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United Nations Office on Drugs and Crime

WILDLIFE AND FOREST CRIME ANALYTIC TOOLKIT REPORT

United Kingdom of
Great Britain and Northern Ireland

Executive Summary
August 2021



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WORLD BANK GROUP



WORLD CUSTOMS ORGANIZATION

INTERNATIONAL CONSORTIUM ON COMBATING WILDLIFE CRIME





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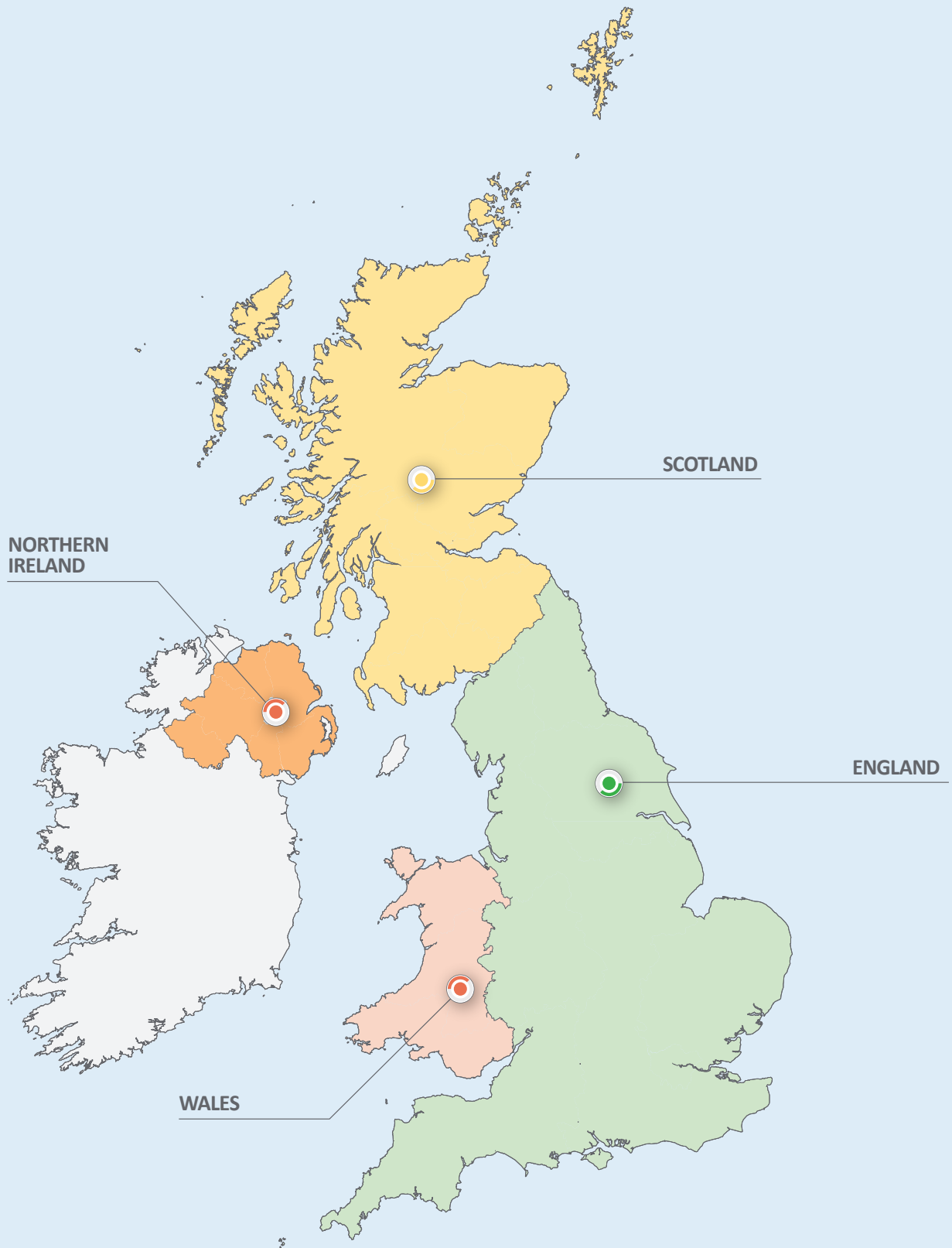
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International Consortium on Combating Wildlife Crime

MAP OF UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND



List of Abbreviations

BCT	Bat Conservation Trust
CITES	Convention on International Trade of Endangered Species of Wild Fauna and Flora
COTES	Control of Trade in Endangered Species Enforcement Regulations
CPD	Continuing Professional Development
CPS	Crown Prosecution Service
Defra	Department for Environment, Food and Rural Affairs
EU	European Union
GDPR	General Data Protection Regulation
G7	Group of Seven
HMRC	Her Majesty's Revenue and Customs
ICCWC	International Consortium on Combating Wildlife Crime
ICCWC Toolkit	ICCWC Wildlife and Forest Crime Analytic Toolkit
IWT	Illegal Wildlife Trade
MoU	Memorandum of Understanding
NCA	National Crime Agency
NGO	Non-Governmental Organisation
NPCC	National Police Chiefs Council
NWCU	National Wildlife Crime Unit
OCG	Organised Crime Group
POCA	Proceeds of Crime Act
PPS	Public Prosecution Service
PSNI	Police Service of Northern Ireland
RIPA	Regulation of Investigatory Powers Act 2000
UK	United Kingdom of Great Britain and Northern Ireland
UKTCG	United Kingdom Tasking and Coordination Group
USA	United States of America
WCA	Wildlife and Countryside Act
WECU	Wildlife and Environmental Crime Unit

ACKNOWLEDGEMENTS

UNODC's Global Programme for Combating Wildlife and Forest Crime and the Toolkit assessment team greatly appreciate the efforts of the many people who generously gave of their time to meet with them and provide information, assistance, and advice. The team wishes to take this opportunity to sincerely thank everyone involved.

This study was conducted through the generous support of the United Kingdom of Great Britain and Northern Ireland (UK), Department of Environment, Food and Rural Affairs (Defra).

Disclaimer

UNODC, on behalf of ICCWC, is the lead agency for conducting the ICCWC Toolkit Assessments. This work is a product of UNODC with external contributions and may not reflect the views of all members of ICCWC or contributory organizations.

The publication has not been formally edited.

EXECUTIVE SUMMARY

The United Kingdom of Great Britain and Northern Ireland (UK)¹ has taken a strong stance on the world stage, calling for tougher measures and commitment to tackle illegal wildlife trafficking, and awarding grants globally toward building legislative and law enforcement capacity abroad. Its hosting of the series of London Conferences demonstrated the importance the UK places on promoting collective action against wildlife crime. The 2018 London Conference culminated in a strongly worded declaration, and in combination with the very public involvement of members of the royal family in supporting several cross-border initiatives,² has positioned the UK as a global leader in the fight against such crimes. Significant investment has been made in training officers across the world on investigations, on sensitising judiciaries, training prosecutors and supplying criminal justice advisors who have supported the redrafting of legislation in other jurisdictions. The UK is also the first Group of Seven (G7) country to request the International Consortium on Combating Wildlife Crime (ICWC) Toolkit assessment, and this is a commendable demonstration of leadership shown by the UK in the wildlife crime arena.

That said, the UK's primary enforcement focus for wildlife and forestry crime is inward facing, and most crimes investigated and prosecuted pertain to the harming of its domestic fauna and flora. Very few animals or plants from the UK appear in international wildlife trade, and those Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)-related crimes investigated by UK police are generally linked to specimens that originate in other countries, although a recent trend of peregrine falcon eggs leaving the country has been detected and the eel trade is still a key concern. As was said by one of the interviewees, 'You don't see CITES wildlife walking through the plains of Surrey.' The UK is thus in a rather unique position as the ICCWC Toolkit assessment is generally undertaken in countries that have considerable amounts of domestic flora and fauna appearing in international trade whilst facing domestic challenges of poor legal frameworks, corruption, absence of data and low enforcement capacity. In the UK, the reverse is true.

This report describes the research, virtual and in-country activities undertaken as part of the comprehensive analysis of the UK's preventive and criminal justice responses to wildlife crime conducted by UNODC, based on the ICCWC Toolkit.

The report initially presents an overview of the legislation, enforcement and judicial structures across the UK. Further analysis of the legislation, enforcement, prosecution, and judicial challenges for seven priority delivery groups (PDGs) is provided, alongside forestry crimes. This is followed by an evaluation of the available data and analysis on UK wildlife crime, which comprises two parts. First, an examination of the data collection and communication systems in place, followed by the findings from an analysis of the available data on the prevalence and nature of wildlife crime offences. Recommendations are made based on the information gathered during the assessment.

¹ The UK includes four nations, England and the devolved nations of Wales, Scotland and Northern Ireland. Consequently, across the UK there are four different legislatures and executives, each with a different range of powers. The devolved nations exercise major powers over key public services.

² <https://royalfoundation.com/conservation/> <https://time.com/5421701/prince-william-urges-tougher-punishment-for-poachers-and-wildlife-smugglers/> September 2016, "How Prince William helped US agents bust a major wildlife and drug smuggling network" <https://www.cbsnews.com/news/wildlife-heroin-trafficking-ring-africa-bust-southern-district-new-york-fish-and-wildlife/> June 2019. "William Hague calls for UK and China to lead the fight against illegal wildlife trade" <https://www.independent.co.uk/climate-change/news/stop-the-wildlife-trade-william-hague-animal-trafficking-species-coronavirus-a9559776.html> June 2020.



Figure 1. Wildlife products seized by UK authorities

› Legislation

There are domestic challenges across the UK regarding its wildlife crime legislation, not least that the legislation is scattered, with disparities between the approach taken towards priority concerns in Northern Ireland, England and Wales, as compared with Scotland.³ There is strong interest within the Department for Environment, Food and Rural Affairs (Defra) to harmonise England's existing wildlife crime legislation, which officials acknowledged as having inconsistencies. It was estimated that there are between 30 and 40 statutes on wildlife and wildlife management that need to be harmonised. The Defra team that deals with these issues is small, with 1.5 full time equivalents (FTEs) dealing with domestic wildlife crime and 2.5 FTEs dealing with domestic wildlife management. While several of these team members are very new to this area, all impressed the assessment team with their understanding of the issues and their level of expertise. Bringing together Defra counterparts from the devolved nations to achieve better parity in laws across the UK (particularly on offences and sentencing) would be of benefit.

A review of the draft bill on wildlife law produced by the Law Commission in 2015 is required in light of the passage of the Animal Welfare (Sentencing) Act 2021 (amending the Animal Welfare Act 2006), whereby causing suffering is treated as triable either way and subject to a maximum five-year term of imprisonment. The proposed Animal Sentience Bill should also be taken into account. The Law Commission report focused upon England and Wales and to some extent has been overtaken by developments in Scotland, such as the elevation in penalties and provision for vicarious liability of landowners. The Northern Ireland legislative regime should be part of a UK-wide alignment process in order to avoid it remaining a 'light touch' location for potential trafficking and wildlife offences, particularly in terms of sentencing and given its position post-Brexit.

Focus must lie not only upon consolidation of the disparate laws (including aligning requirements of certain offence elements such as *mens rea* (the mental element), on intention and recklessness, and issues such as vicarious liability); alignment is also required on sentencing and elevation of penalties across the UK and to open the door to the use of specialised investigative techniques under existing legislation governing investigation powers. However, on this latter point, elevation in penalties alone may not be enough – these crimes must be viewed in a different light in order to bring the full force of such investigative techniques into play across the UK.

For England and Wales, fox hunting is a politically charged issue. The legislation governing this area

³ Animal and Wildlife (Penalties, Protection and Powers) (Scotland) Act 2020

holds a number of exceptions to the ban on hunting. In discussions with stakeholders, particularly law enforcement and non-governmental organisations (NGOs), those exceptions make policing very difficult. It is recommended that a review be conducted particularly focused upon delivering clarity for law enforcement on when and how to enforce the Hunting Act.

Finally, under the Control of Trade in Endangered Species Regulations 2018 (COTES) which govern CITES-related offences, an offence of possession requires proof of an intent to supply or perform some other criminal act in relation to the item. This has led to situations in which raw ivory tusks had to be returned to owners who are being investigated for other wildlife offences, because intent to supply (for example) could not be established. However, in many countries possession itself is treated as an offence, often with strict liability and subject to severe penalties, and in several countries Defra funding has supported the adoption of such legislation. Other COTES provisions relating to appeal place a heavy administrative burden on the small CITES team; further details are contained in the section under 'CITES issues' but a review, particularly post-Brexit, is worthwhile.

› Enforcement

The overarching policing structures and strategies to address wildlife crime in the UK could well be described as international best practice. A centralised intelligence hub, strategic planning, priority delivery groups and a close, fruitful partnership with civil society are all essential when addressing wildlife and forestry crime. Beyond the structure, however, there remain issues that need to be addressed. Data management, recordable offences, legislative issues, training, funding, a lack of prosecutorial and judicial expertise, and according to some of the interviewees -traditional practices- all make for an enforcement response with room for improvement.

The National Wildlife Crime Unit (NWCU), now based in Stirling, Scotland, represents the first fusion centre of its kind established to address wildlife crime. Staffed by experienced criminal intelligence officers and analysts and retired wildlife crime police officers, this centre provides a one-stop shop for police seeking intelligence, investigation and crime scene support for wildlife crime offences.

The NWCU also plays a key role in coordinating the seven priority delivery groups which address those crimes identified as priorities for UK law enforcement. These delivery groups allow relevant stakeholders from government and civil society to engage and develop collective strategies to reduce the incidence of wildlife crime within their priority group. This is a well thought out strategy which drives the police response and allocation of resources and may well be unique to the UK.

Whilst the model is excellent, there are certainly issues that impact on the effectiveness of the overall police response. In England and Wales, there are 44 police forces (43 based on administrative areas plus the British Transport Police) whilst Scotland and Northern Ireland each have one national police force.

It is to be expected that the UK's 48⁴ different police forces will have issues of interconnectivity and standardisation. Police forces within the UK utilise different enforcement models and data collection methods to respond to wildlife crime. England and Wales have dedicated, trained wildlife crime officers whilst Northern Ireland opines that every officer can investigate wildlife crime and supports them with a dedicated wildlife crime liaison office that provides advice and operational support. In Scotland, wildlife crime officers operate throughout 13 police divisions under the guidance of a national coordinator. Whilst each system has its strengths and weaknesses, they are all effective and capable of investigating wildlife crime offences.

4 There are 43 territorial police forces in England and Wales, one in each Scotland and Northern Ireland and three specialist police forces (the British Transport Police, the Civil Nuclear Constabulary and the Ministry of Defence Police).

Some English and Welsh police forces, particularly those that are predominately policing rural areas, see wildlife *and rural* crime as important and allocate resources accordingly, whilst some urban- focused police forces do not. Some officers interviewed spoke of having to work wildlife crime cases in their own time, of lacking the necessary resources to do their job properly and having to justify why they are investigating wildlife crime cases at all. This is despite an apparent unified recognition that wildlife crime is important. Whilst wildlife and forestry crime is stated as a priority with the National Police Chiefs Council (NPCC) strategy, in London, this priority is at odds with the Metropolitan Police priority of safeguarding against violent crime- investigating wildlife crime in England’s capital is a ‘hard sell’.⁵

Another issue that impacts on the effectiveness of the UK police response is an inability to utilise advanced investigation techniques for most wildlife crime offences. The UK is a world leader in covert policing, whether that be physical or technical surveillance, undercover operations or the interception of telecommunications services. These skill sets have been honed through decades of counter-drug and terror operations and represent a major tool in the armoury of UK police to investigate transnational organised crime.

Despite the obvious benefits of using these techniques to investigate wildlife crime cases, in the UK the police are prevented from using them in most cases because they do not meet the necessary penalty threshold or definition of serious crime under the *Regulation of Investigatory Powers Act, 2000* (or in Scotland, the *Regulation of Investigatory Powers (Scotland) Act 2000*). There are a few notable exceptions to this rule, including investigations pertaining to CITES-listed species and some new amendments to sentencing brought about in Scotland. However, even in these circumstances these techniques are rarely used. While any police response must be proportionate to the crime and respect the rule of law, wildlife crime is simply not seen as ‘serious crime’ or ‘serious organised crime’ for the purposes of utilising such techniques.

Further, given the vast majority of wildlife offences across the UK are summary only, this leaves a six-month window for proceedings to commence after the sufficiency of evidence threshold has been met. Many cases, such as those relating to bats and badgers, rely upon expert testimony, which can take considerable time and resources to obtain (even allowing for a decision to charge on the threshold test). Often the penalties available do not always reflect the costs involved in bringing the case to trial.

Another potential area of concern is the lack of trained detectives who investigate wildlife crime. Most police officers involved in investigating wildlife crime are uniformed police, with the notable exception of the Metropolitan Police Wildlife Crime Unit. This is by no means a reflection of the competency and dedication of those uniformed officers; however, detectives receive advanced training, particularly in respect to the use of advanced investigative techniques, confidential human intelligence source management and interview techniques. They are also exposed to a wide variety of serious and organised crime investigations that contribute to honing their skills- skills that are needed to address more serious and organised types of wildlife crime. A greater use of detectives to investigate wildlife crime throughout the UK will result in increased prosecutions and convictions.

Another area of concern is the lack of a unified approach to training. Police forces have relied upon a combination of their own training, or that provided by a retired wildlife crime investigator of the Border Force. A common theme expressed during the interviews was that many police attend training courses and are then not exposed to wildlife crime cases or are moved on to other assignments before they get to develop their skill sets. Training of entry-level recruits to the police forces across the UK does not include wildlife and forestry crimes. However, Northern Ireland has established at Headquarters level a dedicated team that provides advice to all officers in relation to wildlife crime, ensuring expertise and consistency in approach. This cannot be said for the rest of the UK, where the quality of investigations when picked

⁵ Discussion with senior police officer at Metropolitan Police

up by inexperienced officers results in prosecutions either not proceeding or failing. The NWCU should undertake a review of the current training models in use throughout the UK in order to determine what is best practice, how to implement the training in England and Wales, and how to get this training accredited. To support the NWCU, at the local level a dedicated intelligence analyst and intelligence officer should be attached to the Police Service of Northern Ireland (PSNI) Wildlife Crime Liaison Unit and to work directly under the Wildlife Crime Coordinator in Scotland. These positions would enhance the overall intelligence picture and enable a greater focus on CITES-related matters. It is imperative that these positions are fully integrated into the NWCU and used to support the Unit and local police, rather than becoming a substitute for the NWCU.

The NWCU leadership has to continuously fight for the Units' very existence. The NWCU costs just over £580,000 per year to operate, which represents incredible value for money given the multitude of tasks it performs in a highly contentious and charged environment, having to balance police duties and civil society demands. At the last funding cycle, Defra provided £165,000 annually towards the running costs, while the rest of the funds were awarded by the Home Office, NPCC, the Scottish Government, and the Department of Agriculture, Environment and Rural Affairs of Northern Ireland (DAERA). In recent years, given the UK government has opted for single year rather than multi-year Spending Reviews, the NWCU has been required to submit a request for funds on an annual basis, and in 2021 this process took three months before approval was granted. The current funding model makes it very difficult to design strategic plans or to develop the Unit to its full potential. There is no budget for development, training, or equipment. This wastes time, resources, and creates an undercurrent of uncertainty amongst its staff. It may also prevent more experienced investigators from moving into the NWCU because of lack of certainty around its funding horizon.

In contrast, in 2019 the Illegal Wildlife Trade (IWT) Challenge Fund⁶ awarded over £4.5 million to overseas capacity building efforts such as training investigators in Zambia and Zimbabwe, awareness raising in Somalia, strengthening legislation in Bolivia, and awarded £400,000 towards strengthening intelligence gathering in Liberia. While this fund is highly applauded and desperately needed, the NWCU is also to be highly applauded and is just as needed within the UK.

It may be that the relatively low level of illegal CITES-listed specimens detected at and within UK borders justifies the disparity between how national and international efforts are funded. However, the combination of a very limited number of dedicated Border Force and specialist wildlife officers means that detections will be limited, and the fact that such offences are not notifiable or recordable may well conceal what illegal trade is occurring. Long term commitment of dedicated resources is required to put the NPCC vision into practice.

Border Force play an incredible role at UK ports and borders, displaying great professionalism and commitment despite limited resources and that they cannot themselves conduct investigations. Their role in coordinating international operations (e.g. Operation Thunder) and their engagement with EU- TWIX, as well as their role in delivering training, nationally and internationally, means that the scope for Border Force to play a far bigger role is significant.

Overall, the coordination and cooperation between enforcement agencies and civil society is excellent, and awareness raising amongst the public is undertaken by the agencies and stakeholders with great dedication.

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919053/iwt-challenge-fund-list.pdf

› Prosecution

Prosecutorial capacity is hampered by a lack of dedicated resources, training, and limitations brought about by the legislative framework. Disparities arise between prosecution services across the UK. The Crown Prosecution Service (CPS) in England and Wales has a nominated Wildlife, Rural and Heritage Crime Coordinator and regional dedicated prosecutors are appointed throughout the country. However, these dedicated prosecutors have a caseload that stretches beyond wildlife crime and they do not necessarily prosecute these cases at court, sometimes leaving the trial in the hands of inexperienced counsel. Whilst the CPS has issued guidance on wildlife crimes, it has not yet updated that guidance on CITES-related offences following Great Britain's exit from the European Union (EU).

In Scotland, the Crown Office and Procurator Fiscal Service (COPFS) Wildlife and Environmental Crime Unit (WECU) comprises five specialist prosecutors who have adopted a 'cradle to grave' approach, and training of new recruits is taken up inhouse, in conjunction with NWCU, NatureScot (formerly Scottish Natural Heritage) and other NGOs, where possible. Like the CPS, however, this training is ad hoc and often left to the individual's own initiative. In Northern Ireland, the Public Prosecution Service (PPS) does not have a specialist unit for wildlife and forestry crime but does benefit from the inhouse legal capacity that has been built within the PSNI regarding such crimes, which breeds consistency and expertise therein. Not one prosecution service has developed a consistent prosecution-wide curriculum for training on such crimes nor is such training a requirement as part of continuing professional development within the services as a whole.

There is a variation in approach across the prosecution agencies. For example, across England, Wales, and Northern Ireland, prosecutors dedicated full-time to this niche area of law are not available. All prosecutors across these three jurisdictions cover wildlife crime alongside their other criminal prosecutions. By having dedicated legal expertise within NWCU, case file preparation can be better managed, legal issues identified early on, and guidance on investigations delivered in a timelier and consistent way. Further, where instructed counsel is not available, attendance at court can be delivered by those with experience.

Furthermore, in England and Wales, guidance by the CPS is given regarding the use of ancillary orders such as Serious Crime Prevention Orders as a means of disrupting certain types of wildlife crime; but no such guidance for their equivalent could be found in Northern Ireland. Whilst in Scotland, the 'cradle to grave' approach has built excellent expertise and consistency in approach, this is not the case across the rest of the UK. The use of such orders and the identification of cases suitable for a Proceeds of Crime Application (POCA) should be aligned and engagement with the Serious Fraud Office (who take on such applications) encouraged for England and Wales.

› Judicial Handling

Most wildlife crimes considered in this assessment across England, Wales, and Northern Ireland, are punishable with a fine and/or a short custodial sentence. Whilst Scotland has increased penalties for some offences to up to five years imprisonment, the impact of this change is mitigated by the presumption against short custodial sentences and that fines are means-tested across the UK. However, the absence of any sentencing guidelines across the entire country means that sentencing practice does not appear to present any sort of deterrent. Generally speaking, most sentencing was greeted with disappointment by the stakeholders interviewed during this assessment.

Although sentencing guidelines were repeatedly raised as necessary, the Sentencing Council for England and Wales considers the lack of precedent as particularly problematic and does not see it as a priority; in Scotland, the relatively young Scottish Sentencing Council, though having started the process of creating guidelines for environmental crimes, also sees this area as a low priority. In Northern Ireland, the Sentencing Group has delivered guidance for environmental crimes and animal crimes, but these do not extend to wildlife and forestry offences.⁷

In light of these considerations, there may be difficulty in creating guidelines given the absence of any discernible practice in the courts against which to calibrate and the fact that other areas of law are seen as requiring more urgent attention (such as sexual offences in Scotland). Accordingly, training and sensitisation of the judiciary across the UK is the starting point, and there is certainly a willingness to develop a curriculum. For such, NGOs can play a crucial role.

Alongside training of the judiciary, prosecutors in England, Wales and Northern Ireland should be engaged in the development of sentencing submissions and identification of any relevant aggravating features. Whilst the CPS online guidance includes victim impact statements, community impact statements, and species impact statements, these are not uniformly applied – perhaps due to cost issues – but could be used more routinely. In Scotland, sentencing is a matter for the judiciary; however, prosecutors would be able to refer the judiciary to guidelines if they existed. A countrywide uniform approach to sentencing is required and it is recommended that the CPS leads the way for England and Wales. In Scotland, the same is recommended for the specialist wildlife crime team and the judiciary, and in Northern Ireland, the expertise that sits within the PPNI should lead the way.

› Data and Analysis

The UK has a long history of good practice in collating and publishing administrative statistics on set crime indicators such as notifiable crimes and prosecutions, which are complimented by other dependable datasets to provide reliable⁸ data on crime trends. These data collection and analysis processes are viewed as integral to maintaining consistency in reporting across forces/agencies, informing the targeting of resources, and evaluating the effectiveness of responses and enforcement agencies. A wide range of governmental and non-governmental agencies and stakeholders involved in responding to wildlife crime generate and collate data, in a variety of formats and for diverse purposes. The data collection and analysis processes are inconsistent across the UK, as constituent countries follow their own systems of recording and publishing wildlife crime data such as incidents, recorded crimes, and seizures. NGO and other stakeholder data are commonly required to bolster administrative statistics.

Key government and enforcement agencies such as Border Force, the NWCU, Home Office, Ministry of Justice, Scottish Government, and Departments for the Environment are responsible for collating, analysing and sharing this data. The UK wildlife crime (seven) priorities are set by the UK Tasking and Coordination Group (UKTCG), using the extensive expertise and data from statutory nature conservation groups and agencies including the Joint Nature Conservation Committee (JNCC) and Royal Botanic Gardens, Kew, and relevant NGOs and enforcement agencies. They produce robust scientific data, tools, technologies and analytical techniques to evidence and monitor the status, trends and patterns of biodiversity growth and loss. Data held by APHA (Unicorn) on the legal wildlife trade can also provide context on, and identify areas of illegal wildlife trade. Data and analysis is facilitated by often excellent coordination and collaboration among the intricate web of statutory and non-statutory agencies, enforcement agencies and civil society groups who are dedicated to responding to wildlife crimes. Likewise, UK agencies consistently provide

⁷ <https://www.judiciaryni.uk/sentencing-guidelines-magistrates-court>

⁸ A recent assessment of recorded crime practices found them not to meet the required standard for designation as National Statistics- <https://www.statisticsauthority.gov.uk/>

essential data on CITES-related offences through their regular cooperation with international bodies such as EU-TWIX, CITES Secretariat, World Customs Organization, and NGOs. Consequently, the data generated in the UK can provide a valuable insight into some wildlife crime trends and outcomes.

The data can, for example, identify that between 2012-16, the UK was the 11th highest global importer and 14th highest (re-)exporter of CITES-listed taxa, the majority of which were for commercial purposes. In 2018, UK CITES seizures were the third highest in Europe. Between 2013 and 2020, 6,100 CITES seizures were made by Border Force, over half of which involved animal and bird derivatives, timber/wood products and oriental medicines. Between 2013 and 2020, 75 CITES convictions were identified. Animal parts or derivatives were identified in 40 cases, while 33 convictions involved live animals, only one conviction applied to plants, and none to timber/wood. Convictions have generally declined since 2013, which is consistent with domestic wildlife crimes. Between 2013 and 2020, 416 wildlife crime convictions were identified across the UK. From a high of 108 convictions in 2014, rates have dropped significantly to just 28 in 2020. Similar figures on domestic wildlife crime incidents and offences are not available across the UK. In Scotland, between 2014-19, the total recorded offences have decreased year-on-year, resulting in an overall reduction of 40%. Recorded offences by the Home Office in England and Wales initially demonstrated a downwards trend, from 2018 (73) to 2020 (53), but with a significant increase in 2021 (172 offences). Equivalent data is not available for Northern Ireland. Fish poaching offences are the most common crime recorded in Scotland, and England and Wales. In general, NGO data reports higher incidents and offences than enforcement data. A detailed analysis of the available administrative data is provided in the final section of the report, alongside that of scholarly research.

Despite some concerns over the quality and consistency of UK crime recording practices, the overarching processes and structures could well be described as international best practice. However, these processes and resources are not applied to wildlife crime data generation or analysis. Notwithstanding the excellent partnerships and the available data sources and systems, an accurate measurement of UK wildlife crime or the number or type of species involved is not possible. Nor is it feasible to trace wildlife crimes from cradle to grave through the criminal justice system. Wildlife crime data exists in some format at each point of the criminal justice system in administrative statistics; however, it is scattered, varied, and often provides an incomplete picture of the scale, variability, and impact of these offences. In its current format, there is often no efficient way to retrieve this data and it is not comparable across countries or agencies. Accordingly, measuring the scale of these offences is complex and challenging. Furthermore, the data processes and systems in place for other serious crimes are seldom available for wildlife crimes, making it difficult to access data to evaluate links between, for example, wildlife crime and organised crime, financial crime or cybercrime.

The strengths and challenges in data and analysis vary across constituent countries, species, and offence types. The Wildlife Crime in Scotland annual report and centralised Northern Ireland CAUSEWAY system highlight the former. The overarching limitations in the detection, recording, prosecution, and sentencing of offences, and the few requirements to report on the available data underly the latter. Priority offences commonly receive greater attention and are thereby better represented in the data. However, there is a real risk that this approach results in a self-perpetuating data bias, whereby intelligence gaps on nonpriority offences are not being filled. Furthermore, there is a distinct terrestrial fauna bias in available data and analysis, and a notable and worrying absence of marine, plant and forestry offences.

That the majority of wildlife and forestry crimes are not notifiable or recordable is commonly identified as a central limitation in accurately assessing the state of wildlife crimes and accessing the necessary resources to respond to these offences. Focus must not lie solely upon making all wildlife crime offences notifiable

across the UK; there are other critical issues that must also be addressed. These include the categorisation of wildlife crime as a homogeneous offence, limited data granularity, and the significant dark figure of undetected, unreported, and inconsistently or un-recorded offences. Furthermore, the management of data must be evaluated. For example, there is a lack of centralised and compatible data systems, insufficient resources for proactive and in-depth data analysis including inefficient data and analysis systems and access to relevant databases, and a lack of data analysts and intelligence officers. Each of these issues, alongside barriers to data sharing and collaboration among stakeholders, contributes to data constraints and suggests considerable opportunities for improvement.

The need for further empirical data collection, synthesising and building on data collected by statutory agencies and NGOs, is apparent. It is likely that should resources be made available for data to be recorded, managed, analysed and shared effectively, a more accurate measurement of wildlife crime would be possible. This would require all agencies and organisations who respond to wildlife crime to evaluate their data collection and management processes and to develop strategies for effective data convergence and collaboration. This must include a strategy to fund relevant scholarly research, including qualitative social science studies which can move beyond evaluating the scale of wildlife crime to explaining it and evaluating responses, and to forge formal partnerships and Memorandum of Understanding (MOUs) between scholars, NGOs and key enforcement agencies and stakeholders.

RECOMMENDATIONS

This report is structured in accordance with the UK's seven priority areas: CITES issues; Raptor Persecution; Bat Crime; Fresh Water Pearl Mussels; Badger Persecution; Poaching (including Hare Coursing, Deer and Fish Poaching); Cyber-Enabled Wildlife Crime; as well as Forest Crime. General recommendations are made as well as offence-specific recommendations relating to each of the priority areas.

› General Recommendations

On Legislation

1. Review and align legislation across the UK, resurrecting the Law Commission efforts of 2015 which drafted a bill as part of that review, and taking into account the points made above. More specific recommendations can be found under the relevant priority delivery groups below.
2. Review the Hunting Act 2004 and the exemptions within with a view to providing clarity for law enforcement.
3. Identify a range of offences suitable to be 'triable either way'.
4. Review the COTES Regulations 2018.⁹
5. Allocate resources for the accelerated implementation of the ivory ban under the Ivory Act 2018.



Figure 2. Wildlife products seized by UK authorities

⁹ See more under the Priority Delivery Groups section.

On Enforcement

Recommendations for enforcement are addressed generally at a number of core themes, but are also specifically directed at issues identified in the NWCUC, PSNI, Police Scotland, and police forces in England and Wales.

6. For the **National Wildlife Crime Unit**, the following recommendations are made:

- Move the funding for the NWCUC to the Home Office and establish the Unit on a permanent basis;
- Significantly increase the annual budget of the NWCUC to enable the hiring or seconding of additional staff and the purchase/lease of vehicles and equipment;
- Increase support to the NWCUC to address transnational organised crime globally. Hire additional staff and establish liaison officers in known wildlife crime hotspots in Africa, Asia and Latin America;
- Seek to have wildlife crime training accredited and ongoing mentoring of trainees undertaken by NWCUC staff;
- The NWCUC should develop standardised training materials for use in UK-funded overseas law enforcement training and require that this training is delivered by NWCUC staff or accredited police officers or trainers as part of any relevant UK IWT grant. At present, NGOs that are awarded funds are using trainers from various jurisdictions, which leads to confusion and inconsistency in the training standards applied. For example, in the context of crime scene management, the South African approach is different to that of the UK and that of the United States of America (USA). Defra can insist on consistency and draw upon the NWCUC expertise to quality assure such training delivered with Defra funding;
- Extend the secondment of the Head of the NWCUC from three to five years if that officer is in agreement;
- Increase the representation of currently under-represented groups within the NWCUC, including within its intelligence and analysis functions;
- Focus on inclusion to build the Unit's culture and representation as place that attracts, develops, retains and fully engages all the diverse talent available to it;
- Establish a multi-agency panel, including the CPS, to review investigations UK-wide that do not lead to charges and prosecutions that do not result in convictions;
- At the local level a dedicated intelligence analyst and intelligence officer should be attached to the PSNI Wildlife Crime Liaison Unit and to work directly under the Wildlife Crime Coordinator in Scotland. These positions would enhance the overall intelligence picture and enable a greater focus on CITES-related matters. It is imperative that these positions are fully integrated into the NWCUC and work to support the Unit and local police, rather than becoming a substitute for the NWCUC.

7. For **Border Force**, the following recommendations are made:

- Increase the number of dedicated CITES officers at Heathrow airport and Felixstowe container port;
- Rotate officers through the CITES teams to assist in staff succession and increase overall levels of expertise;
- Create a Border Force analyst position within the CITES Team at Heathrow airport;
- Look to expand the Border Force International Liaison programme to include countries identified as current or emerging wildlife crime hot spots;
- Raise the IWT priority for Border Force (above 'C'). This would not only positively impact Border Force efforts within the UK by, for example, unlocking further intelligence resources, but also enhance Border Force's remit in its international efforts.

8. For **Police Forces within England and Wales**, the following recommendations are made:

- Consider expanding the scope of the Forensic Analysis Fund to include the analysis of communication devices;
- Undertake a review of the current training model for police in England and Wales;
- Undertake a review of the number of trained wildlife crime officers (WCOs) who remain in post, looking at issues such as caseload and succession after retirement;
- Increase the number of qualified investigators undertaking wildlife crime investigations;
- Establish a mentoring program for WCOs led by experienced detectives;
- Specialist training should be provided to WCOs to enable them to develop expertise that could be utilised to address wildlife crime and other crime types.

9. For **Police Scotland**, the following recommendations are made:

- Commence proactive monitoring of online platforms to identify if they are being used to traffic wildlife;
- Create of additional wildlife crime analyst and intelligence officer positions in Police Scotland or as part of the NWCU;
- Increase use of detectives to investigate wildlife crime offences in Scotland;
- Establish a system whereby detectives mentor WCOs;
- In all identified wildlife crime cases, where a crime series (a number of criminal offences that have similar modus operandi) is suspected, consideration should be given to allocating these cases to detectives.

10. For the **PSNI**, the following recommendations are made:

- Create an intelligence analyst position within the PSNI Wildlife Crime Liaison Unit (WCLU).

On Prosecutions

11. Develop a general prosecution training curriculum for each of the Prosecution Services with input from NGOs that can offer great expertise in each of the priority delivery groups;

12. Assign two full-time lawyers to NWCU to provide the necessary 'back stop' in providing prosecution expertise;

13. Guidance on the use of ancillary powers should be aligned across the UK. This should include review of powers such as dispersal orders (England and Wales) and restraining orders;

14. For England and Wales, a registry of instructed advocates should be developed and maintained by the CPS to ensure instructed counsel are familiar with the laws and procedures. Training should be required for instructed counsel to qualify for instruction in such matters;

15. Periodic review of investigations that fail to result in a charge and of prosecutions that result in acquittal. These reviews could take place at regular intervals depending on resources allocated for this function;

16. Dedicate resources for prosecution-specific joint events;

17. Establish joint training for prosecutors across all four jurisdictions to enable experience to be shared, best practice to develop, and identify prosecution-focused challenges.

On the Judiciary and Sentencing

18. Develop training curricula for the judiciary across the UK, utilising expertise from the NGO sector and prosecution services;

19. Undertake an analysis of the use of ancillary orders such as forfeiture, dispersal orders (England and Wales), restraining orders, and compensation, with a view to identifying obstacles to utilising such powers (including the use of victim, community, and species impact statements) and ensuring their consistent and widespread use.

On International Cooperation

20. In terms of mutual legal assistance and extradition, the UK has an excellent legislative framework and expertise within the various prosecution agencies. However, in the context of wildlife and forestry crime, not one example of formal mutual legal assistance or extradition was found. There are few recommendations to make on this point, however, as such applications are more a matter of will. The UK provides investigation support to other jurisdictions, and receives it, and that should continue.

On Data and Analysis

21. Conduct an evaluation of the scale and value of the legal and illegal wildlife trade to provide a baseline post-Brexit and to enhance detection of, and data on, the illegal wildlife trade. The data and analysis section identifies there are considerable gaps in our current understanding of wildlife crime, and the evaluation must include a plan to focus on these in order to be able to address the question – what is the scale and nature of UK wildlife crime?

22. Make it a legal requirement for all constituent governments to provide data and analysis on the enforcement, prosecutions and outcomes for wildlife crimes, including relevant stakeholder data, for a comprehensive annual report on wildlife crime, such as that produced by the Scottish Government. This will result in all criminal justice agencies frequently and consistently reporting and publishing wildlife crime data.

23. Make all wildlife crimes recordable and notifiable offences, with discrete wildlife crime codes to reduce ambiguity and disparity between nations. This will enhance data granularity and reduce the ‘dark figure’ of wildlife crime.

24. Provide necessary resources including personnel, equipment, and training to key enforcement agencies such as the NWCU and Border Force, to effectively utilise available data sources and proactively enhance their data, intelligence, and analysis. This will provide Defra with a more accurate record of the scale and nature of wildlife crime. Furthermore, these agencies will be able to perform their roles more efficiently and fluidly, including the allocation of resources, the creation of intelligence to support tactical operations, and the identification and evaluation of emerging trends relating to cybercrime, Organised Crime Groups (OCGs), and priority areas.

25. Increase the reliability of detection, reporting and recording of wildlife crimes through enhanced awareness, training, and prioritisation of enforcement agents and call handlers. Further awareness training is also required among the many agencies who also have a role in responding to wildlife crimes such as Her Majesty’s Revenue and Customs (HMRC), Office of Product Safety and Standards (OPSS), and Port Health Authorities.

26. Conduct an evaluation of the suitability of data systems for enforcement (end user) use, and the convergence and triangulation of existing data, to develop a strategy for harmonisation and improvement. This could identify examples of good practice which could be adopted elsewhere.

27. Conduct a periodic review of conversion rates- including incidents that are reported and then recorded as offences by the police, cases passed to the prosecution service, offences prosecuted and convictions achieved- and sentencing outcomes. Existing data suggest a significant drop in wildlife crime cases as they progress through the criminal justice system, and frequently the sentencing outcomes are disproportionate to the harm and value of the offence, such as the reliance on small fines and the infrequent use of custodial punishment and POCA. Without a review it is not possible to evaluate these responses, adequately analyse their deterrent effect, or determine how to enhance future outcomes.

On Data and Analysis

28. To facilitate the triangulation and validation of data, enable more effective data sharing and analysis between stakeholders through MOUs and an evaluation of data sharing opportunities in compliance with General Data Protection Regulation (GDPR). Develop a feedback loop to ensure statutory and non-statutory agencies feel their vital contributions are valued.

29. Require UK research funding bodies to provide calls which prioritise empirical and collaborative wildlife crime research and the development of data sharing and networks. This must include wildlife such as plants and timber, and social science disciplines which provide insights into the nature, behavioural and sociological aspects of, and successful responses to the illegal trade.

30. Develop a strategy between government agencies for education, research, and environment to forge formal partnerships between scholars, key enforcement agencies, and stakeholders. Use existing successful partnerships, such as Floraguard (KEW, Border Force and the University of Southampton) and DICE (with the NWCU) as model for this development. This could facilitate scholarly access to non-sensitive enforcement crime data, enhance wildlife crime data and analysis for all stakeholders, and contribute to evidence-based policies and enforcement strategies.

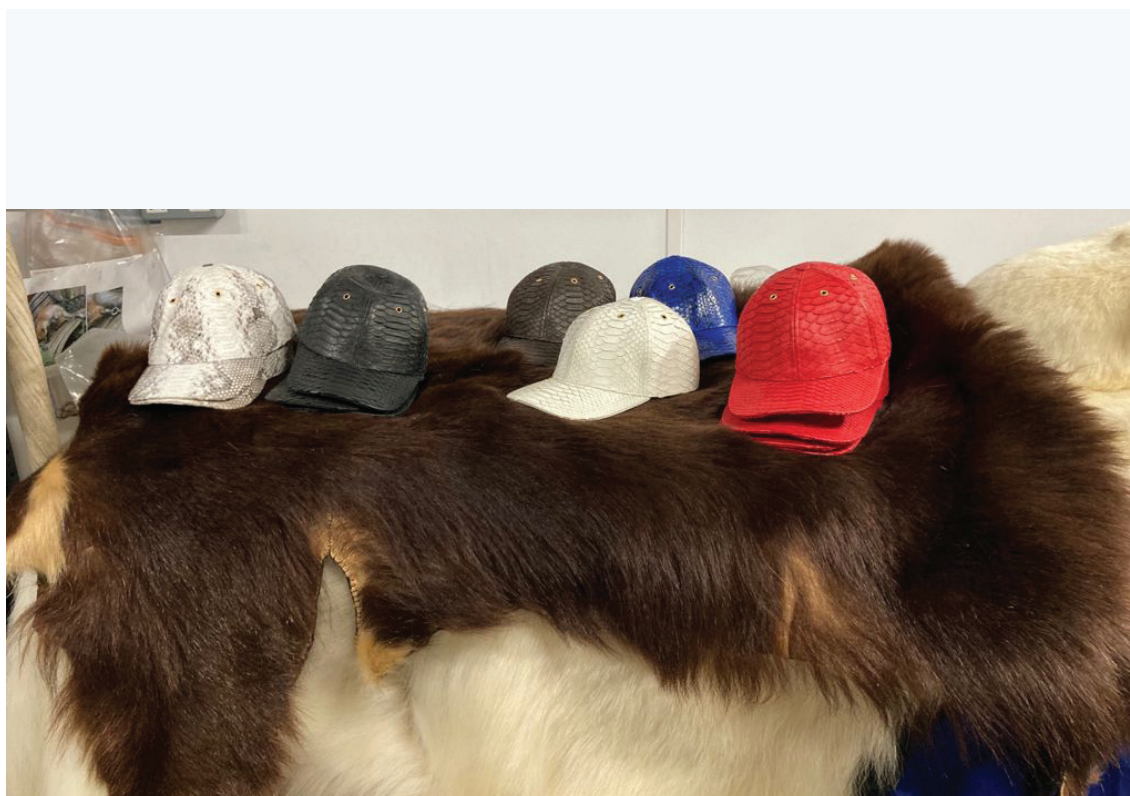


Figure 3. Wildlife products seized by UK authorities

OFFENCE – SPECIFIC RECOMMENDATIONS

International Trade in Endangered Species ('CITES Issues')

31. Review the COTES regulations, in particular to remove the issue of intention and commercial gain from offences concerning possession and transport (the latter can be overcome by saying items are being moved as a 'gift' for example, making enforcement action extremely difficult). The appeal process for restoration should also be revisited with particular attention given to the issue of return of CITES-listed items without a retrospective permit.

32. For Defra to accelerate guidance on the use of civil sanctions under the COTES regulations. Also, for Defra to explore whether a change in Schedule 2 of COTES is required or whether specific guidance can be issued for where certain cases of non-compliance with civil sanctions could result in criminal proceedings in and of itself.

33. In anticipation of the ban under the Ivory Act 2018- which will not have impact on Border Force but will have impact on the police force given it relates to domestic possession and sale of ivory- to design and deliver training for the Wildlife and Rural Heritage Policing teams across the UK regarding identification of ivory that does not qualify for exemption, and increased expertise and resources for carbon dating.

34. In terms of enforcement, there is a need to increase the number of dedicated CITES officers within Border Force and consider rotation of officers through the CITES Team to assist in staff succession (particularly at Felixstowe port) and increase expertise.

35. Create a Border Force analyst/intelligence officer position within the CITES Team and enhance the classification of IWT priorities to 'B'. This would open the door to further intelligence resources and would enhance the ability of Border Force to exchange/disseminate intelligence to the NWCUC to take forward investigations within the UK, as well as enhancing Border Force's own operations.

35. Whilst embassies may hold staff from the National Crime Agency (NCA) and Border Force, they may lack IWT and CITES training and awareness. Expanding the Border Force International Liaison programme to include countries identified as current or emerging wildlife crime hot spots may address this and further the UK's international support in this field. This role would be further enhanced should the prioritisation of IWT be raised.

37. For all prosecution services and identified instructed counsel across the UK, design and deliver a specific CITES /COTES and Ivory Act training module for prosecutors, whether they be in-house or instructed counsel. Serious Fraud Office prosecutors from the CPS and their counterparts in the COPFS and PPS should also be included in such trainings, with mandatory attendance as part of Continuing Professional Development (CPD) requirements.

38. There is a need for greater awareness and resourcing to target plant-focused violations of CITES amongst law enforcement, prosecution, and within the judiciary.

39. See General Recommendations in Chapter I.

Raptor Persecution

To bolster the legislative framework required to properly address raptor persecution, the Wildlife and Countryside Act (WCA) and licensing regime across the entire UK should be synthesised and aligned. As it currently stands, the discrepancy in sentencing, vicarious liability, disqualification powers, and more (for example, operationalisation of the pesticide provisions in the WCA, presents a confusing picture to law enforcement and the public). Though raptor persecution has been set as a priority for the UK, the differences in the statutory and licensing regimes present many obstacles to ensuring raptors receive the same level of protection across the entire UK.

Particular focus should include:

40. Aligning sentencing powers and for certain offences, raising the threshold to potentially trigger Regulation of Investigatory Powers Act 2000 (RIPA) applications;

41. Aligning disqualification periods and the basis for disqualification (for example, to include COTES violations across England & Wales);

42. Aligning the licensing provisions across the UK particularly in relation to revocation of general licenses;

43. To enhance powers of licensing authorities to revoke licences for gamebird shoots or amend those licences where abuse occurs with a proven link to estate management;

44. Revisit the recommendations within the Law Commission report regarding definitions, schedules of species (and their amendment) and more, as consolidation and alignment across the UK is considered;

45. Operationalise the provisions within the WCA regarding pesticides by identifying banned substances through statutory order (or equivalent) and consider extending the offence to one of possession without reasonable excuse or lawful authority;

46. Support to prosecution authorities to achieve a consistent approach to data recording. Insofar as prosecution and adjudications are concerned, the lack of data on such prosecutions makes it difficult to make any firm conclusions. While prosecutions are rare across the UK given the difficulties in investigation, in Scotland the sheriffs were seen as generally well-appraised of issues when it came to sentencing. This was not reflected in discussions with prosecutors in England, Wales and Northern Ireland;

47. For all three licensing authorities to ensure that their police forces have the requisite class licence for investigation;

48. See General Recommendations in Chapter I.

Bat Crime

49. Guidelines should be issued for the use of POCA applications in this context, particularly in relation to commercial developers. So far, POCA applications have not been based on profits but rather focus on the costs avoided, for example. As a strategy, the prosecution authorities across the UK should adopt a unified approach with the requisite prosecution departments sensitised and briefed accordingly, and the financial investigation capacity of the NWCU enhanced.

50. Where confiscation orders are made in this context, it is recommended to make them available for conservation gain. This may require a change in the law or regulations governing proceeds of crime.

51. There is excellent work going on across the UK in terms of public information and campaigns, particularly informing developers/homeowners of their obligations regarding bats and bat roosts. Targeted funding for specific conservation crime prevention work should be assigned for police and other organisations, including NGOs such as the Bat Conservation Trust (BCT) which operates a National Bat Helpline offering advice and guidance on bat welfare/offences.

52. See General Recommendations in Chapter I.

Badger Persecution

53. Consider adopting the approach taken in the Northern Ireland legislative regime and extending offences to include those related to fighting with animals contained in section 8 of the 2011 Welfare of Animals (Northern Ireland) Act.

54. See General Recommendations in Chapter I.

Poaching of deer, fish and hare coursing

55. A UK-wide assessment of hare coursing, deer poaching and badger baiting offences and their links to OCGs, with a view to developing a strategy on investigation and prosecution, and assignment of the necessary resources to implement a consistent approach across the UK. The NPCC Wildlife Crime Policing Strategy includes wildlife crime in one of its outputs in OCG mapping.

Cyber-enabled wildlife crime

56. Establish a cyber section within the NWCUC to enhance the effectiveness of the unit. This section would assist in the analysis of electronic devices seized during wildlife crime cases within the UK. While the positions could be funded using the current funding methods, the equipment and licences could be gifted to the unit either as part of the forensic analysis fund or from other donors. Analysis of these devices would provide data that could be fed back into the NWCUC's intelligence database, increasing their intelligence holdings and thus generating further leads for investigations. For further information on this please refer to the Data section of this report.

57. Development of specific guidance for Border Force, police and prosecutors across the UK regarding cyber-enabled wildlife crime.

58. Establish a joint committee involving Defra, NWCUC, Border Force, NCA, and possibly the Department for Culture, Media and Sport for a needs assessment in this priority area. Inclusion of technology companies could be considered where expertise or equipment might be availed to such investigations, and public awareness/education to online consumers. Such companies may also be encouraged to proactively ban or restrict sales. Secondment to NWCUC could be explored to build capacity for such investigations. An MOU between government and online sales platforms to support information sharing on possible cases should also be developed. Best practice recommendations specific to cyber-related wildlife crimes were put forward by CITES¹⁰ in August 2019. This committee should be convened to explore how those recommendations can be implemented in the UK.

59. Review existing national legislation and regulations relating to virtual transactions and consider prohibition of some items identified as particularly prevalent or of concern in this context.

60. Continue existing efforts in identification and removal of postings offering illegal wildlife and plant products for sale. There is a level of 'plant blindness' that is not limited to the UK's law enforcement but has been observed by the technical team in nearly all jurisdictions where ICCWC assessments are conducted.

61. For Defra to consider proposing the inclusion of Lacey Act¹¹ -style provisions specific to cyber-enabled wildlife crime, enabling the UK to emerge as a leader in this space and alleviating the potential burden on less developed legal regimes in countering such crimes. The robustness with which the UK courts address the issue of extradition and rendition of foreign nationals into the UK mitigates the risk that the UK would adopt a similar approach taken by the USA in recent years in 'removing' suspects from jurisdictions in the absence of extradition procedures.¹² Disclosure regimes are well developed across the UK with established principles and procedures, and although still burdensome, they make the handling of material at least possible in this context.

¹⁰ https://cites.org/sites/default/files/Best_practices_and_model_measures-wildlife_crime_linked_Internet-2019.pdf

¹¹ Under the Lacey Act, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife or plants that are taken, possessed, transported, or sold: 1) in violation of U.S. or Indian law, or 2) in interstate or foreign commerce involving any fish, wildlife, or plants taken possessed or sold in violation of State or foreign law. The law covers all fish and wildlife and their parts or products, plants protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and those protected by State law. Commercial guiding and outfitting are considered to be a sale under the provisions of the Act. In 2008 the Act was amended to include a wide variety of prohibited plants and plant products.

¹² Akasha : removed from Kenya following a protracted extradition hearing that numbered at least 21 adjournments. No extradition order granted but suspects 'ejected' from Kenya in January 2017 in a joint operation with US agencies. In June 2019, another trafficker by the name of Kromah, was similarly taken from Uganda: <https://www.cbsnews.com/news/wildlife-heroin-trafficking-ring-africa-bust-southern-district-new-york-fish-and-wildlife/>. No extradition order was made and any deportation to the US would be rendered

Forest Crime (Domestic)

62. It is recommended that a review of the Forestry Act 1967 is undertaken to align with the legal framework in Scotland regarding powers to suspend, revoke or amend felling licences and to mirror the provision relating to fines being imposed ‘per tree’, thus increasing the potential financial sanction and improving the deterrent effect. The England Tree Action Plan 2021 to 2024 seeks to reform the felling licence system¹³ and Wales is aiming to add to these powers in the Forestry Act 1967 through the proposed Agriculture (Wales) Act. The opportunity is ripe to coordinate the approach and ensure consistency, particularly as the consultation by Defra in 2018 (Protecting and Enhancing England’s Trees and Woodlands) included a proposal to improve the Forestry Commission’s powers to tackle illegal tree felling.¹⁴ The time limits for prosecution should also be adjusted to mirror those for wildlife-related offences.

63. Fines generally should be increased, and consideration given to the option of imprisonment for serious offences such as large-scale felling. The valuation of trees should be standardised across the UK (currently commercial timber value is generally low). Courts should consider other measures such as natural capital valuation models. For example, the Helliwell valuation method is based on the amenity value of trees but does not take into account factors such as biodiversity, economic impact, and carbon sequestrators, and CAVAT is a method that considers the replacement value. These valuation models should be reviewed and aligned for use across the UK for a consistent approach in the courts.

64. In order to have impact regarding public service delivery and embed biodiversity values therein, training and sensitisation of those public bodies is required¹⁵ and a needs assessment should be conducted.

65. All three agencies across England, Wales and Scotland cited the need for better coordination and sensitisation of local authorities, which are the first port of call for planning applications and oversee tree preservation orders. A single point of contact within local authorities regarding forestry matters would be a welcome development. However, in discussions with stakeholders, lack of funding and staff cuts within local authorities was seen as a key challenge, with proactive management of woodlands taking a backseat to issues such as health and safety. This is not just related to the pandemic; this cutback was observed in a report in 2013,¹⁶ and again, in a report in 2017 that focused on London woodland.¹⁷ With the consultation led by Defra in December 2018,¹⁸ this is an issue that could form part of any implementation; particularly measures to introduce new duties on local authorities. Upskilling of local authority officers who are often unaware of the legal framework and requirements for felling licences would be a positive step forward (in addition to or even in the absence of establishing dedicated officers within local authorities), and the imposition of a duty for forestry matters, as envisaged in the Defra consultation of 2018, should be advanced.

unlawful under the Citizenship and Immigration Act of Uganda section 62. The legal and reputation risk in such operations is potentially quite high (see <https://www.cbsnews.com/news/wildlife-heroin-trafficking-ring-africa-bust-southern-district-new-york-fish-and-wildlife/>)

13 3.15 England Tree Action Plan 2021 to 2024 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/987432/england-trees-action-plan.pdf

14 https://consult.defra.gov.uk/forestry/protecting-trees-and-woodlands/supporting_documents/TreeswoodlandsconsultdocumentRB.pdf

15 Discussion with Scottish Forestry on 31 May 2021

16 <https://www.forestresearch.gov.uk/documents/1691/SharedAssetsLAwoodlands.pdf> ‘Community Management of Local Authority Woodlands in England. A Report to Forest Research, authored by Kate Swade, Andrew Walker, Mark Walton and Karen Barker in Dec.2013

17 <https://www.london.gov.uk/sites/default/files/171130-londonwoodlanddevicereport.pdf> ‘Making London’s Woodlands Work’ November 2017

18 <https://consult.defra.gov.uk/forestry/protecting-trees-and-woodlands/>

Forest Crime (Domestic)

66. For England and Wales, to re-site prosecution referrals to the CPS Wildlife, Rural and Heritage Crime leads across each country, or at the very least to facilitate the dissemination of their specialist knowledge to case officers handling forest crime.

67. For CPS, COPFS, and PPS to develop and deliver training to prosecutors on forest crime and issue guidelines on forest crime (as they do for wildlife). This should be part of CPD requirements.

68. The Serious Fraud Office of the CPS and its counterparts in Scotland and Northern Ireland should be engaged on a dedicated wildlife and forest crime roundtable to identify blockages and develop a consistent and proactive approach to such referrals when they come. The use of POCA against developers has been limited, with applications for the confiscation of profits from property developers yet to be seen, such as the benefits gained from developing on land cleared through illegal tree felling.

69. For the Forestry Commission to capitalise on its MOU with CPS and Defra to allocate funds for the operationalisation of its own investigative and prosecution team.

70. Training of the judiciary on this matter is crucial. Sentencing in the few cases that have been brought to court remain a source of disappointment to many stakeholders interviewed. As discussed above, inviting the Sentencing Council of England and Wales to establish formal sentencing guidelines in the current vacuum of case law may be a challenge. In Scotland, sentencing guidelines for environment and wildlife crimes was in progress but is currently deferred, and forest crime is not included. For Northern Ireland, no case law could be found on forest crimes that would be capable of setting any sort of precedent. Accordingly, training of the judiciary across the entire UK would be an alternative, and discussions with the judicial training colleges (the Law Magistrates Training Committee of Northern Ireland, the Judicial College for England and Wales, and the Judicial Institute of Scotland) should be advanced. A curriculum can be designed with the input of the key stakeholders who may be best placed to deliver some of that training.

Forest Crime (International)

71. From a legislative/prosecutorial point of view, it is recommended that the penalties for breach of the regulations needs to be expanded to enable civil sanctions such as stop notices and penalty notices.

72. Increase awareness within law enforcement particularly at Border Force regarding targeting and identification of timber for examination and seizure.





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