

Comments on the Scottish Government's Wildlife Crime in Scotland 2017 Annual Report and on the evidence given to the Scottish Parliament Environment, Climate Change and Land Reform Committee

Summary

Scottish Environment LINK notes the publication of the [Wildlife Crime in Scotland: 2017 Annual Report](#), and acknowledges the work being done by Police Scotland towards reducing wildlife crime.

Consistent with previous LINK evidence, there are ongoing concerns about inconsistency in data recording and reporting in the annual report.

There are also concerns on how this data is being shared between agencies.

On this basis, LINK calls for the following improvements in the recording of wildlife crime data in Scotland and hopes that the 2017-2018 iteration of the report will include these recommendations:

- **Accurate representation of the data.**
- **Consistent interpretation and reporting of the data.**
- **Increase in the scope of reporting.**
- **Establish recording standards.**
- **Increase the number of species reported upon.**

INTRODUCTION

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.

Scottish Environment LINK notes the evidence given to the Scottish Parliament's Environment, Climate Change and Land Reform Committee on 12th March 2019 by Police Scotland, Crown Office and Procurator Fiscal Service and the Scottish SPCA, and comments briefly on it below.

SCOTTISH GOVERNMENT WILDLIFE CRIME REPORT 2017

Scottish Environment LINK notes the publication of the wildlife crime report. LINK feels that much of this work has been driven by the positive collaboration with Police Scotland, and this relationship is valued enormously.

However, LINK wishes to highlight the following limitations in the annual report

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- 1. Reporting of data as trends as opposed to summary:** The annual wildlife crime report summarises confirmed, uncovered crimes¹. LINK members have previously² highlighted that one of the caveats of wildlife crime is that most wildlife crime takes place in remote areas, which makes it easy for perpetrators to get rid of evidence. There is no acknowledgement within the report that the numbers are indicative of an unknown percentage of actual events. Reporting on only available data without stating the caveat gives a partial picture because the methodology of comparing year on year fractional data as trends is not robust.
- 2. Inconsistency in how data is interpreted and reported:** The annual wildlife crime report does not give an accurate assessment of the crimes committed as it only reports on confirmed offences. For example, in data related to the offences against bats, the report states that no offences took place in 2016-2017. However, data from the Bat Conservation Trust (BCT) highlights that, in 2017, Police Scotland investigated 28 allegations of bat crime, which is four times higher than the number reported in the previous year³. This marked increase in the number of investigations into allegations of bat crime suggests that data is being captured accurately at that level. In fact, Police Scotland, investigated more allegations of bat crime than any other force in the United Kingdom.

Within the annual report, there is also a discrepancy regarding how crime against badgers is being reported. One reason why data is being reported differently by different agencies is because of the inconsistency in how this data is being recorded and interpreted. For example, numbers from the annual report suggest that only six offences occurred in 2016-2017. When these numbers are compared to data recorded by Scottish Badgers, a LINK member organisation, a very different picture emerges. According to Scottish Badgers, of the 80 incidents reported, 22 of them were deemed as 'non-incident'. In several cases, badger bodies have not been recovered from the site where these incidents have been reported, and while there is an indication of an illegal activity the absence of evidence has been noted as a 'non-incident' by the Police. The presence of numerous 'high-incident' cases suggest that there is a certain understanding amongst the public on what can be classed as a 'crime' against badgers and acts as a useful marker if similar 'non-incidents' were to occur in the same area. Not acknowledging incidents and recording them as 'non-incidents', not only gives an inaccurate assessment of offences, but also prevents building a deeper understanding of how such crimes can be reduced in the future and eliminates opportunities of further investigation. In addition to this there is also an absence of data being shared between agencies. Badger cases being investigated by the SSPCA's Special Investigation Unit (SIU) for offences against dogs, are not being necessarily captured in the data being noted by Police Scotland or Scottish Badgers.

- 3. Failure to consider funding uncertainty on wildlife crime data:** Projects such as [Pearls in Peril](#) have been instrumental in supporting measures, such as freshwater pearl mussel population monitoring and 'river watch' schemes to reduce the risk of wildlife crime. Funded by EU Life, the Pearls in Peril project ended in 2017 and it is unclear how such work will continue. Another issue is that in the absence of initiatives such as 'river watch' can result in a reduction in incidents being reported

¹ As indicated in the summary of data sources, pg. 8 of the Wildlife Crime in Scotland 2017 Annual Report: <https://www.gov.scot/publications/wildlife-crime-scotland-annual-report-2017/>

² LINK response to Government Wildlife Crime report and ECCLR evidence session (Feb 2018): http://www.scotlink.org/wp/files/documents/LINK-Wildlife-Crime-Subgroup_responsetoSGreport.pdf

³ Bat Conservation Trust: The Bat Crime Annual Report 2017: <https://cdn.bats.org.uk/pdf/Our%20Work/Crime-report-2018-final.pdf?mtime=20181101151343>

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which might give the impression that incidents are decreasing. An absence of evidence does not evidence absence. In this context within the current wildlife crime reporting methodology, there is no acknowledgement of the wildlife crime reduction benefits these programmes have brought, and an absence of analysis on how funding uncertainty will impact wildlife crime reduction in the future.

4. **Standardisation of recording:** On occasion, crimes are not being recorded even if there is enough evidence to prosecute the offences, but an absence of public interest does not require prosecution. This has particularly been true in the case of bats, where three cases were recorded by the Bat Conservation Trust in 2017. The decision not to establish these incidents as crimes was based on a lack of intent or recklessness even though the offences were absolute and did not require a guilty state of mind. Any incident which is informed by reckless behaviour, which has intent or not, should invite investigation and should be recorded a crime, even if it was not followed by prosecution.

RECOMMENDATIONS

In view of the above, Scottish Environment LINK makes the following recommendations:

- **Accurate representation of the data:** It is recommended that the reporting methodology should acknowledge the caveat, that most wildlife crime takes place in remote areas, which makes it easy for perpetrators to get rid of evidence and that the presented data is a *summary* of the crimes confirmed and uncovered. The report should also acknowledge that the year on year comparison is based on fractional data and is not necessarily representative of larger trends.
- **Consistency in how data is interpreted and reported:** Persecution data is assessed through a three-tier classification system, defined as ‘confirmed’, ‘probable’ and ‘possible’⁴. Confirmed incidents are where definite illegal acts have been established and the evidence is confirmed by SASA (Science and Advice for Scottish Agriculture). Probable incidents have evidence which points to an illegal activity, but not definitely towards an offence. Possible incidents are those which may indicate an illegal act, but facts may point towards an alternative as well. Data recording through this method is scientifically robust when applied consistently as it captures data which may have otherwise gone unrecorded^{Error! Bookmark not defined.}. Additionally, probable or possible incidents might not establish the threshold for criminal offences but are opportunities where interventions such as crime prevention advice can be offered. This inconsistency in data recording is leading to under-recording and affects the standards for reporting. LINK members have previously highlighted in the Natural Injustice Report (2015)⁵ that a three-tier classification system should be used by all agencies.
 - It is recommended that the annual report should clearly set out the different classification when reporting wildlife crime to give a more accurate and comprehensive picture of crimes.

⁴ RSPB Scotland (2013): The Illegal Killing of Birds of Prey in Scotland in 2012. RSPB Scotland, Edinburgh.

⁵ Natural Injustice Paper 2 (Feb 2015): <http://www.scotlink.org/wp/files/documents/Natural-Injustice-paper2-FINAL.pdf>

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- LINK members also recommend that the Scottish Government and other stakeholders should agree on measures to address under-recording to provide consistency in recording and reporting of wildlife crime across all areas.
- Coordination between agencies in terms of data sharing and action. Going forward the the new Scottish PAW Badger Priority Development Group, chaired by the Scottish Badger Chairman, should create channels of communication between the Police and the SSPCA.
- **Increase the scope of reporting within the annual wildlife crime report:** The current report only accounts for confirmed crimes and there is also no information on the impact reduced funding would have on wildlife crime.
 - It is recommended that the scope of the annual wildlife crime report should be extended to reveal numbers of incidents recorded by Police Scotland along with the outcome of each incident, manner of disposal and crime prevention activities as it will accurately capture the additional benefits wildlife crime investigations bring.
 - To reduce wildlife crime, it is important actions are 'future proofed' to minimise the effects of any anticipated threats, including funding uncertainty. Absent or reduced funding will have implications on the important work that has been done by programmes such as Pearls in Peril and not only is it important that the work continues, but also any implications this will have on wildlife crime, are recorded and acted on.
- **Sentencing needs to be reviewed:** LINK members recommend that the Scottish crime counting rules should be reviewed in terms of standardising recording.
- **Increase the species reported upon:** LINK members recommend that future editions of the report should consider a wider range of protected species, including marine species. For example, Police Scotland anecdotally informed us that up to three marine mammal disturbance incidences are reported each month. Rarely do incidents proceed to crimes, due to lack of suitable evidence. In 2019, LINK member Whale and Dolphin Conservation will launch a public campaign to increase awareness of marine mammal disturbance and provide details of accurate reporting.

COMMENTS ON EVIDENCE GIVEN TO THE ECCLR COMMITTEE BY POLICE SCOTLAND, COPFS AND SCOTTISH SPCA, 12th MARCH 2019

It is notable that evidence given by Police Scotland suggests that wildlife crime is still occurring. There is still a 'significant challenge', particularly in cases 'where it is difficult to establish whether a crime has occurred'. This is especially relevant where incidents might be reported but remain unrecorded if they fail the threshold for reporting a crime. The discrepancy between what is reported as an offence, and what is recorded as a crime does not give an accurate assessment of the extent of the wrongdoing. While confirmed offences of wildlife crimes may have declined, the incidents have increased. To get a more accurate picture of wildlife crime numbers, the trend in number of crimes should be considered, and that can only be done when the number of incidents is acknowledged in the reporting methodology.

The wildlife crime reporting methodology and reduction in wildlife crime are different yet interlinked. The evidence session underscored the prevailing challenge on how data is being recorded, interpreted and reported, and any efforts to reduce wildlife crime cannot be robust

without getting parity across those fronts. The effort in addressing and reducing crime is commendable and we welcome the work being done by Police Scotland.

We commend the ECCLR committee for their continued interest and commitment to reviewing challenges and barriers around wildlife crime reduction.

This LINK briefing is supported by the following member organisations of Scottish Environment LINK's Wildlife Crime Subgroup:

- **Bat Conservation Trust**
- **Buglife**
- **Scottish Badgers**
- **Scottish Wild Land Group**
- **Whale and Dolphin Conservation**

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