NATURAL INJUSTICE:
Paper One

A REVIEW OF THE ENFORCEMENT OF WILDLIFE PROTECTION LEGISLATION IN SCOTLAND

A report
commissioned and published
by Scottish Environment LINK

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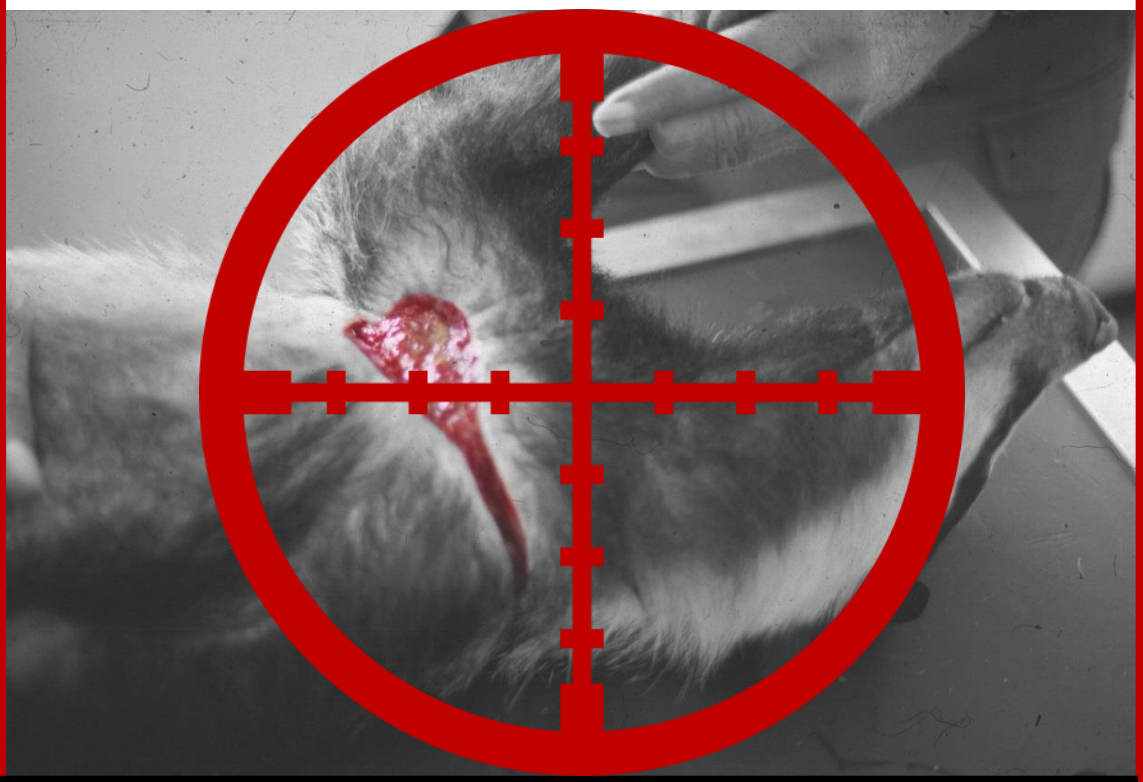

Scottish Environment LINK

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EXECUTIVE SUMMARY

Background

Wildlife crime has received an increasing level of media, public and political attention in recent years. In 2008, the Scottish Government published a report entitled *Natural Justice* containing the results of a joint thematic inspection of the arrangements for preventing, investigating and prosecuting wildlife crime. The report made a number of recommendations for improvement.

Six years after the report's publication, however, many environmental non-Governmental organisations with direct experience of the uncovering, monitoring and reporting of wildlife crime suggest that enforcement measures remain inconsistent and, in many cases, weak and ineffective. To evaluate these claims, Scottish Environment LINK commissioned this evidence-based report.

This report focuses on four specific areas of wildlife crime: those relating to the persecution of badgers, bats, freshwater pearl mussels and raptors. It presents an estimation of the extent of these wildlife crimes, provides an overview of the current enforcement framework, tracks the progress of 148 wildlife crimes reported to the police between 2008-2013 including the process of initial follow-up investigation, prosecution, conviction and sentencing, and presents the on-going concerns of LINK members directly involved with the wildlife crime enforcement process.

Recommendations for future action by the relevant authorities, based on the findings of this report, will be published in a separate document prepared by Scottish Environment LINK and published concurrently with this report.

Main Findings

1. The four areas of wildlife crime are under-recorded and the standard of information that is recorded is generally inconsistently collected which limits its usefulness. This is highlighted by the significant discrepancies between the annual crime figures produced by the wildlife NGOs and those produced by the Scottish Government.

2. There is an urgent need to re-examine the recording systems in use, not only to increase public confidence in the Scottish Government's figures but also to provide a more accurate evaluation of the extent of wildlife crime.

3. Of the 148 confirmed wildlife crimes reported to the police during 2008-2013, 98 (66.2%) are known to have resulted in a follow-up investigation.

4. At least 27 wildlife crimes (18.2%) did not result in a follow-up investigation and were effectively ignored. It is feasible that as many as one third of reported incidents were un-investigated.

5. The failure to conduct a follow-up investigation was not limited to one particular region but occurred in five of eight regions.

6. Of the follow-up investigations that did occur, LINK respondents considered just over one third (35.1%) to have been conducted satisfactorily. Criticisms included delayed police response times (sometimes as long as several months from the initial incident report) leading to the disappearance of evidence, delays exacerbated by un-trained police wildlife crime officers and a lack of seriousness with which senior police officers treat wildlife crime, failure to apply for search warrants, failure to conduct covert searches, poorly-targeted and/or restricted search efforts, the premature disposal of evidence prior to toxicology examination and a chronic failure to communicate with partner agencies either as a result of police under-resourcing and/or politically-motivated deliberate exclusion policies.

7. Of the 148 confirmed wildlife crimes, only 20 (13.5%) resulted in a prosecution.

8. A minimum of at least 111 crimes (75%) failed to result in a prosecution. The failure rate was consistent across all regions.

9. In some instances the failure to prosecute was recognised as a result of the innate problems associated with investigating crime in remote areas, but in many cases the cause of failure was inextricably linked to a poor follow-up investigation.

10. Twenty of the confirmed wildlife crimes (13.5%) are known to have reached the prosecution stage and of those, 15 are known to have resulted in a conviction. This figure should be viewed as a minimum as several cases are currently on-going and thus the number of known convictions may increase.

11. Many of the sentences were at the lower end of the scale and penalties issued for similar crimes appear to have been applied inconsistently.

12. Overall, but with a few noticeable exceptions, there is, amongst LINK members, an overwhelming lack of confidence in the ability of the statutory agencies to adequately investigate wildlife crime and in the willingness of the judiciary to impose meaningful deterrent sentences.

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1. INTRODUCTION

1.1 Scottish Environment LINK

This report was commissioned and published by Scottish Environment LINK, the forum for Scotland's voluntary environment organisations, with over 35 member bodies representing a range of environmental interests with the common goal of contributing to a more environmentally sustainable society. A list of the current member organisations can be found on the LINK website: http://www.scotlink.org/

LINK provides a forum to facilitate and enable informed debate, information sharing, discussion and joint action. LINK assists communication between member bodies, Government and its agencies and other sectors within civic society. Acting at local, national and international levels, LINK aims to ensure that the environment is fully recognised in the development of policy and legislation affecting Scotland.

1.2 Wildlife Crime Taskforce

In July 2013, LINK established a Wildlife Crime Taskforce in response to concerns expressed by a number of member organisations regarding the enforcement of legislation protecting Scotland's wildlife. Wildlife crime has received an increasing level of media, public and political attention in recent years. In 2008, the Scottish Government published a report entitled *Natural Justice* containing the results of a joint thematic inspection of the arrangements for preventing, investigating and prosecuting wildlife crime.[1] The report made a number of recommendations for improvement.

However, six years after the publication of the report, many environmental non-Governmental organisations (NGOs) with direct experience of the uncovering, monitoring and reporting of wildlife crime suggest that enforcement measures remain inconsistent and, in many cases, weak and ineffective. It is on this basis that the Taskforce commissioned this report.

1.3 What is Wildlife Crime?

Wildlife crime has been defined[2] by the Partnership for Action against Wildlife Crime in Scotland as follows:

Wildlife crime is any act or omission, which affects any wild creature, plant or habitat, in Scotland, including acts as described in the following legislation:

- *Agriculture Scotland Act 1948*
- *Animal Health & Welfare (Scotland) Act 2006*
- *Conservation (Natural Habitats etc) Regulations 1994*
- *The Control of Trade in Endangered Species (Enforcement) (Amendment) Regulations 2009*
- *Deer (Scotland) Act 1996*
- *Game (Scotland) Act 1832 (& others)*
- *Marine (Scotland) Act 2010*

- *Nature Conservation (Scotland) Act 2004*
- *Possession of Pesticides (Scotland) Order 2005*
- *Protection of Badgers Act 1992 (as amended)*
- *Protection of Wild Mammals (Scotland) Act 2002*
- *Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 (& others)*
- *Spring Traps Approval Orders*
- *Wild Mammals (Protection) Act 1996*
- *Wildlife & Countryside Act 1981(as amended)*

In addition to this Scottish definition and, given the broad spectrum of wildlife crime and the limited resources available to address it, the National Wildlife Crime Unit (NWCU) prioritises specific crimes across the UK that are assessed as posing the greatest current threat to either the conservation status of a species or which show the highest volume of crime and therefore require an immediate UK-wide response. These strategic assessments are conducted every two years and the most recent (2013-2015) UK Wildlife Crime Priorities[3] have been identified as follows:

- Badger persecution
- Bat persecution
- CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) with a focus on ivory, tortoises and traditional medicines
- Freshwater pearl mussels
- Poaching (with a focus on deer poaching/coursing; fish poaching and hare poaching)
- Raptor persecution (with a focus on hen harrier, goshawk, golden eagle, white-tailed eagle, red kite and peregrine)

1.4 Scope of the Report

The LINK Wildlife Crime Taskforce commissioned this report with the purpose of providing decision- makers with a succinct overview of the current enforcement picture. The report makes no attempt to look at crime prevention, awareness-raising or education. Crime prevention in particular is within the remit of Police Scotland, using a variety of tactical and awareness-raising methods, many of which, as well as measurement of their success, LINK members are not party to.

The main areas of wildlife enforcement considered in this report include offences contrary to the following legislation: The Wildlife & Countryside Act 1981 (as amended); the Nature Conservation (Scotland) Act 2004; the Wildlife and Natural Environment (Scotland) Act 2011; and the Protection of Badgers Act 1992 (as amended in Scotland by the two succeeding Acts of 2004 and 2011 mentioned above). Particular focus is placed on four of the six UK Wildlife Crime Priorities (the persecution of badgers, bats, freshwater pearl mussels and raptors), mainly because of the level of experience and supportive data available from LINK members to assess the enforcement actions against these crimes. Other crimes

such as those against marine mammals (not considered a UK Wildlife Crime Priority but nevertheless raised as a concern by LINK members) receive less focus only due to the paucity of available supportive data.

The report does not examine in any detail enforcement related to the two remaining UK Wildlife Crime Priorities: (1) the poaching of deer/fish/hare, considered by some to be more closely associated with the crime of theft, arguably based on consideration of animals as property[4] although there can also be associated animal welfare concerns. This is the view taken, broadly, by LINK members, who make a clear distinction between crimes committed against wild animals and other species and crimes committed against the property rights associated with land; (2) the illegal trade in endangered species. It was considered that this area of criminal law was largely outwith the specialist knowledge-base of Scottish Environment LINK members.

The report presents an estimation of the extent of the wildlife crimes considered, provides an overview of the current enforcement framework, tracks the progress of 148 wildlife crimes reported to the police between 2008-2013, and highlights the main concerns over enforcement as experienced by LINK members directly involved with reporting wildlife crime. Recommendations for future action by the relevant authorities, based on the findings of this report, will be published in a separate document prepared by the Scottish Environment LINK Wildlife Crime Taskforce and published concurrently with this report.

2. QUANTIFYING THE EXTENT OF WILDLIFE CRIME IN SCOTLAND

2.1 Difficulties of Assessment

2.1.1 *The extent of wildlife crime*

The full extent of wildlife crime in Scotland is difficult to determine, particularly as it is widely recognised that it is an under-recorded crime.[1, 3, 5, 6, 7, 8] Under-recording in itself is also difficult to quantify and this 'dark figure' is accepted as a considerable hindrance in tackling wildlife crime.[9, 10]

Under-recording is largely due to the remoteness of some wildlife crime locations, especially those in rural areas where circumstances severely limit the number of potential witnesses. Indeed, what is usually found is the aftermath of a crime, as opposed to the witnessing of a crime in progress. Most evidence, often in the form of victims of the crime, are found purely by accidental discovery (e.g. by passing walkers). It is also known that some perpetrators take extra measures to prevent the detection of their crimes, e.g. by hiding material evidence such as pearl-fished shells[5] and by removing injured birds[11] or dead birds and badgers[12, 13, 14] from the crime scene and relocating them elsewhere, sometimes to a roadside to be disguised as accidental victims of a road traffic collision.[3] Search efforts that are reliant on such a limited, ad hoc basis, coupled with the social and cultural pressures preventing whistle-blowing and inhibiting certain sectors of both the

urban and rural community from reporting wildlife crime incidents, will inevitably result in an (unknown) quantity of undetected wildlife crimes.

Wildlife crimes that are recorded are often described as representing "the tip of the iceberg",[15, 16, 17] a claim vigorously disputed[18, 19, 20] when used to describe the extent of raptor persecution on land managed for 'driven' grouse shooting (grouse flushed towards a static line of shooters). However, there is a significant weight of scientific evidence supporting the contention that those detected represent only a proportion of crimes committed,[21] particularly when the extent of persecution is considered sufficiently high to be constraining the populations of some species at the local, regional and/or national level (see section 2.5). The issue of under-recording has recently been recognised and acknowledged by the Scottish Government.[22]

2.1.2 *Inconsistent incident recording*

Where wildlife crime has been recorded, an additional difficulty compounding an accurate assessment of its extent is the inconsistent recording of incidents and their associated data.

In general, wildlife crimes have not, until very recently, been reliably recorded in one central location by one single organisation or agency. Rather, data are compiled by disparate organisations and agencies with varying levels of expertise and resources, leading to an overall inconsistent recording effort and non-standardised collation of data. This limits the usefulness of the available data for comparative analyses and introduces a strong likelihood of error in the preparation of national statistics and impact assessments.

Data on court proceedings for wildlife crime offences are compiled by the Scottish Government Justice Department. However, the use of these data is fraught with caveats[22]. In addition, as is shown in section 5 of this report, it is apparent that a large proportion of reported wildlife crime incidents are either not fully investigated, no suspect is identified, or there is insufficient evidence to instigate proceedings, making it clear that data relating to court proceedings are an unsatisfactory source for assessing the extent of wildlife crime in Scotland.

Given the challenges of under-recording and inconsistent incident recording, it is beyond the scope of this report to attempt to provide anything more than a generalised assessment of the extent of wildlife crime in Scotland.

2.2 Badger Persecution

Crimes against badgers are generally categorised as sett disturbance (where setts are ploughed, damaged, blocked or destroyed by agricultural and forestry operations, developments and other illegal operations), badger fighting/baiting with dogs, trapping/snaring, poisoning, shooting and wilful killing.[6, 14]

Figure 1 Captured Badger

The majority of offences in Scotland (over 50%) are reportedly linked to unlicensed sett disturbance during agricultural, forestry and development work,[6, 14, 22] although it has also been suggested[18] that badger baiting incidents are under-reported and widespread (with claims of 'about 200 incidents' being recorded between 2010-2013, but see conflicting data in Tables 1 and 2).

There are significant discrepancies in the number of recorded incidents of badger persecution. For example, in the Scottish Government's first annual wildlife crime report[22] the number of crimes against badgers in Scotland as recorded by Police Scotland between 2007-2012 (Table 1) do not match the number of crime incidents reported to the NWCU by the charity Scottish Badgers (Table 2).

Table 1. Number of police-recorded crimes against badgers in Scotland 2007-2012, sourced from the Scottish Government's first annual report on wildlife crime[22]

2007/08	2008/09	2009/10	2010/11	2011/12	5-year total
6	15	11	20	11	63

Table 2. Number of Scottish badger crime incidents 2009-2012* reported to NWCU according to Badger Trust and Scottish Badgers annual reports[6, 14] (*Pre-2009 figures unavailable).

*2009-2010	2011-2012	3-year total
159	136	295

It is not clear why such a large discrepancy exists between these figures but it highlights an urgent need to centralise incident recording to ensure the full capture of available data (section 2.6), especially as further data on badger crime may also be recorded by other agencies such as the SSPCA, which as a recognised statutory reporting authority can report some crimes against badgers to the Crown Office without requiring police involvement.

2.3 Bat persecution

Crimes against bats are generally categorised as damage, disturbance, obstruction, destruction & killing (typically relating to roost sites), taking and sale.[8, 23]

The majority of offences (over 90%) recorded by the Bat Conservation Trust (BCT) are reportedly related to unlicensed building development and maintenance work.[22]

The volume of reported bat crimes in Scotland is relatively low in comparison to other types of wildlife crime. Bat persecution is listed, however, as a UK Wildlife Crime Priority as roost damage/destruction has been identified as a cause of significant local population declines in some areas.[8]

The low volume of recorded Scottish incidents has been attributed to bats generally not being as common in Scotland as in other parts of the UK, an absence of survey work, and in some areas an absence of experienced bat workers, leading to offences being undetected and unrecorded. The BCT considers bat persecution to be an under-recorded crime.[22]

As with the badger persecution data, there are discrepancies in the number of recorded bat persecution incidents. For example, in the Scottish Government's first annual report on wildlife crime[22] the number of investigations into bat crime (apparently sourced from BCT data) between 2009-2012 (Table 3) do not match the figures provided in the BCT annual reports (Table 4).

Table 3. Number of recorded investigations into bat crime 2009-2012, sourced from the Scottish Government's first annual report on wildlife crime[22]

2009	2010	2011	2012	4-year total
7	4	4	10	25

Table 4. Number of bat persecution incidents reported to Police Scotland 2009-2012, sourced from Bat Conservation Trust annual reports[8, 15, 23, 24]

2009	2010	2011	2012	4-year total
7	5	5	12	29

Although these are relatively minor discrepancies and not as significant as the differences portrayed in Tables 1 & 2, they nevertheless highlight again the need for centralised incident recording to facilitate more accurate figures.

However, assessing the extent of bat persecution based on the number of officially recorded incidents is further complicated by the BCT's approach to the reporting of bat crimes[15]:

"*BCT annually receive a number of calls from developers and builders who have accidently damaged bat roosts and then seek advice from BCT as to how to minimise the impact of their actions. Almost uniquely in wildlife crime legislation, accidental action amounts to a criminal offence, as such callers are, in effect, admitting to the commission of offences. BCT recognise that whilst such cases would pass any evidential test, in the absence of deliberate activity prosecutions would not be in the public interest. As such we do not refer these matters to Police Scotland. Instead BCT engage with callers providing advice and assistance*

aimed at securing conservation benefit for bats. Calls suggesting offences that involve deliberate action would be referred to Police Scotland for investigation."

2.4 Freshwater Pearl Mussels

Crimes against freshwater pearl mussels are generally categorised as illegal pearl-fishing, river engineering and pollution.[22]

The volume of reported offences is relatively low (although see data discrepancies below) in comparison to some other types of wildlife crime but freshwater pearl mussels have been identified as a UK Wildlife Crime Priority due to the species' global conservation status of 'endangered' and the international significance of the Scottish populations.[25]

The low volume of reported incidents has been attributed to the species' remote areas of distribution which are seldom visited by people, a general ignorance about how to recognise illegal pearl-fishing activity, and evidence of pearl-fishers deliberately hiding evidence of their activities.[5]

The numbers of suspected criminal incidents as given in the Scottish Government's first annual report on wildlife crime[22] are provided in Table 5. However, it has been suggested[5] that these figures are an under-estimate and that the actual annual number of suspected crimes could be as high as 30 (5-year total = 150). Confusingly, according to the minutes of the PAW Scotland Plenary Group meeting in September 2011, one procurator fiscal reportedly '*advised approximately 70 cases per year of FWPM persecution with 24 live cases ongoing*'[26] but these figures are not represented in the Government's annual report.

Table 5. Number of suspected criminal incidents relating to freshwater pearl mussels 2008-2012, sourced from the Scottish Government's first annual report on wildlife crime[22]

2008	2009	2010	2011	2012	5-year total
14	13	12	4	2	45

2.5 Raptor Persecution

Crimes against birds of prey are generally categorised as poisoning, shooting, trapping, disturbance, nest destruction, and the removal of eggs and/or chicks from the nest.

Data associated with raptor persecution may appear to the layperson to be the most controversial, and yet conversely they are probably the most accurate, detailed and consistently collected. The vast majority of these data have been collected by RSPB Scotland.[7, 16, 27, 28, 29] However, representative bodies of land management organisations consistently challenge these statistics as being "exaggerated",[18] "unofficial"[30] and "speculative".[31]

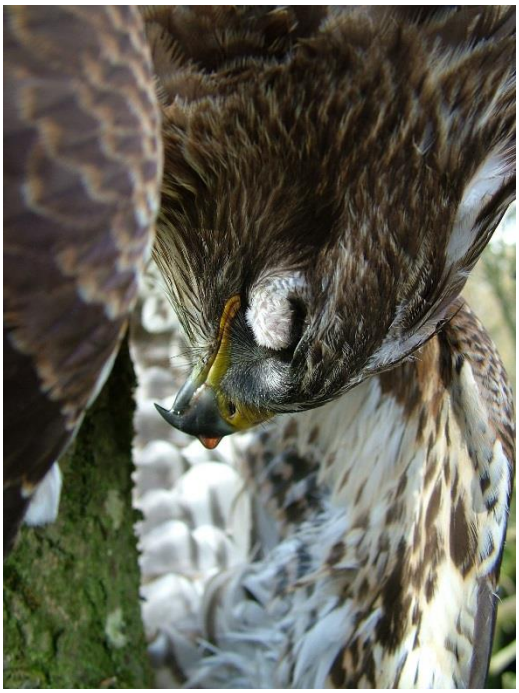

Figure 2 This poisoned buzzard was found hanging in a tree near Coulter, Nov 2009

The criticism centres on the use of a three-tier classification for persecution data, defined[7] as 'Confirmed', 'Probable' and 'Possible':

Confirmed: *Incidents where definite illegal acts were disclosed, where the substantive evidence included birds or baits confirmed by SASA to contain illegal poisons - an offence seen or found by a witness and/or confirmed by post-mortem, illegally-set traps etc.*

Probable: *Where the available evidence points to illegality as by far the most likely explanation, but where the proof of an offence is not categorical.*

Possible: *An illegal act is a possible explanation, but where another explanation would also fit the known facts.*

This method of data recording is scientifically legitimate and, if applied consistently, is particularly useful for estimating the extent of wildlife crime as it captures data that might otherwise go unrecorded, but with a clear indication of interpretation limits.

As with the badger and bat persecution data, there are discrepancies in the number of recorded raptor persecution incidents, partly due to the reasons outlined above but differences can also occur depending whether the figures for comparison are based on the number of *victims* or number of *incidents*, whether non-raptor poisoning victims are included or excluded (e.g. other bird species and/or mammals), and whether the figures include or exclude the discoveries of poisoned bait and illegally-set traps without an associated victim.

For example, the number of confirmed raptor poisoning victims presented in the Government's first annual wildlife crime report[22] (Table 6) do not match the figures of confirmed poisoning victims as compiled by RSPB Scotland[7] (Table 7).

Table 6. Number of confirmed raptor poisoning victims 2008-2012, sourced from the Scottish Government's first annual report on wildlife crime[22]

2008	2009	2010	2011	2012	5-year total
17	30	28	16	3	94

Table 7. Number of confirmed victims of poisoning 2008-2012, sourced from RSPB Scotland[7]

2008	2009	2010	2011	2012	5-year total
21	42	29	20	6	118

The number of confirmed poisoned *raptor* victims is identical in both reports, which is to be expected as both rely upon the same Government figures to derive the number of confirmed 'pesticide abuse' victims – i.e. data produced by Science and Advice for Scottish Agriculture (SASA) on the basis that an animal has been poisoned as a result of the deliberate 'abuse' of a proscribed pesticide or poison rather than the accidental 'mis-use' of a legitimate pesticide/poison.

The main discrepancy between the two data sets is that the RSPB data include other confirmed (non-raptor) victims, also derived from SASA data but not included in the Government's annual report. However, whether a bait laced with an unlawful pesticide/poison has killed a raptor or a non-raptor species (e.g. a crow or a fox) is irrelevant, as the effect of that bait is indiscriminate – it has the *potential* to kill any bird (raptor and non-raptor) or mammal that ingests the poison. Therefore it would seem appropriate when quantifying the threat to raptors from poisoned bait that all confirmed 'abuse' victims are listed, as well as confirmed poisoned baits that are discovered without an apparently associated victim, of which there may not be one, or which may have already been removed (hidden) or scavenged, or which may have succumbed to the effects of poison at some distance from the bait.

Poisoning figures provide only one part of the overall picture when attempting to assess the extent of raptor persecution; data from other types of persecution also need to be considered. The data presented in Table 8 include confirmed poisoning victims, and both confirmed and probable victims of other types of persecution (e.g. shooting, trapping), and thus provide a more comprehensive estimation.

Table 8. Number of confirmed poisoning victims, and confirmed and probable victims of other types of persecution 2008-2012, sourced from RSPB Scotland [7, 16, 27, 28, 29] (NB: 'Possible' victims have been excluded from this analysis).

Classification	2008	2009	2010	2011	2012	5-year total
Confirmed (poisoned)	21	42	29	20	6	118
Confirmed (other method)	11	6	12	13	15	57
Probable (other method)	25	24	11	31	27	118
Total # victims	57	72	52	64	48	293

However, even with such a detailed recording system in place, raptor persecution is still considered to be a seriously under-recorded wildlife crime,[7] largely due to the remoteness of the landscape where a large proportion of crimes are known to occur (i.e. large moorland managed for driven grouse shooting),[32, 33] thus limiting the probability of detection.

An award-winning scientific study published in 2010[52] highlighted this low probability of detection by demonstrating the number of illegally-killed red kites in a sub-population in northern Scotland. Using population modelling techniques, the authors calculated that a total of 166 red kites had been illegally poisoned between 1999 and 2006, but only 41 poisoned carcasses were actually found. Other peer-reviewed scientific studies have also helped to inform an estimate of the extent of raptor persecution in Scotland by examining the effect of sustained persecution on the population dynamics of several raptor species. These include the golden eagle;[34, 35, 36, 37, 33, 38, 39] goshawk;[40, 41, 42] hen harrier;[43, 44, 45, 46, 47, 48, 49] peregrine;[50] and red kite.[51, 52]

Collectively, these studies render the dispute about confirmed/probable incidents of persecution inconsequential because clearly, raptor persecution in Scotland is sufficiently widespread and ubiquitous to be causing population-scale impacts.

2.6 Summary

Wildlife crime in Scotland is diverse, involves an array of offences and affects a variety of protected species at an individual and population scale. It is widely accepted that wildlife crime is generally under-recorded and the standard of information that is recorded is generally inconsistently collected which limits its usefulness. This is highlighted by the significant discrepancies between the figures produced by the wildlife NGOs and those produced for the Scottish Government's annual wildlife crime report. There is an urgent need to re-examine the recording

systems in use, not only to increase public confidence in the Scottish Government's figures but also to provide a more accurate evaluation of the extent of wildlife crime.

Not knowing the true extent of wildlife crime is problematic for enforcement in a number of ways. These have been summarised[10] as follows:

- It is evidence of the low risk of detection;
- If the extent of crime is underestimated this may impact on the severity with which it is viewed, thus the level of punishment it attracts;
- If underestimated, public awareness and support for its reduction is likely to be low, leading to marginalisation;
- Underestimation will cause difficulties for the effective targeting of offenders;
- A lack of suitable data will inhibit effective performance management and evaluation.

To address the issues of under-recording and inconsistent data collection, it is suggested that a standardised data recording protocol be developed for use by all agencies (statutory and non-statutory and regardless of their specialist interest) to ensure that data are captured consistently across the spectrum of wildlife crime. The protocol could adopt a three-tier classification system similar to the one used by RSPB Scotland, which would ensure more comprehensive coverage than is currently available but still enable data to be appropriately filtered according to the aims and objectives of any subsequent analyses.

The new recording system should also have the capacity to capture information about the progress of each incident from the reporting stage through to sentencing (where applicable) to enable effective performance management and evaluation.

3. WILDLIFE CRIME ENFORCEMENT FRAMEWORK IN SCOTLAND

Wildlife offences in Scotland are created by a range of statutes & regulations (see section 1.3), and a variety of statutory bodies have responsibility for investigating wildlife crime and enforcing the legislation. Non-statutory bodies also have a role to play and some provide significant expert input to the enforcement framework in areas such as investigation, intelligence and prevention. The roles of the central statutory and non-statutory bodies involved can be summarised as follows:

3.1. Police Scotland

The Police Service of Scotland (shortened to Police Scotland for operational purposes) is the main statutory agency involved in investigating and reporting wildlife crime, although there are exceptions (e.g. the Scottish Society for the Prevention of Cruelty to Animals (SSPCA), see section 3.7).

The *primary* responsibility for (a police) investigation, however, lies with the procurator fiscal. In 1952, the Scottish Court of Criminal Appeal (*Smith v HMA*

1952) set out the relationship between the police and the procurator fiscal in the following terms:

"*When a crime is committed it is the responsibility of the procurator fiscal to investigate it. In actual practice much of the preliminary investigation is conducted by the police under the supervision of the procurator fiscal…..The duty of the police is simply one of investigation under the supervision of the procurator fiscal and the results of the investigation are communicated to the procurator fiscal as the enquiries progress. It is for the Crown and Procurator Fiscal Service and not for the police to decide whether the results of the investigation justify prosecution*".[53]

Acting under the direction/supervision of the Crown Office, Police Scotland is responsible for investigating a suspected wildlife crime, the gathering of evidence, interviewing potential suspects, deciding whether there is sufficient evidence to link a crime to a specific individual, deciding whether to charge a suspect, and the preparation of a report to the Crown Office for prosecutorial consideration.

Police Scotland is a single police force which replaced Scotland's eight former regional forces on 1st April 2013. The new force comprises 14 regional divisions and each division has a Wildlife Crime Liaison Officer (WCLO), five of which are full-time posts (B Division: Aberdeenshire & Moray; C Division: Forth Valley; D Division: Tayside; J Division: Lothian & Scottish Borders; P Division: Fife) and the other nine are part-time positions. Each division may also have a number of Wildlife Crime Officers (WCO), all of which are part-time positions although in some regions there can be a high turn-over of personnel, making it difficult to quantify the overall number of WCOs at any one time.

In addition to the network of WCLOs and WCOs there are two further roles focusing on wildlife crime enforcement, both placed within Police Scotland's Specialist Crime Division. A National Portfolio Lead (part-time position) is held by an officer at Superintendent level to 'maintain oversight of strategic developments and requirements' and a National Coordinator (full-time position) is held by an officer at Sergeant level with responsibility for 'national policy, performance and training'.[22] The role of the police-led NWCU is discussed under 3.4 below.

3.2 Crown Office and Procurator Fiscal Service

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's prosecution service and as discussed in section 3.1, it is primarily responsible for the investigation and prosecution of crime in Scotland.

According to the Summary Justice Review Committee,[53] "*In cases of serious crime the procurator fiscal will become involved at the earliest stage, often well before a report is submitted. In cases of less serious crime, the investigation is usually completed* [by the police] *before the report is submitted, although the procurator fiscal may direct that further inquiry is undertaken*". It is not clear whether wildlife crime is considered 'serious crime' or 'less serious crime' although several LINK

members have indicated that the COPFS does become involved during the early stages of some wildlife crime investigations.

Whereas the COPFS has primary responsibility for the investigation of a wildlife crime undertaken by Police Scotland, it has no such authority to direct specialist reporting agencies (e.g. SNH or the SSPCA) but "*provides guidance designed to enable them to contribute effectively to achieving an outcome in reported cases which best serves the public interest*".[53]

In addition to directing/supervising the police investigation of a suspected wildlife crime, another main role of the COPFS is to decide what action should be taken in response to a wildlife crime that has been reported to them either by Police Scotland or by one of the specialist reporting agencies. The COPFS has sole responsibility for this decision, based on the evidence provided in the police/specialist reporting agency's report, in addition to any expert advice they may seek from an external organisation. This decision-making process is known as 'marking' a case.

The marking of suspected wildlife crime offences that fall under the provision of the Wildlife & Countryside Act 1981 (as amended) must take place within six months from the date on which evidence sufficient (in the fiscal's opinion) to warrant proceedings came to the fiscal's attention, but no later than three years from the commission of the offence. If either of these deadlines is missed, the case becomes 'time-barred' and will be discontinued.

There are three potential outcomes from the marking process for a reported wildlife crime: (1) no proceedings; (2) a fiscal fine or warning; (3) the initiation of court proceedings. If court proceedings are initiated, the fiscal has responsibility for considering a plea bargain (in negotiation with the defence agent and with any specialist agency that has played a part in the investigation) and for providing a 'narration', which is a case summary to demonstrate the context and impact of that particular wildlife crime (e.g. the victim's conservation status). The purpose of the narration is to provide background information to help inform the presiding sheriff's sentencing choices.

The COPFS has a dedicated unit for dealing with wildlife and environment crime (the Wildlife and Environmental Crime Unit (WECU)) which was established in August 2011.[54] Three specialist wildlife fiscals work within the WECU and are responsible for dealing with all reported cases of wildlife crime throughout Scotland.

3.3 Sheriff Courts

Wildlife crime is generally dealt with by summary procedure, heard by a single sheriff (without a jury) in a regional sheriff court. If the defendant pleads not guilty, the sheriff's role is to assess the evidence put forward by the prosecution and defence and to decide whether there is sufficient evidence to prove beyond reasonable doubt that the defendant is guilty of the charge(s). If the sheriff finds

the defendant guilty, or if the defendant has entered a guilty plea, the sheriff is responsible for determining the sentence after consideration of the fiscal's narration and the defence agent's mitigation plea.

The maximum sentence available for most (but not all) wildlife crime is currently a £5,000 fine and/or a six month prison term for each offence. In 2014, the Scottish Government established the Wildlife Crime Penalties Review Committee[55] to: examine and report on how wildlife crime in Scotland is dealt with by the criminal courts, with particular reference to the range of penalties available; to examine and report on whether these are sufficient for the purposes of deterrence and whether they are commensurate with the damage to ecosystems that may be caused by wildlife crime; and to make recommendations on possible alternative ways of dealing with wildlife crime in the courts. The review committee is expected to report its findings in early 2015.

3.4 National Wildlife Crime Unit

The UK National Wildlife Crime Unit (NWCU) is a national police unit with responsibility for "*assisting in the prevention and detection of wildlife crime by providing a centralised capacity for intelligence collection and analysis and the delivery of professional practice in relation to wildlife crime*".[56]

The NWCU is responsible for collecting (and then disseminating) intelligence data from a wide range of organisations, both statutory and non-statutory, and for conducting analyses to identify and assess the threat level of different types of wildlife crime. These analyses contribute to the assignation of the UK's wildlife crime priorities (see section 1.3).

Each identified wildlife crime priority is taken forward by a Priority Delivery Group which has a named 'plan owner' and a named 'lead' for each of the three strands of prevention, intelligence and enforcement. The NWCU leads the intelligence strand for each of the UK's current wildlife crime priorities (badger persecution, bat persecution, CITES issues, freshwater pearl mussels, poaching and raptor persecution).[57]

This intelligence-led approach has resulted in several partnership operations between the NWCU and various statutory and non-statutory agencies to gather evidence and target offenders of specific wildlife crimes, e.g. *Operation Meles*, which focuses on badger persecution;[58] *Operation Caesar*, which focuses on the destruction of freshwater pearl mussels;[59] and *Operation Easter*, which focuses on egg collecting.[60]

The NWCU employs 13 staff, including full and part-time analysts, intelligence officers and investigative support officers,[61] as well as a full-time Scottish Investigative Support Officer whose role is to facilitate cooperation between Police Scotland and PAW Scotland partners, to lead and further investigations by providing expert advice, to act as a single point of contact, and to provide corroboration to

Wildlife Crime Officers. In addition, the role has specific responsibility for the gathering of intelligence on raptor persecution and the illegal taking of freshwater pearl mussels.[22]

3.5 Scottish Government

The role of the Scottish Government in the wildlife crime enforcement framework is quite broad and includes areas such as policy, prevention and enforcement.

Since 2008, and in response to the Government-commissioned Natural Justice report,[1] the Scottish Government's policy work has focused on two main areas[22]:

(1) *To ensure that there is a robust legal framework and that law enforcement has the tools to tackle this sort of crime*; and
(2) *To build a broad partnership through the Partnership for Action against Wildlife Crime*.

This has resulted in several developments including (but not limited to) the continued part-funding of the NWCU;[62] the enactment of landmark legislation (Wildlife and Natural Environment (Scotland) Act 2011) which introduced vicarious liability as a response to continued raptor persecution;[63] and a provision that requires the Scottish Government to publish an annual report on the state of wildlife crime in Scotland;[22] a public consultation on whether the investigatory powers of the SSPCA should be extended;[64] and a further package of new measures to tackle raptor persecution, including an instruction to the WECU to ensure that law enforcement utilises all investigative tools at their disposal, the establishment of a Wildlife Crime Penalties Review Committee, and an instruction to SNH to facilitate the withdrawal of the use of General Licences (see section 3.6) on land where crimes against wild birds are believed to have taken place, based on the civil standard of proof which relates to the balance of probability as opposed to the higher standard of proof required for a criminal conviction.[65]

In addition to undertaking direct wildlife crime policy work, the Scottish Government also plays a role via its various agencies. For example, the Science and Advice for Scottish Agriculture (SASA) is a division of the Scottish Government Agriculture, Food and Rural Communities Directorate and provides scientific services relating to the detection, identification and quantification of pesticide abuse in wildlife poisoning cases[66] as well as hosting the Wildlife DNA Forensic Unit which is a facility used to analyse non-human DNA evidence recovered during the course of a wildlife crime investigation.[67] Marine Scotland is a Scottish Government Directorate with specific responsibility for the effective monitoring and enforcement of marine and fishing laws;[68] the Scottish Government Rural Payments and Inspections Directorate (SGRPID) can provide expert assistance in the follow-up to poisoning incidents, and officers are granted certain powers of entry, without warrant, under the Food and Environment Protection Act 1985. SGRPID also has the capacity to cut the Single Farm Payment for estates implicated in bird poisonings (known as Cross Compliance penalties which are based on a civil

standard of proof);[69] and finally, Scottish Natural Heritage (SNH) is a Government-funded agency with responsibility for Scotland's natural heritage (see section 3.6).

The Scottish Government employs the equivalent of 1.5 full-time staff to lead on wildlife crime policy work and the management of PAW Scotland, under the direction of the Minister for Environment and Climate Change.

3.6 Scottish Natural Heritage

Scottish Natural Heritage (SNH) is the Government's statutory agency responsible for Scotland's natural heritage, including its wildlife, habitats, landscapes and natural beauty. Its mission statement is to: "*Promote care for and improvement of the natural heritage, help people enjoy it responsibly, enable greater understanding and awareness of it, and promote its sustainable use, now and for future generations*".[70]

Given its broad remit, SNH has responsibility for enforcing a wide range of conservation legislation, particularly in relation to natural features and protected areas, and has a diverse number of enforcement options available, although its primary focus is perceived to be on preventative measures such as the production and promotion of codes of practice and information leaflets and the provision of management agreements and grant-aid to support protection work. Further research would be needed to determine whether this is at the direction of Scottish Government or at the decision of SNH.

SNH also has a statutory responsibility to protect wildlife, and particularly protected species. SNH is the licensing authority responsible for the annual issuance of individual licences permitting certain actions in relation to protected species (including birds, mammals, plants, amphibians, reptiles, insects and fish) that might otherwise be unlawful,[71] e.g. an SNH species licence would be required for forestry operations in close proximity to an active badger sett.

In addition, SNH is also responsible for the issuance of General Licences, which permit the killing or taking of certain birds in specific circumstances, including for the conservation of wild birds, for the prevention of serious damage to livestock, foodstuffs for livestock, crops, vegetables and fruits, for the preservation of public health, public safety and preventing the spread of disease, and to protect air safety. General Licences avoid the need for individuals to apply for an individual licence as they cover situations that 'are relatively commonplace and where there is unlikely to be any great conservation impact'.[72] An example of use is the routine capture and killing of carrion crows in (regulated) traps on agricultural land. The use of a General Licence is subject to terms and conditions and abuse of them, or failure to comply with the conditions, could constitute an offence.[72] Since January 2014, SNH has been given authority (by the Minister for Environment and Climate Change) to withdraw the use of General Licences on land where crimes against birds are believed to have taken place.[65]

SNH has 'lead contacts' within each of its seven operational areas that help to coordinate local involvement in addressing wildlife crime, working closely with Police Scotland and SNH Local Area Officers.[22] In addition, SNH representatives serve on several PAW Scotland sub-groups and also lead the 'prevention' strands of the freshwater pearl mussel and raptor persecution Priority Delivery Groups.[57]

SNH is a specialist reporting agency and thus has the authority to investigate and report wildlife crime offences directly to the COPFS.

3.7 Non-Governmental Organisations

Various non-Governmental organisations (NGOs), as a result of their fieldwork capacity, species monitoring activities and experience in identification of potential suspicious incidents, are involved with wildlife crime investigations and intelligence gathering in their field of expertise. Some have a dedicated investigations unit (e.g. RSPB, SSPCA, OneKind, Bat Conservation Trust) whereas others are involved on a more circumstantial basis as and when incidents occur (e.g. Scottish Badgers, Scottish Raptor Study Group, Whale and Dolphin Conservation).

None of these NGOs, with the exception of the SSPCA, has a specialist reporting status; in other words, they are unable to investigate and report wildlife crime directly to the COPFS for prosecutorial consideration and must report incidents to Police Scotland for formal investigation. The SSPCA does have a statutory reporting status for some wildlife crimes, (e.g. those that fall under the provision of the Animal Health and Welfare (Scotland) Act 2006) although this is limited to crimes involving animal welfare issues (i.e. those where a live animal is in distress). In those cases, the SSPCA can formally investigate, gather evidence, interview suspects, charge a suspect if they believe there is sufficient evidence to link the individual to the crime, and prepare a report for submission to the COPFS without necessarily involving Police Scotland. The SSPCA has no statutory authority to decide whether a case warrants prosecution.

In addition to their investigatory roles, many NGOs also serve on the PAW Scotland sub-groups (see section 3.8) to lend their expertise to other areas of the enforcement framework such as prevention, media, policy and training.

3.8 Partnership for Action against Wildlife Crime in Scotland

The Partnership for Action against Wildlife Crime in Scotland (PAW Scotland) is a forum comprising representatives from a number of statutory and non-statutory agencies concerned with tackling wildlife crime in Scotland. These include the Scottish Government (the Minister for Environment and Climate Change acts as Chair of the Executive Group), Police Scotland, the NWCU, the COPFS, SNH, academics, and a wide range of organisations representing conservation and land-use interests. The mission statement of PAW Scotland is, "*Working in partnership to reduce wildlife crime by raising awareness and promoting effective enforcement*".[73]

The framework for the operational function of PAW Scotland was established by the 2008 Wildlife Crime Reduction Strategy, implemented as a recommendation of the Natural Justice report.[1] PAW Scotland is effectively the delivery mechanism for the Scottish Government's action on wildlife crime.

The main work of PAW Scotland is delivered through a number of sub-groups overseen by a high-level Executive Group. The current sub-groups are summarised as follows[73]:

- **Funding:** *created to consider, reject or approve applications to the PAW Scotland Fund;*
- **Legislation, Regulation and Guidance:** *created to review the operation in practice of wildlife legislation and regulations; identify areas for improvement and make recommendations. To produce guidance for wildlife crime law enforcement practitioners, land managers and other countryside users;*
- **Media:** *created to oversee the publicising of the work of PAW Scotland, development of the PAW Scotland brand and the coordination of events;*
- **Training and Awareness:** *created to ensure that training relating to, and awareness of, wildlife crime is maintained at an appropriately high level across Scotland;*
- **Scientific:** *created to monitor and discuss developments in science which can aid the investigation and enforcement of wildlife crime in Scotland;*
- **Raptor:** *created to develop a programme of work to improve prevention, awareness raising, enforcement and intelligence gathering in Scotland related to crimes against birds of prey;*

More detailed information on the workings of each sub-group can be found on the PAW Scotland website[73] and in the Scottish Government's first annual report on wildlife crime in Scotland.[22]

4. THE IDEAL INVESTIGATIVE PROCESS OF A HYPOTHETICAL WILDLIFE CRIME INCIDENT

Before providing a critical assessment of current wildlife crime enforcement procedures, it is perhaps useful to set out LINK's view of how the investigative process ought to proceed, based on LINK members' primary experience of investigations and incorporating some of the relevant recommendations made in the Natural Justice report.[1]

The following scenario is a hypothetical (but not uncommon) wildlife crime incident with a brief narrative of the ideal protocol for each stage of the investigative process.

Scenario:
A member of the public witnesses a group of men with dogs and spades, leaving a wood known to house a badger sett. One of the men, who lives locally, is known to

the witness. The witness then finds a dead badger close to the sett. The witness, who wishes to remain anonymous and is nervous about speaking to the police, reports the discovery to an NGO.

Next steps:

- The NGO calls Police Scotland to inform them that a potential crime victim has been found, and to discuss attendance at the locus and retrieval of the carcass. To assist, the NGO provides an expert experienced in the particular wildlife crime involved to help with identification and recovery of evidence.

- The retrieval takes place as soon as possible to preserve evidence and in a way that does not alert possible perpetrators that a potential crime scene has been uncovered, thus minimising their opportunities to hide or destroy any further evidence.

- The corpse is immediately submitted to a Government laboratory for post-mortem. The majority of carcasses are now submitted to one of the SRUC/SAC veterinary laboratories, who carry out a gross post-mortem, and possibly an X-ray, and send tissue samples to SASA for toxicology testing. DNA samples may also be analysed.

- The post-mortem results are received quickly and confirm that a crime has taken place (in this case that the badger has been killed by a dog).

- Police Scotland consult the National Wildlife Crime Unit who are able to provide an intelligence package regarding the suspect, his associates and other offences that have been uncovered in the vicinity that may be linked to this incident.

- Police Scotland consults with appropriate partner agencies (i.e. those with expertise in assisting in investigations of similar incidents, in the locating and recognition of relevant evidence and/or familiarity with the locus) and a specialist wildlife procurator fiscal to decide the follow-up course of action. The purpose of the follow-up action is to uncover potential further evidence to link the crime to the suspect(s).

- The follow-up options, depending on the available evidence, are a search under powers given to the police under Section 19 of the Wildlife & Countryside Act 1981 and/or a contemporaneous or subsequent application to the sheriff (via the procurator fiscal) for a search warrant to allow entry to dwelling or lockfast premises for the purpose of obtaining evidence. The crime could be indicative of a continuing pattern of offending so the follow-up action needs to take place as quickly as possible.

- A search involving personnel from relevant partner agencies is undertaken.

- Productions are recorded jointly by all partner agencies, followed by a joint evaluation of the evidence uncovered.

- A further case conference takes place between all partner agencies to determine whether a link has been established between the evidence and an individual suspect.

- The suspect is detained/interviewed.

- A case conference takes place between Police Scotland, partner agencies and a specialist wildlife procurator fiscal on the next course of action. Police Scotland may decide to suggest charges but if there is considered to be insufficient evidence then a timely public appeal for information is published.

- If charges are laid against a suspect, Police Scotland prepares a report for the COPFS, with an opportunity for the partner agencies to contribute.

- The specialist wildlife procurator fiscal receives the Police Scotland report and considers all the evidence to decide whether to take proceedings. The fiscal requests background information from appropriate partner agencies and/or external experts.

If the case proceeds to court, COPFS communicates with Police Scotland and the partner agencies on the rationale behind any decision-making with regard to charges and/or a proposed plea resolution.

In some recent cases of wildlife crime investigations in Scotland the 'ideal' process, outlined above, has been followed. There have been some very good examples of partnership-working between Police Scotland and other agencies, substantial communication, quick, well-planned follow-up action and purposeful liaison with the procurator fiscal (see Appendices 1 and 3). However, in many instances, undoubtedly these standards have not been met, highlighting continued failings in the system. These deficiencies are discussed in more detail in section 5.

5. THE RESPONSE TO WILDLIFE CRIME: A REVIEW OF ENFORCEMENT PROCEDURES

5.1 Source Material (Reported Wildlife Crimes)

To evaluate opinions about the effectiveness of the response to wildlife crime incidents, LINK member organisations were invited to provide comments about their direct experience of the enforcement process, from initial incident reporting through to final disposal (Appendices 1-5).

In addition, they were asked to submit supporting data (where available) covering the period 2008-13, to provide an evidence-based summary of their experiences. However, not all organisations have collected such data and of those that have, the level of recorded detail was highly variable, causing challenges for an integrated analysis.

To address these issues, a sub-set of the submitted data was selected to include only 'confirmed' wildlife crime incidents that were known to have been reported to the authorities (Tables 9a and 9b).

It should be emphasised that these data represent only a sub-set of wildlife crimes for the six-year period; for example they exclude many of the confirmed crimes that have been investigated by the SSPCA, 'probable' or 'possible' wildlife crimes, and areas of wildlife crime that are not being addressed by this report. As such, they can be viewed as a representative *proportion* of wildlife crimes known to have been committed in Scotland and reported to the authorities during the period 2008-2013.

The period of data coverage is 2008-2013 as this represents an appropriate six-year measure of assessment following the publication of the Natural Justice report[1] and its suite of recommendations to improve wildlife crime enforcement procedures. The data are presented by year and by police region, to provide an overview of the temporal and spatial occurrence of incidents and investigative performance. Incidents recorded in 2013 after the formation of Police Scotland as a single force have been assigned to pre-2013 regions for consistency. It should be noted that a direct comparison of the performance of each police region has not been attempted given the differences in geographic size, regional habitat (and thus the occurrence of wildlife crime with a specific association to a particular habitat) and unquantified fluctuation in the number of Wildlife Crime Liaison Officers and Wildlife Crime Officers during this period.

Table 9a. Number and type of wildlife crime incidents (by year), 2008-2013

Year	Poisoning	†Poisoned bait	Illegal trap use	Shooting	Possession of eggs	Nest destruction	Nest disturbance	Other	FWPM fishing	River engineering /	Suspicious activity	Snaring	Badger sett disturbance	TOTAL
2008	9	1	3	4	0	0	0	0	3	0	0	0	0	20
2009	18	1	2	4	1	0	0	1	2	1	0	0	0	30
2010	18	3	5	2	0	1	2	0	1	0	0	0	0	32
2011	7	1	3	1	2	0	0	0	1	0	2	3	6	26
2012	3	0	4	4	0	1	0	0	0	0	0	0	2	14
2013	4	1	4	11	0	1	0	0	1	0	1	1	5	29
TOTAL	59	7	21	26	3	3	2	1	8	1	3	4	13	*151

†Poisoned bait but no victims found.

*Number of incidents in database = 148. Number of incidents recorded in T1a = 151 as some incidents involved multiple offences.

Table 9b. Number and type of wildlife crime incidents (by police region), 2008-2013

Region	Poisoning	†Poisoned bait	Illegal trap use	Shooting	Possession of eggs	Nest destruction	Nest disturbance	Other	FWPM fishing	River engineering /	Suspicious activity	Snaring	Badger sett disturbance	TOTAL
Central	1	1	3	2	0	0	0	0	0	0	0	0	0	7
D&G	8	0	1	1	0	1	0	0	0	0	0	0	1	12
Fife	0	0	0	0	0	0	0	0	0	0	0	1	2	3
Grampian	2	1	3	7	0	0	0	0	1	0	0	0	1	15
L&B	7	0	0	3	1	0	0	0	0	0	1	2	8	22
Northern	18	3	6	3	2	0	0	0	5	0	0	1	0	38
Strathclyde	7	2	2	5	0	1	2	1	1	0	2	0	0	23
Tayside	16	0	6	5	0	1	0	0	1	1	0	0	1	31
TOTAL	59	7	21	26	3	3	2	1	8	1	3	4	13	*151

*Number of incidents in database = 148. Number of incidents recorded in T1b = 151 as some incidents involved multiple offences.

5.2 Follow-up Investigation

5.2.1 *Analysis of data*

For the purposes of this review, a follow-up investigation is defined as the investigative authority (typically Police Scotland) undertaking at least one of the following courses of action following receipt of a report of a suspected wildlife crime:

- Retrieval of evidence
- Taking a witness statement
- Conducting a search
- Interviewing a suspect
- Issuing a public appeal for information

Of the sample of 148 incidents between 2008-2013 (as detailed in Tables 9a and 9b), a total of 98 (66.2%) are known to have resulted in a follow-up criminal investigation (Table 10a).

Table 10a. Number of confirmed wildlife crime incidents resulting in a follow-up investigation (by year), 2008-2013

Year	Total no. of incidents	Investigation	No Investigation	Unknown
2008	20	13 [(1)] (65%)	3 (15%)	4 (20%)
2009	29	19 (65.5%)	7 (24.1%)	3 (10.4%)
2010	31	17 [(1)] (54.9%)	12 (38.7%)	2 (6.4%)
2011	26	14 (53.8%)	2 (7.7%)	10 (38.5%)
2012	14	12 (85.8%)	1 (7.1%)	1 (7.1%)
2013	28	23 (82.2%)	2 [(1)] (7.1%)	3 (10.7%)
TOTAL	148	98 [(2)] (66.2%)	27 [(1)] (18.2%)	23 (15.6%)

[(1)]Investigation undertaken by SSPCA (no police involvement)

The figure of 66.2% should be viewed as a minimum, as respondents did not know whether a follow-up investigation was conducted for 23 reported incidents (15.6%), therefore it is possible that the actual follow-up rate was higher. However, the minimum known number of incidents that did not result in a follow-investigation was (18.2%), which amounts to at least 27 confirmed crimes that effectively were ignored. It is also possible that this figure could be higher and may amount to up to one third of confirmed crimes being un-investigated, given the proportion of incidents where it was not known whether a follow-up investigation took place.

Table 10b. Number of confirmed wildlife crime incidents resulting in a follow-up investigation (by police region), 2008-2013

Region	Investigation	No Investigation	Unknown	Total # Incidents
Central	7 (100%)	0	0	7
D&G	7 [(1)] (58.3%)	5 (41.7%)	0	12 [(1)]
Fife	3 (100%)	0	0	3
Grampian	13 (86.7%)	0	2 (13.3%)	15
L&B	8 (38.1%)	1 (4.8%)	12 (57.1%)	21
Northern	20 (54%)	11 (29.7%)	6 (16.3%)	37
Strathclyde	18 (78.3%)	3 [(1)] (13%)	2 (8.7%)	23 [(1)]
Tayside	23 [(1)] (76.6%)	6 (20%)	1 (3.4%)	30 [(1)]

[(1)]Investigation undertaken by SSPCA (no police involvement)

The regional breakdown of whether a follow-up criminal investigation took place or not (Table 10b) demonstrates that the failure to conduct a follow-up investigation was not limited to one particular region but occurred in five of the eight regions and was notably prevalent in Dumfries & Galloway (41.7%), Northern (29.7%) and Tayside (20%).The 23 incidents categorised as 'unknown' (i.e. not known whether a follow-up investigation took place) occurred in five of the eight regions with a particularly high frequency in Lothian & Borders (57.1%).

Respondents were asked to indicate their satisfaction and dissatisfaction of follow-up investigations (Tables 10c and 10d). Overall, respondents were dissatisfied with the follow-up investigation of almost half of the reported incidents (48.7%); just over one third of crimes (35.1%) were considered to have been followed-up satisfactorily. A small proportion of incidents (8.8%) were categorised as being investigated both satisfactorily and unsatisfactorily, indicating that respondents were content with some elements of the investigation but not all.

None of the eight police regions achieved a satisfactory rating of 100%; only two had a satisfaction rating of over 50% (Central: 57.1%; Grampian: 53.3%). In five police regions, the dissatisfaction rating was higher than the satisfaction rating (Dumfries & Galloway, Fife, Lothian & Borders, Strathclyde and Tayside).

Table 10c. LINK member organisations' satisfaction / dissatisfaction with follow-up investigation (by year), 2008-2013

Year	Total no. of incidents	Satisfied	Dissatisfied	Both	Unknown	Ongoing
2008	20	8 (1)	7	2	3	0
2009	29	10	11	5	3	0
2010	31	14 (1)	14	2	1	0
2011	26	8	16	1	1	0
2012	14	4	7	3	0	0
2013	28	8 (1)	17	0	1	2
TOTAL	148	52 (3)	72	13	9	2
Overall %	n/a	35.1%	48.7%	8.8%	6.1%	1.3%

(1)Investigation undertaken by SSPCA (no police involvement)

Table 10d. LINK member organisations' satisfaction / dissatisfaction with follow-up investigation (by police region), 2008-2013

Police force area	Total no. of incidents	Satisfied	Dissatisfied	Both	Unknown	Ongoing
Central	7	4 (57.1%)	3 (42.9%)	0	0	0
D&G	12	3 (1) (25%)	8 (66.6%)	1	0	0
Fife	3	0	3 (100%)	0	0	0
Grampian	15	8 (53.3%)	4 (26.6%)	1	2	0
L&B (21)	21	4 (19%)	15 (71%)	1	0	1
Northern	37	17 (45.9%)	13 (35.1%)	3	4	0
Strathclyde	23	9 (1) (39.1%)	10 (43.5%)	3	1	0
Tayside	30	7 (1) (23.3%)	16 (53.3%)	4	2	1

(1)Investigation undertaken by SSPCA (no police involvement)

5.2.2 *Perceived problems*

The follow-up investigation to a reported wildlife crime incident is arguably the most crucial part of the enforcement process[4] as without it the latter stages of enforcement cannot proceed, and yet there are obvious deficiencies in this area of the enforcement regime as demonstrated in the analysis of the data presented in section 5.2.1. The concerns highlighted by this review centre not only on whether a follow-up investigation took place, but also the quality of the investigations that did occur.

Of the 148 confirmed wildlife crimes that were reported, at least 18% did not result in a follow-up investigation and it is feasible that as many as one third of the reported incidents were un-investigated. Whilst five of the eight regions appeared to have a relatively high level of follow-up investigation (e.g. Central (100%), Fife (100%), Grampian (86.7%), Strathclyde (78.3%) and Tayside (76.6%), these percentage values are not necessarily demonstrative of a thorough follow-up investigation. Of the follow-up investigations that did occur, LINK members reported a dissatisfaction rate (of the standard of investigation) of at least 48%.

Although there are few justifiable reasons for the erratic response rate and the perception of poor investigative quality, there are several explanations that may account for it:

Police under-resourcing was highlighted as a barrier to effective enforcement in the Government's Natural Justice report[1] and one of the report's key recommendations (recommendation #17) was that "*Those police forces* (now divisions) *that do not already have a full-time wildlife crime coordinator post, create one and appoint a police officer to the role*". Unfortunately this recommendation has still not been implemented as only five of the 14 Police Scotland divisional areas employ a full-time WCLO; the remaining nine divisions employ part-time WCLOs (see section 3.1) who have to balance their wildlife crime investigation responsibilities with other areas of police work. Having to rely upon one officer per divisional area with the primary responsibility for coordinating a follow-up investigation to a reported wildlife crime will undoubtedly cause problems, and especially if that officer's role is only part-time. However, even if each of the 14 police divisions did have a full-time WCLO, the follow-up response rate may still be affected due to additional complications such as shift patterns, annual leave, sick leave, attendance at meetings etc.

It is imperative in many cases of wildlife crime that a quick response is accomplished, especially if the incident involves an injured or dead animal or a poisoned bait. The quick retrieval of this type of evidence is necessary to prevent further suffering (if the victim is injured), to prevent it being scavenged or removed by a potential suspect (dead animal), and to reduce the likelihood of harm to both animals and humans (poisoned bait). Several of the comments made by LINK respondents on what they perceived to be an unsatisfactory follow-up investigation (see Appendix 2) referred to a delayed police response, sometimes as much as several months from the initial reporting of the crime. Whilst the limited availability of a WCLO may explain some of the delays, it is also likely that delays were exacerbated by the quality and quantity of training opportunities made available to WCLOs, which is in turn related to the seriousness with which senior police officers treat wildlife crime. This is exemplified by Case Study 1, which relates to an incident that took place in 2014:

Case Study 1

"*Some colleagues of mine identified what they believed to be a disturbed sett in mid-Feb. I reported it to Police Scotland immediately via 101 but had no response for six weeks. Despite several calls to follow up (using the incident number) no one got back in touch with me. Yesterday I called Police Scotland and lodged a formal complaint. What followed was a flurry of telephone calls from WLOs and Inspectors.*

I learned quite a lot through the various conversations. Both the Inspector and the WLO told me that they'd never heard of badger baiting before. The Inspector asked me if it involved using traps to capture badgers for sale as pets! Both were very candid and explained that they have no understanding of wildlife crime, they've received no training and that it had been made clear to them that all other duties should take priority. As far as the WLO was concerned, wildlife crime only extended to dog fighting and salmon poaching. He's not allowed to investigate anything else. We spoke at length and he sounded very uncomfortable and totally out of his depth.

The Inspector gave me some really great advice though. He suggests that whenever we call 101 about wildlife crime, we're likely to be palmed off. He said that the call handler will offer to send an email to the WLO. We have not to accept this. We've to insist that a response officer attends the scene immediately or that a diary appointment is made for the following day. According to the Inspector, this is the only way that we'll get someone at the locus as the WLOs will not be given time to investigate otherwise.

I'm really angry about this as it highlights the spurious veneer of rigour the police apply to wildlife crime. I'd like to take this up with Stephen House but I'm not sure how best to do so".

According to the LINK respondents, this apparent marginalisation of wildlife crime is not an isolated incident (see Appendices 2 & 5) and indeed it has been widely recognised as a cause of ineffective wildlife crime enforcement.[1, 4, 10] Many local WCLOs may have the best of intentions but if they have received insufficient training to allow them to recognise a wildlife crime, coupled with a lack of support from senior managers, the investigation is predestined to fail. The Natural Justice report[1] recognised that the training needs of Police Wildlife Crime Officers should be addressed (recommendations #14, 15, 16) but there is little evidence to suggest that this has taken place. Whilst there have been some examples of well-conducted follow-up investigations (see Appendix 1), these have been inconsistent and appear to have been reliant on the experience and personality of the individual WCLO/WCO rather than on a standard operational policy or procedure.

In addition to concerns about long delays before a follow-up investigation took place, LINK respondents also highlighted a number of perceived inadequacies relating to the actual search itself. The purpose of an initial search is the retrieval of potential (reported) evidence, and the purpose of a secondary (wider) search is

to seek any other evidence that may be available to link a suspect to the crime. A recurring concern of respondents was the procedure used for the initial search and the limited extent of the secondary search, particularly in relation to those carried out on large sporting estates after reports of alleged raptor persecution. There were a number of examples where, in the apparent interests of 'transparency', the police either notified the estate of an impending initial visit or arrived on scene in uniform and in marked vehicles, thus alerting any potential suspects to a police presence and providing an opportunity for potential additional evidence to be removed. This is clearly counter-intuitive to the purpose of a search.

There were also several examples where either the police or the COPFS failed to apply for a search warrant to enable a wider (secondary) police search of lockfast buildings and dwellings. There are three steps in the process of applying for a search warrant: (1) The police consider the available evidence and then request the fiscal to make an application to a sheriff for a search warrant; (2) The fiscal considers the available evidence and makes a decision whether to proceed; (3) The fiscal chooses either to apply to a sheriff for a search warrant, or refuses to apply based on the available evidence. One example of failures to apply for search warrants because it wasn't considered 'proportionate', despite there being intelligence (and evidence) of long-term criminality in that particular area, is demonstrated in Case Study 2, which relates to incidents that took place in 2008 and 2009:

Case Study 2

"A white-tailed eagle was found dead close to the boundary of two estates, one of which had a comprehensive recent history of criminality. The carcass was retrieved and sent for toxicological analysis, which confirmed the eagle had been poisoned with an unusual mixture of three proscribed pesticides.

A multi-agency Section 19 (Wildlife & Countryside Act 1981) search of the area was conducted which resulted in the discovery of a poisoned buzzard, a poisoned bait (half a mountain hare) and 32 cubes of poisoned meat that had been placed on the tops of fence posts on an electric deer fence. The buzzard was confirmed as having been poisoned by one of the three proscribed pesticides that had killed the eagle. The mountain hare and the 32 meat baits were found to contain the same combination of proscribed pesticides that had killed the eagle. Due to the configuration of the deer fence, the meat baits could only have been placed on it from one side – i.e. on land belonging to the estate with a recent history of illegal poison use. The police applied to the fiscal for a search warrant to enable them to conduct a wider search but their application was refused, with no reasons given.

In spring the following year, two poisoned buzzards were found on the same (neighbouring) estate. Later the same year, a second poisoned white-tailed eagle was discovered there. An application for a search warrant was sought but again was refused.

In both cases the inability to undertake a comprehensive search for evidence to link the crimes to a particular individual or estate meant that there was no further follow-up. Had the first search warrant been issued it may well have prevented the deaths of the two buzzards and second white-tailed eagle. Why both search warrants were refused, in spite of the overwhelming supporting evidence, is utterly bewildering".

Moving from cases where warrants were not granted, to instances where a search was carried out under warrant, respondents reported that it has become increasingly common for specialist partner agencies to be deliberately excluded, which leads to more pressure on police resources but perhaps more importantly a loss of expertise and experience. It was strongly felt that this failure to work in partnership with specialist agencies decreases the chance of successfully recovering the best available evidence. It was the opinion of several LINK respondents that this exclusion policy is political, in order to placate noisy representations from land-management interests and their legal representatives.

Justification for this claim is supported by a comparison with searches used, for example, in relation to illegal egg collections, such as those used by the police-led *Operation Easter*. In those cases, specialist partner agencies (particularly the RSPB) are routinely involved and indeed the police are reliant upon the partner agency's expertise to recognise the significance of potential evidence. This approach of multi-agency intelligence sharing and partnership-working has made a significant impact on the activities of egg collectors in recent years.[60] It is therefore difficult to avoid the conclusion that the recent trend in personnel deployed on searches relating to estate-based raptor persecution has been influenced by political concerns, resulting in Police Scotland and/or the Crown Office being unwilling to be creative within their investigatory boundaries.

Another common concern raised by LINK respondents about follow-up investigations was that of poor communication. Many comments referred to not knowing whether a follow-up investigation to a reported wildlife crime had taken place (Appendix 2) and indeed the number of incidents categorised as 'unknown' (Tables 10a-d) is indicative of communication difficulties between a number of police regions (divisions) and partner agencies, although most notably in Lothian & Borders (57.1%).

In addition to inadequate communication between the police and partner agencies, there was widespread concern amongst respondents about the timeliness and quality of publicity relating to wildlife crimes. Clearly, for operational purposes, public information about a follow-up investigation should be restricted until such time that the suspects are aware that a crime has been discovered, for example after a wider (secondary) search of land and/or premises has been conducted. Nevertheless, if offences against wildlife crime are treated in the same way as any other crime (as identified as a Scottish Government strategic objective),[22] publicity

would happen at the earliest opportunity. This may be a mere statement of the facts, or often an appeal for information. However, LINK respondents submitted to this review records of incidents which have received no publicity at all, or long delays of many months before information was released, or information that was so vague about the offence (e.g. cause of death/location etc) it was of little use at all. As far as any of the respondents are aware, the release of detailed public appeals for information has never compromised an investigation or prosecution so there would seem little justifiable cause for withholding this information. In the case of wildlife crimes involving poison it should be obligatory to release detailed information, including specific locations of where these offences have been detected, in order to warn the public of the presence of a significant (potentially fatal) health hazard to both them and their livestock and/or pets.

LINK respondents also cited poor communication as being a problem during several other stages of the enforcement process (see section 5.3.2) and not just during the follow-up investigatory stage. Improved communication was the subject of several recommendations made in the Natural Justice report[1] (recommendations #22, 23, 24) but there is scant evidence to demonstrate that these recommendations have been effected. The apparent culture of secrecy by the investigative authorities is not only eroding public confidence but it also greatly inhibits the potential for partnership working and is thus a significant barrier to the effective enforcement of wildlife crime.

5.3 Prosecution

5.3.1 *Analysis of data*

Of the 148 confirmed representative incidents, 22 (14.9%) resulted in a prosecution (Tables 11a and 11b). However, two of those prosecutions were for non-wildlife crimes (offences uncovered during the follow-up investigations of two wildlife crimes). Thus, only 20 of the 148 confirmed wildlife crime incidents (13.5%) resulted in a prosecution. However, this figure should be viewed as a minimum, as respondents did not know whether ten incidents resulted in a prosecution or not (the ten categorised as 'unknown'); therefore it is possible that the number of incidents resulting in a prosecution could have been 30 (20.2%) and if the five incidents categorised as 'on-going' result in a prosecution, the total number could be 35 (23.6%).

Nevertheless, of the 148 confirmed incidents of wildlife crime, at least 111 (75%) have failed to result in a prosecution. This figure should also be viewed as a minimum, as if the ten (6.7%) 'unknown' incidents also failed to reach the prosecution stage, the overall figure would amount to 121 (81.7%), and if the five (3.4%) 'on-going' incidents also fail to result in a prosecution, the overall figure would reach 126 (85.1%).

The regional breakdown of incidents failing to result in a prosecution demonstrates that it was a widespread phenomenon across all police regions.

Table 11a. Number of wildlife crime incidents resulting in a prosecution (by year), 2008-2013

Year	Prosecution	No Prosecution	Unknown	On-going	Total # Incidents
2008	2 [(1)] (10%)	18 (90%)	0	0	20
2009	6 [(*)] (20.7%)	23 (79.3%)	0	0	29
2010	6 [(1)] (19.3%)	25 (80.7%)	0	0	31
2011	5 [(*)] (19.2%)	12 (46.1%)	9 (34.7%)	0	26
2012	2 (14.2%)	12 (85.8%)	0	0	14
2013	1 (3.6%)	21 [(1)] (75%)	1 (3.6%)	5 (17.8%)	28
TOTAL	[†]22 [(2)] ([†]14.9%)	111 [(1)] (75%)	10 (6.7%)	5 (3.4%)	148

[(1)]Incident investigated by SSPCA (no police involvement).
[(*)] One prosecution in 2009 and one prosecution in 2011 involved non-wildlife crimes.
[†]Total number of wildlife crime incidents resulting in a prosecution = 20 if the two non-wildlife crime prosecutions are removed, resulting in a 13.5% success rate for prosecution.

Table 11b. Number of wildlife crime incidents resulting in a prosecution (by police region), 2008-2013

Region	Prosecution	No Prosecution	Unknown	On-going	Total # Incidents
Central	0	6 (85.8%)	1 (14.2%)	0	7
D&G	2 [(1)] (16.6%)	10 (83.4%)	0	0	12
Fife	0	3 (100%)	0	0	3
Grampian	2 (13.3%)	12 (80%)	0	1 (6.7%)	15
L&B	0	11 (52.3%)	9 (42.9%)	1 (4.8%)	21
Northern	5 (13.5%)	32 (86.5%)	0	0	37
Strathclyde	6 (26.1%)	17 [(1)] (73.9%)	0	0	23
Tayside	7 [(1)] [(*)] (23.3%)	20 (66.7%)	0	3 (10%)	30

[(1)]Incident investigated by SSPCA (no police involvement).
[(*)]Two prosecutions in Tayside region involved non-wildlife crimes.

5.3.2 *Perceived problems*

The failure of at least three-quarters of the confirmed representative wildlife crimes to reach the prosecution stage is a stark illustration of the difficulties inherent in bringing wildlife criminals to justice.

In some instances the failures to prosecute were undoubtedly the result of the innate problems associated with investigating crime in remote areas, e.g. the crime was not discovered until many months after its commission with little prospect of linking a suspect to the locus. In other examples the WCLO may have identified the culprit but may have chosen to issue a police warning instead of reporting the offender for prosecution – a legitimate course of action in some circumstances although highly questionable when used at loci with histories of repeat offences.

However, in many of the cases analysed for this review the cause of failure was inextricably linked to a less than ideal follow-up investigation. Examples cited by LINK members (listed in Appendices 2 and 5) included:

- Long delays in response times led to the disappearance of evidence;
- Poorly-targeted and/or restricted search efforts led to missed opportunities for uncovering potentially incriminating evidence;
- The premature disposal of evidence prior to toxicology examination.

Numerous respondents noted that, although they had been significantly involved in an investigation, they were not informed of either:

(a) why the police had decided not to report the offender to the fiscal for prosecutorial consideration, or
(b) why the fiscal had decided not to proceed with a prosecution.

Some respondents suggested that the lack of communication from the police (about whether a report had been submitted to COPFS) was probably a consequence of the time constraints placed on part-time WCLOs (thus limiting their opportunity for timeous updates), but it was also suggested that sometimes the poor communication was as a result of the partner agency being deliberately excluded from the decision-making process (see Appendix 2). Whatever the cause, the failure of the police to communicate was in direct conflict with recommendation #23 of the Natural Justice report[1] which states:

"*That where a specialist agency has played a significant part in an investigation the reporting officer will confirm to the agency whether or not a report is being submitted to COPFS. If one is being submitted the reporting officer will confirm with the agency that the report accurately reflects its involvement. The report will confirm the agency has been advised of the submission of the report and that the agency agrees the report accurately reflects its involvement*".

Poor communication from COPFS is more difficult to address, given their independent role in marking cases and that they are under no formal obligation to discuss their rationale for a decision not to proceed. However, a number of recommendations (#2, 22, 24) in the Natural Justice report[1] indicated that improved communication between the fiscal and partner agencies was to be encouraged. For example, recommendation #2 states:

"*That the Wildlife and Habitats Crime Prosecution Forum be constituted so that the maximum operational and policy benefit can be gained from open and forthright debriefing of cases between the relevant agencies*".

The Wildlife and Habitats Crime Prosecution Forum was established in 2006, chaired by COPFS. The Forum "*was established partly in response to wildlife organisations dissatisfied at the lack of a formal mechanism for discussing and learning from unsuccessful prosecutions. The Forum's primary function was to address concerns relating to the enforcement of wildlife crime and to provide a national support forum for information-sharing. Practitioners involved in investigation and prosecution formed the core of the group*".[1] Although the phrase 'unsuccessful prosecutions' was used, it is not clear whether this would limit forum discussions to prosecutions that were taken but subsequently failed in court, or whether it would also include cases that were reported to COPFS but were subsequently marked as 'no proceedings'.

However, recommendation #22 of the Natural Justice report[1] provides a much clearer interpretation of what should be eligible for discussion:

"*That the Wildlife and Habitats Crime Prosecution Forum initiate debriefs following significant wildlife crime investigations and prosecutions, either locally with partners or where appropriate nationally*".

A number of respondents considered a series of 'mock trials', last held several years ago, to be of great benefit. These mock trials gave those in the statutory agencies and partner NGOs the opportunity to discuss the decision-making process, the presentation of the prosecution and defence arguments, and standards of evidence. The content of the mock trials was hypothetical but each trial was based on a real case.

The current failure to communicate and thus facilitate partnership-working, by both the police but particularly by COPFS, creates a damaging legacy from which partner agencies are unable to learn and understand. It can also lead to considerable frustration, as illustrated by Case Study 3, which relates to an investigation that began in 2009:

Case Study 3

In February 2009, a large egg collection was seized from a man living in the north of England. RSPB staff assisted the police and CPS with this investigation. Analysis of the items seized, including over 6000 emails, indicated that this individual was extensively involved in the illegal trading of birds' eggs and had connections with people in Scotland. This loose group was more widely involved in trading of CITES specimens with individuals in Sweden, USA, Australia and South Africa. This was the largest enquiry of its type the RSPB has encountered. Following excellent partnership working between the police, CPS and RSPB, the man was charged with a number of offences. He subsequently pleaded guilty to a range of offences relating to unlawful possession of birds' eggs, illegal trade and smuggling. He received a suspended prison sentence.

In June 2009, on the back of this enquiry, search warrants were executed at two addresses in Scotland. A total of over 15,000 birds' eggs were discovered along with documentary material, emails, photographs and other items. A meeting in Scotland was held at an early stage between police, COPFS, NWCU and RSPB. This was extremely useful in assessing the nature of the evidence, how the enquiries were linked and establishing the best course of action. Following this process, the police and RSPB, supported by the NWCU, invested hundreds of hours of work in both cases, documenting eggs, examining productions and analysing email correspondence between the individuals concerned. RSPB prepared a comprehensive report for the police and COPFS in both cases.

Following an initial court appearance, RSPB became increasingly concerned about the lack of apparent action in one of these cases. A good while later, RSPB were invited to a meeting with COPFS apparently to discuss some problems with the investigation, though no prior details had been provided. At the outset of the meeting the Crown indicated they were planning to discontinue the case, because of apparent evidential concerns, believed to have been largely raised by the defence agent. It was immediately clear to RSPB, based on their experience of many previous cases, that the majority of the issues that had been raised did not appear to apply to this case. It also transpired that a number of potential Wildlife and Countryside Act 1981 charges were now time-barred; COPFS accepted this was their error. At the conclusion of the meeting it was put forward that if the case was to be discontinued, it would now be on public interest grounds.

RSPB was later told that the case was indeed to be discontinued on public interest grounds, but were informed they would not see details of the reasoning in this case.

One of the recommendations of the Natural Justice report was "that where a specialist agency has played a significant part in an investigation and COPFS take proceedings, they will discuss charges and any proposed plea resolution with the specialist agency". Whilst there had been positive discussions between COPFS and RSPB from an early stage about the evidence and potential charges, it appeared

the final decision to discontinue the matter had effectively been made before any discussion with the RSPB despite their considerable input to this case and experience in this area.

In the second Scottish case a man was later prosecuted on similar charges to the case in England and to those which had been proposed in the discontinued case in Scotland. As a result of intelligence gleaned from the enquiries in Scotland and England, there were also later convictions of three men in Scandinavia for egg collecting and trading offences.

The obvious issue of concern was the complete lack of transparency and clarity by the Crown Office regarding the decision-making process in the first Scottish case to be considered. The nature of the evidence in all three cases was extremely similar and it is difficult to understand why evidential and public interest criteria were satisfied in two cases but not the other. The evidential concerns raised in the discontinued case, which had not been a problem for the completed case in England, also did not appear to cause any problems in the second Scottish case.

Given the significant amount of time and resources invested in this enquiry by both the police and RSPB, the very least that could be expected was some kind of clear rationale for the unfathomable decisions that were made by the Crown Office in the discontinued case. Without this type of feedback it is not possible to learn lessons for future investigations and assess where improvements could be made. Such enlightenment has never been forthcoming.

Data were unavailable to assess what proportion of the 75% of cases that failed to reach the prosecution stage had fallen at the police reporting stage and what proportion at the COPFS' marking stage.

Twenty incidents (13.5% of the 148 confirmed incidents) did result in a prosecution and in a number of cases, respondents indicated their satisfaction with some of the prosecutions, citing good partnership working and good communication between COPFS and the partner agencies (Appendix 3).

Unfortunately, some cases, having reached the prosecution stage, subsequently failed due to the 'Cadder' ruling (a Supreme Court judgement which determined that suspects being questioned by the police have the right to immediate legal assistance, based on the principles of the European Convention on Human Rights (*Cadder v HM Advocate* 2010)). In cases that were affected by this ruling, COPFS was obliged to discontinue the prosecutions with immediate effect.

Of the remaining prosecutions, respondents were dissatisfied with COPFS case handling and referred to issues such as long delays, unsatisfactory communication, the inappropriate acceptance of plea resolutions or poorly-informed narrations (see Appendix 4).

In 2011, the Prosecution Forum ceased operating when the Crown Office announced the establishment of a full-time Wildlife and Environmental Crime Unit, with three full-time prosecutors. This step was widely welcomed by LINK members, with the expectation that full-time staff would have a greater knowledge and understanding of a complex area of law. LINK respondents commented that although the prosecution of cases has become considerably more professional and knowledgeable, engagement of the Crown Office with LINK member partner agencies continues to vary considerably across Scotland.

5.4 Conviction and Sentencing

Twenty of the confirmed wildlife crimes (13.5% of the 148 representative sample) are known to have reached the prosecution stage and of those, 15 are known to have resulted in a conviction. This figure should be viewed as a minimum as several cases are currently on-going and thus the number of known convictions may increase.

Table 12 shows the penalties for known wildlife crime convictions between 2008-2013. However, this is a representative sample and the data do not necessarily correspond directly with the data presented in Tables 9-11. For the purpose of this review, cross-referencing the data in Table 12 with the 148 representative cases was hindered by several factors, for example, convictions rarely occurred in the same year as the commission of the offence, and incident data provided by the LINK respondents were anonymised (i.e. name of suspect/defendant not provided) due to potential data protection constraints. Therefore, the data in Table 12 should be viewed as a representative sample of penalties applied for wildlife crime convictions during the period 2008-2013.

Table 12. Penalties for known wildlife crime convictions, 2008-2013 (Data adapted from various sources[74, 75, 76, 77, 78, 79, 80]).

Year	Details	Sheriff Court	Act	Section	Penalty type	Penalty
2008	Illegal use of a crow trap found to contain a buzzard. Trap not checked for at least 48hrs & contained no food, water & shelter.	Lanark	Wildlife & Countryside Act 1981	1(1)(A)	Fine	£150
			Animal Health & Welfare (Scotland) Act 2006	24(1)	Fine	£150
2008	Reckless disturbance of a white-tailed eagle.	Oban	Wildlife & Countryside Act 1981	1(5)(A)	Fine	£600
2008	Shooting a common gull and an oystercatcher.	Aberdeen	Wildlife & Countryside Act 1981	1(1)(A)	Fine	£650
2008	Illegal possession of a wild buzzard & failing to take reasonable steps to ensure its welfare needs were met.	Edinburgh	Animal Health & Welfare (Scotland) Act 2006	24(1)	Fine	£300
			Wildlife & Countryside Act 1981	1(2)(A)	Fine	£300
2009	Setting a spring trap in the open to injure a wild bird & setting a spring trap to kill a badger.	Dumfries	Wildlife & Countryside Act 1981	5(1)(A)	Fine	£1,400
			Wildlife & Countryside Act 1981	11(2)(B)	No additional penalty	-
2009	Causing & permitting the destruction of 50 active house martin nests.	Perth	Wildlife & Countryside Act 1981	5(1)(F)	Fine	£300

2010	Killing a lesser black-backed gull.	Dunfermline	Wildlife & Countryside Act 1981	1(1)(A)	Admonishment	Accused told to make £500 donation to SSPCA
2010	Shooting of a buzzard & possession of carbofuran & alphacloralose in jacket pocket.	Perth	Wildlife & Countryside Act 1981	1(1)(A)	Fine	£400
			Wildlife & Countryside Act 1981	15(A)	Admonishment	-
2010	Putting out a poisoned bait using the banned pesticide carbofuran.	Lanark	Wildlife & Countryside Act 1981	5(1)(A)	Fine	£800
2011	Possession of (10.5kg) carbofuran.	Inverness	Wildlife & Countryside Act 1981	15(A)	Fine	£3,300
2011	Possession of a dead red kite.	Inverness	Wildlife & Countryside Act 1981	1(2)(A)	Fine	£1,500
2011	Taking 49 eider & 4 lesser black-backed gull eggs (3 accused)	Kirkcaldy	Wildlife & Countryside Act 1981	1(1)(C)	Fine	Three accused fined £350, £250 & £250 respectively
2011	Possession of a pigeon inside a set cage trap.	Aberdeen	Wildlife & Countryside Act 1981	1(2)(A)	Fine	£520
2011	Reckless disturbance while photographing white-tailed eagle with young in nest.	Oban	Wildlife & Countryside Act 1981	1(5)(A)	Fine	Two accused fined £500

						& £600 respectively
2011	Poisoning four buzzards with Alphachloralose.	South Lanark	Wildlife & Countryside Act 1981	1(1)(A)	Community Order	100 hours
2012	Possession of carbofuran in vehicle.	Lanark	Wildlife & Countryside Act 1981	15(A)	Fine	£635
2012	Trapping a tawny owl in a crow trap & operating an illegal cage trap.	Forfar	Wildlife & Countryside Act 1981	1(1)(A)	Admonishment	-
			Wildlife & Countryside Act 1981	5(1)(B)	Admonishment	-
2012	Taking 20 eggs of wild birds & possession of egg collecting kit.	Inverness	Wildlife & Countryside Act 1981	1(1)(C)	Jail & ASBO	6 months jail + indefinite ASBO banning accused from visiting Scotland during breeding season. Forfeiture of equipment
			Wildlife & Countryside Act 1981	18(2)	No separate penalty	
2012	Illegally operating a cage trap in which a buzzard had starved to death.	Perth	Wildlife & Countryside Act 1981	5(1)(B)	Fine	£450

2012	Kicking & injuring a herring gull which had to be euthanized as a result.	Tain	Wildlife & Countryside Act 1981	1(1)(A)	Community Order	Two accused were each given 180 hours
2012	Possession of carbofuran	Oban	Wildlife & Countryside Act 1981	15(A)	Fine	£1,200
2012	Setting spring traps & catching grey heron in a spring trap. Heron had to be euthanized as a result.	Dumfries	Wildlife & Countryside Act 1981	1(1)(A)	Fine	£1,500
			Wildlife & Countryside Act 1981	5(1)(A)	No separate penalty	
			Wildlife & Countryside Act 1981	11(2)(A)	No separate penalty	
2013	Unauthorised river construction work leading to release of high volume silt in to the waterway causing injury and death to freshwater pearl mussels.	Perth	Water Environment (Controlled Activities) (Scotland) Regulations 2005 *and*	5 & 41(A)	Fine	Company fined £10000
2013	Striking a pipistrelle bat with a pool cue.	Aberdeen	Conservation (Natural Habitats etc.) Regs 1994	unknown	Fine	£160

The tariffs available for most (but not all) offences committed under the Wildlife & Countryside Act 1981 are set at a maximum of a £5,000 fine and/or a six-month prison sentence for *each offence.*

Many of the disposals employed in the representative sample (Table 12) are at the lower end of the scale and penalties issued for similar crimes appear to have been applied inconsistently, e.g. the penalties delivered for the possession of a banned pesticide and/or the poisoning of a protected species include an admonishment, a 100-hour community order, and fines of £635, £800, £1,200 and £3,300. Without access to the court transcripts it is, however, unwise to compare these penalties as they will have been influenced by the individual circumstances of each case, including variables such as an early guilty plea, mitigation etc.

Nevertheless, the *apparent* inconsistency in Table 12 and, perhaps more importantly, the perceived lack of adequacy and deterrent effect, have led to calls for more punitive and mandatory penalties. For example, it has been previously suggested[81] that mandatory custodial sentences should be imposed for poisoning offences, based on the argument that the introduction of custodial sentences, although not mandatory, was successfully introduced for egg-collecting offences in Scotland in 2003, leading to a dramatic reduction in that type of wildlife crime.[76] It was suggested that if a custodial sentence was introduced for poisoning offences, and it was decreed a mandatory punishment, judicial discretion would be limited by law and the sentence would not only reflect the seriousness of the crime but would perhaps also have a higher deterrent effect than an admonishment, community order or a small fine.

However, others[4, 10] have argued persuasively that increasing the tariffs available to the judiciary under wildlife legislation will count for little if the problems of early-stage enforcement (e.g. under-resourcing, gathering evidence and investigating cases) are also not addressed. In other words, regardless of the punitive value of a sentence, the deterrent effect will be limited if an offender concludes that the chances of being caught and receiving the punishment are minimal.

Nonetheless, deterrence is still an important factor and it has been reported[10] that decades of wider criminological research indicated that certainty of punishment is more important than severity, and that people are more deterred by sanctions that are personally relevant than by the general sanctions of the criminal justice system. This approach of using legal sanctions other than prosecution and that are more personally relevant has been applied in Scotland with the reduction of Single Farm Payments where there has been evidence of illegal activity,[82] although in recent years information about such penalties has apparently been restricted from the public domain, thus reducing public confidence and preventing the penalty being seen as a deterrent. Publicity given to any sentencing is essential in establishing general deterrence as the public must be encouraged to believe that punishment automatically follows the commission of a crime.[4]

Other potential legal sanctions that would have more personal ramifications for offenders are currently either under consideration, e.g. the revocation of firearms certificates,[83] or have been proposed by a partner agency, such as the introduction of a licensing scheme for sporting estates whereby a licence may be revoked for a period of time commensurate with the seriousness of an offence.[84] This and similar measures have already been introduced in several other European countries[85, 86] and deserve further research to examine their effectiveness. Another deterrent strategy that has been implemented in Scotland in recent years is the introduction of vicarious liability, under the provisions of the Wildlife and Natural Environment (Scotland) Act 2011, although it is too early to assess its deterrent effect as the first case has yet to be completed.* (*See Postscript in Section 6).

As previously noted (section 3.3) a review of sentencing options for wildlife crime offences is currently being undertaken[55] and as such, it is recommended that further assessment of wildlife crime sentencing is deferred until the review committee reports its findings in early 2015.

5.5 Summary

Wildlife crime enforcement in Scotland at best is patchy and variable, and broadly, is ineffective and beset with serious and systemic problems, from the initial reporting and recording of a suspected crime through to the final disposal of conviction and sentencing.

Police under-resourcing has led to an erratic response rate to initial incident reports (at least 18% of the reported incidents analysed in this review were un-investigated), which has been compounded by an appalling lack of communication between Police Scotland/COPFS and partner agencies. In some cases communication failure has been due to the unavailability of a WCLO but in other cases it has been reported to be the result of deliberate obstruction by the statutory agencies.

Follow-up investigations have been hampered by resourcing difficulties, an apparent pre-occupation with 'transparency' and 'proportionality', and the exclusion of partner agencies on some occasions, which has impacted on the quality of the investigation.

At least 75% of the reported crimes analysed in this review failed to reach the prosecution stage. In some instances it was recognised that this failure was as a result of the inherent difficulties of investigating crime in remote areas. However, in many cases the failure was considered to be inextricably linked to a substandard follow-up investigation, including issues such as long delays in response times leading to the disappearance of evidence and/or poorly-targeted and/or restricted search efforts leading to missed opportunities for uncovering potentially incriminating evidence.

Chronic communication failure was also highlighted at the prosecution stage of the enforcement process, especially between Police Scotland/COPFS and partner agencies. Numerous LINK respondents suggested that although they had been significantly involved with an investigation, they had not been informed of either (a) why the police

had decided not to report the offender to the fiscal for prosecutorial consideration, or (b) why the fiscal had decided not to proceed with a prosecution. Again, this was sometimes considered to be as a result of time constraints limiting the availability of a WCLO but sometimes also due to the partner agency apparently being deliberately excluded from the process.

Overall, but with a few notable exceptions, there is, amongst LINK members, an overwhelming lack of confidence in the ability of statutory agencies to adequately investigate wildlife crime. Few investigations, when they actually occur, follow the ideal model, with time delays, communication difficulties, exclusion of partner experts, and inexperience of Police Wildlife Crime Officers cited as causing regular problems. The success of an individual investigation and/or subsequent prosecution appears to be dependent on personality and there is often a complete disregard of the conservation impact of the crimes. Information sharing has been very poor, and while many respondents viewed the formation of PAW Scotland as a welcome forum for discussion, it was suggested that it achieves little in the way of tangible results and is believed by some to be hampered by a "persistent pandering" to land management interests.

It is often stated that wildlife crime should be treated like any other crime. In practice, this is rarely the case. It is readily apparent, from the concerns raised repeatedly by LINK members, that there needs to be a root and branch review of wildlife crime law enforcement and its resourcing in Scotland.

6. POSTSCRIPT

This review was completed in October 2014, prior to the publication (October 2014) of the Scottish Government's *Wildlife Crime in Scotland: 2013 Annual Report*, so those data are not included here.

Two landmark cases also concluded after the completion of this review and are thus not included in the analyses:

1. The conviction of a landowner at Stranraer Sheriff Court on 23rd December 2014 for being vicariously liable for the poisoning and killing of a buzzard in 2012. The landowner was fined £675 for four offences under Section 15A(1) and Section 18A(1) and (2) of the Wildlife and Countryside Act 1981. This was the first prosecution and conviction under Section 18A, after coming in to force on 1st January 2012.

2. The conviction of a gamekeeper at Aberdeen Sheriff Court on 11th December 2014 for the use of traps for the purpose of taking wild birds, the killing of a goshawk, the taking of another goshawk and the taking of a buzzard in 2012. The evidence included footage from video cameras. On 12th January 2015 the gamekeeper was sentenced to four months imprisonment for four offences under Section 5(1)(b) and Section 1(1)(a) of the Wildlife and Countryside Act 1981. This was the first custodial sentence in Scotland to be conferred for raptor persecution offences.

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APPENDIX 1

Comments made by Scottish Environment LINK respondents about satisfactory follow-up investigations of specific incidents.

1. WCO did as much as could be expected.
2. Good execution of search warrant. Partner agencies involved.
3. Quick police response.
4. Suspects interviewed by police, denied all knowledge so nothing further could be done.
5. Well-planned operation.
6. Taken as far as possible with information available at the time.
7. Quick follow-up search warrant, multi-agency effort.
8. As much done as could be expected.
9. Very good example of partnership working despite some logistical difficulties.
10. Attempted use of DNA and good witness evidence. As much done as could be expected and creative thinking by WCO.
11. Well-thought out investigation by WCO with a well planned warrant.
12. After a bit of persuasion, police did a good, swift and committed job.
13. Did as much as could be done.
14. Probably not much more that could have been done.
15. A good, quick job.
16. Good, quick response.
17. Well-handled, acknowledging witness sensitivities.
18. Police contacted partner agency for advice.
19. Fully agree with police conclusions.
20. Partner agency asked to act as expert witness in corroboration of evidence.
21. Well organised warrant and investigation taken as far as possible by police.
22. Partner agency closely involved in operational planning.
23. Good warrant execution.
24. Nothing more could be expected.
25. WCO did as much as could be expected.
26. Partner agency asked to assist in identification of productions.
27. Good use of forensic techniques.
28. Good planning meeting and support from local Inspector.
29. Well executed warrant.
30. Police took as far as they could in difficult circumstances.
31. Police careful to avoid local sensitivities at request of partner agency.
32. Probably as much as could be done.
33. Over the years I have reported various incidents with no feedback on the follow-up. However, since the appointment of a new WCO I have been impressed with the enthusiasm and commitment shown to my recent report.

APPENDIX 2

Comments made by Scottish Environment LINK respondents about dissatisfactory follow-up investigations of specific incidents.

1. Despite many confirmed offences and various previous offences, the Fiscal would not grant a search warrant.
2. Police officers tasked with dealing with the incident diverted to deal with another matter and allowed perpetrators to leave the locus.
3. Long delay in investigating this incident led to no proceedings.
4. An ordinary beat officer dealt with the incident and having interviewed the suspect decided there was insufficient evidence to proceed. As far as I am aware there was no collaboration with other partner agencies involved in the case.
5. Although the person who committed the offence was identified, no sanction was taken against them.
6. I have no knowledge on how this incident was dealt with.
7. No update since initial report to police.
8. Good that police put massive resources into search warrant but astonishing that no charges were forthcoming given the overwhelming amount of evidence.
9. Not informed of any follow-up interviews with known suspects.
10. Police seemed ready to accept explanation by suspect (apparently ignoring reckless discharge of a firearm). Suspect was charged but it was recommended to the Fiscal that the case was marked 'no proceedings'.
11. Follow-up consisted of a meeting with the estate to discuss likely perpetrators (neighbouring estate). Police apparently did not consider suspects could be from estate where crime committed, despite previous history.
12. The first of six incidents on this estate but not followed up until three years later.
13. I have no knowledge of how this incident was dealt with.
14. No follow-up warrant despite estate's long previous history of persecution.
15. No suspects were interviewed despite evidence being found close to pheasant release pen where operator easy to identify. Although there was a successful follow-up the following year, the delay probably contributed to further deaths of protected species.
16. No reason given for lack of follow-up investigation.
17. No follow-up despite repeat offences.
18. Little advice taken on planning of warrant by inexperienced WCO.
19. Despite partner agency's suggestion, no search of the vehicles of two suspects who approached police during the operation on an estate with history of repeat offences. No follow-up search of buildings or vehicles was carried out.
20. No follow-up until another offence several months later.

21. Despite providing a catalogue of previous offences on this estate, these were all disregarded with a poor follow-up.
22. Search could have been wider and more application of forensics.
23. Lack of police resources given as reason police failed to collect evidence.
24. Took a very long time for police to report to Crown Office. No progress on second individual found in possession of illegal poisons.
25. Failure to follow-up suspect's admission that he had laid out poisoned baits.
26. Search warrant was poorly targeted on land. Fiscal restricted area of land search. Suspects were not secured quickly and search failed to find a number of items (later reported to partner agency by reliable informant).
27. Although the persons who dug the trench were identified no sanction was taken against them.
28. I have no knowledge about how this incident was dealt with.
29. Fiscal refused to grant search warrant despite many previous offences, including poisoned eagle in previous year.
30. Police made appointment with suspect to search his sheds!!
31. Estate staff not interviewed despite previous offences at this location.
32. I have no knowledge of how this incident was dealt with.
33. This was an appalling decision by the Fiscal (not to proceed), repeated the following year when an identical crime was uncovered on the same estate.
34. No investigation as police said there was no corroboration of carcass on site. This is entirely because finder has no faith in police to deal with incidents on this estate due to years of inaction.
35. Police made assumption that because the estate reported this incident, an employee could not be responsible, despite repeated offences in this area.
36. Delay in warrant despite ongoing killing. Insufficient attempts to get full picture of evidence. Premature disposal of evidence by police prior to toxicology analyses.
37. No attempted follow up despite incident being latest in long history. Police refused to provide partner agency, which had assisted in the recovery of the carcasses, with toxicology results.
38. Police immediately contacted Crown Office, who in turn threatened partner agency with a potential prosecution! Police WCO able to identify suspect from evidence obtained but there was no further investigation.
39. Police put out press release implicating egg collectors, with no evidence and despite numerous persecution incidents on this estate.
40. I have no knowledge of how this incident was dealt with.
41. Three times the police have given my name [witness] to suspects despite my requests to remain anonymous.
42. Police interviewed suspect who admitted unlicensed visit to site but police failed to follow-up on admission.
43. Partner agency deliberately excluded from search warrant, apparently by Fiscal, despite extensive experience of this site.
44. Partner agency excluded from operation despite providing intelligence to police about this incident.
45. Partner agency excluded and no further action taken.

46. Crown threatened us with prosecution despite identical evidence collection method used successfully in previous incident.
47. No follow-up despite a large number of previous incidents at this site.
48. Member of public contacted local WCO who told informant to contact local police! Informant didn't want to be identified locally so reported incident to partner agency. Partner agency reported to police but was then deliberately excluded from operation on apparent direction of senior police officer. Disgusted at police attitude to informant and partner agency.
49. No follow-up despite proximity to site with previous long history of wildlife crime.
50. Police wore high-visibility jackets for "transparency" when investigating suspicious activity. Nobody interviewed despite long history of wildlife crime at this location.
51. Warrant executed far too late after number of crimes over several years.
52. Estate employees were invited to participate in the search! Police also took their word that perpetrators likely to be neighbours, despite long history of persecution here.
53. No further enquiry despite estate's history of wildlife crime. Police insisted on no publicity.
54. We feel badly let down by Crown Office. This was serious, organised crime but as soon as accused started to throw money at defence, the Crown backed down. The level of evidence in this case to support the charges was overwhelming.
55. Initial follow-up could have been more subtle. When poison had been confirmed, no attempt to undertake a further search under warrant.
56. Two decomposed carcasses found next to poisoned bait were left in situ and not sent for testing.
57. Despite many previous offences at locus, police considered an active search of vehicles to be disproportionate.
58. Search delayed for 20 days after discovery of initial evidence. Landowner not spoken to by police at least 18 months after incident. Landowner apparently dictating terms of meeting, not the police.
59. Huge delay in follow-up search despite on-going offences. Failure of police to apply for a warrant to search for further evidence. Failure of police to search vehicles and outbuildings under Sect.19. Failure of police to detain suspects.
60. Disappointed at lack of publicity/appeal for information.
61. The inability to link possession of carbofuran to the poisoning incident is frustrating.
62. Partner agency shut out of investigation by WCO despite assurances of involvement. Joint press release issued by police and landowner.
63. Warrant delayed and partner agency excluded.
64. WCO coordinator refused to provide any information to partner agency due to falling out over previous incident. Ridiculous behaviour!
65. Follow-up much delayed with no site visit for three months and long delays before suspects interviewed.

66. Another incident on notorious estate with no known follow-up.
67. Press release not agreed/discussed with partner agency despite previous assurances.
68. Very disappointed with decision to exclude an experienced land-search team from follow up.
69. Quick police response spoiled by use of marked vehicles – not remotely covert so suspects would have been aware. However, no attempt at follow-up search either under warrant or Sect. 19 despite long history of criminality on this estate. No publicity until hand forced by external organisation.
70. Partner agency not invited to assist in recovery of carcass or on subsequent warrant. Police initially refused to share cause of death and then subsequently to name the poison used.
71. Police seemed to be more concerned with placating landowner and/or his lawyer. Disgraceful.
72. One partner agency excluded from warrant and another agency excluded from search on the day.
73. Speedy police response but use of marked vehicle (apparently in the interests of "transparency") and discussion with suspect who appeared on site.
74. Quick police response but failure to search known suspects despite clear evidence of their involvement. Suspects not interviewed until 8 months after incident.
75. Police said that they would log information but would not/could not investigate as only one witness who wished to remain anonymous. Long history of persecution on this estate.
76. Despite passing this to police on a plate, it took seven months for suspect to be interviewed and charged.
77. Complete lack of information and then subsequent threats from Crown Office!
78. An appalling investigation. Firstly, a non-covert recovery of the carcass with a marked vehicle, insisted upon by the police for "transparency"; a discussion with potential suspects on the day and subsequently on the phone about what had been found; a Sect. 19 follow-up, with partner agencies excluded with no planned vehicle or vehicle searches, unless approached, carried out on a day with a snow forecast.
79. In this case I wanted someone to check the rest of the burn to see if kill was widespread or focused on small area. To my knowledge no one went to quantify impact.
80. A long delay in investigation which meant that the sett was under constant threat of interference by someone blocking entrances with the stones.
81. Police did not come back to me after I reported this incident to them.
82. Any confidence I had in the police has now gone. It took them three weeks to interview me after I reported this crime.
83. I gave the police a 10-figure grid reference of the crime scene but the WCO was over a mile out when he went to investigate. Surely being able to use a GPS is a basic requirement?

84. A quick response to the incident and removal of carcass but thereafter no direct feedback from the police. I heard unofficially that a raid search had taken place but the main suspect was away on holiday. There was no further action despite a history of previous offences at this site.
85. Police were contacted but without seeing the carcass refused to attend as they considered it to be too decomposed. Partner agency attended the scene a few days later but carcass had disappeared.
86. I was never kept informed about how the investigation was progressing.
87. The incident was investigated the following day but I had asked to remain anonymous due to local sensitivities but the police gave my name to the landowner.
88. Delayed enquiry due to WCO sickness and other commitments.
89. Police gave prior notice to the landowner that they would be visiting to follow up on a report of a potential wildlife crime!
90. Firstly, the Crown allowed a number of charges to run out of time. Then, the Crown decided not to proceed with the case, despite strong representations by the partner agency. The Crown refused to enter into discussion about their reasons other than to say it was not in the public interest. This incident was the most significant of its type in Scotland, with the suspect linked to two further individuals, one of whom was convicted prior to this case and a second subsequently.
91. Utter failure of partnership working.
92. The investigation I am referring to is on-going. There has been a distinct lack of urgency. I was promised that the incident would be taken seriously but do not believe that has been the case. It has been several months now and as far as I'm aware they have not even begun questioning suspects – total waste of time. I was promised that I would be kept informed about the investigation but that has not been the case and I only get updates when I chase it myself.
93. Three months after I had reported the incident I had received no update from the police. When I made further contact it was revealed that nothing had been done as the incident had not been allocated to an officer. A site visit was then made by an officer and I was given a contact number for the site manager should I want to discuss it further! No charges were brought.
94. No feedback whatsoever!
95. Response time was very poor – it took the police 6 weeks to follow up and only because I'd asked about the outcome of the enquiry.
96. No follow up and when I asked about it the WCO admitted he had forgotten about it.

APPENDIX 3

Comments made by Scottish Environment LINK respondents about satisfactory prosecutions for specific incidents

1. Good communication with Fiscal.
2. Well presented prosecution narration after guilty plea.
3. Very thorough with good witnesses and good liaison between Procurator Fiscal and partner agency.
4. Good liaison between Fiscal and partner agency. Crown happy to contact us for supporting information.
5. Good liaison with Procurator Fiscal and a well-researched case presented in court, leading to a sudden change of plea mid-trial.
6. Contacted for background information (although it wasn't specified that it referred to this case). Very good (published!) narration by Fiscal.
7. Good joint working.
8. I gave evidence anonymously and my name never appeared near the case, even though I originally reported it.

APPENDIX 4

Comments made by Scottish Environment LINK respondents about dissatisfactory prosecutions for specific incidents

1. Case discontinued due to 'Cadder' ruling.
2. At the very least, if the mitigation by the suspect was accepted, there should at least have been an official warning for reckless use of a firearm.
3. Disappointed at Crown's acceptance of 'not guilty' plea for possession of carbofuran.
4. Many delays.
5. Case dismissed due to 'Cadder' ruling.
6. Eighteen court appearances over 2.5 years.
7. Failure to explain in narration that this poison is widely used to illegally kill raptors.
8. Threats made by Crown Office to partner agency.
9. Disappointed at plea bargain resolution. Case not taken by a specialist Fiscal. Appalling narration by Area Fiscal who said: "If you want to kill a buzzard you should use a shotgun, not a rifle!"
10. Crown accepted plea bargain despite partner agency's representations not to do so; one suspect thus escaped penalty.
11. Complete lack of communication from Crown regarding on-going court proceedings or any other engagement.
12. Crown Office allowed case to run out of time.
13. A clueless narration by the Fiscal.
14. Case discontinued due to 'Cadder' ruling.
15. Would have liked to have been notified that case was coming to court.
16. Failure of Fiscal to acknowledge offer of case conference, impact statements, or availability of witnesses.

APPENDIX 5

Comments made by Scottish Environment LINK respondents about their general concerns with wildlife crime enforcement.

1. The overall lack of effectiveness/lack of commitment by the police.
2. It is a concern that Police Scotland may not be viewing wildlife crime as serious crime. Gamekeepers tend to be aggressive and it has to be recognised that killing comes easily to them. It's their job after all. Nonetheless they are in charge of lethal weapons therefore a ban for life on firearms licences should be imposed on anyone successfully prosecuted for any wildlife crime.
3. The exceptionally long time it frequently takes for wildlife court cases/trials to come about resulting in the danger of them being "timed out".
4. We really need someone who is found guilty of a wildlife crime to be jailed even for only a few months.
5. Vicarious liability – what is happening about it?
6. My concerns are with the lack of resources and the changing police force in Scotland, the very light sentencing (if any) and the turning a blind eye of the judicial system (old boys club). I think education targeting the youth would be very beneficial in the longer term but would need further resources and agencies willing to carry this out on a larger scale than at current.
7. There is a consistent lack of information sharing from police/NWCU with partner agencies.
8. Even in high profile cases (e.g. killing of golden eagles) the response and investigation from police seems totally inadequate, even amateur. Whether this is because of a lack of wildlife knowledge, lack of staff or lack of will/interest needs to be questioned and the issue addressed. Makes you wonder what happens with the lower profile cases. It also seems that courts do not treat wildlife crime seriously – adequate penalties are available, but rarely implemented. All makes Scottish Government rhetoric about wildlife crime seem very hollow.
9. I have consistently reported and assisted police with wildlife crime for a great many years. Almost on every occasion the same issues arise, failure to identify and resource a wildlife crime officer, reluctance by police to partnership work with other agencies, investigations are often not conducted or nor fully conducted. Many incidents are never publicised and appear to be swept under the carpet.
10. It is now at the stage when I wonder if it's worthwhile reporting anything to the police at all .....but they don't like you using any of the other organisations...can only hope it gets better.
11. In the public interest and ultimately in the interests of the conservation of birds of prey I believe it essential in most cases to go public in the reporting of wildlife crime instances immediately. As in England, evidence gathered from covertly placed camera trap devices should be admissible in Scottish courts. The use of camera traps would significantly help provide evidence in cases of suspected human interference with raptor nests.

12. There appears to be a growing problem with unlicensed photographers disturbing Schedule One birds, mainly raptors.
13. An immediate response to a report of a dead raptor would help to preserve evidence. In my experience decomposition can take a bird down to bone within three weeks. However, if a raptor has been reported found dead, but decomposed, the poor condition of a bird should not be a reason for the police not to attend and remove it. In some parts of Scotland dead raptors that have been found and reported are taken by the police to airports for x-rays to establish if they have been shot. I feel that there should be enough Government funding to support alternative x-ray locations where experts in this field can examine the raptors, without fear of contamination to the evidence and also so that there is better continuity of evidence if a case ever reaches court.
14. Police, if attending an incident on a shooting estate in relation to raptor persecution, will arrive on the property very overtly, in marked cars and wearing uniform. This will clearly alert possible suspects and will certainly compromise the discovery of any other offence which may have taken place on the land, but at the time of the police attending, may not have been found. I have been informed by a WCO that it is actual police policy that when attending a scene of a possible wildlife crime, that the police should make themselves visible, i.e. marked car and in uniform.
15. There is little or no consultation by the Fiscal in case preparation (this varies with individual). The Crown Office invariably is unwilling to discuss decisions made.
16. I am concerned about the apparent reluctance of the prosecuting authorities to take action against certain offenders. In my experience I have found the police on the ground to be taking wildlife crime seriously; the problem seems to be rooted higher up the chain somehow. The underlying structure of society with powerful landowners dictating policy and pulling the strings will continue to be a problem for wildlife and habitats.
17. The time involved in cases coming to light is ridiculous, asking for witnesses or info some 6 months after the fact is hardly worthwhile. Police appear to be in some cases to be rather ham fisted in the way they go about things.
18. There are not enough trained WCOs to deal effectively with illegal raptor persecution. Police not publicising raptor crime or the discovery of poisoned baits and keeping the case open and gagging witnesses, press, media etc. Poorly trained police officers turning up at raptor crime scenes in uniform in marked police cars etc. therefore alerting criminals. Sentencing of raptor killers seems very lenient compared with similar crimes. Harsher sentencing would act as a better deterrent.
19. People found guilty of crimes against raptors should automatically lose the right to hold a shotgun and firearms certificate. If a person is not able to act within the law they are not responsible enough to have this privilege.
20. With the Police being so short of personnel and resources to deal with raptor (and other wildlife) crime it would seem sensible to recruit the assistance of SSPCA. By giving the SSPCA extra powers it would substantially increase the

efficiency of the Police in enforcing wildlife crime law. In the case of a poisoned raptor being found and a subsequent search discovering a cache of illegal poison on the same estate or farm, the law should take into account the probability that the person who has the poison was the actual poisoner. Estates, farms etc. where dead raptors are regularly found or raptor nesting attempts are seen to fail on a regular basis should lose their right to use the general licence. This could be on a basis of the actual ownership or a geographical area where the GL was null and void. As this is a conservation issue successful prosecution should be irrelevant.

21. I am concerned by the lack of input by NWCU into priority cases (except CITES). NWCU is a nonentity in Scotland, with Investigative Support Officer now just an office boy.
22. The apparent lack of knowledge about how to pursue wildlife crime. The unwillingness to undertake surveillance. Ponderous procedures. Lack of resources, and also possible lack of 'political' will. The ridiculous discounting of camera/video evidence. Unwillingness to use the expertise of specialist groups. An almost complete lack of willingness to share information, in particular using "case in progress" to duck any level of accountability about even old crimes. It is alarming that various stages in the legal chain can decide evidence is inadmissible; even before it gets to the Fiscal, without ANY review or accountability. Lack of results in relation to raptor crimes in general.
23. In our area, raptor group workers who work in places where persecution takes place are very conscious that some police officers are more interested in wildlife crime than others. Some are very good, some rather indifferent and some are clearly sympathetic towards the perpetrators. Of course, there is always an issue over the pressure of other crimes to deal with and this is understandable. However, there is sometimes a certain lack of trust in wildlife crime officers who are shooters themselves and who are very friendly with gamekeepers. This mistrust has developed to the extent where it is sometimes felt that information is unreasonably withheld from the public in some cases, in the interests of not jeopardising an investigation, when everyone in the area has been aware of a poisoning incident and police involvement.
24. There seems to be very little urgency or desire to solve wildlife crime cases.
25. PAW Scotland has become a toothless box-ticking exercise and I'm sick of the persistent pandering to land management side instead of actually addressing criminality.
26. Exasperated by the Police approaching estate staff/management before or instead of searching for evidence.
27. From what I can gather the NWCU seem to be totally focused on gathering 'intelligence', partnership working, and designing 'apps'. What a waste of time they are. Do they do any fieldwork or investigations? Obviously not otherwise we would never have heard the end of it. Talking about partnerships, they don't seem to put into practice what they preach. Do they work in partnership with RSPB and SSPCA and the expertise available in these organisations? One final observation but a very important one is the collation

and recording of wildlife crime statistics. Obviously there are a lot of raptor persecution incidents and it is vital that we record each and every one. Otherwise there would not be a problem of persecution. So who should record such incidents? Knowing the Police way of recording incidents, they will not record a crime unless they can prove that there is in fact a crime. This is the basis of all forms of their crime recording, whether it is assault, robbery, vandalism etc. Wildlife crime will be no different. So there will be numerous wildlife incidents not recorded as they, the Police, cannot prove that there is an actual crime. In addition they are encouraged to keep all their recorded crimes to a minimum and to reduce their crime figures each year. Again wildlife crime will be no different and consequently will be of no use to us. The RSPB method of recording incidents, viz confirmed, probable and possible, is far better. Raptor group members should be encouraged to report all incidents to them so that they will be recorded accurately, whether or not they report them to the Police as well. I am not suggesting that the Police adopt this method as they will still do their utmost, by hook or by crook, to keep the figures to a minimum. RSPB should always be our source for crime figures.

28. There is little attempt at covert follow-up to secure the best evidence. There is a fear of defence agents by police and concerns over "proportionality". There is a fear of "annoying" landowners or their representatives.
29. When an incident is reported it needs to be followed up as quickly as possible. Not enough police time is devoted to enable wildlife crime officers to carry out visits/inspections as appropriate. It is vital that response time is minimised to ensure safety of the birds/nest site and pursue prosecutions where possible. Where prosecutions are successful, the penalties associated with the crime should be administered and reverse this lenient attitude to wildlife crime.
30. Frustrated by the decline in partnership working and the repeated failure to make use of the expert resources that are freely available.
31. Wildlife crime is recorded inconsistently.
32. As a raptor worker who works strictly within the legal framework, I am infuriated by the feeble responses of the justice system in Scotland when responding to wildlife crime. Above all I resent the mismatch between the crimes committed involving poisons and firearms and the leniency of the sentences for those found guilty of very serious offences which endanger not only other wildlife but also people. Why are full custodial sentences never handed out? Why are we still waiting for the law of vicarious liability to be tested in court? Why has no estate on which wildlife crimes have been committed (in some instances repeatedly) had its firearm certificate revoked? Why isn't more use made of the SSPCA in investigating wildlife crime? Can we be assured of the objectivity of police investigations especially in the smaller, rural communities in which police and their families have to live? In short, why do the owners of driven grouse moors and their agents seem to enjoy a privileged relationship with those who enforce the law and those who administer justice?

33. Sick of the lack of or delayed publicity for blatant offences.
34. The way the police treat wildlife crime in Scotland is nothing but a joke, it seems to them that pursuing any form of raptor persecution is just a waste of police time that doesn't warrant any real investigation! Add to this the at best indifference shown by Chief Constables in ensuring their personnel treat these crimes as real crime, and at worst the obvious way they give shooting estates their full support and little or no support for fighting wildlife crime. This is reflected in the very few cases that do manage to reach court where they receive very little in the way of real evidence from the police to support them. Many raptor persecution incidents are left totally un-investigated or left so long that any meaningful evidence or witnesses will have long since deteriorated or disappeared altogether. In the very few cases where a prosecution is upheld the sentencing given out by the judges and sheriffs is nothing but a joke and does nothing to help put a stop to this raptor slaughter. For some reason many of these incidents are either never reported to the media or publicised so long after the event that they no longer have any use in attracting a response from the public. It is well known that the large majority of the shooting estates are operating well outside the law when it comes to so-called predator control, (we all know what that means to a gamekeeper), rampant poisoning, trapping and shooting of raptors and carried out in the full knowledge that the law will do nothing to stop them even if they are caught at it.
35. I believe that any video / webcam evidence relating to a wildlife crime is inadmissible as evidence in a Scottish court. I think that this point should be challenged.
36. I have no idea about other PAW groups but I think they have meetings from time to time and report to the plenary group once a year. The PAW group I was part of was summarily disbanded with no reference to the group members.
37. Making sure that reporting offences/crimes end up in the official statistics. I think only those where I insist on a crime incident number end up in the official stats. If a crime incident number is not created (and provided), then reported offence does not end up in official stats.
38. Over the past three years I am not aware of one single crime number being issued in relation to badger crime.
39. Concerned about the general lack of communication on follow ups from most statutory agencies but particularly the police. They rarely consult with partner agencies on the best approach for follow-ups.
40. Generally Scottish wildlife crime officers have a good awareness of the issues around bat crime and the fact that they are one of the UK wildlife crime priorities. WCOs have received bespoke training courses over a number of years. In Scotland there has never been a prosecution for the damage or destruction of a bat roost and there are comparatively few reports of bat crime north of the border. A number of reasons can be advanced to explain this. Generally incidents are handled well by the police in Scotland but on odd

occasions investigations have failed due to statutory time limits and some cases have been dealt with inappropriately.

41. Slow follow-up or complete lack of follow-up to reported incidents.
42. Concerns as to the apparent lack of urgency over and lack of commitment and/or allocation of resources towards tackling wildlife crime shown by some, perhaps many, individuals in the official (statutory) bodies in this field of activity and hence, by extension, by these bodies as a whole.
43. Reliable and timeous investigations, lack of updates on progress of investigations and their outcomes, apparent unwillingness to work with partner organisations to the point of actually subverting ongoing investigations by other agencies, marginalising of partner organisations, complete lack of communication with appointed WLOs.
44. Lack of police knowledge and involvement. Failure of police to take reported incidents seriously. Poor forensics. Failure to immediately alert the public when highly toxic poisons are discovered or suspected on publicly-accessible land. Tendency to immediately remove evidence of criminal activity rather than use surveillance to identify culprits. Long delays (typically several months) between incidents being discovered and official announcements or appeals for information. Failure to prosecute (especially for vicarious liability) and, when prosecutions occur, long delays in trials and highly lenient sentences that do not provide a deterrent.
45. Most of the specific wildlife crime enforcement units no longer exist and this is an issue when reporting wildlife crime as the police on duty may not have much knowledge on this subject matter or be that interested in the matter. They may also feel that they have more pressing crime issues to deal with.
46. Concerned by a lack of awareness in the general public about the subject of marine mammal disturbance, especially those who use leisure craft. There could also be improvements in the knowledge within the police force when dealing with reports in these crimes. Also concerned about the lack of oversight and regulation of marine tour operators. An as example, the dolphin watching industry has been suggested as being at capacity in the Moray Firth, where the EU Habitats Directive protected population of about 200 bottlenose dolphins reside. Yet opportunities for increasing numbers of boats to set up boat based marine wildlife watching opportunities exist.
47. Lack of proactive work by statutory agencies, constrained by their powers of entry.
48. There is a persistent difficulty in reaching the appropriate police contact, due to holidays, shift patterns or just general unavailability.
49. Possession of a banned pesticide is treated less seriously than ‘possession for use’.
50. Concerned that despite there being 45 incidents of Freshwater pearl mussels coming under threat from illegal activities in the past 4 years, only 2 of these incidents were taken to the Procurator Fiscal. One of these cases did not proceed due to insufficient evidence being available; the other resulted in fines totalling £15,000 being imposed on two individuals and a company. Why is enforcement so ineffective for Pearl mussels?

51. The main issue has been at Procurator Fiscal level - the timescale involved can see cases being thrown out due to them not having been brought to trial in time. However, we believe that this is improving. We had one unfortunate incident where the law had changed and its retrospective application meant that due to the accused having been interviewed without a solicitor present the case had to be thrown out. There is still a distinct lack of case law, which hinders the process. We have been fortunate with the police that we have dealt with, who have been supportive of formal procedures against perpetrators of wildlife crime.
52. Loopholes in the law means "no comment" = end of case.
53. Important recommendations contained in Thematic Review's Natural Justice report are largely unfulfilled or not adhered to.
54. The impunity of gamekeepers in getting away with hen harrier persecution on grouse moors.
55. Partner agencies are rarely given the opportunity to provide input to police reports to the Crown.
56. NWCU I have had no contact with, nor they with me, but last year, I set out to try and meet the new Head upon his appointment (I think I'm correct that this was early 2012). I met him briefly at the Police Wildlife Crime conference in Feb/March, introduced myself, and said I'd come and meet him anywhere and any time, as our organisations had joint interests. I wished to appraise him of the situation that our species protection officer was not being funded at all, apart from our own fund-raising, and a small contribution from an English-based fund. I chased him for 4-5 months by phone and e-mail, but no success. He never got back to me.
57. The way in which cases are proceeded with is personality-driven, with little regard paid to the aims of the legislation.
58. I have been to two PAW plenary meetings in Scotland. I found no focus or planning, or evaluation in these meetings – they seemed to be a general Police chat, 'in-jokes' and being polite to gamekeepers. I wrote a year ago about the greater political involvement of us in PAW, as we, not the Police, were funding an important post. I eventually received a reply back from Bristol, saying that if I wanted to attend meetings in London at my own expense I could! My reaction to both states is that, apart from frustration over funding, I get the impression that NGOs are unimportant to the Police (England as well as Scotland?) whereas I thought we were meant to be in a partnership fighting crime for the public good.
59. Directionless enquiries led by inexperienced, poorly equipped police with poor middle-management support or training.
60. I believe that the Police in general have absolutely no idea at all in how to relate to the Third Sector.
61. There is always a delay in investigating these matters and this is more often than not caused by the fact that even where a WCO has been appointed to a full time post they are invariably not available at the time of the call. Although following protocols to report incidents through the control room/call centre this can lead to lengthy delays as enquiries are often parked until such time

as the WCO becomes available which might be days or even weeks before a shift pattern allows them to get on with it. It is essential to the evidence that a scene of crime is examined as soon as practically possible in order to prove 'current use' and any delay detracts from the evidence. If the call is attended to by a beat officer it can go wrong from the start as they are neither aware of how to investigate a wildlife crime and more than likely do not know their powers of entry on to land etc., which means that vital evidence required to make a successful prosecution is lost. There is apparently a complete lack of commitment by middle management to make the slightest attempt to properly investigate this type of crime.

62. It is my firm belief that although on paper there are more WCOs than ever before, in effect they are either not interested or more often frustrated by their seniors from addressing this issue. Calling it wildlife crime was always a mistake as it appears it is in a different realm and something that the ordinary beat officers do not have to deal with. I note that all officers in Northern Ireland are required to carry out investigation and it is not left to any single person to do so.
63. PAW Scotland includes organisations representing criminals who consistently play down the extent of the problem or defend the indefensible, unless it is in their interests.
64. Where prosecutions do take place they are invariably long drawn out affairs with counter-demands and continuations the nature of the game. Although often told that there will be case management meetings between prosecution witness and the Procurator Fiscal dealing with the case it is my experience that this seldom happens. The Procurator Fiscal is often not prepared for the case and has had no contact with the witnesses prior to the trial date.
65. Convictions are a bit hit and miss, depending on how well prepared the prosecution is. Sentencing is also a bit of a hit or a miss. Similar offences often attract hugely different fines. If accused persons cooperate with the courts, sentences are reduced and can reduce fines to nil with some hours of community service tied in. I believe that Scottish courts have yet to send out a significant message to offenders that crimes against wildlife will not be tolerated.
66. Communication with the police is abysmal with telephone calls going unanswered and emails ignored.
67. There is little or no consultation with partner agencies by the Fiscal in reaching a decision regarding a plea. This leads to the acceptance of plea bargains that do not reflect the seriousness of the case - there seems to be an 'avoid a trial at all costs' approach to some cases.
68. We are often not told about incidents and although I have been unable to prove it I believe that one officer (recently retired) with presumably the backing of the NWCU officer who was present deliberately kept us out of the loop in relation to investigations and in order to do so asked a consultant from England to attend crime scenes rather than tell us what was going on.
69. I have been part of the wildlife crime network on both sides of the coin and I do not believe that much has improved since the mid-1980s. The only time

I am approached by the police is when they need something. As an example, there has been an enquiry ongoing for some months now. The only reason I know about it is because a police officer who is not involved with the investigation mentioned it in passing. Despite asking for details they have never been forthcoming. I previously had a very good relationship with WCOs around the country but now feel that we are not being kept involved but that it is better for the police and less trouble not to keep us involved. I do not think that there is any will to enforce wildlife legislation in some quarters and to that end we feel marginalised and undervalued as part of the wider picture. I doubt there is a serving police officer currently employed who has sufficient knowledge to act as an expert witness in a court of law.

70. We rarely get updates from the Police during an investigation and almost never get a conclusion to the incident passed on.
71. SNH issues licences then washes their hands of them – e.g. they have no knowledge of extent of use or impact of general licences but they know that some operators are not adhering to the terms of use but still there isn't any monitoring of use.
72. The NWCU never come to us with anything in relation to enquiries or planned operations. This covered apparently by a miasma of legislation that basically hog ties them from talking to anyone about anything. What is even worse are reports that not only are they not doing anything, they are trying to prevent others from doing anything either. Police officers have been corrected after assisting outside agencies in enquiries that they must not involve other agencies in their work and told they should not assist in enquiries that commence outside the police service.
73. Despite attempts to revamp PAW Scotland it has fallen by the wayside yet again. I have not heard anything from PAW Scotland for a considerable time and we are only asked to attend a plenary meeting once every six months to one year. I am aware a meeting took place five months ago but I am yet to see any minutes.
74. The situation has got worse with the new Police Scotland. Failure to have a robust response after one incident leads to further, more serious incidents.
75. There are a few individuals from the police and court system who appear to be clouding each and every issue surrounding wildlife crime. A cabal if you will, who are acting as a group trying to dictate each and every action that is taken. I am not convinced that the current arrangement will ever make any inroads into any type of wildlife crime. Although now retired, one sheriff had far too much influence on the way in which we approached wildlife crime investigations and prosecutions.
76. One of our volunteers has dealt approximately with one incident a month, for the last seven months, in one particular region. In all cases she contacted her local WCO and some incidents came from him. Although she says he was always polite to her, and did return calls etc., she has never received any feedback on the disposal of incidents, whether there was any investigation etc. She has also been waiting to have a proper meeting re: incidents in general in this region, as she organises the local group, but in seven months,

this has never happened. She has been to two of the 6-monthly meetings held with landowners, and has the impression that there is 'an old boys' network', and much that could be crime is discussed informally.

77. At present wildlife crime officers are in short supply and when this is not the case are often inexperienced. When a serious or high profile case comes to light police very often identify this short fall and use CID to investigate these matters. Whilst this would seem appropriate response the reality is that CID have no knowledge or specialist expertise in wildlife matters which results in a one size fits all investigation.
78. Whilst the role of wildlife crime officer would appear to be a valuable resource the reality is that wildlife crime officers are generally few in numbers, inexperienced and under resourced thus giving a false perception to the public that the police have sufficient resources to deal with wildlife crime.

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 35 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for this community in communications with decision-makers in Government and its agencies, Parliaments, the civic sector, the media and with the public.
Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through Taskforces – groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits.

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Badenoch and Strathspey Conservation Group
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RSPB Scotland
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