

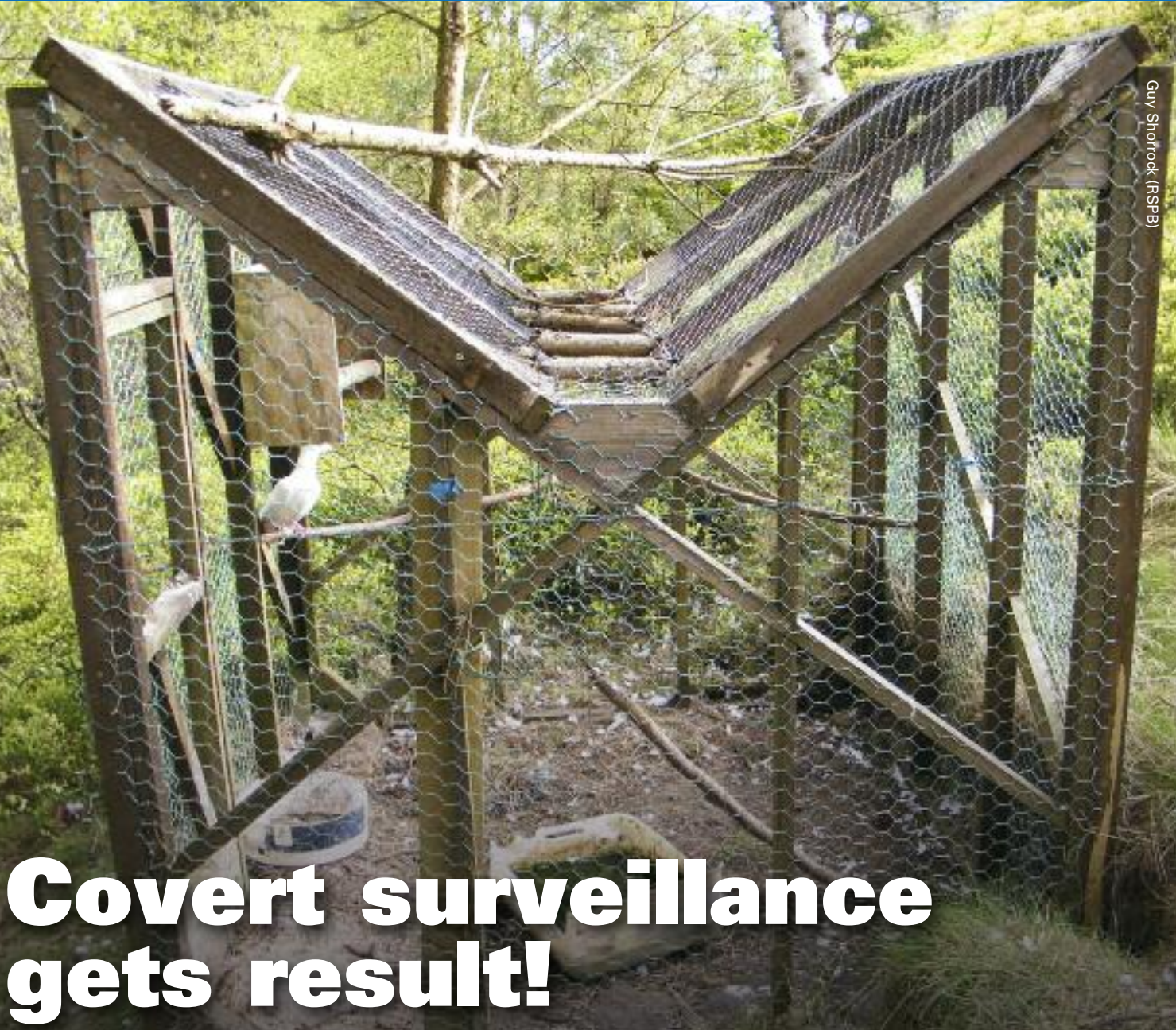


a million  
voices for  
nature

# LEGAL EAGLE

THE RSPB'S INVESTIGATIONS NEWSLETTER

NOVEMBER 2011 No 65



Guy Shorrock (RSPB)

## Covert surveillance gets result!

Following RSPB surveillance, a gamekeeper has been convicted in connection with the illegal use of a cage trap in the Peak District.



**IN THIS ISSUE:** First conviction for use of lead shot • Gamekeeper convicted of possessing a dead red kite • Pole trap users caught on camera and convicted • Falconer's conviction upheld • New DNA forensics unit

Glenn Brown caught on camera attending the cage trap

J Leonard (RSPB)



(continued from front page)

RSPB Investigations Officer Mark Thomas reports:

**“On the 13 June 2011, following a ten day trial, gamekeeper Glenn Brown of the High Peak Estate, Derwent Valley, Derbyshire, was convicted of seven charges contrary to the Wildlife and Countryside Act 1981 and the Animal Welfare Act 2006. These related to the illegal use of a cage trap, intentionally taking a sparrowhawk, possession of pigeons for the purpose of committing an offence, causing unnecessary suffering, and failing to meet the needs of an animal under his control.**

Brown was given a 100-hour unpaid community punishment order, banned from keeping pigeons for five years, had his pigeons and loft confiscated, and ordered to pay £10,000 costs.

Raptor persecution in the Peak District has been well documented in recent years, highlighted by the RSPB publication *Peak Malpractice* in 2006. Unfortunately the situation has continued to deteriorate and during the last five years the breeding success of goshawks and peregrines in the Derwent Valley has collapsed.

Faced with the terrible 2009 breeding results, we deployed a fieldworker in the Peak District for 2010. Part of his work included checking cage traps to ensure they were being used lawfully. On 15 April 2010, a new cage trap was found in a discreet woodland location at Howden moor, Derwent Valley, on National Trust land. The trap appeared in lawful use with a carrion crow decoy bird. However, on 27 April the trap contained a female pheasant, a non-target species that would be attractive to a large raptor such as a goshawk. It was not known if the pheasant had been accidentally caught so a daily visit was made. The pheasant was not removed, the water and food provision was inadequate and it seemed the trap was not being inspected daily. After a few days, it was noted that the pheasant had developed a head injury, so it was removed by the RSPB and taken to a vet, where it was euthanised.

**On the morning of Saturday 22 May, the covert cameras caught a man wearing a full-face balaclava and camouflage fatigues disarming the trap and releasing the pigeon.**

Tuesday 18 May was a very significant day, as another visit found the trap now contained a white domestic pigeon. This was a clear sign that it was being used as a hawk trap to take birds of prey. There were also signs that another white pigeon had been recently predated inside the trap, presumably by a bird of prey. RSPB Investigations staff attended to set up covert cameras and uniquely marked the wings of the decoy pigeon.

Two days later, RSPB staff and the covert cameras caught local gamekeeper Glenn Brown attending the trap with a firearm. Brown also visited the trap the following day. A search of the immediate area around the trap revealed the bodies of a white domestic pigeon and a sparrowhawk.

Weekends in the Derwent valley are extremely popular with visitors. On the morning of Saturday 22 May, the covert cameras caught a man wearing a full-face balaclava and camouflage fatigues disarming the trap and releasing the pigeon.

Faced with this evidence, we contacted Wildlife Crime Officer (WCO) Sgt Darren Belfield. On the evening of 25 May, the Derbyshire Police executed a search warrant at the home of Glenn Brown. The most significant item found was a white domestic pigeon in Brown's pigeon loft. It bore the unique wing markings made to the bird in the cage trap. Other items included a shotgun the same type as the one carried by Brown when he visited the cage trap, a full-face balaclava and a game keeping diary.

Brown was arrested and interviewed, but declined to make any comment even when shown clips of the covert footage. Brown was later charged and pleaded not guilty to all offences.

During the ten-day trial, the prosecution relied on expert evidence including Prof Ian Newton, Dr Mick Marquiss, Stewart Scull, Dr Alisdair Wood and Guda van der Burgt. The defence case, led by Bertie Woodcock QC, centred on the fact that Brown was not using the trap and the entire investigation was a set-up with RSPB officers acting in bad faith throughout.

Finding Brown guilty on all counts, District Judge Caroline Goulbourne stated she found that Brown had been operating an illegal hawk trap to take birds of prey. Furthermore, she viewed the attack on the integrity of the RSPB as an aggravating factor in the case. Finally, she criticised Brown's employer Geoff Eyre for being evasive and reluctant to answer questions. Eyre leases the land from the National Trust and uses it as a demonstration moor for his heather restoration business.

This has been a significant case in the fight to tackle raptor persecution in the Peak District. The RSPB would like to thank Derbyshire Police, all the prosecution witnesses, the Crown Prosecution Service (CPS) and particularly barrister Rod Chapman. Brown has since announced his intention to appeal and this is expected to take place in 2012."

The trapped hen harrier being removed from a spring trap on the Moy Estate

RSPB



## Historic conviction of gamekeeper with dead red kite

**A former gamekeeper from the Moy Estate in Inverness-shire became the first person in Scotland to be convicted of possessing a dead red kite since the species was reintroduced to the country 22 years ago.**

On 26 May 2011, James Rolfe was fined £1,500 at Inverness Sheriff Court for the possession of the dead bird while he was employed on the estate near Tomatin, Inverness-shire, in June 2010.

Rolfe stated he found the kite in a trap set for stoats and weasels, but picked it up and put the bird in a Land Rover, rather than leave it and inform his bosses, the police or RSPB.

Police were trying to find a missing satellite-tagged red kite, which had been adopted by pupils at a local primary school, and was monitored by RSPB Scotland staff. On 1 May 2010, the police found a severed red kite leg and wing tags belonging to the bird hidden in holes under a covering of moss on the Moy Estate.

Two weeks later, remains of a second red kite were found lying close to a suspected grouse bait by members of the Highland Raptor Study Group conducting survey work. The kite was subsequently confirmed by Scottish Government testing to have been poisoned with carbofuran. Nearby, a male hen harrier was found, held by the leg in an illegally-set spring trap.

Miraculously, the hen harrier survived this ordeal and was subsequently released back to the wild. Other traps,

illegally set beside baits and hidden under a thin layer of moss, were found close by.

On 3 June 2010 a multi-agency operation, led by Northern Constabulary under a search warrant, led to the discovery of the third dead red kite in the back of a vehicle being used by Rolfe. A post-mortem confirmed the kite had broken legs and had died as a result of a blow to the head. On the estate, two more illegally baited spring traps and four BTO leg rings originally fitted to golden eagle chicks were found. These rings had been fitted to birds prior to fledging at nests in Sutherland, Grampian, Mull and Skye and must have been removed from dead eagles. How Rolfe came into possession was not established. No arrests or charges have been made in connection with the other incidents.

Spring traps illegally set in the open (moss removed), beside a partridge bait, Moy Estate

RSPB



# Gamekeeper fined after record pesticide seizure

The discovery of three golden eagle carcasses and a poisoned bait sparked a search for pesticides on a grouse shooting estate. The result was a record haul of banned poison, and the conviction of the gamekeeper who kept it. As yet, no-one has been charged with setting the bait or poisoning the birds of prey.

On 26 May 2011, Dean Barr, sporting manager and gamekeeper on the Skibo Estate in Sutherland, appeared at Inverness Sheriff Court and pleaded guilty to the possession of 10.5 kg of the banned pesticide carbofuran, contrary to the Wildlife and Countryside Act 1981. He was fined £3,300.



Dean Barr

About a year earlier, on 5 May 2010, a group of hill walkers reported finding the body of a golden eagle hanging from a larch tree at the edge of a forest in eastern Sutherland. Although these walkers didn't know it, another dead golden eagle had been found a couple of miles away three days earlier by a Raptor Study Group Worker undertaking fieldwork on the Skibo Estate. The police were contacted and the carcasses sent for post-mortem.

On 7 May, Northern Constabulary officers and RSPB Scotland Investigations staff undertook a field search on the Skibo Estate.

On the summit of a hill, directly above the site where the second dead eagle was found, the carcass of a red grouse was found staked out, with a piece of wire through its neck. Next to this was the body of a sparrowhawk. It was suspected the bird had been poisoned. The searchers were shocked to discover the contorted body of a third golden eagle just 200 metres away. It was no surprise that toxicology tests by the Science and Advice for Scottish Agriculture (SASA) laboratory revealed that two of the eagles, the sparrowhawk and the grouse bait contained the pesticide carbofuran, illegal in the UK since 2001. The third eagle had also been illegally poisoned, but with aldicarb, another banned pesticide.

The following day, in a multi-agency operation led by Northern Constabulary, a search warrant was executed on several buildings on the estate. Inside one of the sheds, within a locked store room used exclusively by Barr, a tub containing 10.5 kg of carbofuran was found. This was the largest-ever seizure of illegal poison in Scotland.

The amount of the pesticide in Barr's possession was calculated to be enough to poison the entire Scottish population of birds of prey six times over.

Barr claimed he had acquired the chemical from a farmer (now deceased) during his previous role as a head gamekeeper on another Scottish estate. He had not known what to do with it so brought it with him to his new job, claiming he never used it. Sheriff Margaret Neilson said it was "extraordinary" that a man of Barr's experience had not known how to legally dispose of carbofuran, and had been prepared to take it 200 miles north from the Borders to the Highlands. She added that had he been found responsible for the birds' deaths, he would have been facing a custodial sentence.

To date, no one has been charged with killing the eagles, the sparrowhawk, or setting the poison bait.



Ivan Peter Crane caught on camera next to the illegal pole-trap

# Cranes covertly caught

Two part-time gamekeepers have been convicted for trying to kill birds of prey using a pole-trap – a barbaric device outlawed for more than 100 years. RSPB Investigator Guy Shorrocks reports.

"On 21 April 2011, Ivan Peter Crane and his son Ivan Mark Crane of Astley Grange Farm, East Langton, Leicestershire, appeared at Market Harborough Magistrates Court and pleaded guilty to the use and possession of a pole-trap, contrary to the Wildlife and Countryside Act 1981. They were fined £1,000 and £500 respectively and ordered to pay £80 costs. Ivan Peter Crane was fined a further £2,000 for the illegal and unsafe storage of pesticides on his farm, contrary to the Food and Environment Protection Act 1985.

The case started in August 2010, when I discovered a set pole-trap on the farm. It was a metal spring trap, positioned on the tallest corner post of a pen containing live pheasants. These traps may be used legally under cover to target certain small mammals, but their use in the open is illegal and this trap was clearly targeting birds of prey or owls, which would use the high post as a vantage point. Once triggered, the jaws of the trap would spring shut, trapping the bird and causing horrific injuries in the process.

I returned to the farm with my colleagues and started a surveillance operation. The trap was still in place, but had been unset. Following several days of surveillance, both men were filmed walking and driving past the illegal trap, which was hanging in clear view from the corner post. The covert footage also showed a sparrowhawk perching

on the post where the trap had been set. Once we had this evidence, I contacted Neil Hughes, the Force Wildlife Officer for Leicestershire police.

A warrant was organised, the pole-trap recovered, and a search undertaken. An unsecured and unsigned pesticide store was found, containing a large amount of agricultural pesticides which are no longer approved.

Both men accepted their involvement in rearing pheasants for shooting, but denied any knowledge of the trap. However, both men later pleaded to offences in connection with the trap. I would like to thank Wildlife Officer Neil Hughes, Sgt Thorley who led the search team and Mark Williams of the CPS."



The pole-trap set to kill birds of prey

L. Scott (RSPB)



One of three poisoned golden eagles found on the Skibo Estate



North Yorks police

The mute swan shot by Quince

## First conviction for illegal use of lead shot

**A company director made legal history by becoming the first person in the UK to be prosecuted for using lead shot to kill a bird.**

On 16 May 2011, Simon Quince, 36, of Hemingfield, Barnsley, pleaded guilty at Harrogate Magistrates Court to two charges relating to the shooting of a swan. He was fined £445 for causing criminal damage to a swan and a further £100 for the use of lead shot, contrary to the Environmental Protection Regulations 1999. He was also ordered to pay £100 costs.

Quince claimed he had shot the bird after mistaking it for a goose. After spotting four birds in the sky during a shoot, he discharged both barrels of his shotgun, causing one to fall to the ground. He then realised he had

mistakenly shot a juvenile mute swan, which is fully protected. The severely injured bird was taken to a vet, but had to be put down.

The 1999 Environmental Protection Regulations banned the shooting of swans, ducks, geese and certain other birds with lead shot. The aim was to prevent birds ingesting stray shot with the grit they swallow to aid digestion. In the UK, tens of thousands of birds are estimated to be poisoned by lead every year. Despite this, the regulations are still being flouted. This conviction reinforces the conclusions of a recent report to Government stating that 70% of a sample of ducks on sale in England were shot illegally with lead.

Recent evidence suggests ingestion of unretrieved or injured gamebirds shot

with lead ammunition can cause lead poisoning in terrestrial habitat and for scavengers such as birds of prey. There is some worrying evidence showing these lead fragments are not always removed by the standard butchering process and can potentially contaminate the human food chain. The Government has set up a Lead Ammunition group to consider a proportionate response to this new evidence. Visit [www.leadammunitiongroup.co.uk](http://www.leadammunitiongroup.co.uk) for more information.

The RSPB wishes to thank North Yorkshire Police and WCO PC Gareth Jones in particular for leading on this case.

## Falconer's conviction upheld

**Nevin Hunter, Chief Wildlife Inspector for Defra's Animal Health and Veterinary Laboratories Agency (AHVLA), reports on the outcome of a recent appeal.**

"In *Legal Eagle 64*, Wildlife Crime Officer (WCO) PC Chris Smoothy reported on the conviction of Paul Leslie Hill in November 2010 for offences under the Wildlife and Countryside Act 1981 and Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES) relating to goshawks.

Hill was sentenced on 9 December 2010 at Torquay Magistrates Court, but appealed against both conviction and sentence. He denied all offences, even claiming that the goshawks were hybrids and so not subject to legal restrictions. At Plymouth Crown Court on 25 July 2011, his appeal was

rejected, but his original sentence was halved, from 300 to 150 hours community work, and his costs from £5,580 to £500. He was also required to pay £400 immediately to a witness whose part-share in a bird he had sold illegally.

This case highlights the enforcement value of registration for rare species, such as goshawks, which are prized by falconers for impressive hunting abilities. Wild birds are also laundered into the falconry market. AHVLA will continue to work with agencies to tackle these crimes and I am grateful for the work of all those involved. WCO PC Chris Smoothy was tenacious and did an excellent job. He had invaluable help from Alan Roberts, National Wildlife Crime Unit (NWCU), and superb support from Mark Haddow and Alex Allsop of the CPS. Vin Fleming, Joint Nature

Conservation Committee (JNCC), and the RSPB provided significant input to counter claims that the birds were hybrids. Hill's victims were the falconers who trusted him and I am grateful for them coming forward. Lastly, I would like to thank the Hawkboard which totally supported the work that brought Hill to justice."



DNA profiling was used as part of the investigation

NWCU

## Gamekeeper convicted of shooting badger

**A dead badger which had been snared and then shot through the eye was found in the entrance of an active sett, under twigs and branches. The carcass was retrieved by wildlife rehabilitator and Raptor Study Group worker Jean Thorpe, who later assisted the North Yorkshire Police with the case. She reports:**

"On 26 May 2011, gamekeeper Stephen David Welford of the Menethorpe Estate, North Yorkshire, pleaded guilty at Scarborough Magistrates Court to shooting a badger caught in a snare. He was fined £385 with £100 costs.

Following a phone call in late September 2010, I visited a badger sett I know well on the Menethorpe Estate. It is an obvious and long-established sett and I noted a pheasant release pen had been built immediately adjacent.

I found the dead badger in an active badger sett entrance. It had been partly covered by sticks and branches. I pulled out the carcass: an adult sow in good condition. I believe she had been dead for about two or three

days. I could see head injuries, but was particularly concerned about an obvious blue bruise line across her belly. From previous experience I had no doubt this was from a snare, though this was not a serious or life-threatening injury. A badger in a snare tries desperately to free itself. This animal was clean, with no injury to feet or mouth, suggesting it had been in the snare for a short period.

I took the body to Mike Jones, an experienced vet. An x-ray clearly showed she had suffered a rifle shot through the eye with the bullet stopping in the neck, killing her. Two bullet fragments were removed, and a post-mortem confirmed the snare injuries were superficial.

I contacted WCO PC Jeremy Walmsley and visited the sett with him. It had all the obvious field signs of an active sett, and measurements and photographs were taken. I understand that when Welford was arrested and interviewed he claimed he had set the snare for a fox and had released the badger which was badly injured before shooting it with a 2.2 rifle.

All recognised authorities on game keeping activities recommend that snares are not set close to active badger setts. In view of the superficial nature of the snare injuries, I felt the animal could have been released relatively unharmed. Welford subsequently pleaded guilty to shooting the animal.

I would like to thank Mike Jones and PC Walmsley for his efforts to get this case to court."



An x-ray confirmed the badger had been shot

Jean Thorpe

## Untreated injury to dog's nose led to conviction

**A court heard that an owner of a lurcher dog failed to provide veterinary treatment, despite the animal having serious facial injuries. The investigation also found an illegal bird lure and snares.**

On 6 July 2011, Carl Conroy, 21, of Brisbane Road, Easttriggs, Annan, was sentenced at Dumfries Sheriff Court. Conroy was found guilty on 3 June 2011 of failing to provide veterinary treatment to his male lurcher dog between 15 May and 15 June 2010.

He had used his dog for hunting and it sustained a serious injury to its nose and lower jaw, with its nose effectively partly torn off. Despite the obvious pain his dog was suffering, Conroy did not seek veterinary treatment. Conroy also pled guilty to two charges contrary to the Wildlife and Countryside Act 1981, admitting to the possession of illegal self-locking snares and an electronic bird caller. He was fined a total of £1,500, given a five-year ban from keeping animals, and ordered to pay

£750 in compensation to the Scottish Society for the Prevention of Cruelty to Animals (SSPCA). He was warned he faces 45 days in prison if he fails to make payment.

On 10 June 2010, the Special Investigations Unit of the SSPCA received information that Conroy was hunting wild mammals with dogs, and a number had sustained injuries that were not receiving veterinary treatment. Five days later, Inspectors Rafferty and McGregor from the SSPCA Special Investigations Unit, accompanied by officers from Dumfries and Galloway Constabulary, attended at Conroy's home to inspect the dogs and execute a search warrant. During the search six self-locking snares and an electronic bird caller were found in a garden shed.

A bull lurcher dog was examined. It had sustained very serious injuries to its nose and face. A substantial amount of tissue forming the dog's nose was missing. This dog was seized and immediately taken for veterinary treatment. During interview, Conroy admitted failing to seek veterinary treatment for the dog and using the bird caller for attracting crows that were then shot.



The bird caller illegally used by Conroy to attract rooks to be shot

## "Cawtion" for illegal rook meat sale

**A man has been cautioned for selling rook meat. The 45-year-old from Ryde, Isle of Wight was cautioned after a joint operation between Hampshire Constabulary and Natural England.**

A man was arrested in June 2011, following reports of rook meat being sold at a restaurant on the Isle of Wight. He had shot some fledgling rooks then sold these to a meat wholesaler, who sold them to the Taverners gastropub in Godshill. The offence carries a potential maximum fine of £5,000 and a six month jail sentence for each bird.

**It is illegal to sell rooks for human consumption**



Paul Cantwell, Natural England's Species Enforcement Officer, said: "Like all wild birds, rooks are protected under the Wildlife and Countryside Act 1981 and their sale for human consumption – with the single exception of the woodpigeon – is illegal. While the control of rooks is allowed under some circumstances, the sale of wild birds is restricted because we would not want to encourage their killing purely to supply a demand for human consumption and trade."

The owner of the gastro pub said that he had bought the birds in "good faith" and that they had been a popular choice, with over 30 dishes being served.



The ring-tailed lemurs that were offered for sale

## A tale of two lemurs

**A welfare enquiry by the SSPCA led to the discovery of CITES offences**

On 21 June 2011, Keith Alexander Colthart of Gloagburn Farm, Tibbermore, Perth pleaded guilty at Perth Sheriff Court to offering for sale two ring-tailed lemurs contrary to the Control of Trade in Endangered Species (Enforcement) Regulations 1997. He was fined £500.

On the evening of 22 December 2010, Heather Lawson, an Inspector with the SSPCA Special Investigations Unit (SIU), received a report concerning about the welfare of some ring-tailed lemurs, which were being offered for sale with no paperwork.

Enquiries with local authorities revealed that Colthart was the holder of a Dangerous Wild Animal Licence and that he had a number of exotic animals, but that they had no knowledge of him having ring-tailed lemurs.

On 30 December 2010, Inspectors Lawson and Roach of the SIU, accompanied by two Tayside Police officers, went to the farm. This held a large collection of exotic animals, including spectacled caiman, African dwarf crocodiles, marmoset

monkeys, tortoises, numerous snakes, lizards and the ring-tailed lemurs. Keith Colthart voluntarily relinquished ownership of the lemurs in favour of the SSPCA and they have now been successfully re-homed.

Animal Health and Veterinary Laboratories Agency (AHVLA) confirmed that Colthart did not hold, and had not requested, any Article 10 Certificates for either of the lemurs.

SSPCA Chief Superintendent Mike Flynn said: "The trade in captive-bred endangered species is tightly regulated to prove wild animals have not been taken illegally from the wild and to ensure they receive the specialist care they need. While the lemurs in this case were in generally good condition, Colthart was keeping them in an unsuitable environment and was not in possession of the necessary documentation. Unfortunately, despite the regulations in place, the illegal trade of endangered species is widespread, particularly online. This trade treats wild animals as commodities, selling them for profit and often with little or no thought for their welfare. The SIU is grateful for the swift co-operation and assistance from Tayside police in this case."



Dr Lucy Webster at the new Wildlife DNA Forensics unit swabs a hare carcass from a suspected coursing incident for DNA from dog saliva

## New DNA Forensic Unit

**An exciting new Wildlife DNA Forensics unit has been set up in Scotland to help with the fight against wildlife crime. Lead scientist Dr Lucy Webster reports.**

“Human DNA evidence has been used with great effect over recent decades to help solve a variety of crimes. Until now, there has only been one dedicated wildlife DNA forensic laboratory, and it was in the USA. But now a new facility has been set up at the Scottish government’s Science and Advice for Scottish Agriculture (SASA) laboratory, and it will be used to analyse non-human DNA evidence relating to wildlife crime.

During wildlife crime investigations, DNA evidence can be recovered from an array of sources: blood swabs, feathers, hairs, processed products (such as powdered medicines), and ornamental carvings. The enormous variety of species involved makes the analysis of evidence problematical. But investigators often need species identification. For example, they may

need to know if a blood swab from the boot of a suspect’s car relates to badgers, or whether a certain medication contains any animal products.

Other cases require animal DNA profiling. It might be that the DNA from a specific animal can tie a suspect to a crime. For example, the bite wounds on a deer carcass recovered following a coursing incident can be swabbed for saliva transfer to get a dog DNA profile. This profile can be compared with those of a suspect’s dog to see if it matches.

Animal DNA profiling methods have to be validated to an extremely high standard for evidence to be admissible in court. This validation process is in place for dogs, badgers and several raptor species. The technique could be useful for many other species, and the unit aims to validate DNA profiling methods for other species, such as red deer, so that it can be used increasingly in wildlife crime investigations.

Scottish police forces and the SSPCA can now receive analysis free of charge. This is thanks to collaboration between TRACE (the wildlife forensics network) and the Royal Zoological Society of Scotland and funding from Scottish Natural Heritage (SNH) and Partnership for Action Against Wildlife Crime (PAW) Scotland.

Encouragingly, Scottish police are taking advantage of this and we have also received evidence from five English police forces, the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and from two European CITES offices. Investigations relating to wildlife crime in the UK outside Scotland may be eligible for funding from the PAW Forensic Analysis Fund (FAF), which will cover 50% of analysis costs.

This is an exciting step forward and the unit is a substantial asset for wildlife crime investigators. Please get in touch via [wildlifeforensics@sasa.gsi.gov.uk](mailto:wildlifeforensics@sasa.gsi.gov.uk) if you are involved in wildlife crime investigation and want to know how the unit can help you.”

## Egg haul in E3

Nearly 700 wild birds’ eggs have been seized in east London. A 48-year-old man has been arrested in connection with the haul, following an incident in Scotland, on the Isle of Rum. In June 2011, RSPB officers helped the

Metropolitan Police Wildlife Crime Unit with the seizure of the wild birds’ eggs from an address in London E3. The collection, which contains significant Schedule 1 species, is being catalogued.

## Hunting with dogs round-up

*Legal Eagle 64* reported a “hunting with dogs” incident: Hunt Hounded. Former Merseyside WCO Steve Harris, now Police Liaison Officer for the League Against Cruel Sports, writes to set the record straight and to provide an update on the law’s enforcement.

“The article in *Legal Eagle 64* incorrectly claimed there had been only three successful prosecutions under the Hunting Act 2004. Unfortunately, such reporting can help perpetuate the myth that the legislation is unworkable and therefore should be scrapped.

Between 2005 and 2010, at least 181 people were prosecuted successfully under the Hunting Act in England and Wales (Ministry of Justice Statistics). In 2009, the last year with comparative statistics, 57 people were convicted under the Act, but only 26 people convicted under the Protection of Badgers Act, five under the Wild

Mammals (Protection) Act and just two under the Deer Act.

The Court of Appeal and the House of Lords have adopted the view that the aim of Parliament in passing the Hunting Act was one of preventing or reducing unnecessary suffering to wild mammals, overlaid by a moral viewpoint that causing suffering to animals for sport is unethical and should, so far as practical and proportionate, be stopped. The courts have also determined that Parliament recognised the need to retain the lawful use of dogs to control wild mammals which farmers and others are entitled to regard as pests, providing it can be shown that they are causing serious damage.

Section 1 of the Act makes it an offence to hunt a wild mammal with a dog, unless the hunting is exempt. In the appeal case of Down and Pillivant

(2007) the court held that the primary purpose of any hunting with dogs must now be for a purpose laid down in an exemption, such as flushing to guns for pest control, and not for sport. This was necessary to prevent the statutory aim of the Act being diluted. In short, the Act has created a complete ban on hare coursing and a general ban on hunting with dogs for sport or entertainment.

The law is clear and the conviction statistics show enforcement action has been more successful than with other comparable legislation. If any police officer or PAW partner organisation would like to arrange free ACPO-approved training on the Hunting Act please contact me at [steven.harris@league.cjsm.net](mailto:steven.harris@league.cjsm.net) or on 07980 234618.”

The RSPB is grateful to Steve for this correction and the update on the use of the legislation.

## Two new RSPB crime reports

**The extent of crimes committed against wild birds and the efforts needed to combat them have been highlighted in the RSPB’s two new reports: *Birdcrime 2010* and *The illegal killing of birds of prey in Scotland in 2010*.**

*Birdcrime* summarises significant wild bird crimes reported to the RSPB in 2010, together with enforcement action and prosecutions. Once again, crimes against birds of prey are prominent, with 227 reports of killings and destruction, and confirmed shooting of at least 28 raptors.

Some 128 reported incidents of wildlife poisoning accounted for the deaths of at least 129 mammals or birds, including four golden eagles and a white-tailed eagle in Scotland, a golden eagle in Northern Ireland, and 20 red kites throughout Britain. In *Birdcrime*, the RSPB makes recommendations to government, including the introduction of a vicarious liability offence throughout Britain, and a “scorecard” to measure progress against wildlife crime. *The illegal killing of birds of prey in Scotland in 2010* highlights that raptors are persecuted more in Scotland than in the rest of the UK.

*The illegal killing of birds of prey in Scotland in 2010* explains the impact of this persecution on populations of golden eagles, hen harriers and red kites.

It concludes that only when enforcement agencies are better resourced, prosecutors more experienced, and sentences much more meaningful, are we likely to see an improvement in the conservation status of Scotland’s magnificent birds of prey.

Both reports are available on the RSPB website.





Illegal Killing of Birds Conference 2011

## Progress in Cyprus?

The European Conference on Illegal Killing of Birds was held in Cyprus during July 2011. Jeff Knott, the RSPB's Species Policy Officer, was at the event.

"The meeting at Larnaca was attended by a wide range of conservationists, hunting representatives and enforcement experts. A series of recommendations were agreed. We hope these will help address illegal bird killing across Europe, from the persecution of birds

of prey in the UK to the trapping of migrants on Mediterranean islands like Cyprus and Malta.

The conference was addressed by the Cypriot Minister of the Interior. He promised that Cyprus would stamp out illegal trapping of migrants on the island by the end of 2012. While these are only words at this stage, we hope they will be followed by definitive action to finally address illegal bird killing in Europe effectively."

## Swede facing prison for catching 13,000 birds

A live whooper swan was among many unusual finds uncovered during a raid on a Swedish bird trapper's premises



A five-year bird-catching spree has come to an end, as a 40-year-old man from Hudiksvall on Sweden's east coast is facing charges on suspicion of catching over 13,000 wild birds, including several rare species.

Police raided the man's home in northern Sweden in June and found hundreds of birds in cages, as well as eggs and feathers. The birds included a variety of owls, birds of prey, cranes, ravens, a live whooper swan and a three-toed woodpecker. Some of the birds were later released.

It is alleged he used nets and traps to catch birds, took eggs and chicks from nests, and held a database in which he registered dates, locations and species that he caught between early 2005 and mid-June 2010.

Swedish prosecutors describe the case as the most significant wildlife case they have ever dealt with. The maximum punishment for these offences is up to four years' imprisonment.



One of the white storks shot in Malta

## Prison for illegal stork hunters in Malta

The law courts in Malta handed out custodial sentences for hunters who targeted protected white storks. One hunter is to spend two years behind bars and was ordered to pay a fine of €9,000, while another is to go to prison for a year and pay a fine of €5,000.

The hunters were sentenced on 18 May 2011. The court took into consideration that in spite of both accused having several previous hunting convictions, they persisted in hunting illegally. Both men had all their hunting licenses permanently revoked.

One man was apprehended by two police officers in Zurrieq with a dead stork and a loaded shotgun.

The officers had heard shots at a roosting flock of white storks and saw birds being shot down. Three storks were recovered: two carcasses and a third injured, dying bird.

The other hunter was seen with his shotgun in Madliena when several shots were fired at a large flock of white storks. He was later apprehended by the police, when he admitted chasing the storks and seeking an opportunity to shoot at them, but denied shooting. A dead stork was recovered from Madliena the day after the incident.

Joseph Mangion, the BirdLife Malta President, said: "Enforcement in the field needs to be supported by effective

court sentences like these, if illegal hunting is to be controlled. BirdLife Malta is hopeful that future court sentences will increasingly serve as real deterrents to illegal hunting."

The incidents involved the largest flock of white storks ever recorded in Malta. The birds were shot at from several different locations as they sought overnight shelter in Malta. At least six birds in the 200-strong flock of storks were shot down. Another injured stork was recovered, but had to be euthanized by a vet. A further two injured storks were recorded in flight with dangling legs and missing feathers. A glossy ibis, another rare migratory bird for Malta, was taken into care after being shot.

## Stork massacre in Lebanon

Following the shocking events in Malta, news has been released of further white stork killings in the Middle East.

On 19 April 2011, an article was published in the Lebanese newspaper *Alanwar*. It revealed that a large flock of white storks landed in north Lebanon to rest overnight. The birds were targeted by people with spotlights and shotguns. One of the hunters then posted pictures on the social networking site Facebook. His Facebook page showed about 30 white storks draped over the bonnet of his 4x4 vehicle.

This was particularly distressing for Egypt-based birder Marwan Owaygen, who had seen what was probably the same flock of white storks migrating through Sinai a few days previously. He told the EgyptBirds newsgroup: "The tragic end of 19 April could happen to any flock of white storks that is obliged to land in Lebanon to roost overnight. Lebanon is a small country and it is very easy to detect landing flocks of white storks."

# Spanish poisoners given exemplary sentence

Three people caught placing poisoned baits have been sentenced to 16 months in prison and ordered to pay €24,300 in fines at a court in Balaguer, Catalonia. They have been banned from hunting for the same period of time.

In March 2010, the three hunters were caught placing poisoned baits and subsequently admitted using these illegal practices since 2007, causing the deaths of three domestic dogs and a fox. Prompt action by enforcement authorities is thought to have prevented protected birds, including bearded vultures and golden eagles, also being poisoned.



Spanish officials collecting suspected poisoned bait

Agentes Rurales Cataluna

Spanish Birdlife partner SEO and the Fund for the Conservation of Black Vultures (BVCF) provided evidence to secure exemplary sentences. It is hoped stiff sentences will have a deterrent effect on others. This is the seventh conviction for the illegal use of poisoned baits in

Catalonia. SEO and BVCF are supported by the EU's Life+ project POISON. Its objective is to significantly reduce poison use in Spain. The project, with a budget of €1.6 million, of which the European Commission co-finances 40%, is set to run until 2014.

# Defra stamp and blank certificates found in Czech parrot raid



Palm cockatoo

Customs Officers and Wildlife Inspectors in the Czech Republic have found an official stamp of the UK CITES Management Authority (Defra) and blank originals of UK CITES certificates during a raid which also uncovered some rare parrots.

The raids took place in July. They involved 12 parrot breeders' premises throughout the Czech Republic, and 34 rare parrots were seized, including 19 palm cockatoos, five hyacinth macaws, and two red-tailed Amazons. In addition, 56 Hermann's tortoises were seized. All these species are listed on Annex A of the CITES regulations.

The seizure is part of Operation Festival, and follows Operation Lora last year which resulted in the seizure of Lear's macaws (*Legal Eagle 63*). The value of the seized animals is about €373,000. Seven people have been charged and investigations are continuing.

Enforcement officers coming across UK CITES documents that may have been forged should contact Defra for verification.

# Triple English WCO retirement

The RSPB has heard of three WCO retirements in England in July: PC Nigel Lound of Lincolnshire Police, Sgt Alan Firth of South Yorkshire Police, and PC Mark Rasbeary of the North Yorkshire Police. The officers are well-known WCOs who have done sterling work in their roles and been good friends to RSPB Investigations.

Nigel has been the full-time WCO in Lincolnshire for the last nine years of his 25 years working in wildlife crime. He was the case officer responsible for the 'Pearson seizure' of over 7,000 wild birds' eggs, one of the largest hauls since the inception of the Wildlife and Countryside Act 1981 (*Legal Eagle 56*). Nigel's work was recognised when he was awarded the PAW Wildlife Enforcer of the Year in 2007.

Alan has been the lead on a great deal of the Peak District bird of prey work,

and was involved in the prosecution of Fitzpatrick in relation to red-backed shrikes (*Legal Eagle 59*). Nigel is a keen birder, so we have an idea of how he'll spend his time now he's retired, but with Alan being a Sheffield Wednesday supporter we are not sure what he will do next!

Mark told us a little about his time as a WCO: "Having always had an interest in wildlife and the environment, which continued during my time in the Marines, it was only natural that I would become involved with wildlife crime on joining the Police. I spent the last 20 years working in the Richmondshire area of North Yorkshire and it did not take me long to see what the issues were in respect to raptor persecution and the conflict with sporting estates.

"As soon as I could, I became a WCO, working with partners from

all agencies as well as private individuals. I have been fortunate to have worked with some very driven people, who at times quite rightly badgered me to improve things. I spent a very enjoyable year, though at times slightly exasperating, on secondment working with Natural England helping to improve their enforcement role. On my return I took over as full-time Wildlife Crime Coordinator. Fortunately the Force had over 12 trained WCOs at the time. I have worked with some very good and passionate colleagues across the police and other agencies.

Unfortunately, I still have concerns about the police service as a whole to properly tackle many areas of wildlife crime and that further improvements are needed. I hope to keep some involvement in this area of work on my retirement."



Alan Firth (left) receives a gift from the RSPB

Matthew Capner



Mark Rasbeary making a quick getaway



Fashion icon Nigel Lound enjoying Birdfair 2009!

RSPB

D. Woolcock