



Scottish Environment LINK

Wildlife Crime Prevention: (1999-2019) a 20-year review

A roundtable event on the current day wildlife crime issues, and challenges/
barriers in effectively reducing and preventing wildlife crime in Scotland

1st October 2019

Post Event Summary Report

Wildlife Crime Subgroup, Scottish Environment LINK

#wildlifecrimeprevention

CONTENTS

- 1. INTRODUCTION**
- 2. PRESENTATIONS**
- 3. QUESTIONS AND DISCUSSION**
- 4. NEXT STEPS AND CONCLUSION**

ANNEXES

EVENT BRIEFING

AGENDA

PARTICIPANT LIST

1. INTRODUCTION

Scottish Environment LINKs¹ Wildlife Crime Subgroup organised an event at the Scottish Parliament on the 1st of October 2019. Titled “Wildlife Crime: (1999-2019) a 20-year review”, the event was a roundtable session, hosted by Colin Smyth, MSP. The aim of the event was to give a platform to Environment NGOs and Police Scotland to share their perspectives on themes noted below-

- Current position on wildlife crime and understanding of issues.
- Areas where further work can be done: improving rates of detection, investigation and reporting of wildlife crimes.
- Exploration of opportunities and solutions to help reduce wildlife crime.
- Exploration of potential changes to legislation regarding wildlife crime being re-defined as a ‘serious crime’.

The event was attended by 13 participants, 2 speakers and 5 MSPs (Claudia Beamish, Alexander Burnett, Liam McArthur, Mark Ruskell and Colin Smyth). Colin Smyth MSP delivered the opening remarks, summarising: issues around wildlife crime can be resolved with commitments from all stakeholders and ‘ultimately, we need to work together to see a reduction in wildlife crime’. Colin’s opening remarks were followed by presentations from: Ian Thomson (Investigations Officer, RSPB Scotland) and Eddie Palmer (Chair, Scottish Badgers). Due to an emergency, Police Scotland were unable to attend on the day. There was discussion on partnership working between eNGOs, Police Scotland, SSPCA and politicians followed by other recommendations. This report is a brief summary of the discussions and recommendations that took place on the day.

¹ 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.

LINK’s Wildlife Crime Subgroup engages on wildlife crime issues such as under-reporting, discrepancies in data recording and reporting, priorities and legislation. The Subgroup employs an evidence-based approach in its work, drawing from member organisations’ practice-based expertise on wildlife crime issues. The Wildlife Crime Group/Subgroup comprises the following member organizations;

Bat Conservation Trust, Buglife, National Trust for Scotland, RSPB Scotland, Scottish Badgers, Scottish Countryside Rangers, Scottish Raptor Study Group, Scottish Wild Land Group, Scottish Wildlife Trust, Whale and Dolphin Conservation, Scottish Wild Beaver Group.



Colin Smyth MSP addressing Wildlife crime prevention roundtable event attendees

2. PRESENTATIONS

i. **Ian Thomson's (RSPB Scotland)** presentation focussed on learning derived from raptor persecution. The main question asked was: what lessons have been learnt in the recent wildlife crime occurrences around raptor persecution? In response to this Ian noted communication with the Crown Office has improved, although more can be done on regularity and accountability. Additionally, while strides have been made by Scottish Government in improving wildlife crime legislation, successful prosecutions have been limited: Two for vicarious liability and one for raptor persecution since 2015. The current legislation therefore needs to be strengthened.

ii. **Eddie Palmer's (Scottish Badgers)** presentation focussed on learning from work done with badgers. The issues around wildlife crime were broadly described around resource constraints and lack of engagement amongst stakeholders.

Police Scotland were credited for improving their service despite capacity constraints. With regards to wildlife crime while the coordination between different Police Scotland divisions has improved, there is a significant issue of resources allocated to wildlife crime reduction activities, which impacts wildlife crime priorities. For example, lack of resources affects how much training and support new Wildlife Crime Officers (WCO) receive. Additionally, it is difficult for police officers on daytime duty to tackle wildlife crime, due to other competing demands on their time.

Within the context of lack of stakeholder engagement, locals are either unaware that a wildlife crime has been committed or wary of engaging with the police. Additionally, current legislation does not provide relevant protections to animals' places of rest and breeding sites, especially in the case of badger setts. There has been an ongoing issue of badger baiting across central and southern Scotland. House building is also pushing badgers out of the central belt and one way of addressing this could be collaboration between stakeholders. The road building works around A9 is an example of co-operation and collaboration where contractors have discussed mitigation measures before the building work took place.

3. DISCUSSION

- i. **Wildlife crime linked to other crimes:** Resourcing and tracking evidence suggests that, individuals involved in baiting are usually engaged in other criminal activities, and perpetrators that are likely to commit other types of crimes are also inclined to commit wildlife crime. The challenge is to track the perpetrators involved in these crimes. In response to the above, it was observed that the current statutory wildlife crime reporting doesn't give an accurate picture on the relationship between wildlife crime and other types of crime.
- ii. **Recognising relationship between motivation and seriousness of wildlife crime:** It was noted that stakeholders engaged in wildlife crime reduction need to improve their understanding of the relationship between the spectrum of motivation of the crime, and the seriousness of the criminal activity. For example, when committing a wildlife crime offence, a perpetrator such as a forester breaching the terms of a license is not likely to have the same motivation as members of criminal gang. When addressing different types of wildlife crime as practitioners it is essential this distinction is recognised, to help identify the relevant wildlife crime reduction tactic.
- iii. **Doing further collaborative work:** A question was asked on how other stakeholders such as Police Scotland can have greater involvement in wildlife crime reduction and prevention collaborations. The work being done by Police in Strathspey, where they have been out at night checking for badger hides ensuring no illegal activity is taking place, was cited as an example of successful collaboration. Another example was around the issue of egg collection. Police and environmental NGOs have been successful in taking several cases to court, which has resulted in the perpetrators receiving custodial sentences.
A further query on collaborative work was the role of SSPCA working in partnership with other agencies. It is understood that they collaborate with the police on crimes against pets, a query was raised on any wildlife crime offences been investigated collaboratively? It was noted that while the SSPCA work with the police, communication could be improved further. The SSPCA investigative teams have the expertise and are well-trained but they do not have the powers to act when an animal is already dead. Currently the Cairngorms pilot has special constables in place to tackle wildlife crime, learning from this is still to be reviewed.
- iv. **Training of Wildlife Crime Officers (WCOs):** Collaborative work with the police can also be challenging due to staffing issues. Staffing for WCOs is normally around regular day time working hours, which means officers may not be available for wildlife crimes committed outside the regular working hours. Additionally, if WCOs are on leave or training which leads to long gaps in communication, and this quite often, leads to evidence being lost. This combined with high staff turnover means eNGOs are constantly training new police staff as WCOs and the training is piecemeal. It was recommended that there should be a dedicated unit within the police to fight wildlife crime.
Within the context of police being trained on wildlife crime, some current measures were identified: the police are planning a week-long wildlife crime learning event in the new year at Tullyallen, which will be attended by some LINK member organisations. SNH are also running training events on wildlife crime in Battleby.
- v. **Improving reporting statistics:** The discussion on data highlighted there is significant under reporting due to many being unaware that a particular crime could be a wildlife crime. Questions were asked on how an expectation can be set around reporting statistics, to ensure reporting is more comprehensive, where more (and probable) offences are included in reporting statistics. The challenge around recording wildlife crime offence is that often there are no witnesses. Additionally, there must be 95% certainty for a crime to be recorded as a

case, and case information should include post mortem and witness testimony. One recommendation was, like other crimes such as burglaries where crimes are recorded even if the burglars aren't caught. Wildlife crimes, which may not fit the certainty criteria could still be recorded officially as probable offences. Scottish Government officials also expressed that they would be open to working with LINK members on this issue, if the gaps in reporting statistics and measures in relation to those gaps were identified.

In addition to the above it was observed that data handling at source also impacts wildlife crime statistics. For example, there have been instances where police call handlers have been unaware that wildlife crimes are indeed crimes, which not only need to be reported and recorded as such, but also might require a quick response. Questions were asked on whether agency staff are well trained and have the capacity to record wildlife crime accurately? It was also noted that in case of certain wildlife crimes, while this process has improved, there are still instances where members of the public reporting a wildlife crime are signposted to the concerned environmental NGO instead of the police.

Another issue identified in relation to data handling was admissibility and vicarious liability in wildlife crime prevention. Currently video evidence is inadmissible, and legislation around vicarious liability has not led to prosecutions.

4. CONCLUSION AND NEXT STEPS:

The round table fulfilled its aims of bringing together stakeholders from different sectors: MSPs, eNGOs and Scottish Government officials to share examples of current challenges and successes. The event also succeeded in its aim of providing a platform to discuss learning from LINK members experience of engaging in wildlife crime and exploring potential solutions in addressing some of the identified challenges. Actions arising from the discussion noted below:

- i.** MSPs to seek statement from Scottish Government on the Werritty Report.
- ii.** Recommendations to be made to Environment, Climate Change and Land Reform (ECCLR) Committee to review the Werritty Report.
- iii.** Scottish Environment LINK to raise further awareness with organisational members on wildlife crime.
- iv.** Seek improved legislation in relation to relevant upcoming consultations and bills.
- v.** More collaborative work between different NGOs.
- vi.** MSPs to seek better training for police officers on wildlife crime.
- vii.** Recommendation of setting up a cross party group on wildlife crime.

Wildlife Crime Prevention 1999-2019: A roundtable review

This briefing sets out the background on wildlife crime issues since the founding of Scottish Parliament 20 years ago and the relevance of those issues even today.

Eradicating Wildlife Crime: The vision 20 years ago

Nearly 21 years ago, Donald Dewar, Secretary of State for Scotland commented², “Illegal persecution of birds of prey in Scotland is a national disgrace... The Government, and no doubt the Scottish Parliament will take all possible steps to eliminate persecution...in due course the Scottish Parliament will consider proposals from the Partnership Against Wildlife Crime for stronger enforcement measures.” Much has happened since, in terms of wildlife crime prevention and reduction, from the first parliamentary debate on wildlife crime in 2007³ to the recent Scottish Government consultation on strengthening wildlife legislation by increasing maximum available penalties⁴. A number of these developments have introduced legislative changes, increased penalties against wildlife crime, allocated additional resources in tackling wildlife crime and encouraged development of local initiatives addressing wildlife crime. While as a group we acknowledge that things have improved, the evidence suggests that there is a long way to go to achieve a system that is effective at preventing, detecting, investigating and reporting wildlife crime. As LINK’s Wildlife Crime Subgroup, we have raised awareness on the current issues on wildlife crime through a number of platforms: The Natural Injustice reports, through Partnership for Action Against Wildlife Crime (PAW) and responses to various consultations⁵.

Wildlife Crime Challenges: The reality in 2019

In 2015 LINK’s Wildlife Crime Subgroup published the Natural Injustice reports⁶. The reports’ findings highlighted several issues around tackling wildlife crime Scotland; such as discrepancy in reporting of incidents, recording of data and how investigations are conducted. Additionally, the reports highlighted discrepancies in the way wildlife crime was perceived by different agencies engaged in addressing wildlife crime and environmental NGOs. The reports also raised questions on whether the ‘partnership approach’ adopted by Scottish Government has been successful in addressing wildlife crime. LINK Wildlife Crime Subgroup members made several recommendations in the Natural Injustice reports around challenges such as

² The illegal killing of birds of prey in Scotland 1994-2014: A review https://ww2.rspb.org.uk/Images/illegal-killing_tcm9-411686.pdf

³ Decision Time- in Scottish Parliament at 5:08 pm on 4th October 2007 <https://www.theyworkforyou.com/sp/?id=2007-10-04.2542.0&s=%22S3M-607.1%22+2007-10-04..2007-10-04>

⁴ Wildlife crime penalties: consultation <https://www.gov.scot/publications/wildlife-crime-penalties-consultation/>

⁵ <http://www.scotlink.org/workareas/wildlife-crime/>

⁶ LINK Press Release: Scotland must eliminate its wildlife crime http://www.scotlink.org/wp/files/documents/LINK_Wildlife-crime-media-release_20.02.15.pdf

under-resourcing, evidence gathering, and the way cases are investigated⁷, these recommendations are relevant even today.

Earlier this year, the Subgroup's review⁸ of the Scottish Government's Wildlife Crime in Scotland 2017 Annual Report included recommendations such as accurate representation of data, consistent interpretation and reporting of the data and increasing the number of species reported upon. Subgroup members also note that wildlife crime issues are not just around data recording, reporting and investigations but also around the strengthening of wildlife crime legislation. This is in line with the findings of the 2015 Wildlife Crime Penalties Review⁹ as well. The recent Scottish Government wildlife crime penalties consultation¹⁰ is considering some of the recommendations noted by the Wildlife Crime Penalties Review, namely recommendations of more stringent sentencing in addressing wildlife crime offences. However LINK Wildlife Crime Subgroup members believe that 'a comprehensive approach is required in addressing wildlife crime, from identifying the type of crime, the level of penalty, along with bringing consistency and transparency in sentencing.'¹¹ The Subgroup members have previously⁸ noted that a coordinated approach is required across a number of fronts to address the multiple challenges of wildlife crime. The Subgroup members aim for the roundtable event is that it will offer an opportunity to explore how wildlife crime can be reduced and prevented effectively, where the discussion of issues and solutions are viewed through an all-inclusive lens, as opposed to a piecemeal approach.

⁷ Scottish Environment LINK (2015): Natural Injustice: Paper one -A review of enforcement of wildlife protection legislation in Scotland www.scotlink.org/wp/files/documents/Natural-Injustice-paper1-FINAL.pdf

⁸ 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 <http://www.scotlink.org/wp/files/documents/LINK-briefing-Wildlife-Crime-Report-2017-ECCLR-evidence-session.pdf>

⁹ Wildlife Crime Penalties Review Group Report (2015) strathprints.strath.ac.uk/59764/1/Poustie_2015_Wildlife_Crime_Penalties_Review_Group_Report.pdf

¹⁰ Wildlife Crime Penalties: consultation <https://www.gov.scot/publications/wildlife-crime-penalties-consultation/>

¹¹ LINK response to wildlife crime penalties consultation (August 2019): <http://www.scotlink.org/wp/files/documents/LINK-Response-to-wildlife-crime-penalties-consultation.pdf>

AGENDA

- 17:45 Participants and speakers assemble in Scottish Parliament reception
- 18:10 Registration, refreshments and networking
- 18:30 Welcome and introductions, by Colin Smyth MSP
- 18:40 Presentation by Police Scotland
- 18:50 Presentation 1 – Ian Thomson, Investigations Officer RSPB Scotland
Where are we currently with wildlife crime – what are the issues from an NGO perspective.
- 19.00 Presentation 2 – Eddie Palmer- Chairman, Scottish Badgers
Exploring changes in legislation for the purposes of redefining wildlife crime.
- 19.10 Q&A moderated by Colin Smyth MSP
- 20:00 Event Close

Speakers' biographies:

Ian Thomson- Originally from Aberdeen, Ian did an honours degree in Wildlife & Fisheries Management at Edinburgh University before working in a variety of roles including as a deer stalker, a water bailiff and a barman to pay off his student overdraft. He then worked as a research officer, a countryside ranger and an RSPB information assistant before becoming warden at Aberlady Bay Local Nature Reserve in East Lothian, a post he held for almost 15 years. He left there to work for the RSPB as an Investigations Officer in 2006 and has been head of the Investigations team in Scotland since 2012. Ian has been a birder for 40 years, is a keen, but average bird photographer, and a dedicated fan of Aberdeen FC.

Eddie Palmer- Eddie has been a member of Scottish Badgers since its inception in 1999, and a trustee and Chairperson for most of the years since. His badger experience extends back to 1987 when joining Northumberland Wildlife Trust. After retiring from a career in HR in 2008, he has been working virtually full-time as a volunteer for Scottish Badgers, whose website describes the charity's activities at www.scottishbadgers.org.uk

ATTENDEES

MSPs	
Claudia Beamish	MSP
Alexander Burnett	MSP
Liam McArthur	MSP
Mark Ruskell	MSP
Colin Smyth	MSP

NAME	ORGANISATION
Alan Anderson	Scottish Wildlife Trust
Allan Bantick OBE	Scottish Badgers
Suzanne Burgess	Buglife
Nora Casey	RSPB
Liz Ferrell	Bat Conservation Trust
Leia Fitzgerald	Scottish Government
Rebecca Greenan	Scottish Government
Robbie Kernahan	Scottish Natural Heritage
Beryl Leatherland	Scottish Wild Land Group
Eddie Palmer	Scottish Badgers
Dougie Peedle	Scottish Wildlife Trust
Logan Steele	Scottish Raptor Study Group
Ian Thomson	RSPB Scotland
Vhairi Tollan	Scottish Environment LINK
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