildlife crime for prosecution.

The research is empirical in nature and primarily relies on qualitative rather than quantitative methodologies to assess how decisions are made over the prosecution of wildlife crime and the core issues that impact on decisions on how to progress a case. While we are assessing some of the statistical data on prosecutions activity and are collecting some additional data on prosecutions and enforcement activity, a core concern of the research is to identify the effectiveness of current policy and enforcement practice in prosecuting wildlife crimes. Thus, our analysis is not solely based on issues such as the number of cases that proceed to prosecution or on the level of fines or prison sentences as measures of 'success' in prosecuting wildlife crimes. Instead, it considers some of the challenges in pursuing cases building on prior research that identifies that insufficient resources are attached to the investigation and prosecution of wildlife crimes (Wellsmith, 2011; Nurse, 2012). This includes our own prior research that identified that evidentiary issues sometimes impact on whether wildlife crime cases are prosecuted and that potentially cases perceived as viable by investigators are not prosecuted (Nurse and Harding, 2022).

Wildlife crime is widely recognised as a significant area of crime with wildlife trafficking accepted as one of the most lucrative forms of criminal activity globally (Nurse, 2015; Wyatt, 2013). Interpol and the United Nations Environment Programme (UNEP) estimated that natural resources 'worth as much as USD 91 billion to USD 258 billion annually are being stolen by criminals' (Nellemann et al., 2016, p.4). Yet prior research has identified inconsistency in enforcement and prosecution approaches as well as identifying loopholes in UK wildlife law (Nurse, 2012, 2015). In 2015, the Law Commission proposed reform of UK wildlife law, primarily to consolidate the existing disparate wildlife law into a single integrated wildlife management act. Some of the Commission's proposals were implemented in the Infrastructure Act 2015 while devolved legislation has resulted in some strengthened

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<sup>1</sup> Dr Nurse was Head of the Department of Criminology & Criminal Justice at NTU from April 2021 to the end of July 2023 when he joined Anglia Ruskin University (ARU) as Professor of Law and Environmental Justice in ARU Law School. He remains a doctoral supervisor at NTU.

legislation in Scotland that arguably provides for increased wildlife protection.<sup>2</sup> However, wildlife crime is still considered to be an under resourced area of crime both nationally and internationally.

### 1.1 Defining Wildlife Crime

Wildlife crime can be broadly defined as the illegal exploitation of wildlife species, including poaching (i.e. illegal hunting, fishing, killing or capturing), abuse and/or trafficking of wild animal species. In UK law, wildlife is generally defined as any non-domesticated non-human animals living outside of human control. For example, the Wildlife and Countryside Act 1981, the primary law protecting wildlife in Britain, defines wildlife according to criteria that specifies wildlife as animals living 'naturally' in a wild state and excludes animals bred in captivity.<sup>3</sup> Separate legislation (e.g. the Animal Welfare Act 2006 and the associated devolved legislation) protects companion animals. However, it should be noted that legislative definitions of wildlife vary across jurisdictions and in academic discourse such that some definitions would exclude fish and other definitions define wildlife as including both fauna and flora (see later discussion of CITES and UK endangered species legislation). UK wildlife law provides for general protection of wildlife, subject to a range of permissible actions that allow wildlife to be killed or taken for conservation management purposes (e.g. culling to maintain herd health or to conserve other wildlife), killing for legal (and regulated) sporting interests (e.g. shooting and fishing), or to protect farming or other commercial interests (e.g. the killing of so-called 'pest' species). However, wildlife laws often contain prohibited methods of killing or taking wildlife such as prohibitions on using snares, poison or taking or harming or disturbing wildlife during the breeding season. Accordingly, wildlife law creates a range of offences whilst arguably allowing continued exploitation of wildlife.

Thus, for an act to be a wildlife crime, it must be (Nurse and Wyatt, 2020, p.7):

1. something that is proscribed by legislation;
2. an act committed against or involving wildlife, e.g. wild birds, reptiles, fish, mammals, plants or trees which form part of a country's natural environment or be of a species which are visitors in a wild state;
3. involve an offender (individual, corporate or state) who commits the unlawful act or is otherwise in breach of obligations towards wildlife.

These elements clarify that wildlife crime is a social construction as it relates to violation of *existing* laws. Accordingly, laws can be changed, which can reconfigure what is considered to be a crime according to contemporary conceptions. For example, the United Kingdom historically allowed hunting of wildlife such as foxes with dogs, but this practice was banned in 2005 with the implementation of the Hunting with Dogs Act 2004. However, this Act could simply be repealed by the government and hunting with dogs could become legalised again. The socio-legal classification of crime as defined by the criminal law (Situ and Emmons, 2000, p.3) also means that any behaviour not prohibited by law is not a crime. Thus, for example, the killing of wildlife within regulated hunting activities (e.g. trophy hunting) or 'pest' control does not constitute a crime as long as the regulatory provisions are complied with (e.g. not using any prohibited methods of taking wildlife, compliance with humane killing methods). In

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<sup>2</sup> See [Wildlife Law | Law Commission](#) for the Law Commission's wildlife project.

<sup>3</sup> For example, the guidance in the Act states that the definition of 'wild bird' in section 27(1) is to be read as not including any bird which is shown to have been bred in captivity unless it has been lawfully released into the wild as part of a re-population or re-introduction programme.

this context, wildlife crime has clearly defined notions of victimisation in respect of the non-human animals that may be killed, taken or otherwise exploited, and those which may not.

## 1.2 Wildlife Legislation

Wildlife protection legislation is limited by the fundamental principle that such laws operate primarily based on sustainable use of wildlife. Accordingly, political considerations are central to the protection afforded to wildlife in law and policy. Wildlife protection and animal law risks conflicting with other rural policies such that wildlife protection laws might be seen by some communities as lacking legitimacy (von Essen and Allen, 2017). Thus, communities such as traditional hunting communities may find themselves in conflict with wildlife protection laws and actively resist legal and policy protections for wildlife; particularly large carnivores (ibid.). Wildlife crime can be broadly defined as the illegal exploitation of wildlife species, including poaching (i.e. illegal hunting, fishing, killing or capturing), abuse and/or trafficking of wild animal species. Table 1 provides an overview of UK wildlife law.

**Table 1 – Legislation Overview**

Legislation/Policy	Description
Deer Act 1991	Reformed the Deer Act 1980 and introduced protective regulation relating to the safeguarding of all six deer species present in the UK. The Act set closed seasons for all six species making it a criminal offence to take or kill any deer within this season, the legislation also banned use of specific weapons and articles in which to trap, snare, or poison deer. The Act made it illegal to hunt deer at night. Exceptions to offences permitted in some circumstances e.g. where the deer is on private land, where the deer poses a threat to public health and safety, and also where the deer becomes invasive to natural habitats and heritage (in England).
Protection of Badgers Act (1992)	Consolidates badger protection and creates offences in respect of: <ul style="list-style-type: none"> <li>• Killing, injuring, or taking of a badger.</li> <li>• Ill-treatment or cruelty to a badger.</li> <li>• Interfering with a badger sett (home) by causing damage, destruction, obstruction, or forcing a dog to enter a sett (highlighting the involvement of dogs in badger baiting).</li> <li>• Sale or possession of a live badger.</li> <li>• Marking or ringing a badger (e.g., attaching a tag or other forms of marking devices).</li> </ul>

Wild Mammals (Protection) Act 1996	Makes it a criminal offence if any person inflicts or is intent on inflicting suffering on a wild mammal through methods such as mutilation, kicking, beating, impaling, stabbing, burning, stoning, crushing, drowning, dragging, or asphyxiating. A possible defence exists if the offence can be argued as a method of mercy-killing or carried out for the control of pests.
Protection of Wild Mammals (Scotland) Act 2002	Bans the use of dogs in hunting wild mammals such as foxes, mink, hares and deer. Contains exceptions in respect of stalking and flushing from cover, use of dogs in falconry and shooting and searching for a wild mammal with no intention of harming that mammal.
Hunting Act 2004	Bans the use of dogs in hunting wild mammals such as foxes, mink, hares and deer, however it does not ban the use of dogs in the hunting process (such as flushing out and finding wild animals).
Wildlife and Natural Environment (Scotland) Act 2011	Provides protection for Scottish wildlife and specifies prohibited methods of taking or killing wild birds and specially protected animals. The Act amends earlier environmental legislation, including the Wildlife and Countryside Act 1981 and the Deer Act 1996.
Control of Trade in Endangered Species Regulations 2018	Implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The UK's earlier COTES Regulations implemented Council Regulation (EC) No 338/97. Following the UK's departure from the EU new COTES regulations were implemented.

These legislative provisions provide for general protection for wildlife whilst also creating specific offences in relation to prohibited methods of taking or killing wildlife and restricting the extent to which wildlife can be exploited. Accordingly, the investigation and enforcement of wildlife crimes relates to identification of specific offences and proving both the *actus reus* and relevant *mens rea* of the offence (Horder, 2016).

This project on prosecution practice builds on prior work by the Principal Investigator (Dr Angus Nurse) and Co-Investigator (Nadine Harding) that examines the current state of wildlife crime in the UK and its enforcement. Prior research has identified that wildlife crime remains an under resourced area, an issue arguably made worse by austerity cuts in policing and in wider criminal justice. In addition, various research has identified; inadequacies and inconsistencies in the recording of wildlife crime; issues in the allocation of enforcement



resources, lack of knowledge among prosecutors and inconsistent application of penalties which tend to be applied at the lower end of the scale. The UK Government has committed to international initiatives to combat wildlife crime and in Defra's Spring 2021 animal welfare action plan has pledged legislation to reduce the illegal trade in ivory and provide for increased animal protection (Defra, 2021).<sup>4</sup> However, the perception of NGOs and conclusion of past research is also that the policing of wildlife crime has been adversely affected by austerity cuts to policing with several police forces having abolished their Wildlife Crime Officer (WCO) posts and prioritizing other forms of crime. Consequently, despite Government statements that wildlife crime is taken seriously, the perception remains that it lacks importance in policing priorities and, in particular, the reality that wildlife crime is not notifiable and does not form part of the standardized degree curriculum for new police officers means that there are difficulties in ensuring a robust response to wildlife crimes (Nurse and Harding, 2022).

This research will provide a major contribution to green criminological research on wildlife crime with specific emphasis on how such crimes are prosecuted in the UK. The project has been commissioned by IFAW to provide the evidentiary basis for NGO review of UK wildlife crime policy and campaigning for better wildlife protection. It is being carried out by independent researchers from Nottingham Trent University and the University of Gloucestershire.

## 2. Methods

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This project is the second of our mixed methods studies at the intersection of legal studies and criminology. The first step of the research was to conduct a literature review of UK wildlife crime and discourse on wildlife law enforcement and prosecution, primarily by way of a Rapid Evidence Assessment (REA). This primarily consisted of analysis of peer-reviewed academic sources, but also literature and policy documents from UK and international sources. Our consideration of wider literature also included some grey literature from NGOs, the UN, and high-level national government forums and specialist groups.

The research also collected some data on levels of reported wildlife crime which illuminated the gap between the number of reported cases and analysis of prosecutions data. However, we note that it is beyond the scope of this research to carry out comprehensive research into exact levels of wildlife crime and numbers of cases, given that wildlife crime is not notifiable and is not recorded in a standardised way by UK police forces (Nurse and Harding 2022).

The final element of the research methodology consisted of digital interviews (10-25 intended) with NGO staff, Police and Prosecutors concerning the prosecution of wildlife crime. Interviews were qualitative in nature and were aimed at exploring the perceptions and experience of those professionally involved in the investigation and prosecution of wildlife crime. Interviews were conducted by both the principal investigator and co-investigator using standardised interview questions.

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<sup>4</sup> Subsequently in 2023 the Government extended the protection afforded under the Ivory Act 2018 to five additional species, the hippopotamus, walrus, narwhal, killer whale and sperm whale (Doornbos and Nurse, 2023).

## 2.1 Literature Review and Rapid Evidence Assessment (REA)

Our analysis of the literature on prosecuting wildlife crime was conducted by way of a Rapid Evidence Assessment (REA), which is a tool for synthesising the available research evidence on a policy or contemporary issue, as comprehensively as possible, within the constraints of a given timetable. A toolkit for undertaking a REA has been widely implemented since its inception by Government Social Research 11 and has been used in a variety of research (see for example: Horvath et al., 2013, Horvath et al. 2014 and Stott et al., 2021). According to Davies (2003) the functions of a REA are to:

- search the electronic and print literature as comprehensively as possible within the constraints of a policy or practice timetable.
- collate descriptive outlines of the available evidence on a topic.
- critically appraise the evidence.
- sift out studies of poor quality.
- provide an overview of what the evidence is saying.

As the name suggests, the REA aims to provide an overview of key issues arising in the literature that informs further research. Accordingly, it is an analytic *overview* of the research evidence relevant to the research question (i.e. issues around prosecution of wildlife crime), rather than a thematic analysis comprehensively assessing all literature on a topic. As part of our research proposal, we identified a need to examine the existing literature to determine what could be concluded from previous research studies on wildlife crime enforcement. An initial bibliographic list was developed by searching through the relevant academic literature using various key words including 'wildlife crime' 'wildlife crime prosecution' 'sentencing wildlife crime' and 'wildlife law enforcement' to identify the relevant literature. Much of the literature is available online via databases such as Google Scholar. We also searched NTU's electronic library which provides access to a wide range of databases such as Westlaw and Web of Science. Our initial analysis through Google Scholar revealed that a substantial number of publications were concerned with examining issues surrounding the merits of prosecution approaches and the workings of various policy approaches, rather than the specific issues of evidentiary concerns, decisions not to prosecute or the failure of cases at court that are the focus of this research. In addition, a proportion of the policy literature is concerned with wildlife trafficking as an organised crime or resource exploitation issue and some generalised discussion of this as a contemporary problem. Much of this material is cogently argued from a policy perspective and sets out well the need for various approaches to dealing with wildlife crime and for more resources to do so. However, for the purpose of this REA we concentrate our analysis on the academic literature on the investigation and prosecution of wildlife crime with particular attention paid to the peer-reviewed literature and the conclusions drawn by researchers based on their research. Discussion of the wider policy literature is limited within this research report as considerably more literature exists than is relevant to the specific focus of our commissioned research. The literature review provided

for a review of prior studies on the enforcement of wildlife law and prosecution of wildlife offences. This allowed for critical analysis of issues in wildlife prosecutions and enforcement activity that allowed for identification of themes to be explored in more depth.

### 2.1.1 Wildlife Crime in Context

Despite its importance as one of the highest value areas of crime globally (Wyatt, 2013; Nurse, 2015) wildlife crime is generally a fringe area of policing, aspects of which are commonly dealt with via administrative or civil law processes rather than the criminal justice system (Nurse, 2012). International wildlife law sets the framework for wildlife protection through a range of treaties and conventions that generally dictate that wildlife can continue to be exploited as a natural resource subject to sustainable use considerations and the provisions of international environmental law that populations of wildlife should not be exploited to extinction.<sup>5</sup> However, the enforcement of wildlife protection is heavily dependent on domestic legislation that creates the specific offences in law. Regional and domestic legislation provide the specifics of wildlife protection and create specific offences in respect of prohibited methods of taking and killing wildlife, as well as classifying the specific levels of protection afforded to individual species. Animal law distinguishes between wildlife and companion animals, with the latter generally afforded a greater level of protection, and provides for 'criminal anti-cruelty laws, the statutory and regulatory animal welfare laws, and animal management and control laws' alongside conservation and protection law (Schaffner, 2011, p. 6). As a result, a variety of laws relating to wildlife exist, from those providing general protection (e.g. Wildlife & Countryside Act 1981) through to those creating specific offences and dealing with specific species (e.g. the Protection of Badgers Act 1992).

The focus of this research is primarily on the enforcement and prosecution of wildlife laws. Detecting and punishing wildlife crime offences by bringing prosecutions are the traditional criminal justice policy and law enforcement perspective, carried out by both Police and Non-Governmental Organisations (Nurse, 2009). This socio-legal approach to the justice system response to wildlife crime is concerned with current criminal law and quality of associated investigations, law enforcement, prosecutions and convictions (White, 2012). Akella and Allan argue that 'investments in patrols, intelligence-led enforcement and multi-agency enforcement task forces will be ineffective in deterring wildlife crime, and essentially wasted if cases are not successfully prosecuted' (2012, p.11). Yet analysis of the literature and prior studies shows that wildlife crime has historically been seen and treated as a low-level offense and its increased sophistication involving organized crime and transnational operations has not been met with corresponding developments in effective enforcement. Evidence exists that effective enforcement in the form of intelligence and enforcement agency collaboration is not always supported by successful prosecutions or application of appropriate sanctions (Interpol, 2011). Instead, 'low conviction rates are endemic in wildlife crime cases' (Akella and Allan, 2012, p.11) and inconsistency in sanctions and the failure to utilize asset recovery mechanisms are also perceived as problems (ibid.). Such problems are not confined to Global South countries and previous research suggests they are an integral feature of wildlife law enforcement (Wyatt,

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<sup>5</sup> See, for example the World Charter for Nature 1982 and the principles contained in the Rio Convention on Biodiversity, 1992 <https://www.cbd.int/rio/> as well as other international law measures such as the Convention on Migratory Species (CMS) and the Convention on International Trade in Endangered Species (CITES).

2013; Nurse, 2012; Zimmerman, 2003). Our analysis of the literature highlights several issues in the enforcement and prosecution of wildlife crime.

## 2.2 Semi-Structured Interviews

Semi-structured interviews with police officers, prosecutors (primarily CPS) and NGOs involved in wildlife crime investigation and prosecution were conducted as part of this research. Our research project outline identified our intention to conduct 10 to 15 semi-structured interviews aimed at obtaining qualitative information on issues impacting on the prosecution of wildlife crime. Table 2 provides a key to our interview participants.

**Table 2 – Key to Research Participants.**

Code	Description
NGO1	Wildlife Law Specialist, National UK Charity
NGO2	Investigations Specialist, National UK Charity
NGO3	Investigations and Policy Specialist, National UK Charity
PO1	Police Officer, Wildlife Crime Specialist
PO2	Police Officer, Wildlife Crime Officer
PO3	Police Officer, Wildlife Crime Officer
PR1	Crown Prosecution Service Lawyer
PR2	Crown Prosecution Service Lawyer
PR3	Crown Prosecution Service Lawyer
PR4	Crown prosecution Service Lawyer

We conducted nine interviews with a mix of male and female staff across our target demographic. In addition, due to time and availability constraints, one participant opted to provide a written response that covered all the key areas covered within the research standardised questions and is included in Table 2. Each of our interviews commenced with an explanation of the scope of the project, and clarification of what it did and did not cover. Participants were asked a core set of questions concerning their involvement in wildlife crime enforcement, views on the investigative and public policy response to wildlife crime in the UK, knowledge of issues impacting on the prosecution of wildlife crime and on the adequacy of resources for wildlife crime prosecution and on issues that might impact on prosecution practice. In addition to the core questions, participants were invited to express their views on how the prosecution of wildlife crime might be improved and to also add any additional issues or comments they wished the research team to consider. Participants also directed the research team to relevant publications/reports and to case law that illustrated particular issues of relevance to prosecuting wildlife crime.

In accordance with our ethical approvals, interviews were conducted via Teams once opt-in consent had been contained. Interviews were recorded and transcribed anonymously and were semi-structured, consisting of a set of standard questions asked to all participants with follow-up questions asked where appropriate. Later sections of this research report summarise the information obtained during the interviews.

### 2.3 Wildlife Crime and Prosecution Data

While this research collected data on current levels of wildlife crime with a view to assessing levels of prosecution activity in the UK, the prevalence of wildlife crime is difficult to quantify for various reasons.

First, it is difficult to gain an exact understanding of the amount of wildlife crime that is taking place (Nurse & Harding, 2022). A significant part of this problem is that many wildlife crimes are not notifiable to the Home Office, therefore they are recorded or documented by police forces and other organisations in different ways (*ibid*; Wildlife and Countryside Link, 2021). There are 43 police forces across England and Wales, with one police force covering Scotland and one covering Northern Ireland. This equates to many different ways of working in the absence of the requirement to notify the Home Office of many offences that fall under the wildlife crime umbrella. Indeed, there is a proportion of wildlife crime that goes unreported entirely (Scottish Government, 2021).

To collect the relevant wildlife crime data for this research, the research team collated the publicly available data on wildlife crime from published sources and open access databases. In addition, the research team conducted surveys with police forces to collect data on: the number of reported wildlife crimes on average per year; the number of cases proceeding to prosecutions; and the main reason for not continuing to prosecution. This latter question was also addressed qualitatively during our semi-structured interviews.

### 2.4 Ethical Issues

Empirical research conducted by research staff at Nottingham Trent University and the University of Gloucestershire is subject to first obtaining ethical approval relevant to the research being conducted.

This research was reviewed by the School of Social Sciences Research Ethics Committee at Nottingham Trent University and ethical approval was granted before any field research was conducted. Our ethical approval covered: compliance with data protection regulations on accessing, storage and retention of data; ensuring consent for collection and use of any personal data; ensuring that all research participants were fully informed on the nature and parameters of the project and provided informed consent to participate before interviews could be conducted. Interviews are reported on anonymously in this research report in compliance with the requirements of our ethical approval. To preserve the anonymity of participants, any identifying location or personal information has been either removed or anonymised where appropriate. Our ethical guidelines also dictated that considerations outside of the research focus should not be considered in how the data are presented or disseminated. Our research further adhered to the British Society of Criminology ethical guidelines.<sup>6</sup>

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<sup>6</sup> The British Society of Criminology's guidelines are available at: <https://www.britsoccrim.org/ethics/>

### 3. Summary of REA Studies

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Our project is a mixed methods study at the intersection of legal studies and criminology. In respect of our core research questions, we present summary findings from the literature that address our research questions and where we have confidence in the material which we have assessed.<sup>7</sup> Works included in our analysis are primarily those which have conducted original research or analysis, were peer-reviewed and scored either medium or high in terms of integrity or appropriateness.

#### 3.1 Capacity in Investigations and Prosecution

Our analysis of the literature identified that while policy pronouncements suggest that wildlife crime is a priority area and should be integrated into policing and criminal justice systems, in practice the prosecution of wildlife crimes is poorly resourced. Various studies indicate a lack of and limited manpower for the preparation and prosecution of cases as well as insufficient knowledge regarding wildlife crimes among the judiciary which results in delays in prosecuting and concluding cases. This issue is explored in literature from across different jurisdictions. For example, in an assessment of enforcement activity in Malaysia, Ariffin (2015) concluded that insufficient institutional capacity in terms of manpower, skills and equipment is the main challenge to wildlife enforcement. This meant that while tough laws existed on paper, the lack of capacity to investigate and prepare cases for prosecution, resulted in a low level of effective prosecution. The lack of capacity also extends to a lack of prosecutors. Wildlife crime requires specialist knowledge as wildlife law is a specialist area of law that is generally not included in qualifying undergraduate law degrees. The literature suggests there is a lack of specialist wildlife prosecutors resulting in a lack of capacity for investigators to engage with prosecutors with specialist knowledge relevant to their case (Brooman, 2017). Accordingly, there is a potential disconnect between the understanding of wildlife law held by investigators who may have specialised in the area and received training when taking up their roles, and prosecutors for whom wildlife law may be an unfamiliar area. For example, one overseas study identified only 3 specialist prosecutors in wildlife crime had been recruited to cover the entire country (Bamwine, 2019). By contrast, in the UK the CPS legal guidance on wildlife crime states that 'each CPS Area has a crown prosecutor nominated to act as a Wildlife, Rural and Heritage Crime Coordinator. Due to the complex nature of the law and evidence relating to wildlife cases, they should be allocated to a wildlife coordinator or other trained prosecutor with detailed knowledge of the Act for the purposes of review and advocacy' (CPS, 2022). The CPS guidance also advises that prosecutors should liaise closely with police investigators and that 'the provision of early investigative advice is to be encouraged' (ibid.) However, our previous research identified that investigators do not always have access to specialist prosecutorial advice and the availability of early advice on wildlife crime emerges as an issue not just in the UK, but in other jurisdictions.

The priority afforded to prosecuting wildlife crimes is also identified as an issue in the literature. In part this is a consequence of limited manpower as well as insufficient knowledge regarding wildlife crimes among the judiciary which results in delays in prosecuting and concluding cases. The lack of capacity and dedicated prosecution resources also results in a lack of a centralised database for cases that have successfully been prosecuted and, potentially, a lack of resources for prosecutors and investigators to draw on. The nature of many UK cases is that they will be dealt with by magistrates' courts and so will not be formally reported.

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<sup>7</sup> See Appendix 1 for a more detailed discussion of the methodology which includes discussion of inclusions and exclusions for our literature assessment.



Accordingly, there is likely a lack of case law resource that new prosecutors and investigators can draw on to identify possible issues and develop strategy.

### 3.2 Communications and Multi-Agency Working

Our analysis identified that while there are some positive enforcement models in place to facilitate prosecution of wildlife crimes, several aspects of communication problems are identified in the literature. Several studies in the literature identify that multi-agency working is a key to effective enforcement activity that leads to prosecution whilst also identifying how lack of communication impacts negatively on the prosecution of wildlife crimes. A core theme identified in this area is that investigators and prosecutors have different objectives and may also have different conceptions on what is required for successful prosecution. Accordingly, the preparation of cases can be adversely affected by poor communication between different agencies and between investigators and prosecutors.

Throughout the literature, studies identify a general lack of dedicated systems for prosecuting wildlife crime cases. This problem is perceived as impacting negatively on wildlife crime prosecution in various jurisdictions. For example, Claridge et al., (2005) in their study of wildlife crime cases in Cambodia identified that of 268 activities which could have been offences of the type that could attract a prison sentence, only one case was successfully brought to a conclusion which involved a penalty imposed by the Court. A low level of arrest, relatively low probability of detection and lack of effective communication between investigators and prosecutors were all identified as factors in the low level of effective prosecution. Cruden and Gualtieri conducted an analysis of the prosecution of wildlife crimes including Operation Crash, a multi-agency effort to detect, deter, and prosecute those engaged in the illegal killing of rhinoceros and the illegal trafficking in endangered rhinoceros' horns. Their analysis identified that too much emphasis is often placed on arrest and seizure figures, glossing over the reality that poor coordination between investigators/law enforcement personnel and prosecutors can lead to no, or ineffective, prosecution (Cruden and Gualtieri, 2017).

Prior research indicates that an effective enforcement response relies on a small number of key staff working together. Limitations in funding and prioritisation in the criminal justice system are factors that mean that different parts of the prosecution system do not communicate effectively. An effective prosecution response relies on an intelligence-led, systematic response that also relies on cooperation between NGOs and enforcement agencies and prioritisation within criminal justice systems. The lack of established communication protocols is a factor in the continuing incidence of case file preparation that is insufficient to lead to effective prosecution. Various studies indicate that there is a lack of technical assistance in court case preparation. In some overseas research studies, the indications are that greater attention to prosecuting IWT cases explains why project-assisted cases elicited higher sentences. Where specialisms exist in the form of prosecutors with expert knowledge there is a need to ensure that this expertise is retained and that robust protocols to ensure prosecution are established.<sup>8</sup>

Obtaining sufficient and reliable evidence to prosecute wildlife crime cases was identified as a problem and early communication between prosecutors and investigators is the key.

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<sup>8</sup> Our earlier research identified that police staff seeking guidance on wildlife crime cases may access a duty prosecutor rather than a specialist wildlife prosecutor with the requisite knowledge. Our research identified a need for greater availability of and access to specialist knowledge to assist with investigations and preparation of prosecution cases.

However, analysis of the literature identifies that the reactive nature of wildlife crime policing is often based on selectively identifying the offences that will be prosecuted. Thus, the collection of evidence might be based primarily on possession offences that are relatively easy to prove rather than the more serious trafficking and organised crime offences. Research studies consistently show that numbers of wildlife crime prosecutions are low, numbers of convictions are even lower, initiating a vicious circle which is closed by low sentencing and then perpetuated (Maher and Sollund, 2016). The evidence suggests a lack of communication and multi-agency working to reflect on prosecution activity and to develop improvements in this area.

### 3.3 Evidentiary and Charging Issues

Our analysis of the literature and initial (informal) discussions with stakeholders identified issues in respect of charging decisions and the focus of prosecutions that were sometimes linked to evidentiary issues.

The research literature identifies some inconsistency in how wildlife offences are charged, linked to some identified problems in how cases are investigated. Studies indicate that often unqualified people are taking the lead in evidentiary gathering which can result in problems with inadequate evidentiary collection when compared to other policing priorities. This is identified as a particular issue in Global South countries where there is a lack of specialised training in wildlife investigations (Cooper et al., 2009). However, it has also been identified as a possible issue in UK investigations (Nurse and Harding, 2022). The literature also indicates some difficulties in ensuring that relevant scientific evidence is adequately prepared and that experts are appropriately prepared for court (Burnham-Curtis et al., 2015). Research evidence suggests that when making a request for forensic analysis of wildlife evidence, investigators and prosecutors should consider what information is necessary for the proof elements of the particular case and should consult with experts early so that they are aware of what will be required for prosecution. Scientists should be shielded from “domain irrelevant” information to minimize the risk of real or perceived bias in the outcome of the analysis. Research evidence suggests a lack of effective communication between experts and prosecutors.

The literature also identifies a failure to use all available penalties in prosecutions linked to inconsistency in charging. Prior studies suggest that charging and prosecution decisions do not always consider the full range of offences committed. Anecdotal evidence from investigators indicates that charging decisions are sometimes based on the ‘easier’ charges, for example proving an Animal Welfare Act 2006 offence of unnecessary suffering when handling or possessing a badger that has been mauled by dogs is arguably easier than proving a Badgers Act baiting offence. However, the offences are subject to different penalties and the evidence is that investigators are pursuing and securing evidence for ‘lesser’ charges which influences the ability of prosecutors to charge for more serious offences. The research literature indicates failures in charging documents including a failure to ensure that charging documents encompass all related criminal activity, which could include smuggling, conspiracy, fraud, falsifying records, false labelling, customs violations, and financial crimes.

The research literature consistently indicates a lack of effective communication between investigators and prosecutors during the investigative stage which impacts negatively on the ability to build a successful prosecution case. This is linked to an urgent need to improve the standard of documentation of cases going to the Courts as well as a radical improvement needed in the investigative skills of JPs.

Wildlife crime scenes are often poorly prepared, maintained and documented, leading to later evidentiary problems (Cooper et al., 2009). Better training is needed for staff investigating



wildlife crime scenes. Unqualified staff require training and preparation for effective crime scene investigation. Errors at crime scenes can lead to later evidentiary problems at court.

### **3.4 Decision Making and Sentencing in Wildlife Crime Cases**

The research literature identifies inconsistency in sentencing of wildlife cases partially linked to the lack of binding sentencing guidelines. This means that potentially cases are dependent on consideration of the individual case rather than being considered against specified criteria for determining seriousness and aggravating factors. Accordingly, there may be an onus on the prosecution to portray the seriousness of wildlife crimes and links to other offences or aggravating factors and where the relevant emphasis is lacking this might impact negatively on how cases are viewed and dealt with. Research commissioned by WWF-UK examined 174 conviction cases of illegal wildlife trade between 1986 and 2013 and concluded that most cases (74%) attracted non-custodial sentences and only 56% included a fine with the levels of fines mostly being less than or equal to £2,500 (86%). The research also found that 70% of fines were less than the wildlife product value and that where custodial sentences were imposed these tended to be less than ten months in duration (Wellsmith, 2017). The research also identified that judges and sentencers might not be informed of the seriousness of the crime or the harm caused and other research that we examined in the REA also identified that the courts lacked information about wildlife crimes and in some cases viewed them as victimless offences.

The literature shows that wildlife crime prosecution does not generally make full use of available sentences and sentencing on wildlife and environmental crime is generally at the lower end of the scale. In his assessment of environmental cases Lynch (2017) identified that the most likely penalties are probation (86.4% of cases) and fine/ restitution (79.9%) across all laws. Lynch's analysis identified that where incarceration is employed, mean sentence lengths are small with the longest sentences were given to offenders who also violated non-environmental laws as part of their offense (Lynch, 2017). However, Lynch also identified that few cases actually go to trial. In the wider literature, studies consistently show that 'green' offenders receive more lenient treatment from criminal courts than non-environmental offenders. Punishments for environmental crimes are more lenient than sanctions assigned to comparable non-environmental offenses when the environmental crime is ecological, but that punishments are sometimes harsher when the environmental crime involves animals.

Studies also show that sentencing fails to apply deterrent options, in part because lesser offences are charged (e.g. animal welfare offences rather than CITES illegal trade) and due to a perceived lower threat by offenders (Cochran et al., 2018). But wildlife and animal offenders were more likely to receive a custodial sentence where the courts perceive an element of violence in the crime. The evidence from research studies is that the police and judiciary do not prioritise wildlife cases and so they are under-represented in the courts. Studies consistently show a lack of support from the court system for the prosecution of wildlife cases. This includes a lack of priority afforded to wildlife prosecutions and the lack of a (human) victim influences decisions not to prosecute and lenient sentencing. There is also a lack of knowledge of laws within the court system which studies indicate impacts on the lack of meaningful sentences from judges.

### 3.5 Training Requirements in Wildlife Crime Enforcement

Our literature/REA research identifies that the lack of training for investigative and prosecutorial staff impacts negatively on effective prosecution of wildlife crime. The literature identifies a 'knowledge gap' and lack of understanding of wildlife cases. Some studies have provided evidence that Government training and specific directions to increase prosecutions can lead to improved outcomes in wildlife crime. Our research indicates that training has potential to improve the prosecution and sentencing of wildlife crime cases and identifies several aspects of the knowledge gap.

Research indicates that there is inconsistency in the training provided to law enforcement which impacts negatively on how prosecution cases are prepared. Lack of training in the law for investigators who are preparing or initiating decisions to take a prosecution can result in dropped cases. Arguably there is a requirement for mandatory investigator training in how to conduct a prosecution so that there is understanding of the evidentiary requirements for prosecutors as well as potential pitfalls that may occur at court. Law courses generally teach some aspects of advocacy and the trial process (e.g. evidence law) whereas policing courses whilst teaching elements of the law and the requirements of criminal prosecution, are unlikely to teach the same requirements of the law that lawyers require. To increase the efficiency of wildlife prosecution there is a need to provide training for prosecutors and judges. Training is required to ensure consistency in prosecutorial decision-making and in understanding of wildlife crime cases for jurists. Studies of training in key target countries identify that effective training includes: application of wildlife and other criminal laws to wildlife crimes; country-specific issues in addressing wildlife, timber, and fisheries crime; a need for training on best practices in charging wildlife crime offending.

Mandatory training and guidance in respect of investigation, prosecution and sentencing should be available for wildlife crimes to develop the capacity to conduct this area of work. This would also help to provide consistency in sentencing and retain specialist wildlife crime knowledge and ensure its continuity in the event of staff changes.

## 4. Wildlife Crime and Prosecutions Data

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When considering prosecutions, it is important to define what is meant by this terminology. Several definitions of prosecution include reference to court proceedings and the idea of a trial to assume guilt (for example Britannica Dictionary, 2023). Indeed, although not formally defined, the Crown Prosecution Service (CPS) website discusses the role of the service in terms of decision makers for charging decisions (CPS, 2023). When a person is charged with an offence, they then proceed into the court system (CPS, 2023). It is therefore suggested that the accepted idea of the term prosecution refers to the act of charging a person with an offence and placing them before a court.

The scope of this research is however wider than this. We have considered other types of sanction for offenders of wildlife crime outside of prosecutions to ensure that an accurate picture of outcomes to investigations is discussed. Other options include cautions (conditional or simple), community resolutions and restorative practice. A caution is a criminal sanction that appears on a criminal record. They are either simple cautions which are a signed

acceptance of guilt of the offence OR they are conditional cautions which are a signed acceptance of the guilt of the offence in addition to one of more conditions. Conditions are often imposed to compel perpetrators to make financial contributions to repair the harm caused, or educational requirements to prevent reoffending in future.

The following chart (figure 1) outlines the options available to the police and CPS for investigative outcomes where the perpetrator(s) are known.

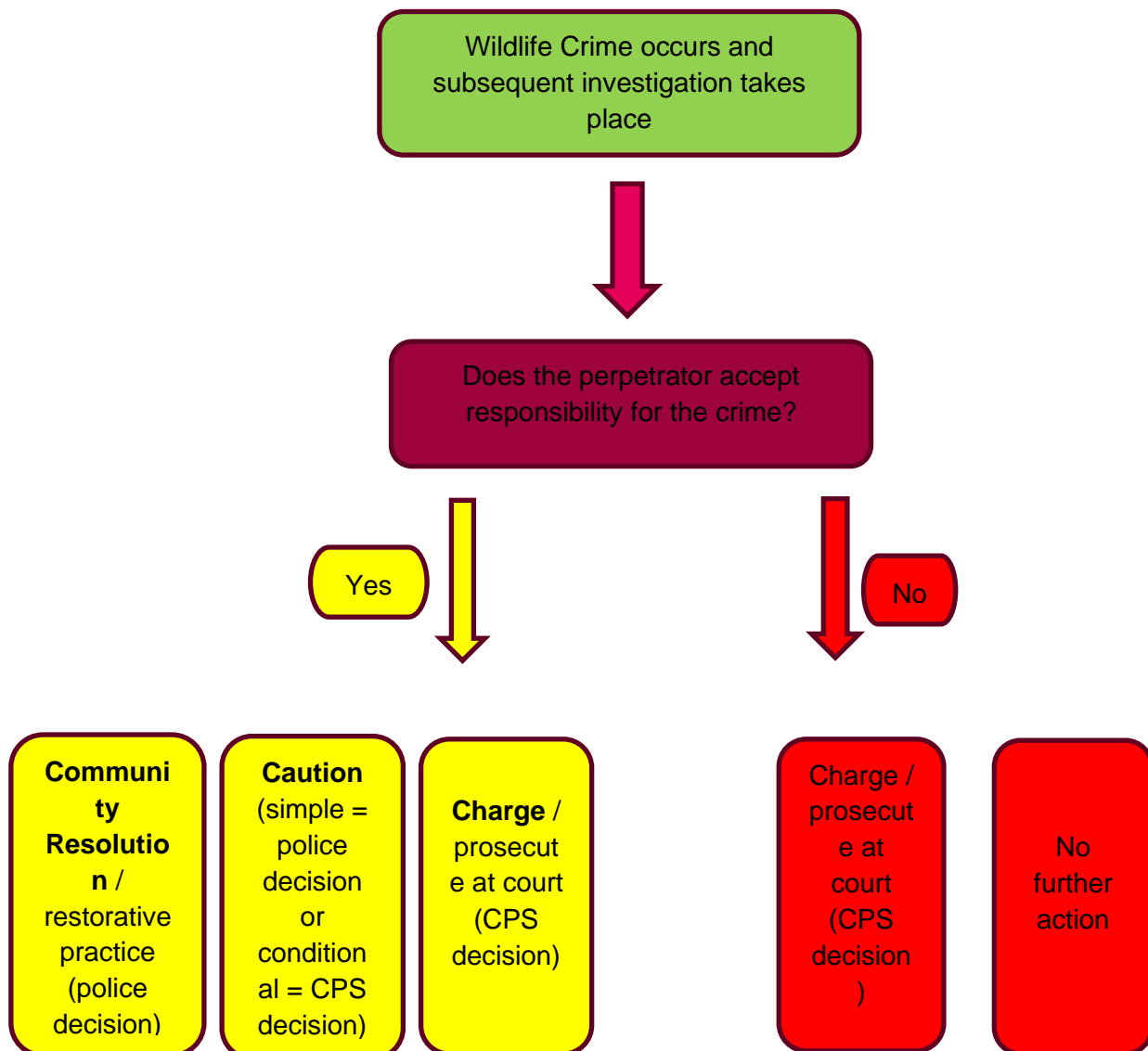


Figure 1 – Chart showing the possible outcomes for investigations with an identified perpetrator.

## 4.1 Wildlife Crime data

The report on the scale of wildlife crime in England and Wales by the Wildlife and Countryside Link (2021) allows an insight into the prevalence of wildlife crimes as recorded by charities and environmental NGOs working to protect nature on the ground. In 2021 there were 1414 wildlife crime incidents reported and 3337 fisheries crimes reported. When comparing to 2020 statistics, wildlife crime increased slightly (from 1404 reports), but fisheries crimes had decreased (down from 4163). This report does not cover data from the police due to the issues in how it is recorded making it difficult to obtain details. As part of this research a survey was sent out to all police forces in England, Wales, Scotland and Northern Ireland to try to obtain these data (results are discussed later in this report). Initial responses indicate that some forces do record wildlife data, but other forces do not. A response from one force went into some detail about this as follows: *“In relation to Rural & Wildlife crime (xxxx) police does not have a dedicated unit – We do have a number of officers dotted across the force in different departments who have a passion for the role and who receive additional training to support this quite complex area of business. This however does have an impact on our ability to provide figures as we do not classify them as we do other offences”*. This supports the difficulties in reporting complete crime statistics that was identified in the Wildlife and Countryside Link 2021 report.

In Scotland where there is one Police force, the Scottish government are able to compile an annual report consisting of wildlife crime data as recorded by the police, supplemented by data provided by non-police organisations involved with wildlife crime. In the Wildlife Crime in Scotland Annual Report 2021, the Scottish Government have outlined that 305 offences took place against wildlife that year. They acknowledge this to be a 55% increase on the 195 recorded offences in the previous year. The most frequently recorded crimes were fish poaching offences which accounted for approximately a third of the recorded crime. Hunting with dogs was the other most recorded crime and saw a 136% increase on the previous year (Scottish Government, 2021).

Data over the preceding 5 years is available in the 2020 Wildlife Crime in Scotland annual report as follows:

**Table 1: Wildlife crime recorded by Police Scotland, 2015-16 to 2019-20**

Offences relating to:	2015-16	2016-17	2017-18	2018-19	2019-20
Badgers*	4	6	14	15	6
Birds	46	50	45	46	36
Conservation (protected sites)	5	1	5	3	5
Cruelty to wild animals	23	24	32	31	35
Deer	13	14	18	17	23
Fish poaching	75	68	45	24	27
Hunting with dogs	42	22	41	22	36
Poaching and game laws	0	6	3	2	2
Other wildlife offences	53	40	33	11	24
<b>Total</b>	<b>261</b>	<b>231</b>	<b>236</b>	<b>171</b>	<b>196</b>

**Source: Recorded Crime in Scotland, 2019-20**

\* Offences recorded under Protection of Badgers Act 1992 only

(Table 1 - Scottish Government, 2020).

## 4.2 Prosecutions Data

In respect of prosecutions data, again these are very difficult to source as there are no formal reporting mechanisms. The Scottish Government (2020) also highlight “although a single court proceeding can involve a number of different offences, it should be noted that Criminal Proceedings statistics only report on the ‘main charge’”. This means that some wildlife crimes will be prosecuted in conjunction with other non-wildlife crime offences (for example possession of a firearm) but the main offence being prosecuted would be the firearms offence, not the wildlife offence, and this can therefore negatively skew data.

Indeed, it is also worth noting that prosecutions can be lengthy processes and may not take place or conclude in the same year that the crime data were captured (Scottish Government, 2020).

The Wildlife and Countryside Link (2021) stated that in 2020 a key area of concern was failures in prosecutions. This was due to a combination of a lack of training within police forces and poor administration/advocacy within the Crown Prosecution Service (CPS).

The 2021 report highlights the improvements since those concerns were raised in 2020 stating “there has been a noticeable improvement with advocacy at court resulting in positive outcomes against those who choose to commit wildlife crimes. The decision of the CPS and many police forces to hold staff training sessions on wildlife crime is yielding results”.

The Scottish Government 2020 report data outlines the following number of reports received by The Crown Office and Procurator Fiscal Service's (COPFS) between 2015 – 2020.

**Table 3 Wildlife cases received by COPFS in 2015-16 to 2019-20**

<b>Offence relating to:</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
Badgers	*	*	*	*	3
Birds	15(*)	24(*)	13	12	1
Cruelty to wild animals	*(*)	8(*)	0	*(*)	0
Deer	*	*	*	*	3
Fish poaching	30	35	18	15(*)	17
Hunting with dogs	15	7	22	7	13
Other wildlife offences	20	14(*)	*	11	11
Other conservation offences	*	*	0	0	1
<b>Total</b>	<b>90(9)</b>	<b>94(5)</b>	<b>67</b>	<b>54(*)</b>	<b>49</b>

**Source: Crown Office and Procurator Fiscal Service**

\*= data suppressed

(Table 3, Scottish Government, 2020)

The figures in brackets in Table 3 “indicate the number of reports submitted by a specialist reporting agency: in the case of fish poaching offences, by the River Tweed Commissioners and in the remaining categories, by the Scottish SPCA. Where fewer than five cases were reported in any category either in total or by a specialist reporting agency, the figures have been removed from the table” (Scottish Government, 2020).

These reports are considered, and decisions made on how to proceed with these cases which will usually yield either a charge to instigate a prosecution or no further action decision. This equates to 34% of wildlife crimes being referred to the COPFS by the police in 2015-16; 41% in 2016-17; 28% in 2017-18; 32% in 2018-19 and 25% in 2019-20. With the exception of 2016-17, these data show that on average the police refer between a quarter and a third of their recorded wildlife crime offences to the COPFS for a charging decision to be made.

The decisions made by COPFS during this time period are outlined in table A and B taken from appendix 2 of the Wildlife crime in Scotland annual report 2020.

**Table A: Outcomes of all fish poaching cases**

	2015-16	2016-17	2017-18	2018-19	2019-20
No action	10	8	5	*	5
Alternative to prosecution	15	20	*	10	9
Prosecuted	5	7	*	*	3
<i>of which convicted</i>	*	*	*	*	1
No. of reports received	30	35	18	15	17

**Table B: Outcomes of all other wildlife cases**

	2015-16	2016-17	2017-18	2018-19	2019-20
No action	30	19	25	16	17
Alternative to prosecution	12	15	*	8	5
Prosecuted	18	25	*	15	9
<i>of which convicted</i>	*	*	*	9	4
No. of reports received	60	59	49	39	31

These data tell us that in 2015-2016 44% of cases referred for a charging decision resulted in no further action, 30% of the cases resulted in an outcome that was an alternative to prosecution and 26% of the cases referred were prosecuted. When looking at the total wildlife crime figure for that year (261 offences recorded), 9% of the cases actually resulted in a prosecution.

In 2016-2017, 34% of cases referred were prosecuted. When looking at this in respect of the total amount of wildlife crime recorded that year, 14% of cases were prosecuted. Of the cases referred to COPFS for a charging decision, 29% resulted in no further action.

In 2017-18, the data for the number of offences prosecuted is incomplete, however we can see that 45% of cases referred to COPFS resulted in no further action.

In 2018-19, data is again incomplete and it is difficult to draw comparative data, however 33% of cases referred to COPFS resulted in an alternative to prosecution. It is not possible to determine the percentage of cases with no further action or prosecution outcomes.

In 2019-20, of cases referred for a charging decision to COPFS, 45% resulted in no further action, 29% were resolved with an alternative to prosecution and 25% were prosecuted. This represents a prosecution rate from overall recorded wildlife crimes for that year of 6%.

Overall, of cases referred to COPFS for a charging decision, between 29% and 45% result in a no further action decision based on available data in this 5-year window.

This 5-year data snapshot for Scotland also indicates that between 6 and 14% of reported wildlife crimes results in a decision to prosecute.

Data, which is only available for 2019-20, indicates that the rate of successful prosecutions of offences that COPFS decided to prosecute is 42%. This represents successful prosecution



for 3% of all reported wildlife crimes in that year. There are limits on the generalisability of this figure as it is limited to 1 year of data only, applies only to Scotland and their national processes and also may have been impacted by adjustments that were made to criminal justice in light of the Covid 19 pandemic. It is also not clear from these data if individual cases received by COPFS may have included multiple wildlife offences.

### 4.3 How many wildlife crimes are prosecuted?

From the data available, the Scottish Government Wildlife Crime Report (2020) provides some of the more reliable data in relation to wildlife crime recording and prosecution outcomes. This is mainly due to the need for a formal report to be compiled annually being written into legislation in Scotland (Scottish Government, 2020). This requirement is absent in England and Wales.

When looking specifically at conviction rate (i.e. prosecutions that were successful at court), the data suggest that over a 5-year period between 2015 – 2020, between 50-100% of cases prosecuted resulted in successful convictions in Scotland depending on the offence type (Scottish Government, 2020).

Wildlife and Countryside Link's 2022 report notes a fall in convictions for the most recent year where data are available. The report notes that convictions fell from 900 in 2021 to 526 in 2022 despite an increase in reported incidents. Data across different types of wildlife crime are not easily comparable but some specific issues relating to prosecutions of wildlife crime are highlighted by the most recent data.

- Fisheries crime - there has been 'a marked decline in the number of defendants being convicted, with the number of prosecutions falling by 80% over five years.' The total number of defendants convicted fell from 1626 in 2018 to 497 in 2022, while the number of incidents reported increased from 2681 in 2018 to 2072 in 2022 with a high of 4163 in 2020 (Wildlife and Countryside Link, 2023: pp.8-9).
- The conviction rate for offences under the Hunting Act 'fell from 53% to 40% between 2021 and 2022' with 47 proceedings resulting in 21 convictions in 2018 and 52 proceedings resulting in 21 convictions in 2022 (Wildlife and Countryside Link, 2023, pp.11-12).
- The number of known prosecutions for COTES offences has slightly decreased from 5 in 2018 to 3 in 2022.
- The number of bird of prey related convictions in England and Wales remains low, rising slightly from 1 in 2018 to 2 in 2022 while the number of cases where criminal offending was confirmed stood at 55 in 2019 and 54 in 2022 (Wildlife and Countryside Link, 2023, pp.21-24).

As part of our research, we sought data from police forces to assess the average number of wildlife crimes reported in the force area each year, the number of wildlife crime cases proceeding to prosecution in the calendar years January 2015 to December 2022, and the main reasons for cases not continuing to prosecution. Responses to our survey (conducted using freedom of information requests) confirmed some anticipated difficulties in collecting this information. Several responses identified that the information is not recorded centrally and



would require a manual search of records to distinguish actual wildlife crime cases from other rural and heritage crime. To identify and quantify the reasons why cases did not proceed to prosecution would also require a manual analysis that would involve considerable effort. For example, one force indicated that this would require a manual review of some 3,000 cases.<sup>9</sup>

However, the variation in recording approaches meant that some forces were able to provide indicative data. For example:

- Cumbria police cited the following reasons for discontinuing wildlife crime cases: evidentiary difficulties, lack of expert witnesses and a willingness for informants to provide statements, officers attending the scene unlikely to receive the support of CSI so need to be forensically aware, difficulties in locating an offender.
- Norfolk Constabulary identified a total of 241 wildlife crime cases for the year 2015 (from October only) to 2022. Detailed outcomes data identified that 34 cases were charged/summonsed/Postal requisition, 3 cases were subject to a caution, 10 cases were subject to a community resolution; 3 cases where the suspect was identified but the prosecution time limit had expired, 7 cases were discontinued as not in the public interest; 47 cases identified evidential difficulties<sup>10</sup>, 112 cases noted investigation complete/no suspect identified.
- The Metropolitan Police identified an average of 474 incidents per year in the three years prior to 2023.
- Staffordshire Police identified that the number of wildlife crime offences was relatively low and that these were normally resolved through community routes sometimes due to lack of evidence and also because prosecution was not in the public interest where wildlife crime cases can be resolved in other ways.
- Suffolk Constabulary identified an average of 45 reported wildlife crimes per year (total 318) with an average of 2 cases prosecuted per year (total 15). The main reasons for discontinuing wildlife crime cases were that the investigation was considered complete, no suspect identified, community resolution, evidentiary difficulties. More detailed outcomes data were also supplied that identified that 27 cases were charged/summonsed/Postal requisition, 4 cases were subject to a caution, 22 cases were subject to a community resolution; 6 cases where the suspect was identified but the prosecution time limit had expired, 4 cases were discontinued as not in the public interest; 76 cases identified evidential difficulties, 339 cases noted investigation complete/no suspect identified.<sup>11</sup>

While the available data are limited, the responses illustrate issues raised in the literature and prior research namely the varied reasons for wildlife crime cases not being pursued. These include the challenges of identifying suspects in crimes that mostly occur in remote

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<sup>9</sup> Section 12(1) of the Freedom of Information Act allows a public authority to refuse to comply with a request for information where the costs of complying would exceed a set limit known as the appropriate limit. This is currently set at a level of £600 for central government legislative bodies and the armed forces and £450 for all other public authorities.

<sup>10</sup> There are several different codes used for evidentiary issues.

<sup>11</sup> We received a detailed joint response from Norfolk and Suffolk constabulary that related to a different but similar freedom of information request which suggested a higher number of wildlife crimes than the averages identified as a response to our inquiry.

areas, the varied nature of evidentiary problems, and the use of non-court disposals including cautions and community penalties. These issues are explored further in our qualitative interview analysis.

## 5. Stakeholder Perspectives

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The research team's interviews with police, prosecutors and NGOs involved in wildlife crime sought information concerning perceptions on the importance afforded to wildlife crime; the effectiveness of wildlife crime enforcement and prosecution; the extent to which wildlife crime prosecution and enforcement was properly resourced and identification of issues that impacted negatively on effective prosecution of wildlife crime. Our interviews also sought views from our participants on how wildlife crime prosecution might be improved. Interviews were recorded and transcribed for the purpose of accuracy, but participant comments are reported anonymously. Some interviewees directed the research team to current initiatives or specific cases or policy documents. The information provided was analysed to identify themes and key points arising from the data. This section summarises the data provided through our interviews.

### 5.1. Approach to Prosecuting Wildlife Crimes

Our research participants overwhelmingly presented a picture of the approach to wildlife crime being insufficient, notwithstanding the dedication of individual staff who were committed to effective enforcement of wildlife laws. Key issues identified included: disjointed working practices between agencies; that wildlife crime was not treated as a priority and that insufficient training was a factor underpinning inadequacies in the investigative and prosecutorial response. Our participants also identified that knowledge of wildlife law and of the full range of wildlife crime activity was insufficient given the scale of wildlife crime problems.

Indicative of comments from several participants, Police Officer One commented that there remains a lack of awareness of global wildlife trade (trafficking) and that within policing culture there remains a misunderstanding of the importance of wildlife crime. In terms of the investigation and prosecution of wildlife crime Police Officer One commented:

True cost of decline of key species in ecosystems and associated SOAC is not part of the THRIVE risk assessment in police control rooms! Thrive often works in isolation as a primary triage device to deploy rather than a collection of incidents having a wider impact (PO1).

The lack of familiarity of wildlife crime also raised some issues concerning who deals with cases:

If an area in policing where police officers do not understand offences, powers or the importance/risk, police behaviour can often be to shy away or 'Area Search No Trace' or file a job away. Includes poor assessment/abstraction of information on call taking (PO1).

This avoidance of an unfamiliar area of crime also leads to wildlife cases being deemed not important internally and either not prioritised in terms of resources for evidence gathering, or simply not pursued. Police Officer One commented that cases could be:

Closed early or passed to PCSOs who can have little investigatory mindset or confidence/powers to develop. Relies on PWCOs 'rescuing jobs' taking on due to their interest but clash with workloads/supervisor (PO1).

In examining how the approach is somewhat disjointed with different agencies taking on wildlife crime enforcement roles we asked our participants whether the prosecution of wildlife crime should be the sole responsibility of the public prosecutor or whether there remains a role for NGOs and charities to prosecute specific crimes? This question drew a mixed response from our participants. Several respondents suggested that wildlife crime prosecution should remain the responsibility of the CPS (England and Wales) because the police and CPS have statutory responsibility for dealing with the criminal law and wildlife crimes can be linked to other offences already dealt with as policing priorities. Some questions were also raised concerning independence and bias of NGOs which impacts on their suitability to prosecute (discussed further later). However, some respondents indicated that pragmatically police in some areas continue to rely on NGOs because of budget and priority issues and so there is a need for continued NGO involvement in the absence of additional resources being provided in the public domain. NGO2 identified the value of NGOs providing intelligence information to the police for them to act upon but identified some issues around understanding of the importance of wildlife crime.

## **5.2 Problems of Prosecuting Wildlife Crime**

Our research participants identified several issues in prosecution practices regarding wildlife crime. Issues with the investigation of cases and associated gathering of evidence were identified including issues relating to the 'Golden Hour', the principle that effective early action can result in securing significant material that would otherwise be lost to the investigation (Rose, 2021; Roycroft, 2019). Our participants identified that in some cases initial basic

investigative enquiries were either not completed or were completed insufficiently due to either lack of training or staff attending a scene not knowing what to do or indeed not being able to adequately identify a wildlife crime. Other issues included a lack of priority, which resulted in delayed police attendance at scenes as well as police call handlers signposting wildlife crimes to other agencies. Poor information sharing between agencies was also identified as causing delays in information coming to police which impacts negatively on investigations and the evidence that can be collected. This has a knock-on effect on whether cases can be prosecuted.

Our research participants identified a lack of full time WCOs as a factor in some cases as this meant that part-time WCOs would try to help an investigation but where it is not their area of expertise or where things are left to entirely untrained officers this could impact on evidence identification and gathering. This also related to competing workloads with other cases deemed a higher priority (offences against people like rape, murder, GBH etc.) Several participants identified that wildlife crime is afforded a lack of priority from police senior management and the links to other types of criminality are poorly understood. In addition, our participants identified variation in the approach to and priority afforded to actual prosecution. One participant identified that:

[The approach] varies and if the local courts may be less interested that's going to impact the public interest test. So unfortunately, I think it is a bit of a postcode lottery from what I've heard in terms of the actual approach to prosecution (PR1).

NGO2 identified some procedural issues in the handling of cases as the following example illustrates:

Well, one of the cases I do remember issues with was, you know, in fact I think it's happened twice is that cases were brought to court, but significant witnesses were not informed of the date of the court case by witness care. And then the case would be heard without the main witness and so the case would be dismissed because there was no evidence to give. So, there was a failing by the criminal justice system, if you like, through their process with witness care of not keeping the witnesses informed when they should be in court (NGO2).

The lack of witness evidence for proceedings was identified by several participants, sometimes linked to threats to rural communities. Prosecutor One commented:

The farms have been burnt down, equipment has been stolen, so a lot of them, I think, don't feel confident that they will be protected by police. So, they are scared of reporting offences and that can be obviously a huge issue with building a case. Hare coursing is the one that always springs to mind because we have to prove what's being hunted and prove it meets the [requirements of] legislation. And obviously, if we then don't have a witness statement or we don't have a video, it can be tricky. But I would say generally the level of intimidation against rural communities is something that's huge and I completely understand having spoken to them why they wouldn't want to support a prosecution. I think many just feel that they are so at risk if they do that, it's just not worth it. They would rather put up with it (PR1).

Given the onus on the prosecution to prove its case, strong evidence and reliable witness evidence is important, particularly in cases where defences may be provided in legislation and witness evidence may be an important factor in disproving a potential defence.

### 5.3 Knowledge and Training

Our research participants unanimously considered the prosecution of wildlife crime as an area that requires specialist training. Many of our participants considered that it should be included in basic police and lawyer training and that this should include police call handlers. Several of our participants identified how lack of knowledge could impact negatively on police preparation of cases for prosecutions. Police Officer Two indicated that evidence might be lost due to insufficient training on the part of officers attending scenes and preparing files, and suggested that there was a need to ensure basic knowledge of what is a wildlife crime among police call handlers. Police Officer Three commented:

We don't even have anything on basic training. So, police officers need to know because otherwise they won't recognise the wildlife crime when they see one. And if they are given one, they won't know what to do with it without training. And like why a case file gets put together and it's ineffective, I think [it's difficult] to have somebody having to learn from scratch. Yes. If everybody knew, that's great. But if they don't all know how or have a pool of specialist lawyers to call on so that they don't have to, always can they hit the ground running when a case file lands on their desk and bearing in mind some of them might be time sensitive, you know, they really need to know the law without having to look it up and try and understand it (PO3).

Our prosecutorial participants painted a mixed picture of the training resources available. Prosecutor One identified that internal CPS guidance on the law was generally good albeit there was a need for additional specific materials and that prosecutors often learned primarily by doing cases. Prosecutor Four commented:

a lot of it has been self-learning. So, I bought books about it. I've found online webinars. I've approached charities and things to see what sort of training courses they do. There's no internal CPS training at all.

It's kind of a learned as you go sort of situation and that works with a lot of things. But I don't think it can with wildlife because you don't know what you don't know, and there's just even knowing where to start (PR4).

One participant considered that there should be specialist training for officers and lawyers working in the field, but basic investigative knowledge should be sufficient to carry frontline officers through initial enquiries. Prosecutor Two commented that:

Specialist training is required, but honestly, I don't think this will make a difference because the appetite, resources and priority that should be afforded to wildlife offences isn't there so specialist training will not change outcomes. Animal abuse will always be in the public interest, but evidentiary standards are not met due to the lack of priority not because there is insufficient training (PR2).

Several of our research participants suggested that the provision of knowledge and education about wildlife crime should extend to the public, noting that many don't understand wildlife crime as being a police issue which impacts on the quality of information provided to the police and the availability of witnesses.

#### **5.4 Adequacy of Resources**

Our participants generally considered that the levels of wildlife crime being prosecuted had stayed roughly the same in the last five years but noted that wildlife crime was not considered to be a priority. Our participants indicated that while public interest in wildlife crime had increased, particularly in line with media interest in the climate crisis and environmental issues. However, budget cuts have kept wildlife crime down the list of priorities even with the move to rural crime teams, the focus of which are not always on wildlife. Our research participants indicated that while wildlife crime was in some respects more of a topical issue, they were not seeing any additional resource for the prosecution of wildlife crime. Budget cuts have impacted

both policing and the CPS severely and wildlife crime will never get the priority for it to be prosecuted properly and at full capacity.

Police Officer One identified that the availability of WCOs and specialist prosecutors was potentially a shared problem:

Same issue as PWCOs, that CPS do on top of day job and under pressure, lack of immediate contact and Teams calls due to national set up of how police obtain early investigative advice (PO1)

Prosecutor Two identified a general problem of lack of resources for prosecuting wildlife crime:

There are not enough resources for wildlife crime, but it is driven on it not being a priority because the victims are animals not humans. I would like to throw everything at it because in my opinion, wildlife crime is very important, but with the lack of priority and there not being appetite for change on this and the resourcing issues across the criminal justice system, it won't happen so there is no point thinking about it (PR2).

Our participants provided some specific (anonymised) examples of cases where the lack of specialist resources at the evidence gathering stage might hamper later prosecution.

Prosecutor One illustrated the point with discussion of a badger case:

The difficulty I find with Badger Act offences is that badgers, they'll go back and forth to their sett and they will use their sett for, you know, maybe weeks, months on end. But it might not be in current use at that time. And there's a number of things obviously that suggests that it might be in current use, but when the offence is committed, what we really need is an officer and an expert to be out there on that day, for instance, gathering evidence, showing that at the relevant time or very soon afterwards that this badger sett was in use. [But] sometimes they're not obviously able to make it there until several days later, maybe a week later. We just, you know, there's too much more window really to show whether or not there was a badger there at the time. So, it's those kinds of things. And I think that probably comes down to resourcing (PR1).

Further discussing how this might impact on the presentation of a case at court, Prosecutor one continued that the lack of or limited availability of experienced investigators to establish evidence of sett use made it difficult to prove Badger Act offences at court and continued:

When it's being charged, it's fine, but then it will get to court and, for instance, the different colleague without that experience might look at it and not be familiar with what is needed and what is needed necessarily to prove that a sett is in use...

A colleague might look at a case and think it's a weak case when actually when you understand it a bit better it's a lot stronger when you're able to kind of think well actually hang on, why is there a terrier man there, for instance? (PR1)

Prosecutor One highlights how detailed understanding of wildlife offences and activities involved in wildlife crime might undercut possible defences. However, whilst initial advice might be sought from specialist wildlife prosecutors, the lawyer presenting the case at court might not be a wildlife specialist and this risks impacting on the extent to which they are prepared for specific aspects of the case, including defence interpretations of the law or evidence.

### 5.5 Decisions on Cases

Our research participants were asked for their perceptions on the main reasons for not proceeding with wildlife crime cases. Participants identified that police use community resolution or caution as disposals although these subjective decisions are not agreed as being the best outcomes by everyone. There is a question as to whether this is a way to avoid clogging up an already overwhelmed system and it should be noted that discretion is deployed by police across a range of crimes when deciding whether and what to pursue (Reiner, 2000). Legislation can work against successful investigation and prosecution, particularly in respect of time limits although the two years' time limit for laying information before a court for some offences is helpful rather than the six months for most summary only offences.

Our participants identified evidentiary issues as a key issue in both decisions not to pursue a case and in the failure of cases at court (discussed later). Prosecutor Two commented that the main issue they saw in decisions not to pursue a case were 'evidential issues from a lack of training – poor investigations, not recognising offences and poor files. It's because it isn't a policing priority' (PR2).

Our participants identified some issues concerning a difference of opinion between investigators and prosecutors concerning whether a case should be pursued. For some participants, this was a particular issue concerning NGOs who investigated cases and were pursuing them from a different perspective than that employed by the police or CPS. Prosecutor Four commented:

There's no real impartiality there. I don't think so. When the police look at a file, they build a case, they send it to CPS for advice. We are completely impartial from the police. Yes, we work with them but we're separate from them as well, and we can take



an impartial look. We've not been involved from day one and I think with offences like this, there's a lot of passion involved...

there are a couple [NGO staff] that you can tell they're so passionate about what they do. It's almost like they can't see the wood for the trees because they're just, they're so invested in this case that they think it's a standout case. It's [not] the best evidence you're ever going to get and then it comes forwards and I think No, you've got no hope with this, and sometimes they can't see why (PR4).

Prosecutor Three held a similar viewpoint and commented that while the investigation side of NGO work was generally good, in some cases the ideological desire to pursue an issue could cloud objective assessment of a case:

When you're a campaigner, a campaigning NGO and also a prosecuting NGO you have a conflict of interest. So sometimes the desire for a case to go to court is not necessarily tempered by an independent view of the evidence. So you're dealing with the public campaigning side, the desire to prosecute, when the evidence may or may not stand up to independent scrutiny (PR3).

Problems with the preparation of case files were identified by our prosecution participants. Prosecutor Three identified that when cases were put together by specialist and experienced WCOs this was preferable. However:

Excluding all of those, we have officers who miss things because they don't know what to look for. I don't expect them to know what they're looking for. I do expect them to try and capture everything, and that would mean by working out from their own senses or what can they smell? What can they hear? And just to try and work out what the entire environment is like. Getting body worn video of the approaches to the scene. The ways out of the scene all the way around the scene (PR3).

This identified the need for robust evidence to be collected from which a prosecutor could effectively construct a case. Prosecutor Three concluded that 'you find your specialist officers are good, but those that aren't trained and aren't a specialist, those cases suffer evidentially' (PR3). Prosecutor Four identified that cases sometimes come forward with very limited evidence but also that cases will sometimes be submitted with deadlines imminent:

[Many offences are] summary only offences, so people automatically think six months get all your evidence in six months because it's summer, two years somewhere, even three years. And I think the file prep people are the supervisors that are making the

decision to allocate resources are thinking right? What we've got six months on that one. We'll leave it for a couple of months. And then it just falls down and down and down the pecking order. And then sometimes we've been in the position where charges have been authorised by the police on a file the day before the time limits have expired on the basis that the time limits are about to [pass] by and not that there's enough evidence and that's caused issues a few times as well (PR4).

Our prosecutor participants indicated that there was a need to seek early prosecutorial advice, particularly on evidential requirements but identified that this was not routinely sought where it was needed. Police participants also echoed this advice. Police Officer Two commented:

My advice to WCOs is get your early case hearing, get your evidence in early to CPS lawyers because they want to hear it, they want to read it, they have an interest in it. So, to use them, and that has helped some people out. But certainly for it to be successful, you know, to test the defence, and the strength of the prosecution, they should be getting that in early and it's good advice, getting the advice as early as you can (PO2).

This issue also linked to the idea that there is a need to ensure that any weaknesses in the evidence should be identified early in discussion with prosecutors and not uncovered when deadlines for laying information are imminent.

## 5.6 The Court Experience

Evidence from literature analysis and the examination of previous research studies identifies that there are some potential issues with cases failing at court. The Law Commission's 2015 review identified some issues with the wording of wildlife legislation including how to address issues of 'intentionality' or 'recklessness' (Law Commission, 2015). Various reasons for cases failing at court were identified by our participants and this illuminated the differential experience and perceptions of police, prosecution, and NGO participants.

Prosecutor Two commented that in the failure of cases at court 'it always comes down to evidence, not being able to prove a case' (PR2). This perspective was commonly held by our participants, but the reasons for evidential problems were identified as complex and linked to various issues including: poor evidence gathering during an investigation; lack of early assessment of the evidence; poor engagement with evidentiary requirements needed to prove a case. One identified issue was the potential difference in cases taken by NGOs compared

with those pursued by Police. In essence NGO prosecutions are private prosecutions whereas the police are bound by the provisions of the Police and Criminal Evidence Act 1984 (PACE) and the Regulation of Investigatory Powers Act 2000 (RIPA). Cases investigated by the police and subsequently taken to court by the CPS will be subject to additional scrutiny contained within the CPS Code of Practice which contains both evidentiary and public interest tests. Participants indicated that cases taken by NGOs can fail because the evidentiary and public interest tests of the CPS Code may not be applied to the same standard and evidence may not be scrutinised to the CPS standard.<sup>12</sup>

Prosecutor Four identified an issue with cases being dismissed where NGO evidence had been collected in a manner that caused issues:

The biggest issue we have is surveillance and when you get particularly [NGO] they will go out, they'll stick a camera up in a tree somewhere and then they leave it there for three weeks and it won't necessarily be pointed at a house, but it'll be covering someone's land and someone working there that doesn't know that they're under surveillance. The police wouldn't be able to do that without getting authorisation...

There's all kinds of case law that says strictly they're [NGOs] not bound by it, but if they are gathering evidence by that means that they are intending to give to the police as evidence, then should the police be put on notice and should they have to get a RIPA authorisation to be able to use that evidence when it eventually comes in? And I know another case it was, it's up in the north where all of the video recorded evidence got chucked out (PR4).

PR4 identifies an issue with evidence obtained 'unlawfully' including by trespass or covert surveillance and indicates that defence lawyers will sometimes seek to have this evidence excluded at trial. While the courts have concluded that illegally or unfairly obtained evidence

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<sup>12</sup> The Wooler report (2014) in its analysis of the RSPCA's prosecution role commented on application of the public interest test stating that:

The assessment of the evidence was satisfactory in 90% of the cases where it was relevant. There were rather more cases where the review had concerns about the application of the public interest test. In nine cases within the RSPCA sample, individual prosecutions either did not seem necessary in the public interest or were commenced without full consideration (Wooler, 2014, p.18).

is not automatically inadmissible, this highlights a potential area of differential practice in evidence gathering and creates risks that evidentiary requirements will not be met.

Participants also identified issues with expert witnesses being threatened and refusing to give evidence. Prosecutor Three commented:

Quite often I hear that experts are unwilling to recount their expert opinion in court. Quite happy to do it on paper, but are far less happy to do it in court, especially when it comes to a case where the defendants are unsavoury characters and might well choose to seek out of court retribution (PR3).

The handling of wildlife crime cases at court should be considered in the context of wider criminal justice issues, which include the resources available to pursue cases and the priority afforded to different cases by the courts and prosecuting agencies (PO1).

## 5.7 The Public Interest

Our research identified that wildlife crime is generally considered to be an area of high public support and something that should generally attract prosecution attention as being in the public interest. Prosecutor Two commented that 'the public support this type of work, but the public organisations involved simply cannot prioritise it. It is always in the public interest' (PR2). However, considerations on when to prosecute were taken in accordance with general policy guidelines and sometimes the public interest and evidentiary considerations might conflict.

Prosecutor One explained that challenges sometime occurred in specific cases such as fox-hunting cases:

Sometimes they are unfortunately just disclosure issues or something. I think sometimes they can be difficult to present as strong cases. I'm thinking of fox hunting, especially the person. I think it always meets the public interest test because there is such a strong public interest in fox hunting cases, but they are going to be contentious and I do find that the defence will throw everything at these cases because quite often they are financially really well backed and they are instructing a KC for instance, and they might raise legal arguments, which then you think well actually we're not going to get around this that it tends to be connected to sort of legal arguments I would say in fox hunting cases which lead to something being discontinued (PR1).

Prosecutor Three identified that there is no public interest requirement to prosecute all criminal cases and that where there was a lack of clear criminal intent a case might not be proceeded with. The following example illustrates:

I've had a couple of cases referred to me for a confirmation of a police decision about public interest and they normally regard relate to habitat disruption, fruit bats or newts or badgers or whatever. And it's been a full admission in interview and a full apology. Oops, sorry, we forgot to check. Or I didn't know they were there. Yes, we've got it wrong. Now the criminal justice system is not designed to penalise people who have made an honest no open mistake and admitted it. Other people will take a different point of view to say well they've made a profit out of, of putting that or taking that down, disrupting the habitat. But I think that at times you need to take a pragmatic view of whether a prosecution must go ahead (PR3).

It is important to note that not all decisions to discontinue or not to proceed with a case should be seen as negative or a failing. Across a range of crimes, decisions on whether to prosecute are taken based on evidentiary and public interest grounds that may dictate that a particular crime or the prosecution of a particular defendant should not be pursued through the courts and can be dealt with via an out of court disposal. However, our participants identify some issues with cases that could be pursued that impact negatively on whether and when cases might be pursued.

## 5.8 Improving Wildlife Prosecutions

Our research participants were asked what changes if any they would make to improve the prosecution of wildlife crime. A range of suggestions were made including compulsory basic and specialist training for those involved in preparing cases; more officers dedicated to the prosecution role; a review of legislation and sentencing practices; and a more joined up approach to developing cases for prosecution.

There was a general perception that wildlife legislation is complex and, in some cases, outdated. Prosecutor One commented:

There are issues with some of the legislation. Some of it is tricky.... There has to be evidence [that] has to be tested in some way. There are some which are archaic or a bit clumsy. The wording (PR1).

Prosecutor Four commented that 'the legislation is all over the place' (PR4) and the inconsistency in evidentiary requirements and wording of legislation was cited by several participants.

Inconsistency in multi-agency working and enforcement approach was identified by several of

our research participants. Several participants identified the need to adopt the practice of routinely seeking case advice early in an investigation and well before time limits are due to expire. This allows for identification of any weaknesses in a case and collection of additional evidence that may be required to address these weaknesses. NGO2 suggested that there needed to be a more consistent approach between police forces concerning how they investigated wildlife crime, further commenting that there was a need for:

Better or more and continuous training to those wildlife crime officers. They need some kind of incentive and for the officers to remain for a suitable period of time, because I struggle sometimes with the continuous change over (NGO2).

While it was acknowledged that turnover of officers was an issue across the range of policing functions, our participants identified the general lack of wildlife law knowledge within policing to be a substantial problem, potentially impacting on how cases are investigated with a view to meeting the evidentiary requirements of legislation. This was a particular problem where knowledge was either not retained in operational teams following staff changes, or where cases were investigated by staff who lacked the requisite legal knowledge. Prosecutor Two suggested that one way to address this was for there to be:

Training on entry to the police and CPS whether that is on university curricula or otherwise. Affording these crimes a priority, and learning of the importance to underpin this prioritisation in terms of links of animal abuse and human violence and the links between wildlife offences and other crime – it should be embedded throughout policing (PR2).

Police Officer Two suggested that in addition to the NWCU there should be a dedicated resource combining investigation, policy and prosecution experience along the lines of the US Fish & Wildlife Service, citing Spain as a European country that had also developed a model for dealing with wildlife and environmental crime.

Several of our participants identified that general awareness of wildlife crime needed to improve. Police Officer Three commented that some offences might not be seen as a policing issue noting that:

You know, you phoned the police, you phone my neighbour's shooting birds. I phoned the police and the call handler is likely to say. Oh well, report it to the RSPCA. You

know that call handler needs to have that knowledge just in their brain. They don't. They shouldn't have to look it up in some special operating procedure, you know (PO3).

We consider these suggestions for improvement in our Conclusions and Recommendations and also identify areas for further research.

## 6. Conclusions

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Our research identifies several issues relating to the approach to prosecuting wildlife crime, collection of evidence for wildlife crime cases, communication between investigators and prosecutors, the handling of cases through the courts and the level of wildlife law knowledge within a system where it is acknowledged that this is an area of practice requiring specialist knowledge. We acknowledge the relatively small sample size of participants in this project and the need for a wider project delving in more detail into any geographical differences within the UK. However, based on the evidence contained in the academic literature we have analysed, the cases we have examined and interviews with enforcers and lawyers, our conclusions are that prosecutions for wildlife crime are an under resourced area at times hampered by a lack of capacity, lack of training, lack of resources, lack of specialized knowledge of the law, and lack of consistency in multi-agency working in the preparation of cases. The result of this is when cases are prepared for prosecution there are inconsistencies in evidentiary considerations such that prosecutors and investigators may have different conceptions about the evidentiary requirements for successful prosecution.

There is also a general lack of knowledge around the legal requirements for effective wildlife crime prosecution and when cases do progress to prosecution there may also be inconsistencies and inadequacies in the preparation of cases and consideration by jurists, reflecting Lord Woolf's (1992) assessment that environmental cases are poorly understood by the judiciary. We add to this, the observation by our research participants and our finding from the literature that wildlife crime is poorly understood within policing and prosecution agencies. In particular, there is a lack of detailed, shared knowledge of wildlife law and as with the general approach to wildlife law enforcement prosecution relies heavily on the specialised knowledge of a relatively small number of enthusiastic and dedicated officers who in many cases have taken it upon themselves to obtain specialised knowledge of wildlife law and its evidentiary requirements in the absence of the provision of a mainstream standardised approach by investigatory and prosecution agencies. The evidence suggests that where wildlife crime cases are dealt with consistently by investigators with specialist wildlife crime knowledge working with specialist wildlife prosecutors the results for wildlife are good and prosecution activity is robust. However, where wildlife offences are dealt with in a general sense and by non-specialists then errors occur and both the literature and our participants identify that cases may be poorly investigated or discontinued at the investigation stage, may be presented for prosecutorial consideration with inadequacies in evidence and will sometimes fail at court due to evidentiary problems. The picture emerging from the research



is one of inconsistency and inadequacy in the prosecutorial system linked to the following issues:

### **6.1 Capacity Issues**

Our analysis identifies inconsistency in the level of resources afforded to the prosecution of wildlife crimes including lack of specialist prosecutors and issues with case preparation resources. The lack of capacity in wildlife crime resources at both the investigative and prosecution stage hampers the preparation of cases and early identification of evidentiary issues. It may also impact on the extent to which cases are dealt with by specialist prosecutors rather than prosecutors with only general knowledge of the law. Accordingly, where cases involve inexperienced or non-specialist prosecutors against an experienced, specialist defence there is potential for cases to fail due to inadequate preparation. Our participants also identified that cases are sometimes dealt with by inexperienced investigators leading to poorly prepared cases as well as cases being picked up by prosecutors with limited expertise in the subject. In principle every CPS area has a specialist wildlife prosecutor, but our research identifies that while wildlife law specialists may provide advice on a case, the delivery of a case at court may then be handled by a non-specialist which raises potential for issues at court. Accordingly, we conclude that wildlife crime is not currently designated a prosecutorial priority and that while in principle there is a system in place for ensuring specialist input into wildlife crime cases, in practice evidence suggests that wildlife crimes are routinely dealt with by non-specialist investigators and prosecutors. Where this is the case evidentiary errors can and do occur.<sup>13</sup>

### **6.2 Consistency of Training**

Our analysis identified that there remains inconsistency in knowledge of wildlife legislation and in training for both investigators and prosecutors. In the UK, this is linked to the reality that wildlife law is not a compulsory subject in qualifying law degree (LLB) courses, nor is it part of the compulsory training provided to police through the PEQF, albeit the National Police Wildlife Crime Unit (NWCUC) now provide training. Accordingly, we recommend that there should be compulsory training for all investigators and prosecutors involved in wildlife crime and further research into the specifics of the guidance available to investigators and prosecutors into the preparation of cases (discussed later). Our research concludes that the absence of formal guidance on wildlife crime and the evidentiary requirements of wildlife crime cases has potential to impact negatively on the effective investigation of wildlife crime and preparation of

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<sup>13</sup> Within the confines of this initial project, it has not been possible to quantify the extent of this issue but note that it is raised across our research participants coming from different geographical areas.

case files. Accordingly, there is a need for development of guidance and information resources, notwithstanding the existence of regional guidance and the existing training for WCOs. This is an issue of concern not just for policing, but also in how to provide effective training for the prosecutors of the future.

### **6.3 Evidentiary Issues**

As we identify in our previous research, evidentiary issues have been identified as an area of concern in enforcement practice (Nurse and Harding, 2022). Our analysis of the relevant literature and our interview results clearly identify that evidentiary problems hamper effective prosecution leading to cases potentially being discontinued where it is too late to pursue further evidence collection as well as cases failing at court due to evidentiary problems. Our research also illustrates possible differences in perception between investigators and prosecutors concerning the evidentiary threshold for successful prosecution. Our research participants identify some specific problems in cases investigated by NGOs that may either not meet the police/CPS threshold or where unlawfully obtained evidence may cause problems. A key takeaway from our research is the need for investigators to seek early advice from prosecutors and our research identifies inconsistency in how this operates in practice. Some indication has been provided in our research concerning specific areas where there are evidentiary issues although further research is required to identify specific case examples where evidentiary requirements require clarification and into the extent to which specific evidentiary issues impact negatively on decisions to prosecute and the success of cases as court. This is discussed further within our recommendations.

### **6.4. Prosecution and Sentencing**

In our previous research (Nurse and Harding, 2022) we recommended the introduction of sentencing guidelines that address aggravating and mitigating factors. Given the evidence of low levels of sentencing and that the judiciary lacks understanding of the importance of wildlife crime our recommendation remains for producing binding Sentencing Council guidelines. However, the literature evidence indicates a lack of knowledge among investigators of the requirements for a case to proceed to prosecution. This impacts negatively on how the importance of wildlife concerns are presented at court and the literature indicates that a lack of understanding of wildlife crime and the perception of it as less serious or a victimless crime impacts on sentencing. Our research concludes that the lack of detailed prosecutorial training and/or guidance for investigators to identify all elements of possible offences to aid prosecutorial charging decisions may lead to inconsistencies in how cases are handled.

## 7. Recommendations

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As we identify in our conclusions, our research identifies several issues relating to the resources afforded to prosecuting wildlife crime and the support available to those involved in practical enforcement and prosecution of wildlife crimes. Our conclusions on the current state of wildlife crime prosecutions in the UK identify a need for additional support and guidance, a more cohesive approach to evidence gathering and preparation of case files and to ensure that any considerations on meeting the evidentiary requirements of the Code for Crown Prosecutors and identifying issues likely to be raised by the defence are considered at an early stage. Notwithstanding the existence of the National Police Wildlife Crime Unit and the involvement of NGOs as advisors and investigative support, this identifies a need for more robust training and the availability of specialist wildlife law resources to support case preparation. Accordingly, we make the following recommendations:

- a) Wildlife crime should be incorporated into the PEQF to provide for general knowledge of wildlife crime among police officers, addressing the perception revealed in our research that there is a lack of knowledge within policing concerning the nature of wildlife crime.
- b) Wildlife law course provision should be reviewed to provide wildlife law training for the lawyers and prosecutors of the future. The lack of wildlife law courses on LLB and LLM university courses is perhaps not unusual given the specialist nature of wildlife law and the reality that the topic is not a foundational legal subject. However, the development of appropriate accredited short and professional development legal education in this area is recommended.
- c) Research into and that develops specific wildlife law guidance for investigators and prosecutors. Our research identified a lack of available guidance and materials on wildlife law notwithstanding the availability of the NWCUC course for police officers and the legal guidance available for CPS staff. We recommend research that results in publication of a cases and materials text on wildlife law. The research team will consider conducting this research (subject to funding considerations).
- d) We recommend a more detailed assessment of evidentiary issues in wildlife crime cases to incorporate consideration of common evidentiary issues in wildlife crime cases and identification of specific wording in legislation requiring additional consideration in case development. This assessment should be followed by the development of evidentiary guidance along the lines of and linked to the legal guidance provided by the CPS on the requirements of the law (CPS, 2022).

## 8. Further Research

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Our research has identified some issues that require further examination and that could not be addressed within the scope of this project. We recommend further research as follows:

- a) Collection on wildlife crime prosecution data to produce comprehensive statistics concerning levels of cases considered for prosecution by all police forces, local authorities and NGOs to be compared against data on outcomes. Our research identified variations in the handling of cases noting that cases prepared by and handled by specialists are more likely to proceed to successful prosecution. We recommend further research to collect comprehensive wildlife crime prosecution and disposal data that also assesses geographical difference.
  
- b) Our research identified some issues in the charging of wildlife offences although it is beyond the scope of this research to assess this issue in depth. We recommend further analysis of cases of wildlife crime cases to identify whether incorrect or inadequate charging is a factor in low levels of sentencing as the literature indicates.
  
- c) Quantitative research on sentencing in wildlife crimes. This research and our previous project identify possible inconsistency in sentencing and that sentences tend to be at the lower end of the scale allied to the lack of sentencing guidelines. We recommend research that assesses sentencing in wildlife cases to assess in-depth sentencing practices, levels of sentencing, consistency in sentences and (where possible) evidence of repeat offending.
  
- d) Further research into the nature of wildlife law including a review of the current state of wildlife law building on and updating the work carried out by the Law Commission in 2014/2015. Our research indicates both that there is a lack of consistency and some outdated notions in wildlife law and that there are some specific issues with the wording of wildlife law. The Law Commission's work identified some issues with UK wildlife law and recommended replacing the current patchwork approach with a single integrated wildlife management act. Since the Law Commission's work was completed, some

changes in legislation have resulted in a position where differences exist between devolved legislation. We recommend further research to provide for an independent review of wildlife law and to make recommendations for consistency in UK wildlife law.

- e) Research into the availability of wildlife law courses in the UK to assess the extent to which appropriate legal education is available or requires development. Our research indicates a lack of available wildlife law training, and research to assess the current level of course availability at both undergraduate and postgraduate level within university legal education is recommended. Where courses exist an assessment of the extent to which courses are delivered and of relevant student numbers should also be conducted. Animal law and green criminology courses are often optional modules within law and criminology degrees rather than being compulsory modules. Whether a course runs in any given year is largely dependent on if students choose to study these courses. Research is thus required not just to assess the availability of courses, but their actual take up by students and an assessment of any factors that influence student enrolment and the viability of courses. The research should also survey private/commercial providers and the short course market. The research should make recommendations for appropriate course provision.

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Rose, A. (2021). Forensics: The Golden Hour. In: Roycroft, M., Brine, L. (eds) *Modern Police Leadership*. Palgrave Macmillan, Cham. [https://doi.org/10.1007/978-3-030-63930-3\\_18](https://doi.org/10.1007/978-3-030-63930-3_18)

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Scottish Government (2021). Wildlife Crime in Scotland: Annual Report 2021. Available online at: <https://www.gov.scot/publications/wildlife-crime-scotland-annual-report-2021/pages/3/> (last accessed 03/11/2023)

Stott, C., Radburn, M., Kyprianides, A and Muscat, M. (2021) *Understanding ethnic disparities in involvement in crime – a limited scope rapid evidence review*, London: Commission on Race and Ethnic Disparities. Available at: <https://www.gov.uk/government/publications/the-report-of-the-commission-on-race-and-ethnic-disparities-supporting-research/understanding-ethnic-disparities-in-involvement-in-crime-a-limited-scope-rapid-evidence-review-by-professor-clifford-stott-et-al> (Accessed 30 October 2023)

- von Essen, E. and Allen, M.P. (2017) 'From Obstructionism to Communication: Local, National and Transnational Dimensions of Contestations on the Swedish Wolf Cull Controversy', *Environmental Communication*, 11, 654
- Wellsmith, M. (2011) Wildlife Crime: The Problems of Enforcement. *European Journal of Criminal Policy Research* 17, 125–148. <https://doi.org/10.1007/s10610-011-9140-4>
- Wellsmith, M. (2017) *Sentencing Wildlife Trade Offences in England and Wales: Consistency, Appropriateness and the Role of Sentencing Guidelines*. Research Report. World Wildlife Fund (WWF)
- Wildlife and Countryside Link (2023) Wildlife Crime in 2022: A report on the scale of wildlife crime in England and Wales. Available online at: [https://www.wcl.org.uk/assets/uploads/0/Wildlife\\_Crime\\_Report\\_October\\_2023.pdf](https://www.wcl.org.uk/assets/uploads/0/Wildlife_Crime_Report_October_2023.pdf) (Accessed 08 January 2024)
- Wildlife and Countryside Link (2021). Wildlife Crime in 2021: A Report on the scale of wildlife crime in England and Wales. Available online at: [https://www.wcl.org.uk/docs/assets/uploads/WCL\\_Wildlife\\_Crime\\_Report\\_2021\\_29.11.22.pdf](https://www.wcl.org.uk/docs/assets/uploads/WCL_Wildlife_Crime_Report_2021_29.11.22.pdf) (Accessed 02/11/2023)
- Wooler, S. (2014) *The independent review of the prosecution activity of the Royal Society for the Prevention of Cruelty to Animals*. Available at: <https://www.rspca.org.uk/webContent/staticImages/Downloads/WoolerReviewFinalSept2014.pdf> (Accessed 31 October 2023)
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## 10. Appendix 1: Detailed REA Methodology

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Our methodology for the REA involved searching through several databases in order to identify the broad body of academic data to be examined. Our approach aimed to identify all moderately high-quality research and we reviewed the titles and abstracts of over 500 papers identified as a result of our search criteria. A final 200 relevant papers underwent detailed appraisal to reach those scoring medium or high for inclusion.

The analysis procedure was as follows:

1. Search terms will be entered into each database and recorded on a spreadsheet for number of hits
2. References will be uploaded to RefWorks into the ALL INCLUDED folder
3. References will be excluded by title and those to be excluded will be moved to the TITLE EXCLUDED folder.
4. All included titles will be excluded or included based on abstract relevance and those not relevant will be moved into the ABSTRACT EXCLUDED folder
5. Reports remaining will then be read in full and analysed based on the Weight of Evidence approach and recorded on a spreadsheet
6. The report will then be written

Our search was intended to primarily source the academic peer-reviewed literature and the following database sources were examined:

### Google Scholar Search

Google Scholar provides for a simple broad search across a range of scholarly content from journal publishers, university repositories, and other websites including peer-reviewed journal articles, books, abstracts, theses, dissertations, technical reports and more. The broad scope of its results means that results require some additional filtering and as a quality control measure the REA will examine the first 50 to 60 pages to cover approximately 500 relevant results and filter for duplication, relevance and adequacy as outputs are analysed. Our scoping exercise found: 791,000 results on search for 'wildlife law' + 'evidence'; 62,000 results on search for 'wildlife law' + 'sanctions'; 48,200 results for 'wildlife law' + 'prosecution'; 31,100 results for 'wildlife crime prosecution'; 27,200 results for 'sentencing wildlife crime', 28,600 results for 'wildlife crime' + 'public interest'; 6,260 results for 'wildlife crime' + 'evidentiary issues'; and 5,980 results for 'wildlife crime + 'prosecutorial discretion'.

### SSRN Search

The SSRN collection includes research papers and conference papers that may not have been formally published. This includes University research paper series, research papers from other research institutions including independent research institutes and think tanks and papers from Law School and other University-based journals. Our scoping exercise found: 18 results on search for wildlife law + evidence; 8 results on search for 'wildlife law' + prosecution';

4 results on search for 'wildlife law' + 'sanctions'; 4 results on search for 'wildlife crime' + 'prosecution'; 3 results for wildlife crime sanctions; 1 result for 'wildlife crime' + 'public interest'; and 0 results for sentencing wildlife crime, 'wildlife crime' + 'prosecutorial discretion' and wildlife crime + evidentiary issues. There was considerable overlap in the papers found at SSRN via the different search terms and the nature of the SSRN database means that the majority of the papers found were law review and law journal papers analysing the operation of laws and issues of legal theory rather than empirical research that analysed contemporary issues. However, within this body of papers several papers examined prosecution data or case law and were included in the REA or are discussed in our wider analysis.

### **Westlaw (Legal Database)**

Westlaw (UK) is being used not only to examine literature from the legal sources (e.g. law journal articles) but also to collate prosecutions data and identify cases and issues arising from within case law via the available case summaries or transcripts that identify issues raised in wildlife crime cases. Our initial search of Westlaw has identified: 3,139 cases and 7,859 journal articles on a search for 'wildlife law'; 2383 cases and 1633 journal articles on wildlife law + evidence; 281 cases and 299 journal articles on search for wildlife law + prosecution; 49 cases and 85 journal articles on search for 'wildlife crime'.

Our searching examines English language literature that is post 1990. Undoubtedly throughout these sources there is some overlap, and the use of different sources is intended to ensure that our analysis of the available literature is comprehensive. In addition to analysing the sources identified via the above mechanisms, we have commenced examination of policy documents from the key wildlife protection and conservation organisations (NGOs, charities and international monitoring bodies). The analysis of policy will be included in our research report. Our analysis distinguishes between the generalised literature on wildlife law or wildlife crime and that literature that considers specific issues relevant to our research questions concerning prosecution and evidentiary issues.

Initial analysis identifies that responses found via this mechanism (and related search terms) would largely be excluded within the REA as they relate to issues falling outside of the scope of our research. Where materials are relevant there is evidence of overlap with our other search terms such that relevant documents found are generally covered by our other search terms. Other documents being found relate to such things as general issues concerning the problem of wildlife crime, the nature and purpose of wildlife law and general issues concerning enforcement. While there is a considerable amount of wider literature, given the time constraints of the project and having conducted this brief exercise we remain of the view that it is better to focus on the issues which will naturally bring up relevant results within the scope of the REA.

## 11. Appendix 2: Included Research Studies

The following table provides details of the papers included for detailed analysis in the REA.

Publication Title	Weighting/Relevance for Inclusion
Adhiasto, D. N., Exploitasia, I., Giyanto, , Fahlapie, P., Johnsen, P., Andriansyah, M. I., Hafizoh, N., Setyorini, Y. D., Mardiah, S., Mardhiah, U., & Linkie, M. (2023). A criminal justice response to address the illegal trade of wildlife in Indonesia. <i>Conservation Letters</i> , 16, e12937. <a href="https://doi.org/10.1111/conl.12937">https://doi.org/10.1111/conl.12937</a>	<b>Medium</b>
Ariffin, M. (2015) 'Enforcement against Wildlife Crimes in West Malaysia: The Challenges,' <i>Journal of Sustainability Science and Management</i> , 10(1):19-26	<b>Medium</b>
Bamwine, F. (2019). The Efficacy of Prosecuting Wildlife Crimes in Uganda. <i>Environmental Policy and Law</i> .	<b>Medium</b>
Burnham-Curtis, M.K., Trail, P., Kagan, R., and Moore, K. (2015) Wildlife Forensics: An Overview and Update for the Prosecutor, <i>United States' Attorneys' Bulletin</i> .  <a href="https://repository.library.noaa.gov/view/noaa/30620">https://repository.library.noaa.gov/view/noaa/30620</a>	<b>Medium</b>
Gordon Claridge, Veasna Chea-Leth, In Van Chhoan (2005) The Effectiveness of Law Enforcement against Forest and Wildlife Crime: A Study of Enforcement Disincentives and Other Relevant Factors in Southwestern Cambodia, USAID.  <a href="https://pdf.usaid.gov/pdf_docs/PNADF439.pdf">https://pdf.usaid.gov/pdf_docs/PNADF439.pdf</a>	<b>Medium</b>

<p>Cochran, J.C., Lynch, M.J., Toman, E.L. <i>et al.</i> (2018) Court Sentencing Patterns for Environmental Crimes: Is There a “Green” Gap in Punishment?. <i>Journal of Quantitative Criminology</i>, <b>34</b>, 37–66. <a href="https://doi.org/10.1007/s10940-016-9322-9">https://doi.org/10.1007/s10940-016-9322-9</a></p>	<p><b>Medium/High</b></p>
<p>Cooper JE, Cooper ME, Budgen P (2009) Wildlife crime scene investigation: techniques, tools and technology. <i>Endangered Species Research</i>, 9:229-238.</p> <p><a href="https://doi.org/10.3354/esr00204">https://doi.org/10.3354/esr00204</a></p>	<p><b>Medium</b></p>
<p>John C. Cruden, &amp; David S. Gualtieri, (2017) <i>Toward a More Coordinated, Integrated Response to Wildlife Trafficking and Other Natural Resource Crime</i>, 12 <i>University of Pennsylvania Asian Law Review</i>.</p> <p>Available at: <a href="https://scholarship.law.upenn.edu/alr/vol12/iss1/3">https://scholarship.law.upenn.edu/alr/vol12/iss1/3</a></p>	<p><b>Medium</b></p>
<p>Cardesa-Salzman, Antonio and Campbell, Donald M (2020) <i>Literature Review of Sentencing of Environmental and Wildlife Crimes</i>. Scottish Sentencing Council, Edinburgh.</p>	<p><b>Medium/High</b></p>
<p>Duggan, P., and Newcomer, E. (2015) Working with Non-Governmental Organizations in Criminal Wildlife Cases, <i>US Attorneys’ Bulletin</i>.</p>	<p><b>Medium</b></p>
<p>Eliason, S. (2011) ‘Policing Natural Resources: Issues in a Conservation Law Enforcement Agency’, <i>Professional Issues in Criminal Justice</i>, Vol 6(3 &amp; 4): 43-58.</p> <p><a href="#">Microsoft Word - PICJ Volume6 3-4 Summer &amp; Fall.doc (psu.edu)</a></p>	<p><b>Low/Medium</b></p>

<p>Flynn, Melanie (2017) <i>Sentencing Wildlife Trade Offences in England and Wales: Consistency, Appropriateness and the Role of Sentencing Guidelines</i>. Research Report. World Wildlife Fund (WWF).</p>	<p><b>High</b></p>
<p>Fajrini, R., Nichols, R.M., and Phelps, J. (2022) 'Poacher pays? Judges' liability decisions in a mock trial about environmental harm caused by illegal wildlife trade', <i>Biological Conservation</i>,</p> <p>Vol. 266. <a href="https://doi.org/10.1016/j.biocon.2021.109445">https://doi.org/10.1016/j.biocon.2021.109445</a></p>	<p><b>High</b></p>
<p>Hall, M., and Wyatt, T. (2017) Environmental prosecution report tackling environmental crime in Europe, LIFE-ENPE</p> <p><a href="#">Cap and Gap report FINAL Print.pdf (environmentalprosecutors.eu)</a></p>	<p><b>High</b></p>
<p>Huang XQ, Newman C, Buesching CD, Shao ML, Ye YC, Liu S, Macdonald DW, Zhou ZM. (2021) Prosecution records reveal pangolin trading networks in China, 2014-2019. <i>Zoological Research</i>, 42(5):666-670. doi: 10.24272/j.issn.2095-8137.2021.156. PMID: 34490759; PMCID: PMC8455467</p>	<p><b>Medium/High</b></p>
<p>Jacobs, RL, Baker, BW. (2018) The species dilemma and its potential impact on enforcing wildlife trade laws. <i>Evolutionary Anthropology</i>. 27: 261– 266. <a href="https://doi.org/10.1002/evan.21751">https://doi.org/10.1002/evan.21751</a></p>	<p><b>Medium</b></p>
<p>Johnson, R.N. (2010) The use of DNA identification in prosecuting wildlife-traffickers in Australia: do the penalties fit the crimes?. <i>Forensic Science Medicine and Pathology</i> 6, 211–216. <a href="https://doi.org/10.1007/s12024-010-9174-9">https://doi.org/10.1007/s12024-010-9174-9</a></p>	<p><b>Medium</b></p>

<p>Lesser, J. (2018). The Future of Conservation in Namibia: Making the Case for an Environmental Court and Legislative Reforms to Improve Enforcement of Wildlife Crimes. <i>Tulane Environmental Law Journal</i>, 32(1), 49–91.  <a href="https://www.jstor.org/stable/90026817">https://www.jstor.org/stable/90026817</a></p>	<b>Medium</b>
<p>Levira, C. (2014) 'Applicability of the general principles of criminal liability in prosecution of wildlife cases in Tanzania: a review of law and practice' <i>ZENITH International Journal of Multidisciplinary Research</i>, Vol. 4 (2), 263-270.</p>	<b>Medium</b>
<p>Lynch, M.J. (2017) The Sentencing/Punishment of Federal Environmental/Green Criminal Offenders, 2000–2013, <i>Deviant Behavior</i>, 38:9, 991-1008, DOI: <a href="https://doi.org/10.1080/01639625.2016.1229950">10.1080/01639625.2016.1229950</a></p>	<b>Medium/High</b>
<p>Maher, J., and Sollund, R. (2016) 'Law Enforcement of the Illegal Wildlife Trafficking: A Comparative Strengths, Weaknesses and Threats Analysis of the UK and Norway' <i>Journal of Trafficking, Organized Crime and Security</i>, 2(1), 82-99. <a href="https://pure-test.southwales.ac.uk/ws/files/269627/55_193_1_PB.pdf">https://pure-test.southwales.ac.uk/ws/files/269627/55_193_1_PB.pdf</a></p>	<b>Medium</b>
<p>Michael J. Lynch, Paul B. Stretesky &amp; Michael A. Long (2020) Wildlife officer enforcement activities in Colorado, 2005-2014, <i>Human Dimensions of Wildlife</i>, 25:6, 544-559, DOI: <a href="https://doi.org/10.1080/10871209.2020.1776425">10.1080/10871209.2020.1776425</a></p>	<b>Medium</b>
<p>Millins, C., Howie, F., Everitt, C. <i>et al.</i> (2014) Analysis of suspected wildlife crimes submitted for forensic examinations in Scotland. <i>Forensic Science Medicine and Pathology</i>, <b>10</b>, 357–362 (2014). <a href="https://doi.org/10.1007/s12024-014-9568-1">https://doi.org/10.1007/s12024-014-9568-1</a></p>	<b>Medium</b>

<p>Newcomer, E., Palladini, M. and Jones, L. (2011) The Endangered Species Act V. The United States Department of Justice: How the Department of Justice Derailed Criminal Prosecutions Under The Endangered Species Act, <i>Animal Law</i>, Vol. 17: 252-271.</p> <p><a href="https://www.animallaw.info/sites/default/files/lralvol17_2_251.pdf">https://www.animallaw.info/sites/default/files/lralvol17_2_251.pdf</a></p>	<p><b>High</b></p>
<p>Nijman, V. (2017) Orangutan trade, confiscations, and lack of prosecutions in Indonesia. <i>American Journal of Primatology</i>.</p> <p><a href="https://doi.org/10.1002/ajp.22652">https://doi.org/10.1002/ajp.22652</a></p>	<p><b>Medium/High</b></p>
<p>Nurse, A. (2023). Policing the Environment: The Prosecution of Wildlife and Environmental Crimes. In: Nelen, H., Siegel, D. (eds) <i>Organized Crime in the 21st Century</i>. Springer, Cham.</p> <p><a href="https://doi.org/10.1007/978-3-031-21576-6_11">https://doi.org/10.1007/978-3-031-21576-6_11</a></p>	<p><b>Medium/High</b></p>
<p>Patel, S. and Donner, G. (2015) A Primer on Sentencing in Wildlife Crimes Prosecutions? <i>US Attorneys Bulletin</i>, 63 (5): 79-92. <a href="https://www.justice.gov/usao/file/770921/download">https://www.justice.gov/usao/file/770921/download</a></p>	<p><b>Medium/High</b></p>
<p>Patel, S. (2012) What is CITES and How Does it Work for Prosecutors? <i>US Attorneys Bulletin</i>, 60 (4): 4-16.</p> <p><a href="#">usab6004.pdf (justice.gov)</a></p>	<p><b>Medium/High</b></p>
<p>Paudel, K, Potter, GR, Phelps, J. Conservation enforcement: Insights from people incarcerated for wildlife crimes in Nepal. <i>Conservation Science and Practice</i>.</p> <p>2020; 2:e137. <a href="https://doi.org/10.1111/csp2.137">https://doi.org/10.1111/csp2.137</a></p>	<p><b>Medium</b></p>

<p>Periconi, J. J. (2009). The State of Environmental Crimes Prosecutions in New York. <i>Natural Resources &amp; Environment</i>, 23(3), 11–15.  <a href="http://www.jstor.org/stable/40925015">http://www.jstor.org/stable/40925015</a></p>	<p><b>Medium</b></p>
<p>Potter, R.B., Underkoffler, S.C. (2021). Processing the Wildlife Crime Scene and Evidence of Forensic Importance. In: Underkoffler, S.C., Adams, H.R. (eds) <i>Wildlife Biodiversity Conservation</i>. Springer, Cham. <a href="https://doi.org/10.1007/978-3-030-64682-0_12">https://doi.org/10.1007/978-3-030-64682-0_12</a></p>	<p><b>Medium/High</b></p>
<p>Poustie, Mark (2015) Wildlife Crime Penalties Review Group Report. Scottish Government, Edinburgh.  (<a href="http://www.gov.scot/Publications/2015/11/2196">http://www.gov.scot/Publications/2015/11/2196</a>)</p>	<p><b>Medium</b></p>
<p>Salum, J., Eustace, A., Malata, P.F. and Mbangwa, O.F. (2018), Wildlife crime promoted by weak governance.  <i>African Journal of Ecology</i>, 56: 101-108.  <a href="https://doi.org/10.1111/aje.12424">https:// doi.org/10.1111/aje.12424</a></p>	<p><b>High</b></p>
<p>Sandel, W. L. (2014). <i>Criminal sentencing trends for environmental crimes prosecuted under the jurisdiction of the Environmental Protection Agency</i> (Unpublished thesis). Texas State University, San Marcos, Texas.  <a href="https://digital.library.txstate.edu/handle/10877/8183?show=full">https://digital.library.txstate.edu/handle/10877/8183?show=full</a></p>	<p><b>Medium/High</b></p>
<p>da Silva, E. M. and Bernard, E. (2016) “Inefficiency in the fight against wildlife crime in Brazil,” <i>Oryx</i>. Cambridge University Press, 50(3), pp. 468–473. doi: 10.1017/S0030605314001082.</p>	<p><b>Medium</b></p>



<p>Siv Rebekka Runhovde, (2017) Taking the Path of Least Resistance? Decision-Making in Police Investigations of Illegal Wildlife Trade, <i>Policing: A Journal of Policy and Practice</i>, Volume 11, Issue 1, Pages 87–102</p> <p><a href="https://doi.org/10.1093/police/paw026">https://doi.org/10.1093/police/paw026</a></p>	<p><b>Medium</b></p>
<p>Sollund, R. (2021) 'The development of the enforcement of CITES in Norway: Discretionary omissions and theriocides' <i>Revista Catalana de Dret Ambiental</i>, 12 (1).</p> <p><a href="https://doi.org/10.17345/rcda3086">https://doi.org/10.17345/rcda3086</a></p> <p><a href="http://urn.nb.no/URN:NBN:no-96005">http://urn.nb.no/URN:NBN:no-96005</a></p>	<p><b>Medium/High</b></p>
<p>Sosnowski, M. C., Kim, Y., Petrossian, G. A., and Asner, M. (2022) 'Profiling Wildlife Crimes Prosecuted Federally by the United States', <i>Frontiers in Conservation Science</i>, Vol. 2.</p> <p><a href="https://www.frontiersin.org/articles/10.3389/fcosc.2021.811516">https://www.frontiersin.org/articles/10.3389/fcosc.2021.811516</a></p>	<p><b>High</b></p>
<p>Spapens, T., and Mehlbaum, S. (2019) Chapter 13: Policing and prosecution of transnational environmental, <i>Research Handbook on Transnational Crime</i>, 171-182.</p> <p><a href="https://doi.org/10.4337/9781784719449.00019">https://doi.org/10.4337/9781784719449.00019</a></p>	<p><b>High</b></p>
<p>St. John, F., Edwards-Jones, G. and Jones, J. (2012) "Opinions of the public, conservationists and magistrates on sentencing wildlife trade crimes in the UK," <i>Environmental Conservation</i>. Cambridge University Press, 39(2), pp. 154–161. doi: 10.1017/S037689291200001X.</p>	<p><b>Medium/High</b></p>
<p>Uhlmann, David M., Prosecutorial Discretion and Environmental Crime (2013). <i>Harvard Environmental Law Review</i>, Vol. 37, 2014, U of Michigan Public Law Research Paper No. 368, Available at SSRN: <a href="https://ssrn.com/abstract=2365780">https://ssrn.com/abstract=2365780</a></p>	<p><b>Medium</b></p>

<p>Vervaele, J. (2016) 'International Cooperation in the Investigation and Prosecution of Environmental Crime Problems and Challenges for the Legislative and Judicial Authorities', <i>Law Review</i>, Vol. 6 Issue 2: 126-143.</p>	<p><b>Medium/High</b></p>
<p>Samantha de Vries (2021) The Necessity of Cooperation in Criminal Wildlife Matters: A Case Study of The Challenges Faced and Cooperative Mechanisms Available to Canadian Wildlife Officials, <i>Journal of International Wildlife Law &amp; Policy</i>, 24:3-4, 268-290, DOI: <a href="https://doi.org/10.1080/13880292.2021.2019380">10.1080/13880292.2021.2019380</a></p>	<p>Medium</p>
<p>Wellsmith, M. (2011) Wildlife Crime: The Problems of Enforcement. <i>European Journal of Criminal Policy Res</i> 17, 125–148 (2011). <a href="https://doi.org/10.1007/s10610-011-9140-4">https://doi.org/10.1007/s10610-011-9140-4</a></p>	<p><b>Medium/High</b></p>
<p>Whitfort, A. (2019) Wildlife Crime and Animal Victims: Improving Access to Environmental Justice in Hong Kong, <i>Journal of International Wildlife Law &amp; Policy</i>, 22:3, 203-230, DOI: <a href="https://doi.org/10.1080/13880292.2019.1677055">10.1080/13880292.2019.1677055</a></p>	<p><b>Medium/High</b></p>
<p>N.B. Vyas, J. W. Spann, E. Albers, D. Patterson (2003) Pesticide-laced predator baits: considerations for prosecution and sentencing, <i>Environmental Lawyer</i></p>	<p><b>Medium</b></p>