

SHORT COMMUNICATION

POLICE PROSECUTIONS AND BADGER PERSECUTION IN ENGLAND AND WALES

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Within Europe the Eurasian badger, *Meles meles* enjoys protected status in Albania, Belgium, Estonia, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom. Elsewhere, badgers are considered small game. Most States that allow hunting of badgers regulate it through the operation of closed seasons, although there are marked differences in the degree of protection afforded and, in some States (Bulgaria and three of the Austrian Bundesländer), badger hunting is not regulated at all (Griffiths 1991a,b, 1992).

Protective legislation is usually based within the framework of animal protection or hunting laws, which are administered by different national authorities (Myrberget 1990). British badgers have been protected since the passing of the *Badgers Act 1973* (Skinner *et al* 1989) and since that time there have been several attempts to increase the effectiveness of the UK legislation. The most recent, the *Badgers (Further Protection) Act 1991*, provides additional protection to both the animal and its sett as reported by the National Federation of Badger Groups (NFBG 1992). Northern Ireland has different legislation, although the sett is also protected under the terms of the *Wildlife (Northern Ireland) Order 1985*. The British stance largely reflects public concern over suspected decreases in badger numbers, coupled with its distinction of being one of the few countries with a continuing reputation of badger baiting. Badger baiting is illegal in all countries, although still known to occur in the UK and Ireland, and until comparatively recently in some parts of the Netherlands (Van Wijngaarden & Van de Peppel 1964).

Badgers are persecuted illegally, ie killed, hunted and sometimes baited (captured and matched in combat against dogs) in many parts of Britain. Of an estimated national population of c 250,000 adult animals, Cresswell *et al* (1989, 1990) have suggested that 9,000 badgers per annum die this way and severe local problems have been identified by Harris *et al* (in press). A small number, c 800, are legally trapped each year in the Ministry of Agriculture control scheme for tuberculosis in badgers and cattle (MAFF 1991), and a very few are taken under licence from the Ministry, as proven agricultural or horticultural pests. The illegal killing of badgers - many of which are perceived by farmers and landowners as agricultural pests or carriers of bovine tuberculosis - usually occurs through snaring, shooting, sett destruction, or poisoning; poisoning includes such activities as pouring cattle or pig slurry into setts (NFBG 1990) and the use of contaminated baits (Cadbury 1991).

Table 1 Number of people charged with offences under the *Badgers Act 1973* in England and Wales between 1979 and 1989 (11 years).

No on map ¹	Regional police force	Persons charged	Annual mean
1	Avon & Somerset	13	1.18
2	Bedfordshire	0	0.00
3	Cambridgeshire	0	0.00
4	Cheshire	102	9.27
5	Cleveland	8	0.73
6	Cumbria	17	1.54
7	Derbyshire	46	4.18
8	Devon & Cornwall	2	0.18
9	Dorset	0	0.00
10	Durham	16	1.45
11	Dyfed-Powys	37	3.36
12	Essex	20	1.82
13	Gloucestershire	9	0.82
14	Greater Manchester	1	0.09
15	Gwent	10	0.91
16	Hampshire	5	0.45
17	Hertfordshire	6	0.54
18	Humberside	6	0.54
19	Kent	8	0.73
20	Lancashire	16	1.45
21	Leicestershire	13	1.18
22	Lincolnshire	2	0.18
23	Merseyside	15	1.36
24	Metropolitan & City	19	1.73
25	Norfolk	0	0.00
26	Northamptonshire	8	0.36
27	Northumbria	4	0.73
28	North Wales	28	2.54
29	North Yorkshire	13	1.18
30	Nottinghamshire	21	1.91
31	South Wales	22	2.00
32	South Yorkshire	11	1.00
33	Staffordshire	36	3.27
34	Suffolk	0	0.00
35	Surrey	0	0.00
36	Sussex	3	0.27
37	Thames Valley	1	0.27
38	Warwickshire	0	0.00
39	West Mercia	19	1.73
40	West Midlands	3	0.27
41	West Yorkshire	14	1.27
42	Wiltshire	0	0.00
	<i>Total</i>	554	

¹ See Figure 1

(Home Office [S1 Division] unpublished data)

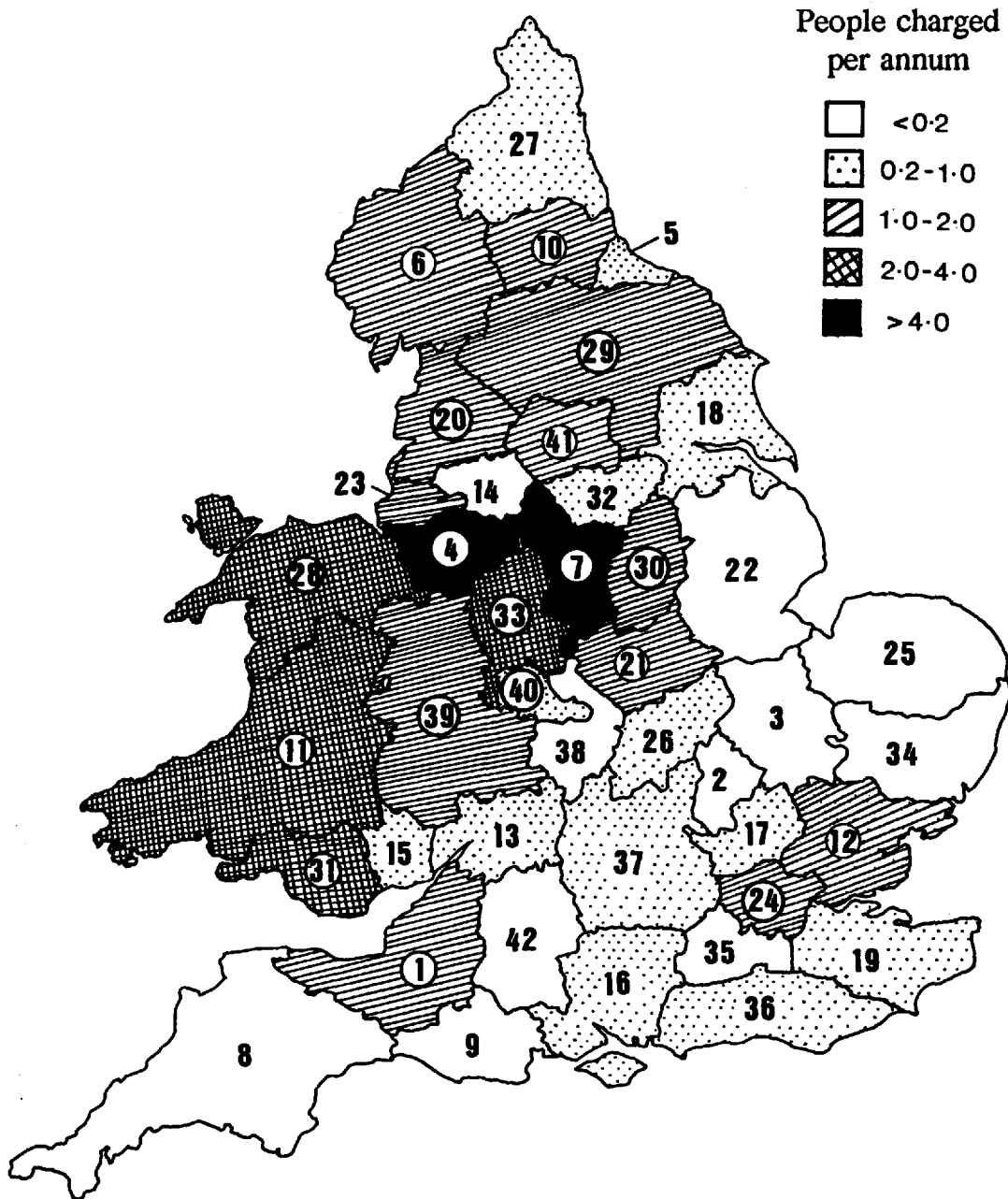


Figure 1 The intensity of persecution offences in different police force areas. The numbered areas refer to the regional police forces, see Table 1.

The NFBG (1990) has also identified the working of sporting 'tunnel dogs' as a major cause of illegal sett disturbance and persecution. In one case known to this author, a single 'terrierman' committed 152 offences under the *Badgers Act 1973* during a six year period. Badgers are traditionally considered an excellent test of the stamina, courage and tenacity of a working terrier (Bourand 1989, Harcombe 1985, Sparrow 1964).

Although it is very likely that the number of prosecutions for badger-related offences is low when compared to the total number of offences committed (Griffiths 1991a), Home Office statistics provide information on the number of badger persecution offences brought to the attention of the police forces of England and Wales under the *Badgers Act 1973* (Table 1). Due to the recognized difficulties of obtaining convictions under the terms of the *Badgers Act 1973*, it can be argued that the number of people charged with offences under the legislation is more reliable as an index than the number of prosecutions obtained. It is important to remember however, that people in breach of the law may also be prosecuted under other legislation, eg *Protection of Animals Act 1911* or by other agencies, notably the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the League Against Cruel Sports (LACS).

From Home Office data (Table 1), it is clear that badger persecution is not distributed uniformly and that some areas are affected more severely than others (Figure 1). Between 1979 and 1989, Cheshire police charged 102 people, an average of 9.27 per annum with badger offences, the highest number charged by any constabulary within this period. The next highest was Derbyshire constabulary with a total of 46 people charged (c 4 pa). Five police forces charged between 21 and 45 people (c 2-4 pa); twelve constabularies charged 11-20 people (c 1-2 pa); 14 charged 1-10 people (c 0.1-1 pa), while eight reported no offences at all.

Organizational characteristics that might influence the number of people charged include the size of the police catchment areas, the numbers of officers, and their geographical distribution within each area. Police force area is linked to human demography, whilst the other variables relate to the ability of a given police force to respond to offences reported within their area. These variables were examined by correlation analysis using data from Byford (1986). From these analyses, it is clear that no significant relationship exists between the number of people charged and the areas covered by the different police authorities ($t=0.31$, $n=39$, $P>0.1$), the number of police officers present ($t=0.45$, $n=39$, $P>0.1$), nor police officer density ($t=0.42$, $n=39$, $P>0.1$).

In the light of these results, a more direct question is whether the number of people charged with badger persecution offences relates to badger density. A detailed national map of badger density distributions has been produced by Cresswell *et al* (1990). By superimposing a map of the police authorities over the badger distribution map, badger density within each police area can be estimated through an index of relative abundance scored on an ascending scale from zero (absent) to five (very common). However, correlation of this data set against the number of people charged per police authority also fails to produce a significant relationship ($t=0.84$, $n=39$, $P>0.1$).

Griffiths (1992) found that, throughout the European States, legal badger-kills failed to correlate with badger abundance, hunter numbers, or hunter effort. However, in two cases (Finland and the former Federal Republic of Germany), legal badger-kills were directly proportional to increases in the membership of the national hunters' associations. The lack of success in obtaining a relationship from a pan-european comparison of these two variables, suggests that the factors that drive badger hunting (and their persecution in the UK) may lie more within social factors and perceptual attitudes than upon any more measurable trait. Certainly, the attitudes of different nations and cultures to the species vary considerably (Griffiths in press), and this is expressed both in national badger-kill statistics and legislative stances. Griffiths (1991a) suggested that, in the UK, foci of badger persecution may correspond with areas of high male unemployment, although this remains unproven. Certainly the lack of historical correlation between the number of people charged with badger persecution offences and police force parameters or badger abundance shows that persecution, as measured by the number of police reported incidents, operates independently of such variables. This also suggests that illicit persecution may continue undiminished, despite any possible increase in police numbers. Furthermore, the recent advent of sterner protective legislation may not of itself bring about a decline in these cruel and illegal practices.

Acknowledgements

Home Office (S1 Division) provided the data used in this study and South Wales Police (Education Liaison Department) provided the police force map. Stephen Harris (University of Bristol) provided a preprint of work in press.

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