



● **A review of the prevention and investigation of wildlife crime in Wales**



Llywodraeth Cynulliad Cymru
Welsh Assembly Government





Foreword

In April 2010, I took responsibility, on behalf of the Association of Chief Police Officers, for the policing of wildlife crime in Wales and since that time, I have been engaging in an area of work seldom encountered and little understood by many Police Officers.

It is clear to me that the environment is of significant importance to the Welsh community. Tourism is a major industry for us and the large numbers of people who visit Wales are often attracted by our environment and the biodiversity to be found here. Ospreys, red kites, dolphins, otters, bluebell woods and inspirational landscapes can all be found here but sadly along with many other species are the target of criminal behaviour. As a nation, we must develop sustainably and this will at times require an enforcement input to ensure that our rarest species enjoy the statutory protection that has been given to them.

The illegal trade in endangered species is often thought to be an issue to be found in our largest cities but there is ample evidence to demonstrate that such trade is to be found throughout the country. Badger baiting and poaching are other areas of criminal activity that can be found in most areas and often involve those who are known to us for other reasons. The scope and extent of wildlife crime is such that few species and habitats are not affected by it.

For almost ten years, the police approach to wildlife crime was led by Chief Constable Richard Brunstrom of North Wales Police. During that time he led by example and as a consequence there is no doubt for some years Wales has been acknowledged as being at the forefront of the response to wildlife crime. His recent retirement provides an ideal opportunity to take stock of where we are and to consider the way forward. For that reason I welcome this review of the prevention and investigation of wildlife crime requested by Jane Davidson AM, Minister for the Environment, Sustainability and Housing.

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On completion of the project suggested in recommendation 13, that ACPOC consider the need for further full time wildlife crime officers.

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That each of the Welsh police forces identifies a biodiversity “champion” of supervisory rank charged with ensuring that wildlife incidents are dealt with in a proportionate, professional and effective manner.

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Recommendation 18 (to ACPOC)

That police forces train at least one officer to the standard that allows for the effective investigation of crimes relating to the illegal trade in endangered species.

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1 Background

- 1.1 Wildlife crime is a poorly defined concept. There have been a number of attempts at a UK level to define the types of criminal behaviour that might amount to wildlife crime none of which have been widely accepted.
- 1.2 In Wales there appears to be broad agreement as to the types of criminal activity that amount to criminal activity and together they might be defined as “criminal offences committed in the UK that impact on global biodiversity”.
- 1.3 Such a definition allows for offences involving native biodiversity and their protected habitats, welfare offences such as badger baiting and illegal hunting of mammals with dogs, the illegal trade in endangered species and the problems associated with non native invasive species to be considered as wildlife crime. It encompasses flora and fauna in whatever habitat they utilise.
- 1.4 Responsibility for the prevention and investigation of wildlife crime however it might be defined lies with a number of statutory organisations in particular the Police, Welsh Assembly Government, the Environment Agency, the Countryside Council for Wales (CCW) and Local Authorities.
- 1.5 Police officers who carry responsibilities in relation to wildlife crime are commonly known as wildlife crime officers although one force refers to them as wildlife and environmental crime officers. In that force the term “environmental” relates to offences connected with sites of special scientific interest rather than any wider environmental considerations.
- 1.6 South Wales Police have a policy document on the subject of animal welfare but none of the Welsh forces currently have strategies that relate specifically to wildlife crime.
- 1.7 The lead on wildlife crime for the Police service in Wales is Chief Constable Richard Crompton of Lincolnshire Police. He is the lead officer for the Association of Chief Police Officers (ACPO) on wildlife crime and rural affairs in Wales, England and Northern Ireland. Where there are issues that relate only to Wales Chief Constable Ian Arundale of Dyfed Powys Police leads for the Association of Chief Police Officers Cymru. (ACPOC)
- 1.8 In the course of conducting this review I have spoken to or been in correspondence with a number of individuals who have a broad range of responsibilities and interests, enforcers, government, charities and individuals. There is a widely held view that wildlife crime in Wales is recognised as an issue that needs to be addressed with many voicing the opinion that we do so better than most. Undoubtedly over the past ten years our approach has benefited from a strong and influential lead with the challenge now being to ensure that we do not rest on our laurels. Whilst we may be at the forefront of the challenge to address wildlife crime nobody suggests that the situation is perfect and cannot be improved.

Recommendation 1

That “criminal offences committed in the UK that impact on global biodiversity” is adopted in Wales as a definition of wildlife crime.

2 Strategies & Priorities

- 2.1 The contribution made to the Welsh economy by the environment was estimated in 2002 at 8.8bn a year (Bilsborough & Hills 2002). Clearly therefore the environment and biodiversity are of enormous importance to Wales.
- 2.2 The Welsh Assembly Government in May 2006 produced an environmental strategy in which objectives were set that aimed to halt the loss of biodiversity by 2010. From this the second Environmental Strategy Action Plan for 2008-2011 was produced in which the need to address wildlife crime has been recognised.
- 2.3 In 2006 the Natural Environment and Rural Communities (NERC) Act placed a duty on each police force and every police officer to have regard to biodiversity in all that they do. The Welsh Assembly Government has produced advice as to what they thought this means not only to the Welsh police forces but also to individual constables.
- 2.4 In January 2008 Jane Davidson AM minister for Environment, Sustainability and Housing speaking at the annual Welsh Wildlife Conference said
“Welsh Assembly Government is committed to improving the quality of our environment and enhancing biodiversity. We need to reduce damage to species and their habitats and ensure that our countryside is properly protected from environmental crime. I commend the work of Wales’s police force’s and the Countryside Council for Wales for their part in protecting our countryside.”
- 2.5 The minister made similar comments when Chief Constables attended a cabinet meeting of the Welsh Assembly Government on the 27th April 2009.
- 2.6 It has recently been announced that the 2010 biodiversity targets set by the Welsh Assembly Government will in many cases not be met. The reasons for this failure are complex and diverse but the website of the Welsh Biodiversity Partnership (WBP) lists wildlife crime as one of the threats. The government in a recent statement on biodiversity loss said:-
“The loss of biodiversity is as great a threat as climate change to the environment our quality of life and economic prosperity.”
- 2.7 Whilst many environmental (including biodiversity) issues are devolved matters, policing is not. The Home Office have provided little advice in relation to biodiversity policing issues. Wildlife crime is not a policing priority and it is highly unlikely that it will ever be so. However when the four Welsh Chief Constables attended the cabinet meeting of the Welsh Assembly Government on the 27th April 2009 they indicated that
“whilst their primary aims were to save lives, to prevent and detect crime and to address priorities set out by their respective police authorities remained they were committed to participating in broader non mainstream activities as resources allowed.”
- 2.8 For several years UK wildlife crime priorities have been identified through a process involving enforcement and conservation agencies that considers both the conservation impact of criminal activity and the number of incidents reported to the police. The UK wildlife crime priorities for 2009/2011 all have equal weight and have been agreed as;
- Badger persecution
 - Bats
 - CITES (with 5 sub priorities of caviar, ivory, ramin timber, tortoises and traditional medicines)
 - Freshwater Pearl Mussel
 - Poaching in particular the poaching of fish, deer and brown hare.
 - Raptor persecution (in particular persecution involving golden eagle, white tailed sea eagle, goshawk, red kite and hen harrier.





2 Strategies & Priorities (Cont'd)

- 2.9 It is accepted that not all of the UK wildlife crime priorities will be of relevance in all geographical areas and for this reason individual countries and regions have been encouraged to consider identifying their own priorities.
- 2.10 The police and the CCW together have identified Welsh wildlife crime priorities that have been endorsed by the minister (at the 2009 Welsh wildlife crime conference) and by the WBP. For 2010 those priorities are;
- Species listed in annex II of the Conservation (Natural Habitats & c) Regulations that are affected by development. (Species such as Great Crested Newt and Dormice are commonly and collectively referred to as European Protected Species.)
 - Criminal activity affecting the designated features of Sites of Special Scientific Interest.
- 2.11 In setting the Welsh wildlife crime priorities CCW and the police are setting an example that others might follow. However other organisations such as Environment Agency Wales have identified their own priorities including the illegal stocking and the poaching of fish. They have however not participated in the setting of the Welsh wildlife crime priorities.
- 2.12 The UK wildlife crime priorities are considered through a tasking and co-ordinating process that identifies a plan owner as well as prevention, enforcement and intelligence leads. It is usually the case that the enforcement lead is taken by a statutory enforcement agency. The National Wildlife Crime Unit (NWCU) take the intelligence lead with the prevention lead being taken by a government agency or non government organisation. In order to properly contribute to work on the national priorities it is important that there is Welsh representation on the appropriate work groups.
- 2.13 The attitude of police wildlife crime officers towards the prioritisation of wildlife crime differs. Some indicate that all wildlife crime is dealt with in an effective manner and as such prioritisation is not needed. Alternatively others have found that prioritisation to be useful and it can be shown at UK level the identification of priorities has led to increased resourcing by both the police and others in many of the identified areas.

Recommendation 2

That a specific section on the UK and Welsh wildlife crime priorities be displayed prominently on the website of the WBP.

Recommendation 3

That the minister be invited to respond to an annual statement on wildlife crime from ACPOC

3 Prevention

- 3.1 Opportunities to prevent wildlife crime occur frequently perhaps more often than in many other areas of crime. During past years the focus of wildlife crime officers within Wales has been to gain compliance with the law whenever possible rather than prosecuting offenders.
- 3.2 Such action can be of particular benefit to protected species and habitats that are being threatened by development issues. These are one of the most common types of allegations received by wildlife crime officers in Wales.
- 3.3 The prevention of wildlife crime in Wales relies on partnerships with the most obvious being that between the CCW and the police that is now ten years old. The partnership can demonstrate benefit to both sides with CCW gaining access to the policing skills of police officers whilst the police gain access to the information and conservation knowledge of CCW.
- 3.4 In November 2009 the minister again speaking at the Welsh wildlife crime conference said:-
“The commitment of the statutory environment and conservation agencies in Wales to work in partnership with the police service to combat wildlife and environmental crime continues to reap benefits. I greatly value the secondment of the two officers to the Countryside Council for Wales, the officer to the Forestry Commission and an officer to the Environment Agency. We, in Wales, are in a unique position to have so many officers seconded across a range of agencies, enabling us to take a more joined-up approach.
- 3.5 Undoubtedly the police can and should be seen as a resource available to be utilised in order to achieve compliance with legislation and beyond that police wildlife crime officers can contribute to the prevention of wildlife crime by raising public awareness of the issues.
- 3.6 The partnership has been identified as best practice by the House of Commons Environmental Committee sub-committee report on wildlife crime. It has also been referred to as a successful arrangement by Her Majesties Inspectorate of Constabulary in Scotland (HMICS) in his thematic inspection of the prevention, investigation and prosecution of wildlife crime in Scotland.
- 3.7 In the short to medium term the partnership arrangements between the police and the Countryside Council for Wales appear to be secure. Contracts relating to the seconded police officers although reviewed annually have some years left to run and at present no suggestion has been aired to the effect that these arrangements may be threatened by the economic situation or for any other reason.
- 3.8 Many examples can be found of police officers and others raising awareness of wildlife crime but pressure on resources and finance raises the risk that our involvement in such areas decreases. Presentations on wildlife crime have been and will probably always be in demand from a broad range of societies and clubs and in many cases do provide a real opportunity to educate and raise awareness.
- 3.9 The attendance of officers at major events such as the Royal Welsh and county agricultural shows on wildlife crime stands was for some years regular but now seldom occurs. Likewise the literature aimed at members of the public relating to wildlife crime is now sometimes unavailable or outdated.

Recommendation 4


Those who have responsibility for the prevention of wildlife crime consider attending high profile public events where opportunities to raise awareness of wildlife crime exist.

Recommendation 5

That leaflets and posters relating to wildlife crime be reviewed with a view to ensuring that it is both accessible and up to date.



4 Partnerships

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- 4.1 The police consider that they should be partners in any strategy that aims to prevent and reduce wildlife crime. It is clear that such responsibilities do not lie with them alone but are shared amongst a number of statutory agencies. In Wales there are many organisations and individuals who are committed to working with the police in addressing wildlife crime and it is accepted that without the assistance of the many interested individuals very few wildlife crimes could ever be prosecuted. For that assistance gratitude must be expressed.
 - 4.2 The question does arise as to whether wildlife crime is being addressed in a proactive and sustained manner? Little evidence has been found to demonstrate that at anything beyond a local level such action is being undertaken to address widely identified problems including the Welsh wildlife crime priorities.
 - 4.3 In order to proactively tackle criminal offending such as those identified in the Welsh priorities a tasking and coordinating process should be initiated with a plan owner and leads for prevention, intelligence and enforcement being identified. The comparatively recent formation of the WBP may be seen as a means to progress such action. Wildlife crime is a standing item on the agenda and all interested parties are able to attend.
 - 4.4 For the police to fully participate in the work of the WBP, other partners need to fully embrace the need for enforcement. There have been examples where, in the past, some organisations working in the biodiversity field have viewed enforcement as a means of last resort to be avoided at almost any cost. This has on occasion led to issues of enforcement either not being recognised as a tool or whilst recognised having been dealt with in an inappropriate manner. Examples of this could be found in some of our biodiversity action plans where criminal behaviour was identified as one of the threats affecting the conservation status of particular species but enforcement has not been identified as an action. In other cases although enforcement has been identified as a required action the police have not been identified as a partner.
 - 4.5 The Partnership for Action against Wildlife Crime (PAW) is a UK wide partnership co-chaired by the ACPO lead on wildlife crime and a senior civil servant. Wider membership is made up of many organisations all of whom commit to supporting the network of police wildlife crime officers. The partnership has a number of working groups including PAW Cymru, which has been very effective in Wales delivering a number of training courses and seminars for wildlife crime officers and others. It has also organised the annual Welsh Wildlife Crime Conference invariably attended by over 100 delegates.
 - 4.6 The police and CCW are not the only enforcers of wildlife crime; others include the United Kingdom Borders Agency (UKBA), Environment Agency Wales, Local Authorities, RSPCA, and agencies within the Welsh Assembly Government such as CCW the Rural Inspectorate Wales and the Sea Fisheries unit. At present there is little strategic liaison between enforcers leading to one suggestion that a fish and wildlife agency might be required.
 - 4.7 We all share the common challenge of getting best value from limited resources and this challenge seems set to become greater during the coming years. Government's commitment to fairer and better regulation in the environment will see the introduction of civil sanctioning in some areas of wildlife crime that will result in the shift of some enforcement responsibilities. It is therefore increasingly necessary to ensure that our enforcement effort is not only well directed but that all enforcers not only gain a greater awareness of the responsibilities borne by others but also commit to and demonstrate effective partnerships. Interoperability (the ability to exchange and use information between organisations) should be considered to be an issue of high priority for all those involved in the enforcement of wildlife crime.

- 4.8 Whilst having regard to the past effectiveness of PAW Cymru, membership at present comprises only of the police and CCW, the vast majority of our partners have no input.
- 4.9 Other agencies who have enforcement responsibilities sit on the WBP. Police involvement in the partnership, where wildlife crime is a standing item on the agenda, provides the opportunity for a broader approach to wildlife crime and an enforcement working group replacing PAW Cymru.
- 4.10 Membership of a WBP enforcement group must include representatives of all those organisations who carry statutory enforcement responsibilities. Those representatives should not only have involvement in enforcement but also be able to commit their organisations to agreed actions. Additionally non-government organisations with a history of involvement in the prevention and investigation of wildlife crime should also be represented.
- 4.11 Work streams that would immediately fall to the enforcement group of the WBP would include:
- The production of wildlife crime strategies and codes of practice that will ensure interoperability between all those involved in the enforcement of wildlife crime legislation in Wales.
 - The production of data sharing agreements between members that buys into both the Wales Biodiversity Partnership Data Charter Initiative and the Management of Police Information guidance.
 - Identification and implementation of the UK and the Welsh wildlife crime priorities.
 - Organisation and delivery of an annual Welsh wildlife crime conference.
- 4.12 The suggestion that the work of PAW Cymru will in future be undertaken by the WBP is not to suggest that the wider PAW partnership is not relevant to Wales. Many of the PAW partners are active in Wales and their commitment to supporting the work of enforcement will continue to be both welcomed and needed. There is some concern that in recent years the Welsh voice within PAW is not heard as loudly as it was and our continued involvement in what is a UK wide partnership should continue. Actions of relevance to Wales arising from the PAW steering group instead of being taken by PAW Cymru would instead be addressed by the WBP and in particular the enforcement working group.
- 4.13 The WBP in considering the duty of the police under section 40 of the NERC Act to have regard to biodiversity in all that they do produced a checklist for public bodies including the police. The suggestions within that checklist remain basically sound but in need of refreshing in order to reflect the importance of multi agency working in the enforcement field. Other checklists might be similarly reviewed.

Recommendation 6

That an enforcement working group be established within the WBP charged specifically with ensuring interoperability through production of a Welsh wildlife crime strategy, codes of practice and data sharing agreements, to progress the UK and Welsh wildlife crime priorities and to deliver an annual wildlife crime conference.

Recommendation 7

That the checklists produced by the WBP in relation to section 40 of NERC be reviewed and amended to take regard of the WBP enforcement working group and the need for interoperability.





5 Legislation and statutory enforcement powers

- 5.1 Wildlife crime involves a relatively limited amount of legislation. However many of those who have cause to work with that legislation feel that some of it is simply unfit for purpose either because of age (for example the Game Acts which date to the 1830's) or because of the number and complexity of amendments that have been introduced sometimes on an annual basis. Both the Wildlife and Countryside Act and the Conservation (Natural Habitats & c) Regulations are examples of this. Additionally it is felt that legislation could be enhanced in a number of areas for example by enacting section 43 of the NERC Act relating to the possession of certain pesticides and the introduction of measures aimed at assisting with the prevention of offences through extended powers of entry aimed at establishing the presence or absence of protected species.
- 5.2 In 2007 Chief Constable Brunstrom gave evidence to a committee of the Welsh Assembly Government considering a proposed environmental Legislative Competency Order. Shortly thereafter he wrote to the Chair of the Committee suggesting thirty ways in which conservation legislation might be improved. Some of those suggestions require changes to primary legislation at present beyond the remit of the Welsh Assembly Government other suggestions have been considered and in some instances adopted. However a number of the original suggestions remain as valid now as they were at the time.
- 5.3 In the event the extent of the environmental Legislative Competency Order was restricted to other environmental issues but the minister has said that others might be considered at a later date.
- 5.4 Responsibility for the enforcement of wildlife crime is by no means clear. Conservation legislation allows for both the Crown Prosecution Service and local authorities to bring prosecutions, whilst in 2006 the NERC Act provided CCW with the power to prosecute for any criminal offence.
- 5.5 In 2009 the Regulatory Enforcement and Sanctions Act was introduced. It seems likely that in due course regulations will allow both CCW and the Environment Agency to deal with some wildlife crime offences through civil sanctioning.
- 5.6 The police service and others welcome, in appropriate circumstances, measures such as civil sanctioning but there is concern that without clear direction there may be confusion as to who are the lead agencies for the enforcement of wildlife crime. Such confusion raises the possibility of offending behaviour failing to be addressed.
- 5.7 In order to bring clarity to the position the Welsh Assembly Government should make clear their views as to who should be responsible for both the investigation and prosecution of wildlife crime.

Recommendation 8

That the Welsh Assembly Government provides clarity as to whom it envisages enforcing wildlife crime. Further that where possible they use their powers to introduce, amend and consolidate wildlife crime legislation and where devolved powers do not at present exist to use their influence to bring about such action.

6 Crown Prosecution Service

- 6.1 The scope of this review does not extend to the arrangements for the prosecution of wildlife offences, which are often prosecuted by the Crown Prosecution Service (CPS). It should however be noted that in Wales specialist wildlife crime prosecutors have been appointed in each CPS area.
- 6.2 Police officers in each of the Welsh forces are able to forward wildlife crime papers to those specialist prosecutors and as a consequence there is confidence that they will be properly considered.
- 6.3 The work of the CPS in relation to wildlife crime has been previously noted by the Welsh Assembly Government and the minister.





7 National Wildlife Crime Unit

- 7.1 The NWCU is a multi agency unit formed in 2006 and is now based in Livingston. It processes wildlife crime intelligence, is able to provide analytical investigative support to all enforcement agencies free of charge and produces both strategic and tactical threat assessments.
- 7.2 Funding for the NWCU comes from a variety of sources, the Home Office, Defra, ACPO, ACPO (Scotland), the Scottish Executive and the Northern Ireland Department of Environment.
- 7.3 The NWCU seeks wildlife incident returns from every police force and many others. Likewise they seek formal intelligence submissions utilising the National Intelligence model. Such information not only leads to the production of intelligence packages for enforcers but also informs the priority setting process and the production of threat assessments.
- 7.4 Each of the four welsh forces have arrangements whereby records of wildlife incidents are submitted on a monthly basis to the NWCU. In this they are considered by them to be performing well.
- 7.5 The submission of intelligence to the NWCU in line with National Intelligence Model (NIM) processes appears to be less well understood although generally divisional wildlife crime officers understand the need to submit intelligence in such a manner.
- 7.6 There is however evidence to demonstrate that the need for intelligence submissions to be forwarded to the NWCU has not been recognised within all divisional intelligence units and force intelligence bureau's. Consequently officers are sometimes doubtful as to whether their intelligence submissions have reached the unit with instances occurring of time spent in duplicate submissions or telephone checks to ensure safe receipt at the unit.

Recommendation 9

That Forces ensure that divisional and force intelligence officers are aware of the role of NWCU and submit intelligence to that unit in a formal manner.

Recommendation 10

That the minister and her staff visit NWCU and consider the need for a Welsh wildlife crime threat assessment.

8 The policing of wildlife crime in Wales

- 8.1 Wildlife crime is not a policing priority and it is highly unlikely that it will ever be so; it is however recognised in Wales as being police business.
- 8.2 Each of the four Welsh police forces (Dyfed Powys, Gwent, North Wales and South Wales) recognise the need for wildlife crime officers, there are two Police Sergeants seconded to work with the CCW, their roles and responsibilities will be explained later.
- 8.3 Between them the four forces have appointed in the region of 50 divisional wildlife crime officers who carry the role in addition to their other duties. Two forces (Dyfed Powys and Gwent) have wildlife crime coordinators. South Wales Police have not formally identified the need for a wildlife crime coordinator although the role is carried out to a great extent by a Sergeant seconded to CCW. North Wales have a Police Sergeant partially funded by and seconded to the CCW who is responsible for the effective management and investigation of all wildlife incidents as well as carrying out supervisory responsibilities for his team of wildlife crime officers.
- 8.4 In both Gwent and Dyfed Powys the role of wildlife crime coordinator is located within the Community and Partnership unit. In North Wales the post, which carries broader investigative and supervisory responsibilities, is located within Level 2 criminal operations.
- 8.5 Whilst wildlife crime is generally considered to be a matter of community and partnership interest it is the case that neither the Home Office nor Local Authorities have identified wildlife crime as an issue that might be of concern to local communities. Environmental crime has been defined by the Home Office as offences relating to litter, graffiti and dog fouling with no evidence to suggest that biodiversity had been considered.
- 8.6 The Welsh Assembly Government in their Environmental Strategy Action Plan do identify wildlife crime as a matter requiring attention. At present there is little evidence to demonstrate that Local Authorities or Community Councils have identified wildlife crime as an issue that is of concern to government and may also be of local concern.

Recommendation 11

That the Welsh Assembly Government makes representations to the Home Office aimed at amending the definition of environmental crime to include wildlife crime.

Recommendation 12

That the Welsh Assembly Government asks Local Authorities to review their approach to wildlife crime to ensure that there is recognition that such offending might contribute to the loss of biodiversity and be of community concern.





9 Police wildlife crime officers

- 9.1 There are about 50 wildlife crime officers in Wales with two Sergeants having been posted full time in the role. There are however differences in their roles.
- 9.2 South Wales Police have seconded an officer to CCW in an arrangement that requires CCW to fully fund the post. As a consequence that officer is managed by CCW and his duties are strongly influenced by CCW's work programme. He has little day to day contact with South Wales Police and does not have ready access to secure email communication nor force command and control systems. He has no formal supervisory responsibilities for wildlife crime officers in South Wales Police or any other force.
- 9.3 North Wales Police have seconded an officer to work with CCW in an agreement whereby costs are shared. The arrangement is such that the officers work is influenced more by his force than is the case in South Wales. He has formal responsibility for supervising a team of divisional wildlife crime officers and for ensuring that wildlife incidents reported to the force are dealt with in an effective and professional manner.
- 9.4 In addition to the two CCW secondments North Wales Police have seconded an officer to work with the Environment Agency Wales whilst South Wales Police have seconded an officer to work with the Forestry Commission. Although both officers do address some aspects of wildlife crime the majority of their work is focussed on wider environmental issues.
- 9.5 A substantial amount of work relating to wildlife crime is carried out by officers who carry the role of wildlife crime officer in addition to other duties, typically those of neighbourhood policing or response officers. They are most commonly referred to as divisional wildlife crime officers. Some forces have produced job descriptions for such officers, which indicate that those officers act primarily as advisors to colleagues.
- 9.6 There is a strong view in particular amongst those served by forces without full time wildlife crime officers that there is a need for further resources of this nature. Many divisional wildlife crime officers feel that for reasons discussed later that they do not have the time to give wildlife crime incidents the attention they deserve. For that reason they also feel the need for further fulltime wildlife crime officers.
- 9.7 Judgements as to the need for additional full time wildlife crime officers will take account of a number of factors in particular having regard to the extent of wildlife crime. Other information that should also be considered would include the difficulty of identifying reported wildlife incidents, the workloads being carried by the present full time officers and the unrecorded workloads being carried by divisional officers. It is known for instance that despite low levels of recorded wildlife incidents in one particular case a divisional wildlife crime officer has been allocated a period of weeks to catch up on outstanding wildlife crime investigations.
- 9.8 It has already been mentioned that responsibility for the management of wildlife crime in Welsh forces is most commonly found within community safety departments. Typically those who hold posts within those departments view their responsibilities as being those of coordinators – the identification of wildlife incidents and bringing them to the attention of divisional officers for investigation. Their role does extend to neither supervising wildlife crime investigations nor ensuring that wildlife crime incidents are effectively managed.

- 9.9 Divisional wildlife crime officers are usually a divisional resource and it is sometimes the case that their duties and responsibilities are not recognised by all levels of divisional management. As a consequence there is a common complaint amongst such officers that at times they come under pressure to put wildlife duties aside in favour of other work.
- 9.10 Contact with organisations with a UK remit during the course of this review reveals that many are of the view that wildlife crime is addressed more effectively in Wales than in many other parts of the UK and that our approach can be taken as best practice.
- 9.11 Although the general view from organisations and individuals I have had contact with has been one of support and encouragement I have also received comments expressing dissatisfaction as to the manner reports of wildlife crime are dealt with. Most commonly these relate to failing to keep complainants updated and difficulties associated with reporting wildlife crime to officers who do not carry wildlife crime responsibilities.
- 9.12 Fieldwork undertaken during the course of this review strongly supports the suggestion that in forces where there is no lead officer responsible for the supervision of wildlife crime officers on occasion the investigation of wildlife incidents matters can be found to have been dealt with in a manner that would be found unacceptable in other areas of police work. In particular examples relating to the inappropriate closure of incidents, incomplete investigations and statutory time limits not being met can be evidenced.
- 9.13 The Welsh Biodiversity Partnership, in considering the duty of the police under section 40 of the NERC Act 2006 to have regard to biodiversity in all that they do, suggest in their checklist that police managers should ensure that sufficient time and resources are made available to conduct wildlife crime investigations, record incidents and contribute to the Partnership for Action against Wildlife Crime in Wales.
- 9.14 Some forces aspire to having a wildlife crime officer appointed for each neighbourhood policing team whilst in others wildlife crime officers carry wider divisional responsibilities. It has been found that in reality those officers who carry divisional responsibilities are often restricted only to advising colleagues on incidents that occur outside their own section as local management are reluctant to sanction the release of a resource to carry out work elsewhere.
- 9.15 Any consideration as to whether further full time wildlife crime officers can be justified will depend to a great extent on the evidence available to demonstrate that levels of wildlife crime requires such appointments. At present it is difficult to evidence the extent of such matters but there is reason to believe that this is due more to the difficulties of recording than low levels of crime.





10 Recording and investigating wildlife crime

- 10.1 The recording of wildlife crime in Wales has long been problematic because such offences are in the main of a summary nature. As such these offences are not recorded in the same sophisticated manner as offences such as theft, assault or damage.
- 10.2 In 2004 substantial effort was put into measuring the extent of wildlife crime in Wales with all the Welsh forces between them recording about 1000 wildlife incidents that year. It is important that the number of recorded incidents should not be taken as the level of criminal offending. A wildlife incident is simply a wildlife related report made to the police that might amount to an allegation of an offence such as badger baiting but might equally relate to a matter such as a dead badger on the road where no offences are identified. Even where incidents contain allegations of a criminal offence it is commonly found to be the case that on investigation no criminal offences can be identified.
- 10.3 In 2004 the need for a means of recording contact with the police that had not previously been recorded or measured was identified. This led to the introduction of National Standards of Incident Recording. The standards created a number of categories into which reports are placed. A wildlife category has been created and ideally all wildlife incidents should be placed in it.
- 10.4 On the face of things the introduction of NSIR should allow forces to provide meaningful statistics relating to wildlife and to a certain extent this has occurred, however issues relating to training, definition and interrogation of incident recording systems are such that it is considered that a complete picture has yet to be gained.
- 10.5 This can perhaps be best evidenced by the fact that in 2009 the number of wildlife incidents recorded by Welsh forces was 81, 92, 106 and 337. It is felt that the reasons for there being such a wide range in the number of wildlife incidents being recorded lies more with the difficulties associated with force recording systems than the extent of wildlife crime.
- 10.6 The difficulties identified in the preceding paragraph are such that the true extent of wildlife crime in Wales remains unclear although there is some evidence to demonstrate that levels of reporting hardly change from year to year. Some suggest that wildlife crime is not being effectively addressed because the number of incidents reported is not falling; others take the view that the approach to wildlife crime is effective but levels of reporting remain consistent because increased confidence that incidents will be addressed leads to a greater willingness to report suspicious behaviour.

Recommendation 13

In order to fully establish the number of wildlife incidents reported to the police a project to retrospectively interrogate the incident systems of Dyfed Powys Police, Gwent Police and South Wales Police should be explored. The project would aim not only to identify all wildlife incidents reported to each of the forces over a 12 month period but also the manner in which those incidents had been progressed and closed. It is envisaged that such a project would be undertaken by an officer with some wildlife crime knowledge and might last for 6-8 weeks.

Recommendation 14

On completion of the project suggested in recommendation 13 ACPOC consider the need for further full time wildlife crime officers.

Recommendation 15

That each of the Welsh police forces identifies a biodiversity “champion” of supervisory rank charged with ensuring that wildlife incidents are dealt with in a proportionate, professional and effective manner.

11 Selection and training of police wildlife crime officers

- 11.1 The selection of seconded wildlife crime officers has always followed the formal selection procedures found elsewhere in the police service but the selection of divisional wildlife crime officers is found often to be rather more ad hoc with officers who express an interest being appointed with only the consent of local inspectors or divisional commanders.
- 11.2 A thematic inspection conducted by HMICS into the prevention and investigation of wildlife crime in Scotland carried out in 2008 found that the selection of wildlife and environmental crime officers was usually carried out in the same manner as has been found in Wales. The HMICS report suggested that such informal selection procedures were not appropriate and could lead to inappropriate officers being appointed. If wildlife crime is to be accepted by forces as being a policing responsibility then the selection of officers appointed to carry the role of wildlife crime officers should follow the same procedures as any other post.
- 11.3 It is however the view of officers in Wales that the processes for the appointment of officers in Wales suffice and have led to a team of knowledgeable and experienced officers.
- 11.4 Whilst wildlife crime legislation can be complex it can also be relatively straight forward from a policing perspective. However it is an area of work seldom encountered by the majority of police officers and as a consequence few have an understanding not only of the legislation but also of policing responsibilities and powers. It is therefore not surprising to find that some wildlife incidents are not dealt with in an appropriate manner.
- 11.5 Training in wildlife legislation is available but does not form part of formal training syllabuses used by the police service in England and Wales. In some areas arrangements have been put in place whereby one of the two full time officers delivers a wildlife crime input to all student police officers and to all newly appointed communications officers. Such inputs have been found to be of great benefit raising the profile of the wildlife crime officers, wildlife crime and the need for a professional and effective response to allegations of wildlife crime.
- 11.6 Clearly if officers are given responsibility for the prevention and investigation of wildlife crime then appropriate training must be provided. A week long wildlife crime officers foundation course accredited by ACPO has for many years been provided by Warwickshire Police whilst in recent years a local version of that course also accredited by ACPO has been made available in Wales. Consequently a substantial number of wildlife crime officers have been trained to the national standard.
- 11.7 Whilst commending the fact that in Wales many wildlife crime officers have received the required training it must be pointed out that this has to some extent only been achieved through grants made by the CCW allowing forces to avoid the costs normally associated with such activity. As in other areas of police work there is a constant turnover of officers who perform the role of wildlife crime officers and as a consequence there are again a number of officers who require training.





- 11.8 In the majority of forces those officers who express an interest in the role of wildlife crime officer are appointed and tasked with conducting wildlife investigations without the benefit of any additional training. Clearly this identifies a risk that a lack of training will result not only in sub standard investigations but also some health and safety risks not encountered in other areas of police work. For this reason officers in Dyfed Powys do not carry the title of wildlife crime officers until they have attended the wildlife crime foundation course.
- 11.9 Legislation relating to the illegal trade in endangered species (COTES regulations) is particularly complex. An input is provided on the subject during the wildlife crime officer's foundation course but is generally considered to be insufficient to provide officers with the knowledge needed to confidently undertake such investigations. Repeatedly evidence emerges to demonstrate that such illegal trade takes place in Wales and it is for this reason that the WBP suggest that at least one officer from each should attend the joint UKBA/Police COTES course. At present both seconded Sergeants and one divisional wildlife crime officer has undertaken this course but neither Dyfed Powys nor Gwent have officers with the knowledge required to carry out investigations into such crimes.

Recommendation 16

That forces provide a training input on wildlife crime to student police officers and where appropriate other members of staff.

Recommendation 17

That forces recognise and plan the training needs of wildlife crime officers.

Recommendation 18

That police forces train at least one officer to the standard that allows for the effective investigation of crimes relating to the illegal trade in endangered species.

12 Conclusion

- 12.1 The police service and wildlife crime officers in Wales can be justifiably proud of their achievements over a long period in combating wildlife crime, however our preferred option to seek compliance with the law ahead of prosecution means that the huge majority of work undertaken to prevent criminal offences can never be brought to public attention.
- 12.2 On occasion incidents come to notice that are too serious to be dealt with by means other than prosecution. Whilst only a small number of prosecutions are undertaken annually they relate to a wide range of species and subjects including bats, badgers, great crested newts, birds of prey, water vole, dormice, bluebells, damage to sites of special scientific interest, poisoning, illegal trapping and the illegal trade in endangered species.
- 12.3 The vast bulk of investigations into wildlife crime depend on partnership working not only with other agencies but also non government organisations. In this the police service are hugely grateful to all who assist them.
- 12.4 The approach of the police service in Wales to wildlife crime is frequently held up as an example of best practice and rightly so. This review has however identified a number of areas where improvements might still be made.

The need for interoperability discussed in the paragraph on partnerships applies equally as much to the police forces in Wales as it does when working with partners outside the police service. A police wildlife crime strategy informed by the work of the Welsh Biodiversity Partnership and the recommendations of this review should lead to that interoperability being achieved.



Contributions

Many individuals and organisations have contributed to the production of this report, some have asked not to be identified but thanks are extended to all. Organisations who did contribute include;

Association of Chief Police Officers Cymru
Bat Conservation Trust
Caerphilly County Borough Council
Countryside Council for Wales
Dyfed Powys Police
Environment Agency Wales
Forestry Commission
Gwent Police
National Wildlife Crime Unit
North Wales Police
Partnership for Action against Wildlife Crime (Welsh working group)
Royal Society for the Protection of Birds
South Wales Police
Wales Biodiversity Partnership
Welsh Assembly Government



Abbreviations

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| ACPO | Association of Chief Police Officers. |
| ACPOC | Association of Chief Police Officers Cymru. |
| CCW | Countryside Council for Wales |
| COTES | Control of Trade in Endangered Species |
| CPS | Crown Prosecution Service |
| HMICS | Her Majesties Inspector of Constabulary in Scotland. |
| NERC | Natural Environment and Rural Communities Act |
| NIM | National Intelligence Model |
| NWCU | National Wildlife Crime Unit |
| PAW | Partnership for Action against Wildlife crime. |
| UKBA | United Kingdom Border Agency |
| WBP | Wales Biodiversity Partnership |



