

System set to fail – prosecuting wildlife crime



ifaw

Prosecutor

“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...”

NGO investigator

“Cases were brought to court, but significant witnesses were not informed of the date of the court case by [the] Witness Care [Unit]. 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....”

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About IFAW - IFAW (International Fund for Animal Welfare) is a global non-profit helping animals and people thrive together. We are experts and everyday people, working across seas, oceans and in more than 40 countries around the world. We rescue, rehabilitate and release animals, and we restore and protect their natural habitats. The problems we're up against are urgent and complicated. To solve them, we match fresh thinking with bold action. We partner with local communities, governments, nongovernmental organisations and businesses. Together, we pioneer new and innovative ways to help all species flourish. See how at [ifaw.org](https://www.ifaw.org)

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Wildlife crime – What to do if you witness it
Do not put yourself in any danger. Remember, the people inflicting pain and suffering on wild animals are dangerous and involved in criminal activity.

If you witness wildlife crime, contact the police by dialling 999.

For non-emergencies dial 101. You can also report crime anonymously to Crimestoppers on 0800 555111.

Volunteer action
IFAW has used dedicated and trained volunteer task forces in France and Germany to tackle wildlife trafficking online, [ifaw's cyber-spotter program tackles wildlife cybercrime](https://www.ifaw.org/cyber-spotter-program-tackles-wildlife-cybercrime) | IFAW. These cyber-spotters identify suspicious wildlife products including live animals being sold to fuel the exotic pet trade and wild animal body parts sold as ornaments, clothing, and for traditional medicine. They report content

directly to IFAW campaigners, who then collaborate with online platforms to remove it and to improve and develop policies tackling wildlife cybercrime. There are plans for a similar task force in the UK. You can sign up for updates and take action on our campaign issues here: <https://www.ifaw.org/uk/take-action>.

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Foreword

Leading the National Wildlife Crime Unit (NWCU) and having oversight of the policing response for wildlife crime in the UK is a privilege and something that is both challenging and rewarding. The NWCU is a highly specialised team that's small but effective. We support police forces across the country, by forging strong connections and collaborating in a way that they know and trust.

In my almost 22-year career tackling wildlife crime, I've observed many changes in how these criminals operate. In recent years, they have become more sophisticated - aided by technology - and we've

witnessed the rise of cybercrime involving exploitation and cruelty to wild animals. I've had first-hand experience of organised criminal gangs that ruthlessly inflict unthinkable levels of cruelty on defenceless animals for greed. I've seen things that sicken me. It's chilling to know what horrors these criminals are capable of, and unfortunately, they continue to shock me in new ways, far exceeding my worst fears.

There is hope on the horizon though. We have established solid relationships within policing, along with external partners and charities

such as the International Fund for Animal Welfare (IFAW). Together, we continue to bang the drum to keep wildlife crime on the agenda.

Wildlife crime needs a collective voice to be heard loud and clear, and this is one of the areas of society where we do have a unified voice. Wild animals, are of course, voiceless. I urge you to lend them yours and speak up for what is right.

**Chief Inspector Kevin Kelly
Head of the National Wildlife
Crime Unit**

▲ Chief Inspector Kevin Kelly.



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Lack of training and binding sentencing guidelines, evidentiary difficulties, a confusing patchwork of legislation mainly passed in the 19th century, no centralised information collection, lack of communication, and widespread under-funding...

These are just some of the unacceptable challenges authorities face when fighting the criminals that inflict suffering on wild animals and destroy our nation's precious biodiversity.

Poisoning, trapping and setting upon with dogs, still happens under a veil of secrecy; badgers, hares, bats, birds of prey and foxes are frequent victims. Witnesses suffer too. Those brave enough to come forward can risk intimidation.

Despite the seriousness of the crimes, there are no definitive nationwide UK statistics regarding the number of wildlife crime cases investigated and successfully prosecuted. There is also no requirement for individual police records to specifically record wildlife crime activity.

These challenges and more are exposed in *Policing wildlife: prosecution practice and the enforcement of wildlife crime*, a detailed report from IFAW summarised below. It features research commissioned from criminology experts at Nottingham Trent University and the University of Gloucestershire and follows IFAW's urgent calls in 2023 to make wildlife crime a 'notifiable offence'.

'Notifiable' means the scale and types of offences must be recorded, counted and logged on a central database. Essentially recognising that wild animal lives matter...

Research methodology

During 2023, IFAW- commissioned criminologists from Nottingham Trent University (now at Anglia Ruskin University) and the University of Gloucestershire.

- ▶ **Focused** on publicly available reports, media analysis, prosecution practice information.
- ▶ **Requested** and used wildlife crime data from individual police forces.
- ▶ **Used** the Freedom of Information Act to gather data.
- ▶ **Conducted** 10 in-depth interviews with police officers, prosecutors and NGO representatives involved in wildlife crime investigation and prosecution.



Barriers to bringing wildlife criminals to justice

Inadequate training

Researchers' interviews with police officers, NGO and prosecution representatives highlighted grave concerns. These include the lack of specialist training and standardised training protocols to enable consistent prosecution of wildlife crime offences.

Wildlife law is not a compulsory subject in legal training, and police officers do not receive mandatory or consistent training in it either. One prosecutor identified having to train himself with online courses.

Another research interviewee suggested how to rectify this:

"Training on entry to the police and CPS whether that is on university curricula or otherwise. Affording these crimes a priority. 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."

Police officers fully trained in wildlife crime investigations and knowledge of the evidence requirements needed for a case to be prosecuted, are in short supply. Some UK forces have wildlife crime officers – usually part time – who have taken up this mantle because of their interest in what is generally considered a niche area.

The National Wildlife Crime Unit is a National Police Force support unit. Although under-resourced and affected by budget cuts from successive governments, it has highly trained expert staff and offers free assistance and training to police forces and partners across the whole of the UK.

Gathering admissible evidence

Interviewees reported that inconsistent approaches to gathering wildlife crime evidence and documenting lead to prosecution failure. Such inconsistency is invariably linked with lack of training and available expertise.

One interviewee explained that differences in perspectives between investigators, prosecutors and NGOs can hinder case progression around evidence gathering and preparation of case files. This in turn contributes to prosecution failures. For example, police forces are under resourced, NGOs working to fill the gaps may use unauthorised surveillance methods which compromise evidence admissibility.

Police officers are expected to attend wildlife crime scenes to gather evidence, but wildlife crime does not currently routinely merit the support of CSI – specialist crime scene investigators. Because not all police officers are trained in gathering forensic evidence, there is room for oversight and error.

Threats to rural communities may also stop witnesses coming forward and giving the evidence statements needed to support the prosecution.

Prosecutor

“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. ... 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.”

Participants also identified the issue of expert witnesses being threatened and refusing to give evidence.

Prosecutor

“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 chargers and might well choose to seek out of court restitution.”

Inconsistent charging and sentencing

The evidence needed for prosecution and a failure to use all available penalties were flagged as the notable differences in perception between investigators and prosecutors.

Furthermore, charging documents might not encompass all criminal activities when considering an offence. Issues such as smuggling, conspiracy, fraud, falsifying records and financial crimes could be left out.

Anecdotal evidence from investigators for this research indicates that charging decisions are often based on the charges that are easier to bring. For example, proving an offence of suffering under the Animal Welfare Act 2006, when handling or possessing a badger mauled by dogs, is easier than proving a badger baiting offence.

Sentencing inconsistencies also persist due to the absence of binding sentencing guidelines, resulting in lenient penalties that fail to deter offenders.

Research commissioned by WWF-UK, looked at 174 conviction cases of illegal wildlife trade between 1986 and 2013. It found that most cases (74%) attracted non-custodial

sentences, or fines were less than the wildlife product value.

Standardised training protocols would enhance capacity and consistency in prosecuting these offences.

Communication breakdowns

Interviewees cited communication breakdowns and poor information sharing between enforcement agencies, hindering effective enforcement. Poor information sharing can result in basic procedural shortcomings. One example was an instance of the Witness Care Unit – a body managed by the CPS and the police – failing to inform witnesses that they were due in court.



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No central system for wildlife crime

The lack of a central system creates a host of problems for those fighting wildlife crime.

Focusing on available police data from January 2015 to December 2022, the researchers found it difficult to access and assess the average number of wildlife crimes reported and the reasons for not proceeding to prosecution. Wildlife crime statistics in forces get blurred and hidden in violence, suspicious circumstances offences and anti-social behaviour incidents, making it hard to get a clear view of the situation, even for those who look hard for them.

Information is not recorded centrally, so manual record searches of data collected by some forces were needed to distinguish actual wildlife crime cases from other rural and heritage crime. One force identified this would require a manual review of some 3,000 cases.

Some forces provided data showing reasons for not prosecuting. These included evidentiary difficulties; lack of expert witnesses; informants' unwillingness to provide statements, lack of forensic support and difficulties in locating an offender.

Prosecutor

"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."

Centralised recording to combat wildlife crime would ensure that intelligence and best practice around prosecutions are shared consistently. Alongside the work of the NWCU, this would improve prosecution outcomes and send the message of a country that cares about its national wildlife.



Tracking wildlife crime cases

Scotland

Scotland is the only UK nation compiling annual reports on wildlife crime prosecutions. These show that between 2015–2020 the police only referred between a quarter and a third of their recorded wildlife crime offences for charging decisions.

During 2019–2020, 45% of the cases referred for charging, resulted in no further action or prosecution, 29% were resolved with an alternative to prosecution and 25% prosecuted. The prosecution rate was 6%.

The 5-year data snapshot for Scotland suggests that between 6-14% of reported wildlife crimes result in a decision to prosecute.

England and Wales

England and Wales do not keep annual reports of wildlife crime statistics. However, Wildlife and Countryside Link analysis suggests many offences are going unpunished. They report that prosecutions fell by more than 40% in 2022, despite consistently high wildlife crime incidences recorded by NGOs. Wildlife and Countryside Link is a coalition of 83 charitable organisations concerned with conservation and wildlife protection. They report that convictions fell from 900 in 2021 to 526 in 2022 despite an increase in reported incidents. The NWCUC collect information to produce analytics from forces, NGOs and charities.



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Wildlife crime matters to the public

The researchers identified that wildlife crime generally has high public support and so should attract prosecution attention as being in the public interest. This interest is illustrated by over 50,000 IFAW supporters who signed our petition calling for the UK counting rules to be changed so wildlife crimes can be better understood and resourced.

Wildlife crime policing has the widespread support of the public, as wildlife crime is unanimously condemned.

Global problem

Wildlife crime is not restricted to the UK. It also involves illegal exploitation of species, such as trafficking of live animals, their body parts and plants, and has strong links with organised crime. According to Interpol and the United Nations Environment Programme 'as much as USD 91 billion to USD 258 billion annually are stolen –stripped out of the wild – by criminals.'

Its increased sophistication involving organised crime and transnational operations has not been met with developments in enforcement. Police officers interviewed for this research described a lack of awareness of global wildlife trade and a misunderstanding of its importance of wildlife crime.



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Recommendations

Wildlife crime prosecution is a challenging area. Bringing perpetrators to justice is only possible with specialised training, more resource, and better coordination between prosecution agencies, enforcers, NGOs, and those on the frontline of wild animal protection.

We are calling for:

- ▶ **Wildlife crime to be a 'notifiable' offence** – wildlife crimes must be reported and recorded centrally to ensure that all UK police and prosecutors have access to a central database. This is critical to accurately measure the scale of the problem and make vital links regarding criminal activity.
- ▶ **Mandatory early legal training in wildlife crime** to ensure future prosecutors are well informed at the start of their studies.
- ▶ **Mandatory sentencing and prosecution guidelines** for investigators and prosecutors to address wildlife crime severity and the harm caused to society.
- ▶ **More guidance on evidentiary issues**, particularly surveillance methods and gathering wildlife crime scene evidence, to be part of enforcement and prosecutor training.
- ▶ **Greater multi-agency collaboration** to facilitate understanding of the support NGOs can give to prosecution and enforcement.
- ▶ **Raised awareness of wildlife crime** – among the public and law enforcement. This should result in knowledge of its impact on our national biodiversity and increased resources available to tackle it.
- ▶ **Commitment for the NWCU funding from the government** – For the unit to continue its operations, funding for the NWCU should be ringfenced with a commitment to grow with inflation as a minimum.

International Fund
for Animal Welfare

Make Wildlife Matter – Spotlight
on Wildlife Crime: Working with
Police and Enforcers for Change.

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