

Bat Conservation Trust



BAT RELATED CRIME INCIDENTS:

When should we report them, and what happens when we do?

With the launch of Operation Bat in 2004, crimes against bats have been given a much higher priority by the police. But this does not mean that every crime will be taken to court. The police need to be sure that *any action taken is in the best interests of the bats and the public*, and this is where bat workers' knowledge and experience is invaluable.

Education is the first and best choice. If the police and we as bat workers can help someone understand why their actions are unacceptable, they will often become supportive of our aims and change their ways – even becoming 'bat ambassadors'.

Getting the right message over is the key to reducing bat related crime. This message is not just about getting a successful prosecution – the aim is to get the best for bats, long term, and misguided prosecutions may simply 'drive things underground' and can be counter-productive. The aim must be to enhance bat biodiversity and contribute towards the favourable conservation status of all our species.

When a crime has been committed an assessment of why the incident arose needs to be made first and, as bat workers, we are often in a good position to help the police make this assessment.

Some incidents arise out of genuine errors of judgement, fear or even ignorance, and these may be best dealt with by advice or, in extreme cases, a formal caution. To achieve the best outcome for bats we must focus on cases likely to succeed in court that send a clear message of deterrent to other potential offenders.

There are, however, individuals (sometimes whole industries) who either don't acknowledge that bats and roosts are protected or, knowing the consequences of their actions, proceed anyway with damaging and/or disturbing works with a blatant disregard to the welfare of bats, let alone the law. It is this group that causes the most concern, and police and bat workers' focus on the following situations would provide most gain for bat conservation:-

- 1 Where emergency, prompt or timely, action will prevent a crime from happening** – if by taking action early we can prevent a crime occurring, that should be our preferred option.
- 2 Where the motives behind the commission of the offence show a deliberate disregard of the law** – where an organisation or individual understands what they are doing, are aware of what the consequences will be, but go ahead anyway.
- 3 Those involving audiences (such as builders, timber treatment companies) that have shown a blatant disregard for bat legislation** – the RSPB/BCT two-year project showed that the great majority of bat related crime is committed by the building and construction industry.
- 4 Those involving roosts of rare or more than one species of bat** – because of the potential impact they may have.

Before the police decide whether or not an offence should proceed to court, they will consider all of the following:-

- Has an offence been committed? (Is there sufficient evidence to say there has?)
- Who committed the offence?
- Is it appropriate to:
 - Prosecute
 - Caution
 - Take no action?
- Is the course of action in the public interest?

Each incident needs to be judged on its own merits when deciding the best course of action and, even if an incident falls into one of categories 2-4 above, prosecution may still not be the best approach. However, by prioritising these cases the police, often assisted by bat workers, can focus limited resources to achieve the best outcome for bat conservation.

Other issues of concern include:-

- Important cases that 'time out' – i.e. those cases that should be pursued and where there is reasonable evidence the prosecution would have been successful, but it timed out through either police or CPS (PF in Scotland) inaction. These cases are important as the whole system has to work. If inaction shows bat crime is not being taken seriously that can give wrong messages to those individuals/industries that might seek to take advantage of it.
- The appropriateness of penalties – experience to date has shown that, even when a case is successful, the penalties handed out are so small that they act as no deterrent. BCT and others are working to raise awareness of the importance of appropriate penalties for wildlife crime.

Bat workers and BCT do not make the decision about whether a bat related crime is progressed through the legal system, but together we can provide information and assistance to help the police decide. It is also important that bat workers, police officers and anyone else discovering a bat related crime incident informs BCT, regardless of whether it is to be pursued through the legal system; this is so that BCT can continue to record the level of bat related crime to inform government.

Anyone who comes across any incident that they think involves bat related crime should report it to the police. (In Wales, two officers have been seconded to CCW and so those in north Wales can contact Sgt Rob Taylor on 01745 539187, and in south Wales Sgt Ian Guildford on 02920 772446.) You don't have to wait for the Wildlife Crime Officer to be on duty because Operation Bat's standard protocols mean that all police officers should be aware of the procedures to go through.

Please also inform BCT (preferably by email: investigations@bats.org.uk) of any bat related incidents that you come across, whether you have reported them to the police or not (you can use the Bat Incident Report Form on the BCT website if you like: http://www.bats.org.uk/pages/reporting_bat_crimes.html). It is very important that we continue to record these incidents because if we do not, bat related crime may be perceived as not significant enough to remain a wildlife crime priority for the police.

If, as a bat worker, member of the public or police officer, you discover a bat related incident and wish to discuss it, you can call Dr Kate Barlow, BCT's Investigation Officer, on 020 7501 3631, or e-mail investigations@bats.org.uk. Please also contact Kate if you have any suggestions or comments, or if you think additional information/factsheets on bat related crime are needed.