

Follow-up to Natural Justice

Advocates for Animals receives approximately 300 specific reports and complaints from the public each year about the welfare of animals. Approximately 50% of these concern wild animals. We carry out a limited number of investigations resulting from these calls, as well as in support of our campaigns to improve the welfare of wild animals.

Advocates for Animals' Investigations Officer operates according to organisational protocols that require him to work with and help the police in any way he/she can to combat wildlife crime in Scotland.

If the investigator discovers, or believes he has discovered, evidence of illegal activity he must contact the local police or Scottish SPCA. The investigator is aware that evidence must not be removed or tampered with: if there is a risk that evidence will be removed before the police can reach the site, his procedure is to

- document the date, time and location of the incident, ideally using GPS;
- gather as much photographic evidence as possible with video and still camera;
- record all details of the scene; and
- consider whether there are over-riding animal welfare concerns which may justify interfering with the site.

The investigator also takes advice from the police and specialist NGOs such as the Scottish SPCA or RSPB. Over the past three years this has built up into a constructive working relationship.

To respond to the specific questions in the review:

What significant progress do you feel has been made?

Recommendation 18: We view PAW Scotland as more active and inclusive than before and we are pleased to be able to contribute to the work of the partnership.

What examples of good practice would you like to highlight a) to the rest of the partnership and b) to the public in general?

The following examples of working with police and specialist NGOs have allowed us to identify some weaknesses as well as strengths in the investigation of wildlife crimes.

For example:

- Advocates for Animals worked with police and RSPB regarding an illegal Larsen trap in an Edinburgh back garden. The police took action to remove the trap. The offender later successfully applied to police for a licence and continued killing magpies. This was despite the objections of neighbours and the fact that, as far as we are aware, the general licence for traps is not intended for use in domestic gardens.

- An illegal crow trap was reported to the Scottish SPCA who visited the site the following day and followed up the complaint.
- An illegal pine marten trap was found in a Schedule 6 area. The Scottish SPCA was contacted, but was unable to take action for a few days, by which time the trap had been removed.
- Information and evidence regarding persistent fox baiting were passed at different points to NWCU, local WCOs and Scottish SPCA. Evidence was given of interference with badger setts and serious injuries sustained by foxes and dogs. As far as we know, no action has been taken.
- A finding of poisoned bait was reported to a wildlife crime officer. The officer was not able to visit the location to take away the bait. The process of reporting the poison and trying to get someone to come out and take away the poisoned bait proved both protracted and complicated. At one point the investigations officer was advised that he might have to keep it in his domestic refrigerator for the night until somebody could pick it up. In the event, the RSPB assisted by contacting the local authority who took away the poisoned bait.
- A badger was found alive in a snare. It appeared to have been there for a considerable time and had sustained injuries to the mouth and possibly the neck. An attempt was made to contact the wildlife crime officer, but he did not answer his phone. The Scottish SPCA was then called and attended promptly, although the gamekeeper released the animal before inspectors could get to it.
- A gamekeeper was seen laying down a heavily poisoned rabbit. Scottish SPCA inspectors were nearby and attended the scene, as did police officers. Several weeks elapsed after evidence-gathering before further action was taken, during which time it would have been possible for more poison to be laid.

It can be seen that some of these incidents had a satisfactory outcome, others less so. Advocates for Animals finds police and specialist NGO officers to be willing to engage in partnership working: however, we feel that the investigation of wildlife crime would benefit from receiving a higher profile, in terms of resources and police operational priorities.

Where do you feel that progress has been slow/lacking?

We recognise that, given our unofficial status, we may not receive the same level of information from police as other specialist NGOs. We may not be aware of all action taken as a result of our reports. However, in the interests of moving forward and making a worthwhile and relevant contribution to the investigation of wildlife crime in Scotland, we feel that more effective two-way communication would be desirable. Recommendation 22 proposes “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”. We are not

aware of the establishment of a Wildlife and Habitats Crime Prosecution Forum. If it does exist, as a PAW partner and active participant in investigations, we would like consideration to be given to how we (and other organisations where appropriate) might contribute to the Forum. In particular, we would like to use the opportunity of open and forthright debriefing of cases between the relevant agencies (Recommendation 2) to learn how to refine our practices for optimum results.

Recommendation 23 proposes “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 confirm the agency has been advised of the submission of the report and that the agency agrees the report accurately reflects its involvement.” In our experience so far, feedback from police officers regarding prosecutions has been given informally or out of courtesy, and we feel that it would be valuable to formalise this so that progress in this respect can be monitored.

Advocates for Animals
Edinburgh
August 2009