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**The Reality of Rural Crime: The unintended consequences of rural policy in the co-production of badger persecution and the illegal taking of deer**

*Rural policy has produced the unintended consequences of illegal deer taking and the persecution of badgers in the rural West Country of England. This article directs attention towards the mechanisms of social relations between unregulated industry operatives, rural networks and entrepreneurial premises. Accordingly, the offending process is shown to be one of 'illicit enterprise', accomplished for instrumental gain through interdependencies between licit and illicit endeavours - practices that emerge synergistically, upon interaction with wider geo-historical conditions. Crucially, illicit activity is shown to be heavily context dependent; contingencies that generate unanticipated outcomes that are peculiar to the tendencies of the South West. Distal conditions are inserted into the explication to posit the antecedent contexts that inadvertently enable the illegal killing of animals.*

## Introduction

This article directs criminological thought to unanticipated and undesirable outcomes of government policy that directly impacts the emergence of crimes against deer and badgers. Legislative contexts are shown to interact with the routine working practices of unscrupulous rural personnel, to produce unforeseen outcomes to the detriment of wild fauna in isolated rural regions. These offenders are nominally regional stakeholders endowed with an expected level of professional conduct: rural guardians, stewards of the land and countryside custodians. An anomalous configuration of crime and context is elucidated in the article with a comprehensive theorisation that foregrounds the precise interaction between structure and agency, thus directly emphasising the impacts of political policy upon actors and locales (Archer, 1995; Elder-Vass, 2010). The theorisation complements existing literature of illicit rural endeavours and advances them by incorporating remote, distal causal conditions with an account that is facilitated by a realist social relations theory of crime (McElwee et al, 2011; Smith et al, 2013; Edwards and Levi, 2008; Edwards, 2016). As such, it is contended that the crimes of the illegal taking of deer and the persecution of badgers for financial gain are the unintended consequences of the following pieces of rural policy: the Hunting Act 2004, the DEFRA and Natural England ‘badger cull’ policy and the European food law Regulation EC 178/2002.

The account benefits from and advances existing insights into rural and counterfeit consumption industry crimes, here articulated as the emergent tendency of *the relations between* specialists, personnel and owners of business or property (Edwards and Gill, 2002). In this case, relations are between rural and meat processing entrepreneurs, employees, and proprietors, intersecting within, between and below licit and illicit networks. As such, the article contends that activities are more accurately

designated as a model of routinised grey market misconduct that benefits from legitimate commercial pathways; an account that is consistent with and advances knowledge on rural and counterfeit enterprise crime research (Smith, 2004; Somerville et al, 2015; Lord et al, 2017).

The research is the first sustained empirical exploration of serious crimes against deer and badgers in the British context and consequently represents a revelatory case study. Empirical data derived from three years of field work in the secluded South West of England is used to advance the theorisation of how rural legislation impacts that region in distinct ways. Key informants within senior positions in rural regulation agencies were interviewed at length and on multiple occasions. Accounts were forthcoming of how red deer are being *illegally killed and taken* at night, from the rural wilderness, to instrumentally satisfy licit venison supply chain demands on a scale that constitutes large scale volume crime. A crime that is depleting a geographically bounded region of the country's largest (and most iconic) wild mammal, according to the rangers with decades of experience managing it. The routine contravention of substandard traceability systems and persistent evasion of degraded enforcement facilitates the generation of 100% profit (after fuel costs) from unregistered primary produce entering game meat supply chains (Goodall, forthcoming). Illegal stock enters legitimate supply chains through instances of professional misconduct, a regulatory void that also enables the patterned persecution of badgers by nominal rural stewards in conjunction with their professional duties. Badgers are a protected species and preventing their persecution is a British wildlife crime priority (NWCU, 2020). Contractors with Natural England 'badger cull' licences are revealed to use the working terms of the cull to illegally take deer in an ancillary model of depredation. The specialist position provides a legitimate professional justification for their physical presence in isolated rural regions, at night, with firearms

and other necessary equipment. It also affords them direct access to habitats with an abundance of fauna. Further, it is revealed that the cull contractors are able to gain additional payments-per-cull from shooting badgers improperly, in ways that contravene the stipulations of the dispatch protocol and that constitutes persecution under the Protection of Badgers Act 1992.

The routine activities of rural workers, who fulfil countryside occupational positions, such as gamekeepers, deer stalkers, approved game handling establishment employees and some farmers or farmhands, provide the ideal working conditions to TB. According to the accounts of key informants, offending processes are ancillary to the official occupational duties of the rural personnel: duties such as shooting foxes at night, reducing corvid numbers, or other so-called pest reduction procedures associated with gamekeeping and countryside management. This is a position that is commensurate with the assumptions of the Food Standards Agency, reports of raptor persecution and existing typologies of wildlife crime offending (FSA, 2016: 26, 46; Newton, 2020; Nurse, 2011: 46).

Suspects in the form of rogue countryside stewards therefore have their capacity to offend triggered by the opportunity structures that their business duties and practices determine, when compounded by the rural policies discussed below. Structures that enable suspects to freely depredate the suitable targets of deer and badgers in the physical conditions of the unguarded isolated wilderness in the dead of night for significant financial gains during the course of and crucially, with recourse to, their occupational responsibilities (Goodall, 2019). These material conditions render targets suitable and all forms of guardianship minimised. The consequences of such persistent deception have the potential to cause a severe public health emergency, should an inexpertly butchered deer carcass enter supply chains, contaminated with Bovine TB

(Enticott, 2011; FSA, 2016). Badgers were reported by experts to have been left to bleed out for days in small cages during the summer heatwave of 2018.

Chiefly, this article contends that it is the wider, political economic pre-conditions, which uniquely impact the rural English West Country, that inadvertently actualise the offending patterns and potentialities discussed throughout. The pre-existing research on animal killing in rural England tends to prioritise the proximal, or immediate circumstances in explications of deviance, at the expense of confronting macro socio-political contexts (Wellsmith, 2011; Wyatt, 2016). Diagnoses that negate distal ontological conditions, such as the legislation focused on in this article, or the impacts of retrenchment on local rural authorities, or socio-cultural trends such as the construction of venison as a healthier alternative to other red meats, *necessarily* offer only partial insights. An unnecessary under-determination results from such analysis, which reduces our capacity to holistically elucidate the problem and brackets critical elements off to the theorisation of the explanandum.

The article develops a realist social relations model of explication, which augments a critical realist metatheory of social science with a routine activity theory of crime (Cohen and Felson, 1979; Sayer, 2000; Sayer, 2010; Edwards and Levi, 2008). This theory is discussed in the following section. The methodology and ontology adopted to conduct the research are then moved onto. The novel conceptual framework of grey market illicit enterprise and illegal killing or taking is then introduced and interspersed with existing literatures on crimes against animals in rural regions. The aetiological significance of three pieces of rural-centric legislation are then integrated into the explication of crimes as unintended consequences.

## **Realist Social Relations Illicit Enterprise Theory: Relations between agents and contingent conditions**

Rather than adopting either a nomothetic causal model, which registers empirical variables across disparate contexts, or an idiographic model, which provides vivid interpretations of the lived experiences of agents, the realist social relations account adopted throughout directs attention to the necessary substantial and formally contingent relations of a problem (Sayer, 2000; Edwards and Levi, 2008: 365; Sayer, 2010: 80-100). Accordingly, the realist approach deepens the ontology of offending and invites us to lift our gaze from the street, or in this case the muddy field, to the treeline above. It reinserts geo-historical pre-conditions into aetiological explanations of the emergence of crime processes and is interested in their contradictory tendencies (Edwards and Hughes, 2005: 350). As such, distal, or remote contexts are understood as causally efficacious conditions that impact the necessary relations between suspects of crime in particular, contingent ways, and mediate their actions according to other conditions present in a conjuncture (Sayer, 2010: 62-74).

Therefore, it is the social relations between entities, such as rogue gamekeeper, licit trader and illicit haulage contractor or meat vender, and their wider interrelations with spatial-temporal specific societal contexts, inducements and pressures, that hold purchase in the account of offending. This makes the social relations model particularly compatible with routine activity theory (Cohen and Felson, 1979; Edwards and Levi, 2008: 379). The crime triangle interaction of motivated offender, suitable target and absent guardian typically posited by that traditional criminological theory affords us a readymade relational mechanism. When integrated and synthesised with routine activity theory, the social relations ontology supplements the traditionally parsimonious explanatory capabilities of the former classical approach (Edwards and Levi, 2008: 378).

It enhances the dimensions that our accounts are able to elucidate by scientifically abstracting the distal, contexts that offenders are enabled by, and capable guardianship is constrained through (Edwards, 2016: 993). Complementing this explanatory model and enhancing the framework is the illicit enterprise crime literature (McElwee et al, 2011; Smith, et al 2013; Somerville et al, 2015).

The enterprise category helpfully directs thinking away from nebulous folk devil constructs or exogenous organised crime gangs and toward the specificities of the interdependencies between agents within licit and illicit small to medium business entities. Edwards and Gill contend that this approach is '*directed at the regulation of interdependent licit and illicit markets and when events become nuanced, slips between legitimate, grey and black-market enterprise*' (Edwards and Gill, 2002: 211). Adam Edwards further articulates the strength of the enterprise approach by contending that, '*[i]t accommodates looser partnerships of co-offenders and consequently acknowledges the phenomenon of project crimes arranged by networks of illicit entrepreneurs*' (Edwards, 2016: 981). This model is more precise and consistent with the unit of analysis than the concept of 'corporate crime', which tends to denote persons '*of respectability and high social status*', rather than small business owners and gamekeepers operating in the dead of night in muddy wellington boots and bloody overalls (Edwards and Gill, 2002: 203; Goodall, 2019: Ch4). These are not 'white collar' crimes - they are crimes of the *personnel*, rather than of the powerful. As such, it is proposed that the causal mechanism of the routine illicit enterprise activities of rural industry personnel in the English West Country is unintentionally operationalised by the legislative contexts being revealed throughout.

The critical realist ontological perspective being adopted contends: '*that by 'conditions', we simply mean other objects, these having their own causal powers and*



*liabilities'* (Sayer, 2010: 73). The conditions under which objects come together and are articulated, such as the relations between licit and illicit networks and grey market traders, or the routine activity enterprise crime triangle, activate or constrain a structure's causal powers. As such, it is these configurations of conditions that have unintended and unanticipated consequences when reacting with other, localised tendencies present in a conjuncture, which compounds, rather than counteracts their emergence.

It is argued from a scientific realist position that, *'the outcomes of the activation of mechanisms (e.g. crime prevention programmes) always depends on specific contexts'* and that, *'[e]xplanation requires mainly interpretive and qualitative research to discover actors' reasoning and circumstances in specific contexts – not in abstraction from them'* (Sayer, 2000: 23). Edwards and Levi note that an awareness of distal context *'informs more strategic considerations of the social preconditions for serious crimes'* (2008: 368). By acknowledging the conditioning powers of contextual settings from a routine activity social relations perspective, the authors state, *'[f]raming-in a concern with context entails recognition of the explicitly political-economic and cultural structures that underlie (or undermine) the crime triangle'* (Edwards and Levi, 2008: 378).

## **Ontology and Methodology**

Commensurate with a commitment to an integrated realist social relations routine activity theory, the research strategy deployed was based around an intensive model (Hare, 1979; Sayer, 2000; Edwards and Levi, 2008: 375). Sayer (2010: 163) suggests; *'In intensive research the primary questions concern how some causal process works out in a particular case or limited number of cases. Extensive research, which is more*

*common, is concerned with discovering some of the common properties and general patterns*'. Edwards and Levi contend intensive models direct focus toward '*substantial relations of connection, both necessary and contingent, involving causal actors*' (Edwards and Levi, 2008: 368). This strategy is therefore commensurate with the social relations routine activity theory synthesis (Edwards and Levi, 2008: 365-368). The intensive and causal powers approach to explication is vital because of the centrality that 'context' held within the research; there are red deer in the Scottish Highlands, but there isn't an abundance of game handling establishments. Nor are the deer as healthy and meaty in the highlands, due to the more verdant grazing pastures in the South West, where the climate is less harsh and the terrain more hospitable.

Research was conducted between 2015-2019, while data collection was most concentrated during 2017 and 2018. Semi-structure interviews were accomplished with amicable senior level experts working in the fields of rural, animal and food crimes. Many repeat interviews were conducted, as were trips out into the field for participant observation experiences. The probe sampling model was adopted, which relies on the uniformity of a relatively small quantity of very well-informed respondents (Collins and Evans, 2017). This sampling procedure coheres with the intensive strategy focus and was complemented by my own lived experiences of the rural West Country. I was born, raised and have returned to work in the West Country, while my father worked in a rural profession there as well. To begin the probe, I initially exhausted online searches for available press materials on crimes against wild fauna in Britain and contacted the experts who were interviewed by those media sources. Experts were exceptionally helpful, all responded, and none refused to be interviewed. Respondents were gracious and forthcoming with rich depictions of what the problem is, how it might be emerging, who are the key players, what is accelerating or frustrating it, and how we might respond

to it. I progressed to more respondents until saturation was reached in relation to expertise of the South West: when experts that I had already interviewed were being referred back to me. The first year of the research was spent discussing all major non-anthropocentric crimes, such as badger baiting, hare coursing, bat roost destruction, rare bird egg theft, and fisheries poaching, before focusing on a particular set of under-determined crimes most pernicious to the locale discussed throughout.

36 interviews in total were conducted with specialists which is outlined in the interview table in figure one (see appendix). I interviewed expert representatives such as chief investigators, senior inspectors, accessors and officers from agencies and organisations constituting key stakeholders. As such, this expertise represented all institutional stakeholders of relevance to the case that I was able to locate over a one-year preliminary exploration of existing data. Civil society community group stakeholders were not included, so the findings would represent formalised institutional expertise on crime emergence and reduction. Interviews ranged between 30 minutes and 3 hours 30 minutes and took place in offices, police stations, homes, deer larders, muddy Land Rovers, and food premises. Interviews were later transcribed, and significant data was thematically coded. Data is representative of the interpretations of the experts interviewed. Aspects that were revealed by multiple respondents who were disassociated with one another feature in the analysis, rather than singular remarks by one respondent that wasn't echoed by others. The drawbacks of the research pertain to any case study research design in that they are not generalisable to fauna crime globally or even nationally, as such the theorisation is not generalisable to say, hare coursing in East Anglia nor fisheries poaching in mid Wales. But this drawback is also the study's strength, which is its vivid insight into the aetiology of the commercial persecution of badgers and deer. The other notable drawback is the data is obtained through experts'

interpretations and not the suspects themselves – this was primarily due to potential threats to researcher safety. It is also of note that some non-police experts interviewed were said to share land borders with the suspects and were friendly with each other outside of professional duties – which is a point for reflection and further research in itself.

### **The Illegal Killing of Animals in Rural Regions: Deer taking and badger persecution**

The illegal killing of animals has a rich body of literature with varied research interests and units of analysis (Moreto, 2018). Meanwhile, understanding the rhythms of rural wrongdoing is of growing interest to criminologists (Donnermeyer and DeKeseredy, 2014). Deviance relating to fauna in rural regions has been discussed using routine activity theory, cognitive neutralisations and instrumental rationalisations (Eliason and Dodder, 1999; Wellsmith, 2011; Eliason, 2012; Enticott, 2011; Smith, 2004). It is less frequently framed with a critically oriented structural account (Duffy et al, 2015). These frameworks tend to remain distinct and do not bridge the divide between the proximal and distal delineated elsewhere (Edwards, 2016). Articulating crimes as an anomalous outcome of rural misconduct and professional collusion exposes nuances to develop our understandings of these processes (Croall, 2012; Smith, 2004; et al 2013; Somerville et al, 2015). These nuances avoid constructing rural misconduct and persecution as an external relation of organised crime related to black markets (Wyatt, 2016; Wyatt et al, 2020). Offender typologies suggest that rural workers, such as gamekeepers, commit offences for ‘economic’ incentives, in what we might term a model of *revenue protection* (Nurse, 2011: 46). Acts such as the illegal shooting of raptors to protect game birds on shooting estates tend to fall into this model. This does not explain the dispatch of deer and badgers, which is not a form of illicitly protecting stock from natural predators.

Rather, it is enacted to create new, additional, avenues for illicit financial gain. Offences that are *ancillary* in form, supplementing the primary duties and income of the countryside worker: circumstances that insulate the offending process due to the appearance of legitimacy in a physical surround notable for its absence of capable guardianship.

To advance this notion of secondary, ancillary business malpractice is the concept of illegal taking (Goodall, 2019: Ch5). This category can be read in contrast to and complementary with the 'poaching' of deer, to widen the available analytical concepts of the field (Von Essen et al, 2014). While both crimes can occur in the same region, in parallel to one another and often are committed by the same offender, the offence is distinguishable by other central aspects pertaining to social, legal and property relations. Respondents in the research, such as this senior level expert practitioner with 30 years' experience, offered the following account, which contributed towards the ontological distinction being advanced:

*'They [real poachers] have neither the permission to be on the land, nor do most of them have legally held weapons. They were bringing deer down with long-dogs, sometimes at night, but very often at during the day as well.*

*You then have the gangs of poachers who are into all sorts of rural crime as well, if they see a quad bike standing about, they'll half inch that, they'll steal diesel, they'll steal whatever they come across, and also will be after the deer.*

*They're by and large nefarious people, they're criminals. And that was certainly the model that we encountered, and I've encountered, elsewhere.*

*[distinction]*

*The difference in the South West, is that the majority of deer that are 'taken illegally' are taken by local people, who know the ground very well and many of whom are operating on lands where they have permission to shoot.*

(Expert witness and livestock vet).

The characteristics of the distinction between 'illegal taking' and traditional criminal poaching were highlighted by other experts:

*'They [illegal takers] are invited by some farmers onto their ground, because the farmers don't want to shoot the deer and if it's done at night, it doesn't matter, if it's done during the day, it doesn't matter, as long as the deer are sufficiently disturbed to move onto someone else's farm.'*

(Local expert witness).

*'What happens in Devon and Somerset, people are shooting on land that belongs to their families, but they are taking illegally at night.*

*There's a kind of smug self-satisfaction that we can get away with it, and no one can touch us, we'll do it because our dad did it.*

*We know two local farmer's sons in their mid-twenties who earn a good living by killing deer at night, if you're shooting 200 deer [a year] and you're selling them for £150 each, you've got a cash income of £30k PA. These lads aren't working, they're not working on their father's farm.'*

(Deer specialist and vet).

Offenders in formal rural occupational positions are being invited onto lands to remove deer from the property of the owner, because they have the necessary skills, equipment, and supply chain access to do so. As such, these accounts emphasise the applicability and analytical congruity of the illicit enterprise theory propounded throughout (McElwee et al 2011; Smith et al 2013). Statements from experts support this theorisation:

*'We know who is operating under these kinds of conditions; they're farmers' sons, they're local butchers. And these people are generally not rural criminals. They're not thieves, they don't steal quad-bikes, they're just out for the deer'.*

(Deer surgeon, expert police witness and local livestock vet).

*'And then you've got these other lads who have been butchers and country lads all their life, and they're out shooting deer just for profit and then you've got other lads who have an obsession with guns and shooting and see it as a way of topping up their income'.*

(National Park Head Ranger).

*'I don't think they're particularly anti-wildlife, so to speak, but those kind of people, they tend to be people who have been in the farming community for a couple of generations maybe, or certainly all their lives'*

(Police Officer, South West Illegal Meats Group).

Accordingly, specialist offenders who are conducting routine rural activities and are invited on to, or who own land themselves from which they take deer, are not poaching in the commonly accepted and legalistic definition of the term, because one cannot poach from oneself. Poachers invade an area they are generally not local to and trespass on property they do not have a lawful right to be on. Additionally, their objective is to take something of value. As described by experts in the preceding quotes, the deer do not hold value to the majority of rural landowners and are in fact regarded as a pest. Deer hold value to deer farmers, such as at Powderham Estate in Devon, or to those with the means to transform deer into venison produce and profit from their filtration into food supply chains. To countryside estate owners, general landowners or arable farmers, who do not have access to or ownership of commercial deer processing facilities, the presence of the deer on their land will be an encumbrance. Deer are infamous for their voracious appetites for hedgerows, trees and crops. Illegal takers are invited onto the land in response to dispatch the unwanted deer in a form of clandestine pest removal, by disinterested landowners, as the following quotes highlight:

*‘Some of them are actually invited to do it by landowners who want the deer quota dealt with.’*

(Deer surgeon).

*‘From the farmer’s point of view, it’s about pest control. They get a bit of meat out of it maybe, but largely it’s about pest control. So, they don’t give a monkeys if*



*someone's going on their land and shooting at night, so long as they... I would say if they knew that person it wouldn't be such an issue for them.'*

(Environmental Health, meat specialist).

*'They are taking deer from other people's land, but with the tacit agreement of the landowner, because far from believing the deer to have a value to them, like pheasant, they are finding the deer to be a nuisance, and they want someone to do something about it'*

(Deer welfare expert).

*'Deer come in and destroy crops, they'll strip a field, you'll see when they've been in an eating crops or the amount of grass they'll consume, so they'll say 'doesn't bother me if they're gone'.*

(Trading Standards Animal Welfare Officer).

*'They're still letting people shoot the deer, so people legitimately who have knocked on the door and said 'can I shoot them?', but equally they seem to turn a blind eye to the poachers down there, they seem to be not that bothered.'*

(National Gamekeepers Organisation Spokesperson).

The accounts from experts and the theorisation being advanced emphasises the strengths of the social relations account of the problem; the offenders and their

collaborators are nominal 'guardians', in the form of countryside custodians, trade professionals and rural stakeholders. Orthodox routine activity theory and rational choice are ill equipped to explain these anomalous aspects where guardians and offenders blur, shift and bind together. The novel inter-relations that are currently being discussed are unintelligible without reference to the appropriate social, political, and economic contexts. It is to those contingent conditions and their impacts on the localised, necessary relations of the rural West Country that we will now turn.

### **The Hunting Act 2004**

The first piece of rural-centric legislation to be discussed is the Hunting Act 2004. The Act inadvertently provides the conditions that compel potential offenders, thus enabling their capacity to commit crimes within the conjuncture being discussed. Landowners invite illegal takers of deer onto their property or allow deer to be 'illegally taken' from their land by giving shooting permissions for a reason that illuminates the realities of the concept of the illegal taking of deer in the rural West Country, during the historical period of the Hunting Act 2004. All three of the remaining stag hound packs in the U.K exist in the relatively compacted locale where this research took place. The Devon and Somerset stag hounds trace their lineage back to 1598 in the region and claim that deer have been hunted in the region since the Norman period. The stag hunts cultivate a deep cultural attachment among certain sectors of the countryside community. The propertied classes and remnants of the aristocracy in the region are avid stag hunt supporters and the traditions bound up with the cultural history of the hunts are heavily guarded by those members of the community. Stag heads adorn the walls of most of the pubs, Barbour jackets are the standard fashion item, the Boxing Day hunt

parades are a celebrated spectacle of the remnants of a bygone era. As the following quote outlines:

*'There's this hunting culture up here, everyone has an interest in the deer and the deer are perceived as the hunts' deer. Hence any stalking and shooting is very much frowned upon.'*

(National Park Head Ranger).

As such, landowners allow illegal takers onto their grounds to informally and covertly cull deer, in absence of the lawful hunting syndicates that were largely disbanded and criminalised, due to the Hunting Act 2004. To the landowners associated with the stag hunts, the deer and what they symbolise should be fought for and preserved. However, the Hunting Act has produced the unforeseen outcome of the steep proliferation of deer in the region. Due to these circumstances, deer in the area have precipitously increased and their abundance is purported to have created an adverse effect on the ecology of the land. Because of this exponential flourishing they are perceived as a pest by landowners, while dualistically being of great historical relevance to their cultural customs and positions as countryside estate owners. Landowners therefore collaborate with illegal takers by permitting suspects to informally control the deer numbers on their land. Permission is said to be granted foremost to prevent damage to the landowners commercially valuable crops. It is alleged by experts in the region that illegal takers are given permission to enter the lands to control deer numbers in a model of illegal culling, because the stag hunts no longer have the lawful capacity to do so, as the following quote highlights:

*'Since the ceasing of hunting, there is more poaching and that's because there is less incentive for small farmers to maintain and keep red deer on their land really. The hunt would always look after them [reduce their numbers] a bit and I think basically what's happening now is the deer numbers have increased and the farmers are turning a blind eye to the poachers, because it's easier to do that than have the problem.'*

(Expert Organisation Spokesperson).

*'Some of these people, because they are hardened followers of the mounted hunts, the stag hounds, the Devon and Somerset and the Quantock stag hound very strongly disapprove of shooting deer. They think that deer should be controlled with the hounds only, but it's absolutely impossible for the stag hounds to kill enough deer to control the population, so some of these hunting farmers who do not want to be seen to be shooting deer themselves will quietly have a word with the [offenders] and they will say "we've got a real problem with a lot of stags in the middle of the night standing in fodder beat, they're trashing the place, can you come and knock a few over?" And the lads say "yeah of course we will, leave the gate open and we'll be there tomorrow night!"*

(Local deer welfare expert).

The shooting of deer is therefore anathema to the stag hunt supporters in the South West, so the illegal takers are permitted to manage the increasing population with the tacit, often reluctant acquiescence of the landowner. In the cold light of day, the

allocation of shooting permissions by these members of the gentry would be met with scorn and derision by the close-knit countryside propertied classes, yet many are reportedly allowing the illegal taking of deer from their land behind closed doors, with a wink, nod and tip of the hat. If the shooting is identified as occurring on their land or it becomes evident something untoward has occurred to an ostensibly cherished deer, the landowners who permitted the illegal taking designate the activity as an act of 'poaching'. This signals an ontologically different offence and points attention to external folk devils invading the region without professional skills and shooting permissions, nor an invite onto property or permission to shoot across it. Such misconstrued signals emitted from the region reach the media, which then adopts the conventional labelling of poaching and organised crime (Sawyer and Burke, 2017). The act of intentionally mislabelling the crime of *illegal taking* as proper 'poaching' is deployed by informal guardian stakeholders. This is said to be accomplished with the aim of deflecting unwanted reportage from the localised acts of collusion with the illegal takers of deer. This tactic is noted by an expert with years of experience responding to these types of crimes in the region:

*'The farmers don't want to get a reputation with the stag hound community as being people who shoot deer, because that is absolutely not PC if you're in the stag hound community. Then they can complain that they've had poachers on their land, when actually they've been complicit in the arrangements.'*

(Anti-poaching Operation, expert witness).

The characteristics of the illegal taking of deer being discussed show how the Hunting Act 2004, which was a hard-won piece of environmental legislation, precipitates the killing of deer in unanticipated ways. It is creating the distal standing conditions for illegal taking by enabling motivated offenders when combined with regional cultural contexts and material features of countryside occupations. Stag hunt supporting rural landowners are complicit with crimes, by inviting suspects to illegally take deer, a relationship causally enabled by environmental legislation. Rural policy ostensibly protecting foxes from hunting has therefore dispersed harms onto deer in a regional context since 2004. This combination of spatial, temporal and political conditions has not caused the illegal taking of deer to emerge in the same way in other rural regions, where stag hunts have not historically controlled deer population numbers.

An avoidable natural harm arises from the identified relationship between collaborating country landowner and illegal taker; while the historical stag hunts would allegedly cull the older, infirm, and diseased specimens of deer, the contemporary model of illegal taker are less conscientious. The status, health and size of the deer are not considered during the targeting of deer and the primary objective is harvesting as much product as possible, to obtain the most profits from the sale of venison. Illegal takers do not respect the proper practices and ethics of deer management. Therefore, the largest, healthiest stags are being targeted while in their prime, due to their potential to achieve more in profit per kilo of venison. This unfortunate trend contributes to a downward spiral of the overall health of the species in the geographically bounded region, as the local gene pool shrinks. The careless and indiscriminate approach to dispatch means that the runts are left to mate with the hinds and reproduce the next herds, while also increasing the potential for harmful inbreeding amongst the deer. The offenders who are taking deer by this method are also not experts in wildlife health and are therefore potentially

facilitating the entry of deer with Bovine TB into supply chains. The inexpert filtration of tainted meats killed in unsanitary conditions into food business operations could severely impact public health. These experts were keen to express these serious problems:

*'When it comes to large game, it's slightly different because you have got things like TB... And wasting disease and various parasites and things like that. And the issue with poaching deer is obviously it's armed trespass at its worst, for the landowner at least, but if they're shooting at night it's obviously dangerous because you can't see what you're shooting past, you don't see what diseases the animal has potentially got, because normally they're lying down or sitting down in a field anyway. It's bad for the deer populations, the level of disease is likely to increase over the years because deer are getting no rest, because normally if you're only hunting deer during the day they can at least rest during the evening, if they can't rest during the evening or at night time, if they're constantly on the move through fear of being predated by poachers, then immunity goes down, level of disease goes up.'*

(Environmental Health, wild game meat expert).

This expert emphasises the serious threats to public health that inexpert methods of hunting and butchery of illegally taken deer could represent:

*'So, if he's shooting deer in the middle of the night, then he's not doing his checks, he's not looking at things like the pluck, for signs of TB or for certain*

*cysts, or any other illnesses that could come with wild deer. So, if you've got somebody that's dropped a load of deer and they're TB ridden and then they pass them on..'*

(Environmental Health Officer).

It should be noted that it is not being recommended that the Hunting Act 2004 be abolished, but that it should be strengthened and properly enforced. The hunts being discussed are also alleged to continue to hunt illegally, in breach of the Hunting Act (Casamitjana, 2015).

### **The 'badger cull' policy**

The illegal taking of deer by rural workers is being generated by other unexpected antecedent conditions that have accelerated impacts specific to the rural West Country. The state-wide badger cull has been a government policy initiated by DEFRA and Natural England since 2013 (Enticott, 2014; Natural England, 2019). Rural enterprise personnel with firearms licences and experience of land management are invited to apply to Natural England for a licence, to implement the badger cull policy. It was reported by expert respondents in the fields of countryside management, and other key informants, that rogue elements within rural professions become cull contractors to exploit the terms of the cull for the purposes of significant instrumental gains:

*'That's one of the worrying things about the badger cull. You're giving rifles and night vision equipment to people who we know are involved in deer poaching.*



*So they're going to be 'legitimately' out at night with rifles, ostensibly culling badgers for the government, but they'll be knocking over deer as soon as they see them'.*

(Deer specialist and veterinary surgeon).

Operatives with firearms certificates and land permissions to dispatch other perceived pests or hunt wild game, who obtain licences, are paid to kill badgers and are supplied with the ammunition to do so. These enticing material incentives encourage (relatively poorly paid) rural workers to apply for licences and enable illegal deer takers to operate under the pretence of undertaking the professional role of a cull contractor. They can use the equipment supplied to them for the purposes of culling badger to illegally take deer and conceal the malpractice within their legitimate working patterns. The cull practices are unmonitored and without the presence of expert regulators, thus facilitating opportunities for deviance. Venison supply chain processes are also acutely vulnerable to malpractice, as I have shown elsewhere and as the following quotes from experts emphasise: *'It's [persecuting badgers] extremely difficult to detect. These people are going out into secluded woodlands, sometimes on to farmland with permission of the owner, which makes it extremely difficult to investigate'* (Morris, 2018; Goodall, 2019: Ch 6). As such, the imbrication of relations between offenders and guardians is further highlighted.

Devon is the county that has featured predominantly in this research, with most of the suspects, offending and respondents being situated there. Devon also has more licenced badger cull zones than any other county in the country. It had six active zones at the time of the research being conducted, with five more being expected in the coming

year. The county with the most cull zones after Devon is Wiltshire, with three, followed by both Cornwall and Somerset, with two. All of these counties are situated in the rural West Country. Cornwall and Somerset are the other two counties that feature predominantly in this research (DCaBC, 2018). All suspects and cull zones are situated in areas of indefensible rural wilderness; the seclusion and remoteness from guardianship enabling suspects to conceal offending under the terms of the badger cull (Goodwin, 2017). According to government statistics, only 149 of the 34,000 recorded cull dispatches were witnessed by official monitors (Natural England, 2020). The policy provides offenders with a formal and government sanctioned justification for being in deer rich habitats with firearms and an opportunity to conceal the illegal taking of deer amongst their professional duties. This policy not only provides the standing conditions for *ancillary* illicit enterprise activity to emerge, but suspects are also reported to be exploiting the finer stipulations of the cull, for additional financial gains, as this expert reports:

*'To become part of the badger cull, you obviously have to be a registered firearms certificate holder in the first place and you have to go to a briefing held by DEFRA or Natural England, and you have to meet criteria once you're on those permissions as well. It's bagged and tagged in different areas, because not only do they shoot but they also trap, and any trapped badgers are dispatched with a shot, but trapped badgers are shot in the head and ones out 'lamped' or free roaming are chest shot.*

*Now this is the ridiculous part of this, which again purely by a government body is open to abuse and I already know that's happened as well; they get a fixed amount per badger, i.e, financial. So a free-roaming, I think, it was anyway but I*

*don't know if it still is, but a free-roaming-badger shot in the chest is worth £25, ok, a caged badger shot in the head, is worth £20.*

*So if you're doing it for the money and there's a badger in a cage, why are you going to shoot it in the head and take five pounds less, when you can shoot it in the chest and get five pounds more? And they're naive enough to think that it's all done properly and correctly. I mean I don't doubt if they got caught doing it they'd get kicked off the cull, but again it comes down to a policing issue doesn't it?'*

*(Deer stalker and countryside management tutor).*

This significant finding suggests that not only is the badger cull policy being exploited by rogue countryside practitioners for financial gain derived from venison production, but that instances of badger persecution are being committed during the dispatch process, to achieve increased payment per carcass – crimes which contravene the protection of Badgers Act 1992. An animal that is shot in the chest will not die instantly. Therefore caged badgers are being deliberately shot incorrectly, so the Natural England contractor can gain an additional £5 payment per kill, while the badger will die slowly enclosed in the cage. My research was conducted during a prolonged summer heat wave. It was during those temperate conditions that the offending process of dispatching caged badgers improperly was revealed. One year after research for this article was completed, suspects that were discussed by experts were arrested for violating badger laws and improper shooting (BBC News Cornwall, 2019). 28 badgers were found to have been illegally shot by a Natural England licence holder outside of the lawful shooting season dates, to achieve increased financial payments for cull work.

Carcasses were stored in deep freezes on the rural entrepreneur and legal firearm holders' property, for submission to Natural England at a later date (ibid).

The convergence of motivated rural workers exploiting the terms of the cull licence with suitable targets, under the distal conditions being revealed, is compounded by a further localised condition. During the research, Devon and Cornwall Police released a policy statement advocating for the Badger Act to be temporarily halted in the areas of the badger cull, because, *'policing the cull has added to pressure on forces already badly hit by cuts'* (Morris, 2018b). The intervention was heavily criticised by campaign groups and the public. It signals the potential decriminalisation of harming badgers, which emboldens potential offenders and informs criminal enterprise operators taking deer and badgers in the region that police forces are incapable of enforcing laws, due to localised instances of retrenchment. This tacit legitimisation is argued by campaign groups to be fuelling rising cases of severe badger persecution (Dalton, 2018). The policy condition of the badger cull provides further distinct criminogenic opportunities and enticements for rural operators to benefit financially. The process was reported to me by key informants in the locality. They stated that the potential for deer with Bovine TB to contaminate farmers' livestock is being disseminated amongst the farming community as an alarmist device by cunning offenders to gain permitted access to deer on private land:

*'And the other thing they quite often use is, obviously you're aware of badgers and the TB.*

*Well deer can also carry TB, so what a lot of these people do now, to skirt around the edges is they'll say, 'oh deer carry TB as well, you know? Well I'm overrun with*

*deer, get rid of the bloody lot'. Because they can legally shoot deer, whereas you can't legally shoot badgers, unless you're part of the official cull.*

*And that's a beneficial avenue for them to bring that up, purely knowing that no farmer is going to want to be TB restricted. And if there's an avenue for them to get what they want, ultimately to shoot the deer, for financial gain and the farmers then made aware that they also carry TB, there isn't a farmer in the South West that's going to want them on their land!'*

(Countryside manager and Deer Society Accessor).

These accounts highlight the variance of crimes that the DEFRA and Natural England badger cull policy inadvertently facilitates in localised interactions with other mechanisms in the rural West Country; crimes that would not be determined in such a way by rural workers and their interdependencies with country landowners, in other conditions, during different times and in alternative places. The analysis foregrounds the localised contextualised interactions of offenders with legislative conditions, or agency and structure, in unforeseen ways.

### **European Food Law Regulation EC 178/2002**

The European food law Regulation EC 178/2002 legislates the way in which deer carcasses are processed into venison by primary producers within the wild game production industry (FSA, 2015). It is European-centric legislation, which according to my respondents, is more harmonious with the hunting practices of French primary producers or hunters, than British based ones. This contention is due to the notably differentiated social and material conditions that the French hunters are embedded in, in contrast to

British deer stalkers. France is a far vaster nation-state with more rural landmass than that of the United Kingdom, and there is a higher volume of game hunters, due to venison consumption being more normalised within French culinary conventions. There are also far more independent rural eateries that hunters can supply in small quantities to, and the supply chain process is less characterised by commercialisation; bespoke small food businesses relying on the supply from individual hunters, rather than the larger commercial activity of British food premises interacting with wholesalers and approved game handling establishments (Renting et al, 2003). A compounding problem is the lack of robust traceability and auditing systems within British game production, as the quote below highlights:

*'Under the game meat regulation, which is an EEC regulation enshrined in law, the primary producer, that's the person who shoots the deer, can sell limited quantities - without it ever being defined - can sell limited amounts of venison to anyone they want to. Including retail butchers and restaurants and pubs and hotels, without the need or requirement of the carcass to be tagged or the carcass to be traceable.*

*I think that the EEC game meat regulations are not fit for purpose in the UK, because deer hunting is regulated differently on the continent, Germany, France, Scandinavia, they all have a properly regulated hunting structure, whereby if you shoot a deer, you have to tag it straight away, you buy a tag from the local government and that gives you permission to shoot the deer to start with.*

*Because our deer stalking is so unregulated and it's such a free for all, the European game meat regulations are not really fit for our purposes.*

*The hunters' exemption should be abolished, it should be done away with, the limited quantity exemption for retail sales. But I don't think the government is going to go anywhere near a piece of legislation like that with all the regs it's got.*

(Animal welfare expert and deer surgeon).

In the European model, hunters must purchase hunter declaration tags from regulatory agencies prior to each kill, which link a dispatcher to a carcass and are catalogued systematically. This is not the case for British game hunting, which has no robust or digital traceability system, as experts were keen to point out:

*'What documentation does he need? He just needs a tag, I didn't bring any with me. It's just a white.. You fill in where you shot the animal and that's it. That's no traceability, and nobody's doing anything with that information anyway.*

*Traceability is just so poor, why aren't the FSA enforcing the AGHE to make sure all those hunters are registered with the local authorities? That's easy...'*

(Senior Environmental Health Intelligence Officer).

*'I think the problem is that the legislation is such that the scenario that I outlined, can be legit, it is legit, but the guy doing the round or buying the deer off the hunters, again it's a grey area, it encourages that criminality, it's easy, it allows that person to poach a deer, or obtain a deer, shall we say, and pass it on easily and it's fine. This guy comes along with a trailer, picks it up and it disappears again, he gets cash in hand, its easy money isn't it?*

(Senior Environmental Health Officer).

Paragraphs 15-17 of the Wild Game Guide, which is the British best practice guidelines for lawfully producing venison, states the regulations for venison dispatch and processing (FSA, 2015: 12). The paragraphs state that carcasses are permitted to be sold 'in-fur' (pre-skinned) in 'limited quantities', 'locally' and 'direct' to the final consumer. This code of practice is implemented to minimise the movement of a carcass once inside a supply chain, thus aiding the traceability of the meat before it is butchered and reducing the potential for contaminations. Expert respondents stated to me that this legislation, informally referred to in the industry as the 'hunter exemption clause', is easily subverted and *encourages* illicit enterprise activity. Thus, it is a regulatory distal condition, which inadvertently compels prospective offenders under contextual pressures more compatible with French hunting and consumption practices. It is a transcontinental structural force that is inharmonious with local wild game business customs in the West Country of England.

The legislation triggers offending because there is no formal guardianship monitoring the dispatch process, nor does any agency catalogue or audit the amount of venison that hunters are genuinely supplying under the 'small quantities' clause. As the previous quote highlighted, the 'small quantities' proviso remains undefined within the regulatory guidance. British restaurateurs are less inclined to accept in-fur carcasses due to the work involved in preparing the meat for consumption; it is not a cultural tradition generally associated with English fine-dining rural restaurants that offer venison as a menu item. The system outlined in the regulation is absent of governance in the British context. Nor is there any enforcement model over whether the meat is being supplied 'locally' or direct to final 'consumers' as stipulated in the protocol wording. Auditing



systems like those used in fisheries and livestock traceability are non-existent in the under-regulated industry of venison production (e.g., Lewis and Boyle, 2017; Aharwal et al, 2019). Neither are there stringent oversight measures nor guardianship mechanisms in place to ensure compliance with regulation EC 178/2002. Compliance is ultimately ensured by assuming the good-will of the operatives, which in turn can be registered as a facet of failing self-regulation policies, originating in the 'Better Regulation Agenda': the business enterprise friendly policy that shifts regulatory oversight from the public sphere to the private (Tombs, 2016).

## **Conclusion**

This article has elucidated the unintended consequences of three pieces of rural-centric policy and revealed their aetiological significance in the co-generation of serious crimes against deer and badgers. Contingent conditions were shown to synergise with particular configurations of necessary relations distinct to the rural West Country of England. The article has explained the offences of the illegal taking of deer and instrumentalised badger persecution – crimes that had no existing empirical precedent and were unaccounted for. They were comprehensively theorised as the routine illicit enterprise activity of rural industry personnel, understood as the relational mechanism operationalised under specific regional conditions. It has been contended that the distal conditions are unforeseen structures that actuate the routine activity crime triangle causal mechanism; structures that compel rural occupational personnel to interact with their entrepreneurial networks in unguarded material contexts to target fauna. This specific causal composition generates unanticipated and undesirable effects.

The article has used a realist social relations model of explication, which augments a critical realist metatheory of social science with a routine activity theory of crime. It has thus demonstrated the applied utility and the theoretical sophistication of the novel account, while also advancing knowledge on rural crimes and the emerging rural enterprise crime literature. Motivated offenders were shown to be induced to offend by three unpredictably pernicious pieces of legislation pertaining to rural regions; legislation that has not previously been problematised in the literature.

The pieces of legislation are a contingent ensemble, because alone they are not integral for the emergence of offending. It is however a composition that inadvertently *facilitates rather than frustrates* motivated offenders and their interactions with suitable targets, and which compounds with the various spatial-temporal and material conditions that specifically impact the rural West Country. These activities emanate from a singular historical conjuncture: since the Hunting Act 2004, during the ‘badger cull’ policy and through the austere years of public services retrenchment that has immiserated the enforcement capacities of countryside crime preventers. Activities are occurring in a region synonymous with the most badger cull zones, a relative abundance of large and valuable red deer, many approved game handling establishments and a high proportion of popular eatery premises epitomising the thriving South West hospitality industry. The accounts provided in this article have pointed thinking, and potential interventions, towards unexpected determinations and has theorised their unintended consequences in the production of illicit rural enterprise activity.

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## Appendix

### Interview Table

Respondent	Location	Length	Date
Wildlife Crime Police Sargent	Telephone	01:42	05/01/2016
Wildlife Crime Officer (1st)	Police Station	3hrs	27/01/2016
Wildlife Crime Officer (2nd)	Police Station	01:43	13/12/2016
RSPCA Barrister	Telephone	35mins	17/03/2017
National Wildlife Crime Unit Investigator	Public Venue	2hrs	23/03/2017
Devon National Park Head Ranger and Rural Crime Initiative Lead	Office	01:21	12/04/2017
National Trust Head Deer Warden	Telephone	01:33	21/04/2017
RSPCA Special Operations Unit Officer	Telephone	58mins	25/04/2017
Trading Standards Animal Welfare Senior Investigator	Office	3hrs	26/04/2017
3x Rural Police Officers	Police Station	02:45	10/05/2017
Wildlife Crime Police Officer (3rd)	Telephone	01:25	20/06/2017
Expert Deer Stalker Poaching Witness	Home	3hrs	22/06/2017
National Wildlife Crime Unit Chief Inspector	Telephone	33mins	05/07/2017
Deer Surgeon Local Expert	Telephone	1hr	11/07/2017

Respondent	Location	Length	Date
Rural Police Officer	Police Station	01:15	13/07/2017
British Deer Society	Office	01:30	14/07/2017
Environmental Health Manager	Office	01:15	28/07/2017
Police Chief Inspector	Telephone	01:45	07/08/2017
Environmental Health Officer (1st)	Office	45mins	08/08/2017
National Gamekeepers Organisation	Telephone	25mins	09/08/2017
Deer Stalker and Licence Assessor	Telephone	01:25	15/08/2017
Food Standards Agency	Telephone	50mins	16/08/2017
Deer Stalker	Home	01:30	21/08/2017
Environment Agency Technical Expert	Office	01:45	22/08/2017
Deer Stalker, ex first Wildlife Crime Officer	Telephone	2hrs	25/08/2017
Environment Agency Officer	Telephone	1hr	29/08/2017
Wildlife Crime Officer (repeat w'#2)	Office	1hr	29/08/2017
League Against Cruel Sports	Telephone	2hrs	05/09/2017
Wildlife Crime Officer (repeat w'#3)	Office	2hrs	23/10/2017
Rural Police Officer Force Lead	Office	01:15	10/11/2017
Deer Initiative	Telephone	1hr	30/11/2017

Respondent	Location	Length	Date
Senior Environmental Health Investigator	Public Venue	01:30	06/12/2017
Environmental Officer Meat Produce Specialist	Office	2hrs	07/12/2017
Natural Resources Wales Investigator	Telephone	1hr	26/01/2018
Wildlife Crime Officer (2nd repeat w'#3)	Telephone	20mins	19/03/2018
Deer Stalker and Licence Accessor (repeat)	Telephone	30mins	26/05/2018
Roundtable Respondent Validation Lunch: National Trust Deer Warden, Local Deer Surgeon, National Park Head Ranger, Wildlife Crime Officer	National Trust Office	3hrs	13/06/2018

*Figure 1*