Wildlife Crime Report 2019

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## Fisheries

Fisheries crime takes many forms – from rod fishing in freshwaters without a licence, to illegally netting salmon for commercial gain, to using unlawful means to catch sea fish around the coast – again for illicit profit.

Different authorities are responsible for enforcement.  In England, the Environment Agency (EA) is responsible for freshwater fisheries crime under the Salmon and Freshwater Fisheries Act 1975.  In Wales it is the equivalent agency – Natural Resources Wales (NRW).  They are responsible for issuing and enforcing the use of licences and other regulations to fish for or protect salmon, sea trout, trout, coarse fish, eels and other resident and migratory fish.  The ten regional Inshore Fisheries & Conservation Authorities (IFCAs) in England are responsible for managing sea fisheries around the coast and in estuaries up to 6 nautical miles out.  Beyond that, within UK waters, the Marine Management Organisation (MMO) is responsible.

The Fisheries Enforcement Support Service (FESS) is funded by the Environment Agency (EA) from freshwater coarse and non-migratory trout fishing licence fees in England. This is a formal partnership, delivered under contract, between the EA and the Angling Trust, the sport’s governing body. The EA is the statutory lead on fisheries enforcement in England (Natural Resources Wales is the responsible Welsh body). Given the funding comes from freshwater licences, the FESS is not involved with either salmonid or marine enforcement.

Protection in inland waters is largely provided by the Theft Act 1968, and Salmon & Freshwater Fisheries Act 1975. The Theft Act offence is usually applied when fish are stolen (for onward sale) or caught without permission from a privately owned fishery – most usually a lake.  Numbers are low\*, but highly variable, with a notable peak in 2018.  The average conviction rate has been high with 95% of confirmed cases convicted.

*\* Of all the fisheries crime figures reported here, these are those most likely to be under-reported, as these are usually reported direct to the police, and it has not been possible to collate figures from the 43 police forces.  This is the one area in which we seek improvement – for more consistent reporting to and by the police such that a complete picture on fisheries crime can be recorded.*

**Drivers of crime**

The large profit margin offset against low sentences is the driver for organised crime gangs who illegally import outsize carp from the continent for sale to sport fisheries, and orchestrate the theft and illegal sale of such high value fish from English commercial sport fisheries.

Another driver is the cultural difference between migrant anglers from eastern and central Europe, who take fish for the pot, and our own conservation-based ‘catch and release’ approach. This has led to many problems between both communities, generating not only fisheries crime but also hate crime. In response the FESS includes the visionary Building Bridges Project, staffed by Polish, Lithuanian and Romanian speakers, which focusses on educating and integrating migrant anglers into the British angling community.

A further issue is that offenders fishing without permission or statutory rod licences fail to contribute to the maintenance and improvement of fisheries – impacting on both the environment and small businesses. These are reports, confirmations and convictions of the number of cases of people fishing without a rod licence or flouting bylaws (for method of fishing) in freshwaters (rod licences aren’t needed for sea fish).  These are mostly detected in patrols by the EA’s fisheries bailiffs.  They include most of those reported by the Fisheries Enforcement Support Service (FESS) and Voluntary Bailiff Service (VBS) of the Angling Trust for the EA.  In 2019, FESS reported 293 incidents, 11% of the total 2607 reported to the EA.  A minority of those are, however, reports of other incidents, e.g. pollution.

Over the past four years there has been a general trend downwards of the number of cases, and this probably reflects a reducing number of people angling in recent years.  The proportion of people convicted after confirmation of an offence has averaged about 75%.

**Case Studies**

Achieving interest and appropriate understanding of fisheries related crime is not easy. However, intelligence submitted by the VBS consistently demonstrates the link to wider offending – including Organised Crime. Some examples include: -

* Illegal waste: over 4 tonnes of related debris from a cannabis hydroponics set up in Hertfordshire.
* Recovery of several bags from the River Irwell in Bury containing 80/90 kg of cannabis leaf and resin - with an estimated value of several thousand pounds.
* Illegal trapping and use of nets to kill otters at a fishery in Devon, and a dead otter found on a road in suggesting it had been killed elsewhere. Linked by Devon and Cornwall Police to other such reports they were investigating.
* Theft of around 100 carp from Southern Water treatment plant in Kent. Details passed to Kent Police included vehicle used by offenders, which was subsequently stopped and seized due to motoring offences. Incident collated by Kent Police with others as part of Operation TRAVERSE.

Moreover, the Building Bridges team was also briefed in 2019 by the Policing Transformation Project on Modern Slavery and Human Trafficking - so whilst educating and integrating migrant anglers from central and eastern Europe into the British angling scene, our Project Officers are able to identify and report wider potential issues.

The provision of firm evidence linking fisheries crime to organised crime and other offending underpins the FESS strategy of how to promote the importance of protecting fish and fisheries – and gain a greater priority from policing partners in the process.

**Extent of crime**

The following table provides figures not previously presented in the Wildlife Crime Report.  Figures have been provided by the EA and the Association of IFCAs.  NRW was unable to provide information due to limited access to databases caused by the COVID-19 pandemic.

Whilst the EA, NRW and IFCAs are the primary fisheries enforcement agencies, some fisheries crime is reported directly to the police.  Both the Office for National Statistics and the National Wildlife Crime Unit of the police were approached for information but neither were able to provide figures.  Whilst it would be preferable to have a full picture it is likely that much fisheries crime reported to the police is passed on to the EA and NRW, so are likely to be subsumed into the figures below. Fisheries offences of more direct relevance to the police are thefts of fish (e.g. large carp) from private fishing lakes.  This report probably doesn’t report those accurately.

Figures are provided for the years 2016 – 2019. Some figures are discussed below in more detail to explain them and provide context.

|  |  |  |  |
| --- | --- | --- | --- |
| **Fisheries Crime in England 2016 – 2019** | **No. incidents reported** | **No. cases of criminal offending confirmed** | **No. defendants convicted** |
| **Type** | **2016** | **2017** | **2018** | **2019** | **2016** | **2017** | **2018** | **2019** | **2016** | **2017** | **2018** | **2019** |
| **Rod Licences (EA)** | 3315 | 3543 | 2180 | 2607 | 2908 | 3173 | 1965 | 2490 | 2126 | 2511 | 1487 | 1895 |
| **Salmon, sea trout and trout poaching (EA)** | 11 | 50 | 21 | 24 | 11 | 49 | 20 | 24 | 5 | 9 | 6 | 6 |
| **Eel and elver fishing or export (EA)** | 2 | 4 | 0 | 4 | 1 | 3 | 0 | 4 | 1 | 2 | 0 | 2 |
| **Theft Act (Stealing of fish from private waters) (EA)** | 10 | 2 | 17 | 7 | 5 | 2 | 17 | 6 | 5 | 2 | 16 | 5 |
| **Sea Fisheries - nets & boats (IFCAs)** | N/A\* | N/A\*  | N/A\* | N/A\* | 320 | 435 | 382 | 361 | 65 | 62 | 83 | 84 |
| **Total** | **3158** | **3599** | **2218** | **2642** | **2925** | **3227** | **2384** | **2885** | **2202** | **2586** | **1592** | **1992** |

\*  figures not available

Salmon, sea trout and trout poaching:

Salmon, sea trout and trout (brown and rainbow) are all highly prized for their meat.  Due to that value they can be caught illegally for sale – so called ‘poaching’.  The number of cases has been highly variable, with no trend, with 11 reported in 2016 to 50 in 2017.  These cases are detected by patrols and intelligence provided to the EA’s teams of fisheries bailiffs.

Eels:

European Eels *Anguilla anguilla* are caught as juveniles (elvers) or maturing (yellow eels) with about 300 licences issued per year.  These figures do not represent the number fishing without a licence or flouting bylaws for improper use of gear or location for fishing.  Compliance appears to be quite high, and the conviction rate has been 50% in each of the past four years.  There is also the potential for the very lucrative illegal export of elvers to the Far East for farming.  Whilst the current level of this crime is believed to be low in the UK, Heathrow can be one of the European airport hubs by which to transfer illegal exports. In 2020 there was a conviction of a person who was reported to have exported £5.3M worth of eels from Spain and France to China via Heathrow over a period of 5 years. We ask the authorities to remain vigilant to this lucrative crime affecting a critically endangered species (the European Eel is listed as Critically Endangered on the International Union of Conservation for Nature Red List).

Stealing fish from private waters:

Frustratingly, the extent of this crime remains unclear. Although fishing without permission is a recordable and notifiable crime under Schedule 1 of the Theft Act 1968, in our experience, following annual Freedom of Information requests to all forces, police recording of these offences remains inconsistent. Moreover, although improving, owing to our work raising awareness, there remains a lack of appreciation that theft of fish (from enclosed waters) is not a victimless crime, and that this is financially quantifiable. Given this inconsistent approach to recording fisheries related crime, and the lack of a central facility to capture this data, it remains impossible to quantify. Moreover, because confidence throughout the angling community has been so low, a substantial number of offences have demonstrably gone unreported.

**Recent challenges**

Through the work to educate the angling community regarding how the intelligence-led enforcement system works, emphasising the need to report incidents and information, confidence has increased and with it the number of incident reports – but, again, no means of capturing this data centrally exists, as such calls are not only made to individual police forces but also the EA.

By 2019, 40 of 43 police forces had subscribed to either Operations TRAVERSE (covering the eastern half of England) or LEVIATHAN (western half of England and all of Wales). However, because the number of cases brought remains comparatively low, forces demonstrate an inconsistent quality of service delivery. At a time when positive publicity is so important to continue raising awareness and increasing confidence, examples of poor service undermine the entire process – especially when shared on social media.

**Recent highlights**

FESS

The FESS is essentially a task force of retired police officers, working in support of and in partnership with the Environment Agency. The six regional enforcement managers run the Voluntary Bailiff Service which, in 2019, comprised up to 485 volunteers throughout England, trained in partnership with the EA and police to report incidents and information to a high evidential standard. The FESS also provides training to the police and other partners, and coordinates Operations TRAVERSE and LEVIATHAN – multi-agency initiatives targeting illegal freshwater fishing and fish theft. The FESS’s National Intelligence Manager processes the incoming information, sharing logs with partners as appropriate.

The strategy also includes the Building Bridges Project, engaging with migrant communities, providing multi-lingual information, working on education and integration. The FESS also runs Fisheries Enforcement Workshops throughout England, again in partnership with the police and Environment Agency, providing essential (free) training for the angling community. Moreover, the FESS works closely with the Magistrates’ Association and CPS, contributing Impact Statements and training – leading to an increase in appropriate sentencing. Overall, the enthusiastic cooperation of the police has been refreshing – it being increasingly understood that this is not simply about ‘a few wet fish’ but more accurately rural, wildlife, organised, business and hate crime – and another opportunity, therefore, to increase confidence and intelligence, and engage with criminality.

In 2019, the VBS undertook 13, 488 patrols (2,164 more than 2018), reported 293 incidents and offences to the EA (32 more than 2018), 124 to the police (41 more than 2018), in addition to sharing 294 intelligence logs (111 more than in 2018) concerning a variety of criminal matters with the EA and police – the majority of this information would doubtless otherwise not have been captured. This has led to an increase in prosecutions and more appropriate sentences, which, in relation to rod licence compliance, are published monthly on the Angling Trust’s website. Successes are always widely promoted through the media.

Sea Fisheries

The Inshore Fisheries Conservation Authorities (IFCAs) are responsible for the sustainable management of inshore fisheries in their Districts and the management of fisheries within marine protected areas.

IFCA Districts include estuaries and extend seaward to 6 nautical miles from territorial baselines.  IFCAs deliver compliance and enforcement within their Districts to prevent and detect illegal sea fishing.  The compliance and enforcement activities of the IFCAs is associated with the prevention and detection of breaches of local bylaws and aspects of national marine fisheries management measures; notably technical conservation regulations which include minimum conservation size regulation as well as aspects of the Shellfish Act 1967 (which is concerned with, amongst other things, the management of aquaculture).

Local IFCA bylaws may control where, when, what and how fishing activities (both commercial and non-commercial) may take place.  More recently, as well as bylaws for the management and protection of fish stocks directly, significant management of the UKs network of Marine Protected Areas has been introduced. This has substantially increased the enforcement roles of IFCAs.

To deliver compliance and enforcement, IFCAs work closely with both the EA and the MMO. The remit of the latter includes aspects of fisheries control out to 200 nautical miles and which includes the control and enforcement of national total allowable catch regulations and quota management.

Given the distinct role of the IFCAs from the MMO, but recognising the shared interests and responsibilities for marine fisheries management, the IFCAs and the MMO operate a shared Intelligence System.  This national system follows the principles of the National Intelligence Model and it is informed by internally and externally generated reports of illegal fishing.

By way of example, in 2018 1,463 verified intelligence reports were submitted through the joint intelligence system by IFCAs. The processing and grading of this information enables combined agency (including the MMO, IFCAs, EA and others such as Local Authorities & CEFAS amongst others) coordination of enforcement activities in both a reactive and proactive manner.  This is achieved through a regional joint Tactical Coordination Process.

**Matters to be addressed**

* Consistency must be achieved regarding recording of fisheries crime.
* Awareness must continually be raised on an ongoing basis regarding the actual impact of and facts concerning fisheries related crime.
* Consistency is also required regarding sentencing and the processing of cases.
* Intelligence must be acted upon by our empowered partners - and feedback provided.
* Adequate resources are needed. Most government agencies have had their funding reduced in recent years - detection of crime is also linked to the amount of enforcement resource deployed.