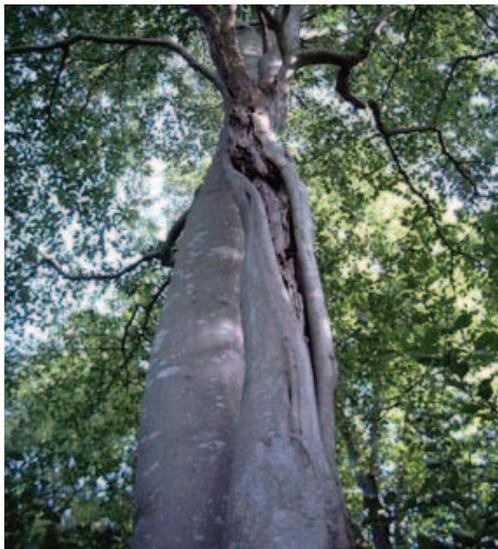




The Bat Crime Annual Report 2013



The Bat Crime Annual Report 2013

Summary

The Bat Crime Annual Report 2013 outlines and analyses both incidents and outcomes of Bat Conservation Trust's (BCT) Investigations Project over the 12 months from 1st January - 31st December 2013.

During the year BCT referred 121 allegations of bat crime to the Police which represents a marked decrease on the 134 allegations referred in 2012.

BCT is committed to:

- work with the National Wildlife Crime Unit, bat groups and bat workers to ensure that the extent of bat crime can be properly assessed. In order to facilitate this BCT will continue to act as a conduit for submission of intelligence to NWCU.
- continue to argue for an overhaul of conservation legislation that will provide clear guidance as to the legal protection afforded to bats and their roosts, the introduction of measures designed to prevent offences and a more robust licensing system that is linked to professional standards and monitoring.
- continue to look for and take up opportunities and raise funds to provide training on bat crime, in particular to enforcers and prosecutors.
- continue to work with enforcers to ensure that where ever possible early action is taken to prevent offences against bats.
- continue to monitor the manner in which cases referred to enforcement authorities are investigated with a view to establishing the main factors that prevent the completion of enquiries in a timely manner.
- liaise with enforcers to establish reasons why cases are either not progressed by the Crown Prosecution Service, or are not being referred for consideration of prosecution.
- liaise with prosecutors to ensure that effective prosecutions are undertaken with the courts being provided with sufficient information to make informed sentencing decisions.
- consider how the investigations project might attract further support and in particular funding.

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1. Introduction: Why are bats in need of protection?

There are currently 18 resident bat species in the UK (17 of which are known to breed here). A scarcity of natural roost sites means that UK bat species are increasingly highly dependent on man-made structures, such as houses, churches and barns for roosting, and the surrounding habitats for foraging and commuting. This reliance makes them particularly vulnerable to development and general building works, e.g. conversions, demolitions, and timber treatment and maintenance activities in buildings.

Loss or damage to a roost can have a significant impact on the local population. For example, where there are limited alternative roosts locally, loss of a roost site would result in bats moving away perhaps to a site that is sub-optimal. In other cases there may be no suitable roosting sites nearby.

For all bat species the destruction of a maternity bat roost in particular can have a major impact on the local population of bats. Female bats gather together in the summer months at maternity roost sites to have their young. Unlike many other small mammals, bats are long-lived and reproduce slowly: each female, on average, only produces one baby per year and not all females will have babies each year. Furthermore, the majority of young do not survive their first year. For this reason bat populations are very slow to grow or recover their numbers after suffering a large decline. The loss of one maternity roost site can be devastating and may result in all the breeding females from an area being unable to rear young in that year, and possibly future years if there are no suitable alternative roosts nearby.

Historical studies have shown that bat populations declined considerably between the 1950s and the 1980s across Europe including the UK (Stebbing, R.E. 1998). Because of such serious historical declines in numbers, all 18 species of bat present in Great Britain are included within Annex IV of the European Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive).

The Habitats Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (usually referred to as the Habitats Regulations). All UK bats are included on Schedule 2 of the Habitats Regulations and their inclusion makes it an offence to:

- deliberately capture, injure or kill bats;
- damage or destroy a breeding site or resting place (a roost);
- deliberately disturb bats in a way that would impair their ability to survive including ability to hibernate, breed or rear young; or to significantly affect their local distribution or abundance; or
- Possess or control any live or dead bat or any part of a bat or anything derived from a bat.

It is also an offence under the Wildlife and Countryside Act 1981 (as amended) to:

- intentionally or recklessly obstruct a bat roost (whether bats are present or not)
- intentionally or recklessly disturb a bat at a roost

The term bat roost is used to mean a breeding site or resting place and the roost is protected by legislation whether or not bats are present at the time of any disturbance or obstruction. Although bats may use several different roost sites throughout the year, bats are very loyal to their roosts, and the local population will return to the same location year after year to roost. The protection of bat roosts is therefore essential in order to maintain bat populations at a favourable conservation status as outlined by the Habitats Directive.

Bat related crime remains at a worrying level. Anecdotal evidence from bat workers, the general public, and building professionals indicate that these figures continue to represent only a drop in the ocean. The building development and maintenance sector once again accounted for the vast majority of the incidents referred for investigation.

2. About the Investigations Project

The Investigations Project has been working to prevent bat crime since its inception in 2001 as collaboration between RSPB and the Bat Conservation Trust (BCT). Since then, the Investigations Project has developed and is now based wholly within the Bat Conservation Trust, supported by local bat groups and BCT staff. A part-time Investigations Officer Pete Charleston has led the project since 2010.

The current priorities for BCT's Investigations Project are:

- Recording of bat related crime;
- Providing support, training and advice for the police, the Crown Prosecution Service, Statutory Nature Conservation Organisations (SNCOs) and bat workers to ensure incidents are reported, investigated, and the law enforced i.e. prosecutions are taken forward where appropriate;
- Liaise with prosecutors to ensure that effective prosecutions are undertaken with the courts being provided with sufficient information to make informed sentencing decisions.
- Improve areas of UK policy, in particular those that relate to planning and species licensing, to reduce opportunities for disregarding the legislative protection given to bats.

3. UK Wildlife Crime Priorities and the National Wildlife Crime Unit

In 2004 the persecution of bats was identified by the statutory conservation agencies as a wildlife crime priority for the police service of equal standing to the other priorities, including birds of prey persecution and the illegal trade in endangered species. These priorities are reviewed bi-annually and in 2012 bat crime was once again identified as an area of concern.

During 2013 BCT have been working closely with the National Wildlife Crime Unit (NWCU). We now provide the unit with intelligence relating to all incidents that are referred for investigation. In the last National Wildlife Crime Tactical Threat Assessment BCT were identified as the unit's primary source of intelligence relating to bat crime stating the following:

'There has been a significant increase in the number of intelligence logs submitted year on year (from 25 to 91 logs) due to submissions from the BCT (Bat Conservation Trust), which accounts for 68% (62 logs) of the overall intelligence count. Subsequently, only 15 intelligence logs reported to the NWCU originated from a police force. This is a situation unique only to bat persecution and shows the value of having an investigations officer (ex-Police Wildlife Crime Officer) employed by BCT.' NWCU Strategic Assessment 2013¹

In order to ensure that the BCT 'maintain their role in presenting a comprehensive assessment of bat crimes, we continue to request that bat groups and other interested parties provide information about any offences or other suspicious behaviour that they become aware of.

BCT will if necessary, commit to confidentiality and will not undertake further action without the consent of those who submit the information.

¹ NWCU Strategic Assessment 2013, page 14 - The full report can be viewed at: <http://www.nwcu.police.uk/wp-content/uploads/2014/04/NWCU-Strategic-Assessment-2013-final-v2.pdf>

4. Incidents notified to BCT in 2013

In 2013 well over 300 bat related crime incidents were reported to BCT. Of these incidents, 121 were passed to statutory agencies (the police and Natural England) for investigation a marked decrease of 10% over 2012.

Until 2010, all criminal offences relating to bats were investigated by the police and prosecuted by the Crown Prosecution Service. Natural England has now decided to utilise powers granted to them by the Natural Environment and Rural Communities Act 2006 to investigate and, where necessary, to prosecute offences relating to breaches of bat licence conditions. In the remainder of the UK these matters are still referred to the police for investigation.

4.1 Reporting of Incidents

Despite receiving a large number of reports, it is believed by some that this still represents only a fraction of the number of incidents that involve bats. The question remains as to whether the number of reported incidents is a true reflection of the level of incidents occurring? It is not possible to form a judgment on this but policy makers are likely to base their decisions on the basis of evidence rather than anecdote. For this reason it is vitally important that BCT continues to gather information that can be used to evidence levels of crime.

Regular contact with the NWCUC suggests that BCT become aware of most incidents of bat crime that are investigated by the Police. Because of legislative restrictions BCT does not always receive full details and there is no obligation for authorities to consult with us. It is for this reason that close contact between bat groups, bat workers and BCT is crucial in order to get a true reflection of the levels of bat crime.

Many reports to BCT that disclose the possibility of criminal activity are from builders and householders who have come across bats whilst carrying out work on their property and in so doing have disturbed bats or caused minor damage to roosts. BCT choose not to refer the majority of these reports to the statutory agencies because any criminal investigation in such circumstances would not be in the interests of bat conservation.

Those builders and householders who call BCT National Bat Helpline (0845 1300 228) regarding bat disturbance or minor damage are usually seeking advice as to what they need to do, and most are receptive to the advice that is provided. If BCT referred these calls to the police it could discourage further contact and ultimately the conservation of bats would suffer.

Every call BCT receive that identifies the possibility of an offence is screened to ensure that we do refer appropriate cases for investigation. Even though BCT may not refer some incidents for investigation, no suggestion of criminal offences is allowed to pass without due consideration. Additionally, we make written or oral contact with the investigating officer in every case that is referred for investigation, offering legislative and investigative advice.

Bat Helpline staff act on behalf of Natural England to provide both oral and written advice where such advice is required for private dwellings. Volunteer bat workers also visit dwellings on behalf of Natural England to provide additional support. In situations where a suspected crime has taken place volunteer bat workers will sometimes provide additional support in evidence gathering such as reporting on the status of the roost and the species present. At times this support is also provided by members of the local bat group. It is considered likely that because of the present economic situation, the support BCT provide to Natural England and the additional capacity provided by volunteer bat workers and bat group members in this area will become ever more critical.

4.2 Incidents by police area

The number of reported incidents varied throughout the UK. Of the 121 incidents referred to the police during 2013, 105 were referred to English police forces, 5 to Scottish forces 10 to Welsh forces and one to the Police Service of Northern Ireland.

The geographic spread of reported cases was wide, with incidents referred to 39 of the 45 police forces in the United Kingdom, which means that on average, police forces in the UK are being asked by the BCT to investigate less than 3 bat crimes annually. This serves to explain why investigative experience in this area is scarce and underlines the value of our investigations project in being able to offer advice and guidance to forces without such experience.

The highest numbers of referrals were once again to Devon and Cornwall Police with 8 referrals. The Metropolitan Police also had 8 incidents referred to them whilst West Mercia had 7 and North Wales 6. Six police forces were not asked to investigate any allegations of bat crime in 2013.

The variation in numbers of referrals can often be explained by factors such as the density of bat populations, the extent of development in those areas, the strength of the relationship between BCT, the local bat group and the police force, a greater awareness amongst police officers of the issues and even the confidence of the public in reporting such matters to the police.

4.3 International incidents

On occasion BCT is made aware of matters indicating the possibility of criminal offences, that are difficult to refer to the police for investigation because they are of an international nature and cannot be linked to an area covered by a specific UK force. In the past 12 months there have been a number of such incidents, which because of the difficulties outlined, have been dealt with by BCT's Investigations Officer.

Trade in dead bats is one area that is often brought to our attention. Such trade may take place on internet auction sites or at markets and is usually (but not always) found to involve species that are not legally protected. From the information available to us it appears that this trade is not of conservation concern .

The sale of sonic and other deterrents to be used to clear houses of bats and advice on the exclusion of bats continues to be an issue. Of the cases that we have investigated it has been established that all of the websites are of North American origin where bats do not receive the same level of protection. In these cases contact is made with the companies involved resulting in statements being placed on sites pointing out the protected status of bats in the UK.

4.4 Incidents by month

Incidents were reported throughout 2013; however, Figure 1 below shows that there are peak months for numbers of incidents being reported. Bats are most active between the months of March and October, which coincides with peak building construction times. It is; therefore, of little surprise that most incidents of bat crime are reported to BCT during this period.

Similarly, comparisons made between the activities taking place in reported incidents have shown that development remains the primary activity resulting in offences. These activities are shown in Figure 2. This chart should only be used as a guide. Clearance work is often associated with development, to a lesser extent the same can be said in relation to incidents of arboriculture. Also, it can be difficult to differentiate between what is development and what is maintenance.

Figure 1. Incidents referred for investigation by month

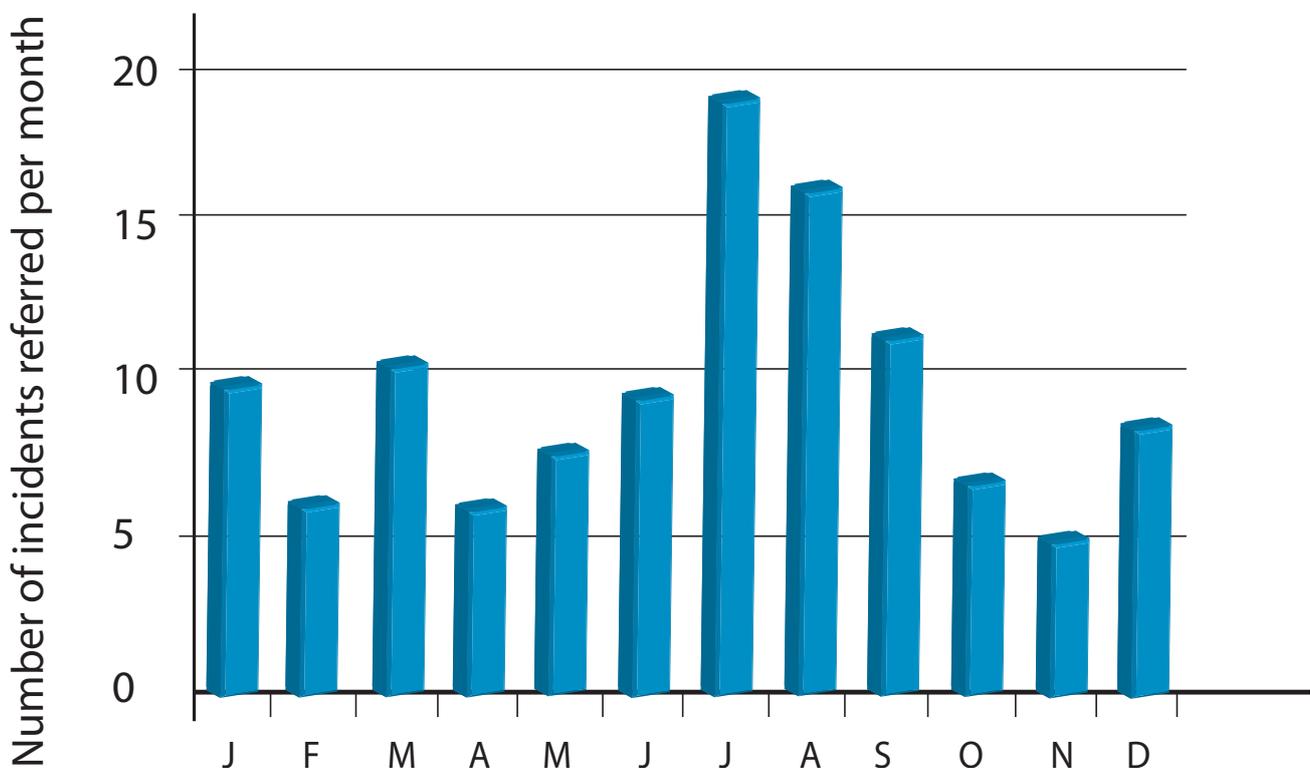
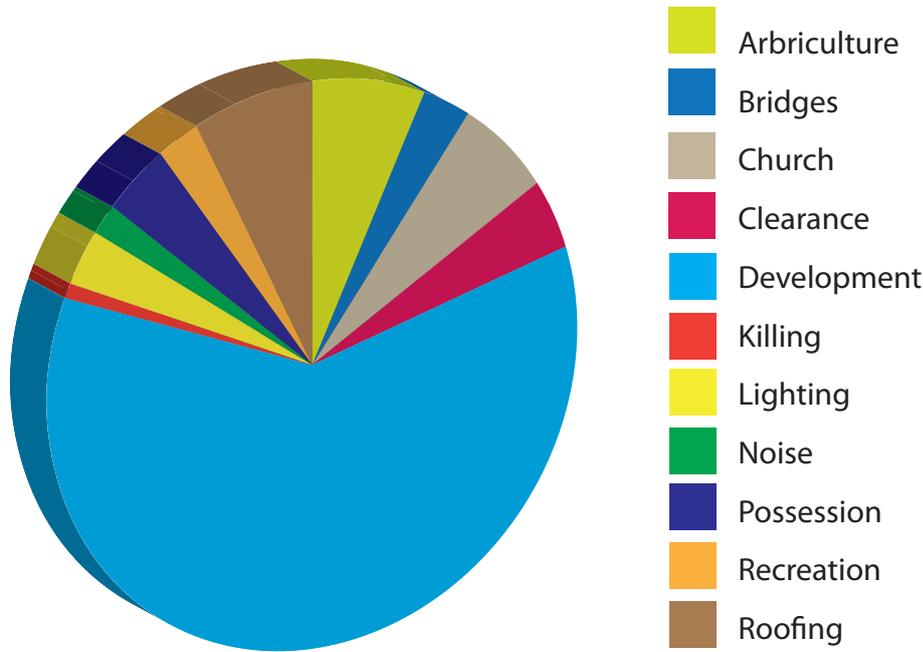


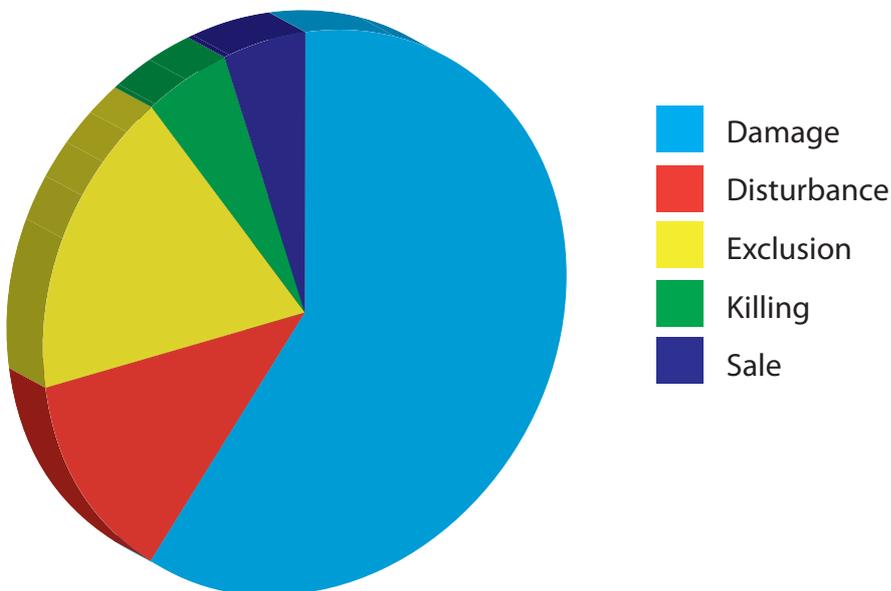
Figure 2 Comparison of incidents categorised by activity



4.5 Primary offences

The identification of primary offences (the main or most serious offence identified in any allegation) can often be a subjective process: instances of roost damage and obstructing access can also reveal offences of disturbance, whereas a killing offence will almost undoubtedly have arisen from an instance of roost destruction. Figure 3 details the types of offences referred to the police during 2013 and categorises them into primary offence type. The largest proportion of incidents reported related to damage or disturbance. The percentage of sales incidents is not considered to be a true reflection of the actual amount of trade being undertaken on the Internet, in particular, Internet auction sites.

Figure 3. Categorised incidents reported to the police in 2013.



5. How the police dealt with incidents

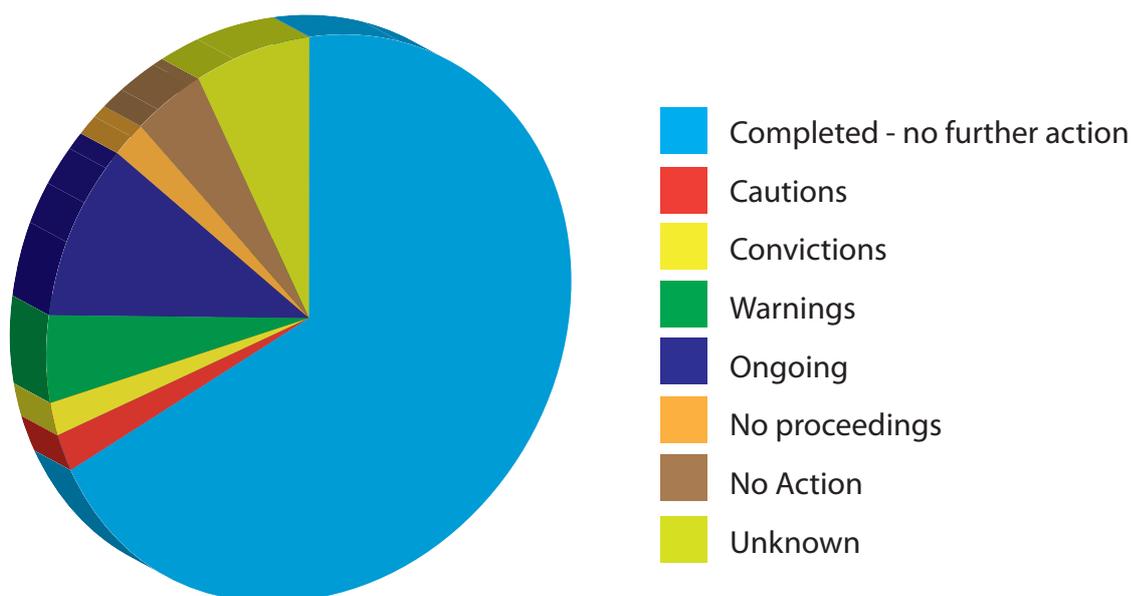
This section outlines the outcome of cases reported to the police in 2013, also known as case disposal. Where BCT refer an incident to the police our Investigations Officer, whenever possible, has personal contact with the investigating police officer offering an appropriate amount of advice and assistance. Contact is maintained with those officers until such time that BCT are advised of the outcome.

All instances reported to the police should be dealt with in a broadly similar manner. Decisions as to what action is taken will be made having regard to a number of factors and this can result in offenders or suspects being dealt with in different ways. Police officers have discretion as to how to deal with individual cases but BCT strives to ensure that investigating officers are able to make informed decisions on the best way to deal with bat crime.

If a police officer concludes that there is sufficient evidence to bring a prosecution, papers will be sent to the Crown Prosecution Service (CPS) for a decision as to whether to bring such a prosecution. CPS prosecutors will initially consider if there is a reasonable prospect of conviction and if there is they will then consider whether it is in the public interest to bring a prosecution. The public interest may lead to offenders being formally cautioned or warned rather than prosecuted.

BCT is broadly satisfied with the direction that statutory agencies are taking in relation to bat crime. Police forces demonstrate a professional and effective response to bat crimes in the majority of cases and this deserves to be recognised.

Figure 4 How the police dealt with incidents.



5.1 Completed no further action

The fact that an incident is closed with no further action being required often hides the fact that valuable crime prevention work has been undertaken, aiming at longer-term protection of bats and their roosts. BCT anticipates that the investigating officer, to ensure knowledge of and future compliance with the law, will contact all potential suspects in any incident. The fact that such advice has been given would be taken into account should further offences be committed.

In many cases the intervention of the police prevents offences. In 2013, 102 of the total of 121 referred incidents resulted in no formal action being taken. Given that in the majority of cases advice will have been provided by a police officer, BCT can justifiably claim that many offences were prevented. Some who are considering the committing of offences will have second thoughts once they know that the police have an interest in the matter. For this reason it is very important that contact with the police is initiated as soon as there are suspicions that an offence has been committed or may be committed. Regular contact has to be continued until the incident has been closed.

In some other cases insufficient evidence was found by the investigating officer to warrant any further action. Most commonly this was as a result of allegations of a roost being damaged or destroyed having been made, but subsequent evidence was not available to support the allegation. Regrettably once again in 2013, BCT received a small number of allegations that development work was being undertaken that would impact on bat populations. Basic enquiries revealed either that bat roosts were present but were being properly considered or that there was simply no evidence to support the allegations being made. In order for BCT to remain credible with developers, the organisation needs to ensure that it does not become involved with people motivated to campaign against development and seeking to raise unjustified concerns relating to bats. To this end BCT staff spends considerable time carrying out background enquiries aimed at establishing whether there is a prima facie case that should be referred for investigation.

5.2 Ongoing

At present there are only 2 investigations from 2013 that are still incomplete. Generally, police investigations into bat crime should be completed within six months. However, legislation states that prosecutions must be taken up within two years of the date on which the offence was committed. In such circumstances it would be expected that any delay in concluding an investigation would be attributable to the offender rather than the Police.

5.3 Crown Prosecution Service (CPS) decision

One incident in 2013 resulted in papers being submitted to prosecutors for a decision as to whether to take a case further. In that instance prosecutors directed against further action on the basis that there was insufficient evidence to secure a conviction.

5.4 Formal caution

In 2013, one incident resulted in a formal police caution being issued. Because the cautioning process lies outside the Criminal Justice System details cannot be made public, although most relate to builders carrying out relatively minor work that affected roosts.

A formal caution is not a criminal conviction, but it is noted on police records and can be referred to should further offences be committed. The cautioned person is required to accept that if the matter had proceeded to court they would have been found guilty.

In addition to the one formal caution another five cases resulted in police warnings, generally as part of a restorative justice process. Restorative justice is a policing initiative whereby officers are encouraged to exercise discretion and deal with minor criminal offences outside the criminal justice system. In relation to bats the first case of an offence being dealt with by restorative justice was recorded in 2010 and has become more commonly used since. Those who commit offences that are dealt with through restorative justice do not gain a criminal record. This type of disposal does allow for limited conservation gain but in some instances the need for formal sanction even if it is in the form of cautioning will outweigh that gain. Restorative justice most commonly involves restoring access to roosts, providing alternative roosts such as bat boxes and allowing future monitoring of the roost by the local bat group.

5.5 Unknown

Last year there were 4 incidents that despite BCT's best efforts were not dealt with adequately. In those cases the inadequacy amounted to failure to contact witnesses with the result of investigations. None of these incidents were considered by the BCT to be significant.

5.6 Case Studies

Case study 1

In March 2013 Devon and Cornwall Police were asked to investigate work that had been undertaken on farm buildings being used as offices. Solar panels had been installed on the roof of a number of these buildings. Prior to the work being undertaken a bat survey had identified the presence of a brown long bat roost but this was damaged when the solar panels were installed. The investigation revealed that the roost had been damaged as a consequence of a breakdown in communications between the parties involved. The owner showed genuine remorse for what had occurred and was anxious to make amends.

It was concluded that the circumstances of this offence were such that it would not be in the public interest to prosecute. The matter was instead resolved through the restorative justice process with offender paying a substantial sum of money to the local bat group. A significant proportion of the sum involved has since been used to provide police wildlife crime officers with advanced training in the investigation of bat offences.

Case study 2

In August 2013 a developer, John Hotham, appeared before Bridlington Magistrates Court charged with destroying six bat roosts used by whiskered, brown long-eared and pipistrelle bats. The roosts had been identified during survey work undertaken in support of a planning application that involved demolition of a number of buildings that were a former slaughterhouse. Despite having been made aware of the survey results the buildings were demolished without regard to the roosts or the need to obtain a licence.

This case was probably one of the most significant instances of roost destruction that has ever reached the courts. It was therefore very disturbing to find that fines of just £35 were imposed on each charge.

Our investigation into this matter revealed some disturbing issues around the manner in which the Crown Prosecution Service had prosecuted the case. This led to direct contact with the Director of Public Prosecutions and other senior prosecutors.

Case study 3

In January 2014 a developer, Keith Seed, appeared before Harrogate Magistrates Court charged with destroying brown long eared and pipistrelle bat roosts during the course of a barn development in 2013. Once again the prosecution case was based on evidence revealed as a consequence of survey work undertaken in support of a planning application.

In contrast to the matter heard at Bridlington Magistrates Court (featured in case study 2) BCT feel that this matter was prosecuted by the Crown Prosecution Service very effectively. This is borne out by fines totaling £3500 being imposed.

Case study 4

In April 2014 Harguadial Singh Rai the owner of Ismar developments was convicted of destroying a brown long eared bat roost in Matlock in 2012. In this instance a bat survey that identified a roost had been undertaken in support of a planning application. The extent of the work for which permission was being sought did not in itself pose a threat to the roost. It later transpired that work to the roof of the building that had not featured in the planning permission had destroyed the roost.

Both Mr Rai and his company were convicted of the offence and in a ground breaking initiative the Crown Prosecution Service applied for the case to be referred to the Crown Court in order that consideration can be given under proceeds of crime legislation to the seizure of assets to a value equal to the financial advantage gained by acting illegally. In addition the crown court would also impose a penalty for the offence.

Both Mr Rai and Ismar Developments have now lodged an appeal against conviction. The appeal hearing will take place later this year. If the conviction is upheld a proceeds of crime hearing will follow.

6. Prosecutions

Of the 121 cases referred to the police in 2013 by BCT, on the basis of the evidence available would not suggest that any other prosecutions were required. We continue to hold the view that the number of prosecutions undertaken each year is not a useful indication as to how successfully bat crime is being dealt with.

Ultimately, a far better measure of success from a bat conservation perspective is to assess how well the legislation is being complied with, and how many bat crimes have been prevented. If this approach is accepted then 2013 must be considered to have been another successful year.

6.1 Burden of proof

Bat crimes are criminal offences and in order for a conviction to be gained the case must be proven beyond all reasonable doubt. Any question of doubt will normally result in acquittal. The CPS will not prosecute a case unless they are satisfied that there is a reasonable prospect of conviction. Prosecutions will not be taken unless this evidential test is passed and it is also considered to be in the public interest to proceed.

6.2 Evidence of roosts

One of the most common problems faced by investigating officers is that of evidencing the presence of a bat roost. Many allegations suggesting that developers have destroyed roosts are made, but often no evidence of a roost is available if a bat survey has not been undertaken as part of the planning process. For this reason, whilst recognising the resource implications, BCT would suggest that surveys of vulnerable sites should wherever possible be conducted on an annual basis. A survey carried out more than 12 months previously can be undermined by another more recent survey suggesting that the roost is no longer used. BCT acknowledge that this is not always possible owing to resourcing. Surveying schemes such as the National Bat Monitoring Programme provide a framework and support for volunteers to carry out ongoing surveys of roosts in the form of counts, but it is not always possible to find volunteers and in some cases this route is not appropriate.

6.3 Offenders acting on advice

There appears to be an increasing number of incidents where potential offenders when interviewed have said that they acted on the advice of others, for example, their ecological consultants. Most commonly, this seems to relate to work that involves damage to a roost where advice has been provided to the effect that the work can be carried out without the need for a licence. Where it can be evidenced that such advice had been provided (even if it was incorrect advice) by a competent person, it seems unlikely that any prosecution could follow. It does, however, seem likely that in some circumstances the liability of the ecologist will come under scrutiny to establish whether the provision of incorrect advice amounts to aiding and abetting the offence.

6.4 Identification of offenders

Serious bat crimes are often carried out as part of commercial development and in such cases it is important that the investigation properly identifies those responsible. Dependent upon lines of management and instructions provided, the correct offender can be anybody from a site labourer who physically commits the offence, right through to the managing director or secretary of a company. The situation can become more complicated if sub-contractors are involved. If companies are to be summonsed for offences it is important that investigators identify and interview those who hold the corporate liability.

6.5 Time limits

Although legislation has in recent years been changed to allow for the prosecution of offences relating to bats for as much as two years after commission, the reality is that such matters are considered by the Criminal Justice System to be minor in nature with investigations being straight forward. Although BCT know that neither statement is true, the fact is that these matters are dealt with by the lower courts, and prosecutors in England and Wales take the view that in the majority of cases, investigations should be completed within six months of the circumstances of the offence becoming known. Unwarranted delays might lead to cases being discontinued on the basis that prosecution would be an “abuse of process” interfering with the defendants right to a timely trial. There have been a small number of cases historically where prosecutions have not been pursued because of the abuse of process argument, and it is therefore relevant to consider the most common causes of delay that might lead to cases being discontinued.

It is sometimes the case that bat workers will delay reporting incidents of bat crime in the hope that alternative options can be worked out with developers or owners. Whilst the need for such deliberation is understandable, there is a risk that delays in reporting criminal offences to the police might be seen as unnecessary delay leading to consideration of the abuse of process argument. As such, BCT recommends that incidents should be reported to the police as soon as possible after the circumstances become known.

Bat crimes that are not investigated in a timely manner are more likely to be discontinued. Timely investigation means that it has been conducted in a manner where there has been no unreasonable delay. For example, if progress on an investigation is halted whilst the investigating officer is tasked to perform other prolonged duties, this may be considered an unreasonable delay, as would simply not advancing the investigation because of other workload demands. Delays would not be considered unreasonable where they are attributable to the suspects.

6.6 Proportionate and dissuasive sentencing

The outcome of the court case in Bridlington (case study 2) has led to BCT focusing on the need for proportionate and effective sentencing. There is a fundamental principal of criminal law that sentencing has to be dissuasive. Sadly in 2013 we have seen more than one instance where sanctions have been less than the costs that would have been incurred if the law had been complied with.

BCT want to work with investigators and prosecutors to ensure that courts are provided with the information needed to make informed decisions on sentencing. We provide conservation impact statements that not only detail the consequences for bats of offending but now also includes information on the costs that would have been incurred had lawful process been followed. Additionally we provide information relating to other convictions for bat crime and have submitted views on sentencing to the Magistrates Association newsletter and The Barrister magazine.

We have found some prosecutors to be very sympathetic to our arguments and the case of Rai (case study 4) finally resolved long running discussions as to whether the proceeds of crime legislation can be used. In addition to this case a similar application had been envisaged where, in the event, the defendant was found not guilty.

As we complete this report the government has announced their intention to substantially increase the level of fines that can be imposed by magistrates. Whether this will negate the need for Proceed of Crime Act applications in future cases is a matter that will need further consideration. Either way BCT are committed to engaging with prosecutors in order to ensure that the courts are provided with the information required to assess the level of sanction needed for it to be dissuasive.

7. Future work

BCT is committed to:

- work with the National Wildlife Crime Unit, bat groups and bat workers to ensure that the extent of bat crime can be properly assessed. In order to facilitate this BCT will continue to act as a conduit for submission of intelligence to NWCU.
- continue to argue for an overhaul of conservation legislation that will provide clear guidance as to the legal protection afforded to bats and their roosts, the introduction of measures designed to prevent offences and a more robust licensing system that is linked to professional standards and monitoring.
- continue to look for and take up opportunities and raise funds to provide training on bat crime, in particular to enforcers and prosecutors.
- continue to work with enforcers to ensure that where ever possible early action is taken to prevent offences against bats.
- continue to monitor the manner in which cases referred to enforcement authorities are investigated with a view to establishing the main factors that prevent the completion of enquiries in a timely manner.
- liaise with enforcers to establish reasons why cases are either not progressed by the Crown Prosecution Service, or are not being referred for consideration of prosecution.
- liaise with prosecutors to ensure that effective prosecutions are undertaken with the courts being provided with sufficient information to make informed sentencing decisions.
- consider how the investigations project might attract further support and in particular funding.

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