

# UK Badger Incidents 2009—2010



SCOTTISH  
BADGERS



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### **Acknowledgement and Thanks**

Acknowledgement and thanks go to the following organisations for providing material on which the text of this document is based: -

The National Wildlife Crime Unit who are responsible for collecting and collating the incident reports from police and NGOs throughout the UK.

Scottish Badgers, The Badger Trust and other funders without whose financial support this document would not have been written.

Thanks to those people who have kindly provided the text and accompanying photographs for the case studies.

Thanks to those partners in Operation Meles who continue to provide support and information in relation to badger crime in the UK.

Thanks to Ian Thomson RSPB Scotland for providing the hotspot map.

## **UK BADGER CRIME 2009/10**

### **Introduction**

You may be surprised to learn that this is the first publication addressing the problem of badger persecution in the United Kingdom. Historically we know that badgers have been subjected to the most horrific persecution, baited with dogs, sealed in setts and buried alive, snared, shot, poisoned and tortured. What is surprising is that in this age we still don't allocate the appropriate resources to tackle the problem and probably won't for the foreseeable future.

We have had success in tackling the problem in some instances and changes to the law in 2004 affecting Scotland had immediate results, with more prosecutions than ever before going to the courts. There too we have seen notable results with some large fines being meted out in the courts. But it is still not enough to deter the persecutors and we are aware that many crimes go unreported. A continued lack of resources sends the message that perpetrators are unlikely to be detected and successfully prosecuted.

In conjunction with our partners we are striving to improve matters through "Operation Meles": an intelligence led police operation targeting badger persecution, a UK wildlife crime priority. Police, animal welfare and badger protection charities have joined together for the first time to present a united front in the fight against badger persecution and we hope to make a difference in the coming years. This document is already a sign that things are moving forward as the data used in this publication is sourced through the National Wildlife Crime Unit (NWCU). The NWCU have for the first time been able to collate reported badger incidents throughout the United Kingdom. We still have a long way to go in ensuring all incidents are reported, investigated and that complainers are updated as to outcomes. But that is the next stage we have to work on. As a result, this document will refer to incidents rather than crimes as many outcomes were not recorded.

## Forward

It is a sad reflection that despite legal protection both badgers and their setts continue to be the subject of persecution. Despite the many sources of information on how to carry out otherwise lawful actions that place badgers and their setts in peril, so many fail to do so and in so doing destroy, damage and/or block setts and ultimately in many cases kill badgers. It is irrelevant on which side of the fence you sit, pro or anti-badger, the law is clear and in breaking it the perpetrators should expect the full might of the law to be brought against them and should not be too surprised to find themselves before the court.

Wildlife crime in general does not get the attention from the enforcement agencies that we might want and badger persecution is no different to other species in this regard. Only by recording and reporting each and every case of badger persecution that we become aware of will we ever hope to gather the evidence of what is really happening to badgers in the United Kingdom. We will continue to rely on the many volunteers involved around the country in the protection of badgers to help us achieve this goal.

*“Of all these dogs, traded sold and bought  
Only silent ones to the setts are brought  
Those that yelp or squeal or bark  
Are dispatched quick via tools both blunt and sharp”*

*J Darbyshire 2010*

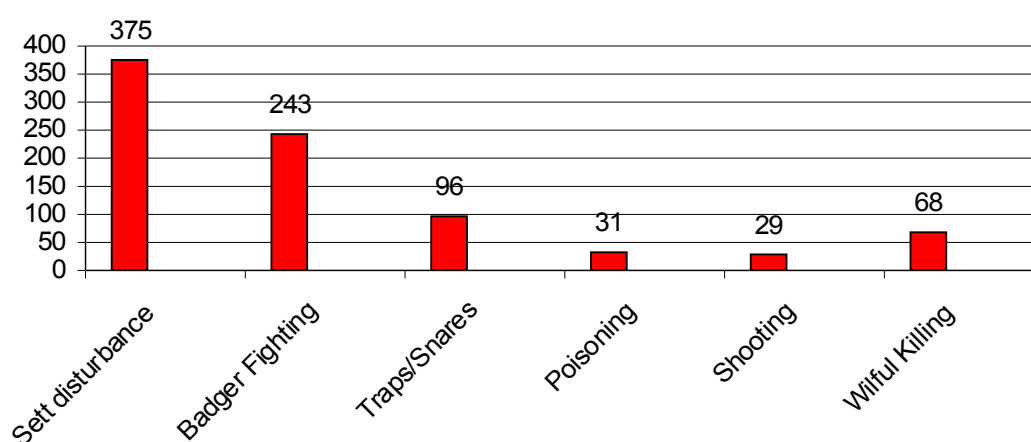
Ian Hutchison  
Operation Meles  
UK Crime Prevention Lead  
14th July 2011

## Summary of reported incidents in 2009-10

A total of 842 incidents were reported in the UK during the years commencing January 2009 and ending December 2010. These figures do not include all those dealt with by the Royal Society for the Prevention of Cruelty to Animals which were recorded internally by RSPCA but were not included in the NWCUC data set. This anomaly has been addressed and all RSPCA figures will now be included in the data set for the future. Additionally NGOs submitted a further 109 incidents which were found to be duplicates of Police submissions

During this time period, 842 incidents were reported: -

### Main Badger Incidents Types 2009/10



**Sett Disturbance.** 375 instances of sett disturbance were recorded. These figures include incidents of badger setts being ploughed, damaged, blocked or destroyed by agricultural and forestry operations, developments and other illegal operations.

**Badger Fighting.** 243 reports were received of badger fighting which included both baiting and diggings incidents. . We can only assume in the latter case that the digging was to extract badgers from the sett for the purpose of baiting. In many instances, crowning down holes which have breached the tunnel systems are found which would tend to indicate the perpetrators were successful in their attempts.

**Traps/Snares.** 96 records were found relating to the trapping and snaring of badgers. These offences are often associated with badly placed snares in areas where the person setting the snare might reasonably expect to encounter badgers.

**Poisoning.** 31 instances of suspected poisoning were reported, with two of those incidents being confirmed. Method of poison delivery varied from gassing setts with noxious gasses to laced articles of food left for badgers to find.

**Shooting.** 29 reports were made that badgers had been shot. In two instances the badgers had been snared before being shot and then dumped at the roadside, indicating that the person responsible was well aware that it was illegal to kill badgers.

**Wilful Killing.** 68 instances of dead/injured badgers being found in suspicious circumstances were reported and in one instance nine badgers were found dumped in Wiltshire. Decomposition often makes it difficult to ascertain how the animals died.

It is patently obvious that many incidents are still not being reported. We would strongly suggest that on **every** occasion suspicion is aroused that an incident involving persecution of badgers and or their setts has occurred that the police or other enforcement agency are informed. We strongly recommend that the person reporting telephones the police control/call centre to report incidents and that when they do so they ensure that they are given an incident number referring to their report. It is only by reporting and recording all incidents that we will ever have a true picture of what is happening to our badgers, from which knowledge we can base the requirements for the appropriate resources being allocated to tackle the problem.

### **Sett Disturbance**

On many occasions when enforcement agencies are alerted to badger setts being disturbed/damaged it is surprising how many people working on the land are unaware of the protection afforded to badger setts and the penalties associated with prosecution. All badger offences are subject to schedule five penalties on the standard scale which amounts to a fine of up to £10,000 and or one year in prison. The exception is in Scotland, where if a person is convicted on indictment (the most serious of charges can be dealt with in this manner), then they face unlimited fines and or up to three years imprisonment.

The following case study is typical of what goes wrong when developers do not pay attention to the legal requirements of the Protection of Badgers Act 1992: -

In January 2009 Police were alerted to an incident in a wood near Turriff, Aberdeenshire where it was alleged a badger sett had been damaged as part of an ongoing development. Badger setts are protected but the legislation allows for work to be carried out under licence in defined circumstances. Initial enquiries by the police revealed no such licence existed for this site.

Shortly thereafter, police accompanied by a representative of Scottish Badgers attended at the locus and found a large area had been cleared through the wood using a tracked bulldozer. It was immediately obvious that there were the remnants of a badger sett amongst the workings and that a large amount of damage to the sett had taken place. It appeared that during the course of the operation a bulldozer had been driven through the wood, clearing and levelling all obstacles in its path. As a result, tunnels had been exposed and sett entrances destroyed. The heavy vehicle had been driven over the top of part of the sett.

Further enquiries were made by the police and as a result Michael Duguid admitted a contravention of the Protection of Badgers Act 1992 in that he had recklessly damaged a badger sett. He was fined £680 at Banff Sheriff Court on 25<sup>th</sup> January 2011. Sheriff Patrick Davies said the fine would punish Duguid and alert others in similar positions to the danger of offending.

This incident could have been easily avoided had the contractor identified the sett and applied for a license to carry out the operation or had kept 20 metres away from the outermost sett entrance.



*Ground clearance works which damaged the sett*



*Collapsed tunnel after bulldozer was driven over sett*

### **Badger Baiting/Digging.**

The people involved in this type of crime go to extraordinary lengths to perpetrate their offences. They are known to travel long distances to commit offences in areas where they are unknown and have the audacity to commit many of these crimes in broad daylight in areas where they may easily be seen. Typically, a group of men accompanied by a number of dogs will go to a badger sett where they initially send a terrier dog wearing a radio transmitter collar down into the sett. The dog is tracked with a radio receiver from above ground until such time as it becomes stationary when it faces up to a badger. The criminals then dig straight down into the sett until they uncover the dog and badger at which point the badger is extracted from the sett. The badger will then be thrown to the dogs where it is attacked by the terriers and should it escape the small dogs and run off, lurcher type dogs are then set on it to run it down. There is a whole group of people actively engaged in breeding and cross breeding dogs to take part in animal fights. The badger suffers a wicked and often prolonged death. The powerful jaws of a badger, combined with its heavy duty claws, easily rip through the facial tissue of the dogs leaving them seriously injured. Often, when dogs are recovered as a result of enforcement operations, they are found to have many old scars, the results of being poorly treated after fighting with badgers. These dogs of course cannot be taken to a veterinary surgery for treatment as the injuries are almost instantly recognisable as fight wounds. The end result is that they are poorly treated at the owners' home or if the injury is too serious they may be unceremoniously killed by their owners. In some instances, the badgers are removed from the sett and transported to a venue where an organised badger fight takes place. This can be attended by many people, some of whom will bet on the outcome of the fight.

### **Operation Seal, a joint action between Northumbria Police and the RSPCA**

In March 2009 a mobile telephone was seized from Wayne Lumsden as part of another unrelated police enquiry in Northumberland. Examination of the telephone revealed a catalogue of video clips showing animal fights including dogs and badgers. This footage was subsequently shown to Mervyn Anthony, Chair of the Northumberland Badger Group, who was asked to provide a statement on the contents. The telephone also held text messages sent by Lumsden to his co-accused Connor Patterson, a trained former gamekeeper also from Northumberland who had



been filmed putting dogs to snared foxes and a fox in a cage, expressing his pleasure in taking part in the badger baiting and the killing of the badger. Further evidence retrieved from the telephone showed Lumsden's interest in cock fighting and the selling of spurs and further footage of dogs fighting foxes and cats. Subsequent enquiries revealed identical images on Lumsden's personal Bebo website.

As a result, an inter-agency operation was set up to investigate and prosecute the offenders. Warrants were executed at three addresses and further evidence found included clothing similar to that worn in the video clips, homemade recordings of television documentaries about badger baiting and the RSPCA Special Operations Unit undercover work in Lancashire and Eire. A lurcher dog used in the baiting incident was surrendered by a third man who was later cautioned over a separate offence involving a Larsen trap.

The RSPCA subsequently reported both accused, having formulated multiple charges under the Protection of Badgers Act and Animal Welfare Act, and in December 2010 both Lumsden and Patterson entered a variety of guilty pleas. On 16<sup>th</sup> February 2011, both men appeared at South East Northumberland Magistrates court where Lumsden and Patterson were sentenced to 26 and 20 weeks imprisonment which was respectively later reduced on appeal to 21 and 16 weeks in recognition of their guilty pleas. The case was brought before the court despite no actual crime scene or precise location of events being confirmed.

WCO PC Andy Swinburne said after the case "This was a complex and prolonged investigation which led the enquiry across the whole of Northumberland, from Berwick to Blyth and to the western border with Cumbria. It highlights the extent to which persons such as Lumsden and Patterson are prepared to travel in order to participate in various forms of sadistic pleasure, where they clearly show no regard or respect for the animal being subjected to its horrendous fate, or indeed their own dogs' welfare.

As a result of the investigation, PC Swinburne expressed his thanks to the RSPCA investigation team, their solicitor Denise Jackman on behalf of McKeag and Co for handling the case on behalf of the RSPCA and Mervyn Anthony for his role in examining the video footage.

### **RSPCA Case study.**

In January 2011, Christian Latcham of Tonypany in South Wales attended Rhonda Magistrates Court to answer charges in relation to two offences contrary to the Animal Welfare Act 2006 and six Charges in relation to offences contrary to The Protection of Badgers Act 1992.

The case began when Latcham, who had been arrested by Police on unrelated matters, attempted to hide a mobile phone. Subsequent examination of the phone revealed extensive video and photographic evidence.

RSPCA Special Investigations Officer, Inspector Simon Evans was called in by the Police to conduct the investigation and, following a search of the defendant's property where a number of dogs were seized, instigated a full forensic analysis of the mobile phone. The imagery recovered from the phone clearly showed Latcham using some of the dogs recovered from his property digging out and killing a number of badgers, including one albino badger. It also showed the severe injuries inflicted on the dogs during his activities. Although it wasn't possible to accurately date the imagery, information provided by the mobile phone producer enabled the RSPCA to place the offences within the time limit afforded by the legislation.

Such was the strength of the forensic evidence (both digital and veterinary) that Latcham changed his plea at Court and pleaded guilty to all charges.

Upon his return to court for sentencing, the Chairman of the Magistrates stated that they were absolutely appalled at the evidence presented to them and described Latcham's behaviour as "deliberate acts of unspeakable cruelty". Inspector Evans stated that the images recovered depicted some of the most graphic and sickening images he had seen during his twelve year career with the RSPCA.

Latcham was sentenced to five months imprisonment, suspended for twelve months; made subject of a supervision requirement for 12 months; ordered to carry out 250 hours of unpaid work and disqualified from keeping or owning dogs for life.



*Albino badger found dead at locus*

## **Traps and Snaring**

Snares are probably one of the cruelest ways in which a badger can die. Although designed to restrain an animal until such time as the person who set the snare returns to humanely despatch it or release non-target species, once a badger has become trapped it will ferociously fight against the snare in an effort to escape. The snare cuts into the soft tissue of the badger and all too often when found the injuries are so bad that there is no other choice than to euthanase the animal. Many of you will have seen the type of horrendous injuries that badgers can suffer from and how cruel their end must have been. It is very likely that far more badgers are trapped in snares than are ever reported, given the type of loci involved in often remote parts of the countryside. It is worth mentioning that any person who sets in position any of the following articles, being an article which is of such a nature and so placed as to be calculated<sup>1</sup> to cause bodily injury to any wild animal included in Schedule Six<sup>2</sup> which comes into contact therewith, that is to say, **any trap or snare**, any electrical device for killing or stunning or any poisonous, poisoned or stupefying substance commits an offence. Badgers are listed on Schedule Six. In one incident in Aberdeenshire a live badger was found in a cage trap.

## **Snaring case study SSPCA**

On 18<sup>th</sup> August 2009, Anthony Rogers was fined £3500 after pleading guilty at Dumfries Sheriff Court to two charges contrary to The Wildlife & Countryside Act in relation to snares and one charge of breaching The Protection of Badgers Act between

<sup>1</sup> The word "calculated" has been amended to "likely" in Scotland

<sup>2</sup> The Wildlife and Countryside Act 1981, Section 11(2)(a)

January and April 2008 by cruelly ill treating four badgers. He admitted catching four badgers in snares, resulting in them sustaining injuries as they attempted to escape and then killing them by shooting them in the head. He also admitted setting in position a number of snares in such a way as to be likely to cause bodily injury to any wild animal and on one occasion failing to inspect it on a daily basis.

Acting on information, two inspectors from the Special Investigation Unit of the SSPCA went to the location and found the remains of six dead badgers. These were in various states of decomposition, ranging from skeletal to freshly killed badgers. The circumstances suggested that someone had been setting snares near the badger sett and catching badgers over a prolonged period of time. Rogers, who was the shepherd/gamekeeper/farm manager, was subsequently interviewed and reported to the Procurator Fiscal.

Wildlife Specialist Fiscal Depute Pamela Rhodes took up the case and after much concerted effort obtained a guilty plea from Rogers. The presiding Sheriff warned Rogers that any repeat of such offences would result in a custodial sentence.

This case highlighted the partnership working of SSPCA, Dumfries & Galloway Constabulary and The Procurator Fiscals Service.



*One of the six places badgers were snared*



*Snared badger found dead at locus*

## **Poisoning**

This type of reported crime is a much more difficult incident to deal with. The most obvious incident is where a sett has been blocked and gassed. Although often rumoured to have happened, it is by far the most difficult thing to prove and unless a sett is under constant monitoring all traces of the poison can have dissipated long before the sett is discovered to have been blocked up<sup>3</sup>. If you are at all suspicious that a sett has been gassed, notify the authorities so that properly trained and equipped personnel can open the sett.

Incidents of poisoning which are far more often reported are of the type where items of food laced with a poison are left on a sett. On occasion, readily available medication, quite harmless to the human being for whom they were intended, is used to lace food items with fatal effects on the badger that unsuspectingly eats it.

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<sup>3</sup> Never unblock a sett unless you are absolutely certain there is no gas present.

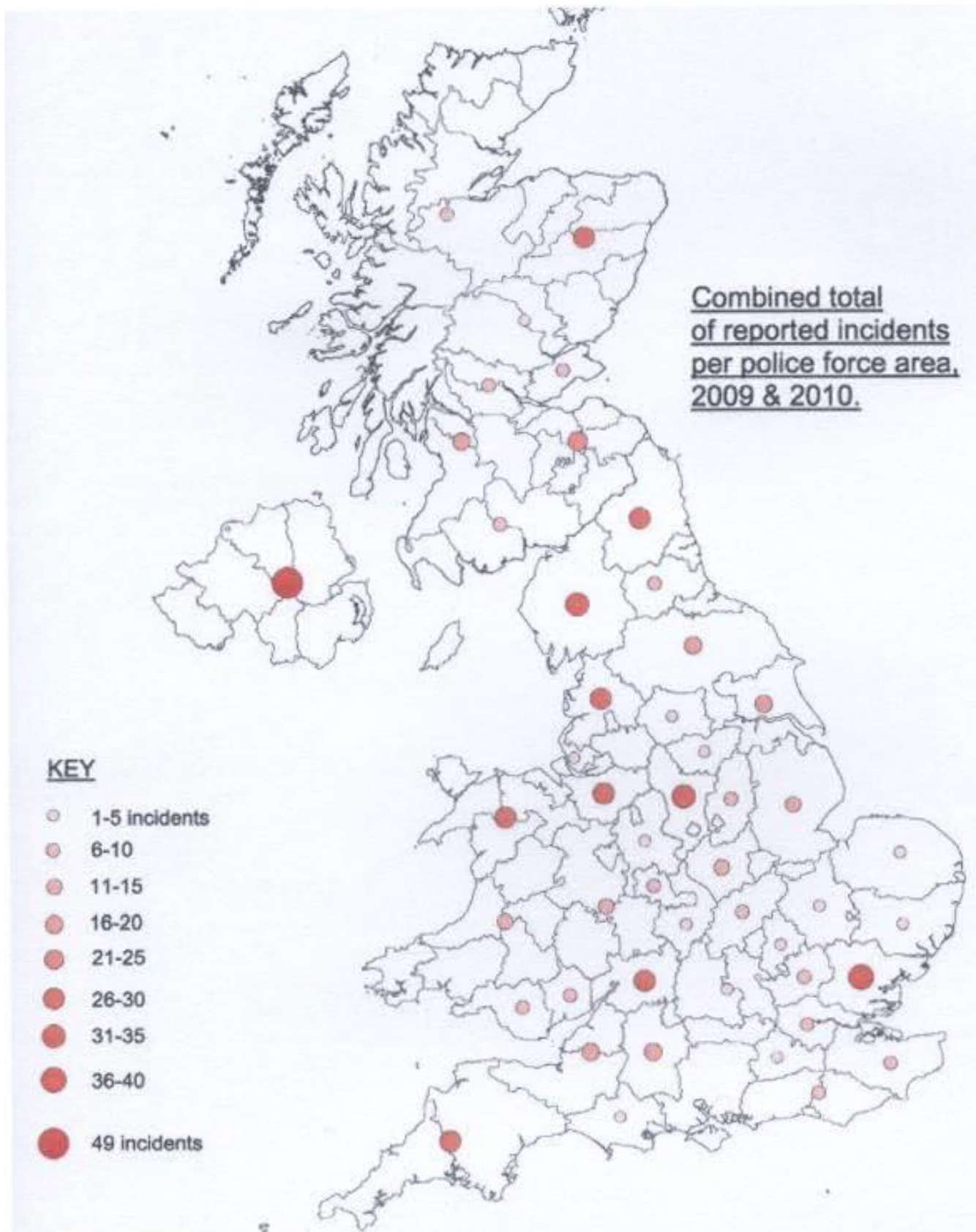
## **Shooting**

Although rumoured to be a common occurrence, only 71 incidents reported related to the shooting of badgers. It is commonly believed that a large number of badgers are killed every year as a result of lamping at night but these are often difficult to find and the carcasses are often removed and hidden by the perpetrators. Reports are now being made that in addition to being shot at night with lamps used to illuminate them, it is becoming common practice in some areas for dogs to be used instead of guns to bring about the demise of the badger. Lurcher type dogs are apparently being released after the badger is highlighted with a spotlight and they chase down the badger rather in the fashion of the more commonly known hare coursing.

## **Unusual Offences**

Quite often incidents are reported in circumstances that don't easily allow them to be categorised. They range from children playing on setts with their cycles (spoil heaps make excellent jumps apparently), to the more bizarre case of the man who chased a badger with his car before running the car off a road and into a wall in an effort to kill it. Setts are set on fire from time to time and the odd item of badger remains appear for sale on eBay and other sales sites.

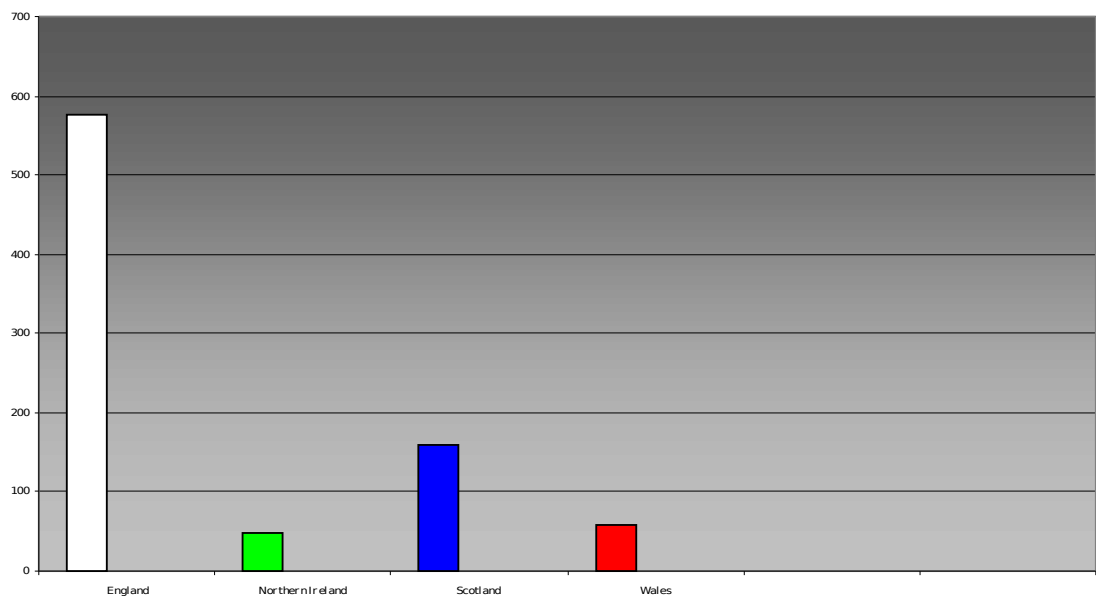
## Regional Hotspots



The following wildlife incidents involving badgers were reported to NWCUC: -

<b>Source Alphabetical</b>	<b>Incidents</b>	<b>Source Numerically</b>	<b>Incidents</b>
Avon & Somerset	18	RSPCA	103
Badger Trust	24	Scottish Badgers	58
Bedfordshire	4	PSNI	49
Cambridgeshire	1	Essex	38
Central Scotland	6	Cumbria	35
Cheshire	24	Derbyshire	32
Cumbria	35	Grampian	29
Derbyshire	32	Lancashire	29
Devon & Cornwall	25	North Wales	29
Dorset	2	Gloucestershire	28
Dumfries & Galloway	8	Northumbria	27
Durham	6	Devon & Cornwall	25
Dyfed-Powys	14	Badger Trust	24
Essex	38	Cheshire	24
Fife	9	Lothian & Borders	21
Gloucestershire	28	North Yorkshire	19
Grampian	29	Avon & Somerset	18
Gwent	7	Humberside	17
Hertfordshire	7	Strathclyde	17
Humberside	17	Lincolnshire	17
Kent	6	Wiltshire	16
Lancashire	29	Dyfed-Powys	14
Leicestershire	14	Leicestershire	14
Lincolnshire	16	West Mercia	13
Lothian & Borders	21	Fife	9
Merseyside	1	Dorset	8
Metropolitan	7	Dumfries & Galloway	8
Norfolk	4	Gwent	7
North Wales	29	Hertfordshire	7
North Yorkshire	19	Metropolitan	7
Northamptonshire	7	Nottinghamshire	7
Northern	6	Northamptonshire	7
Northumbria	27	South Wales	7
Nottinghamshire	7	West Midlands	7
PSNI	49	Central Scotland	6
RSPB	1	Durham	6
RSPCA	103	Kent	6
Scottish Badgers	58	Northern	6
South Wales	7	Sussex	6
South Yorkshire	4	Suffolk	5
Staffordshire	4	Thames Valley	5
Strathclyde	17	Bedfordshire	4
SSPCA	3	Norfolk	4
Suffolk	5	South Yorkshire	4
Surrey	3	Staffordshire	4
Sussex	6	SSPCA	3
Tayside	2	Surrey	3
Thames Valley	5	Warwickshire	3
Warwickshire	3	West Yorkshire	3
West Mercia	13	Tayside	2
West Midlands	7	Cambridgeshire	1
West Yorkshire	3	Merseyside	1
Wiltshire	16	RSPB	1
<b>Total</b>	<b>842</b>	<b>Total</b>	<b>842</b>

Incidents reported to NWCU by country during 2009/2010: -



Incidents reported to NWCU by month during 2009/2010: -

