

# Wildlife Crime in Scotland 2013 Annual Report



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SCOTTISH GOVERNMENT



**A report published by the Scottish Ministers, on wildlife crime in  
Scotland.**

SG/2014/220

Laid before the Scottish Parliament by the Scottish Ministers under Section 26B  
of the Wildlife and Countryside Act 1981  
Scottish Government Environment and Forestry Directorate  
October 2014

With thanks for written contributions, comments and data provided by stakeholders in the  
Partnership for Action Against Wildlife Crime (PAW) Scotland, and additional photographs  
provided by Keith Brockie.

Cover image: Brown hare. © Lorne Gill/Scottish Natural Heritage (SNH)

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## Ministerial Foreword



This second Scottish Government Annual Report on Wildlife Crime in Scotland, which covers the calendar year 2013, is the next step in providing a clearer picture of wildlife crime in Scotland. The report is being published at a time when the eyes of the world have been on Scotland for the Commonwealth Games and the Ryder Cup.

Scotland is renowned for its welcome to visitors and it is so important that those visitors leave with an impression of a vibrant Scotland, proud of its natural environment and taking care of the wildlife that lives in that environment.

Last year in my introduction, I commented that the first report was a baseline. As was anticipated at the time last year's report was published, there is still some way to go with improving the availability of data, but in the meantime we must use the data that we have, to ascertain changes in incidence and to inform policy.

One thing that is very clear is that wildlife crime is still taking place at unacceptable levels in our countryside. Crucially, there is a real risk to the conservation status of some of our most important species. While poaching is clearly the most commonly recorded offence, crimes against pearl mussels and birds of prey remain the most serious in terms of damage to Scotland's natural environment. A single incident could wipe out an entire colony of freshwater pearl mussels, and a territory suitable for the iconic golden eagle may remain unoccupied solely because of the selfishness and cruelty of those who commit illegal persecution. Wildlife crime can have seriously damaging effects on the functioning of Scotland's ecosystems, as well as our wildlife tourism industry and our international reputation as a country that values its natural environment and the wildlife within it.

2013 was the Year of Natural Scotland, and it was therefore especially disappointing to end the year with the poisoning of Fearnan, a juvenile golden eagle. This was a particularly sad incident as Fearnan had become well-known during his short life by members of the public who had been following his movements through the satellite tag that had been fitted. Prior to this incident, it was a series of raptor crimes (shown in [Table 5a](#)) that prompted me to bring forward new measures to deal with this area of crime. Those measures are set out within this report. They are well-advanced in their implementation, and I expect to see positive effects in due course. 2014 has already seen some devastating incidents with the losses at Canon Bridge in Ross-shire provoking particular anger. I have been as clear as I can, that if these new measures are insufficient to eradicate persecution, I will take whatever further steps are necessary to deal effectively with wildlife crime.

**Paul Wheelhouse MSP**  
**Minister for Environment and Climate Change**

## Key Data – Outcomes of Court Proceedings

While this report covers the calendar year 2013, some important sources of data on recorded wildlife crimes and prosecutions are recorded by financial year. At the time of publication this data is only available up to the end of the 2012/13 financial year – 31 March 2013. Where appropriate, the report also draws on information from previous years.

The Scottish Government Justice Analytical Service holds data on all crimes in Scotland. [Table 1a](#) shows the figures for people proceeded against under legislation relevant to wildlife crime. Police recorded crime figures for the same 5 year period are shown in [Table 9](#). Tables [1a](#) and [1b](#) are highlighted in this key data section as they show the final outcomes of wildlife offences that have proceeded to court.

**Table 1a: People proceeded against in Scottish Courts for Wildlife Offences\*, 2008-09 to 2012-13**

Offences relating to	2008-09		2009-10		2010-11		2011-12		2012-13		5 year totals	
	Proceeded against	Guilty	Proceeded against	Guilty	Proceeded against	Guilty	Proceeded against	Guilty	Proceeded against	Guilty	Proceeded against	Guilty
Badgers	1	0	2	2	3	3	2	1	0	0	8	6
Birds	10	7	7	5	6	4	15	12	19	16	57	44
Cruelty to wild animals	9	8	4	3	2	2	4	3	9	7	28	23
Deer	0	0	0	0	3	3	8	5	3	1	14	9
Hunting with dogs	8	6	10	7	9	3	5	0	11	7	43	23
Other conservation offences	1	0	1	1	0	0	1	1	0	0	3	2
Other wildlife offences	6	1	1	1	0	0	10	9	11	8	28	19
Poaching and game laws	3	2	4	3	8	4	8	5	1	1	24	15
Possession of salmon or trout unlawfully obtained	3	3	0	0	1	1	2	1	2	2	8	7
Salmon and freshwater fisheries offences	32	26	3	2	21	17	16	11	19	13	91	69
<b>Totals</b>	<b>73</b>	<b>53</b>	<b>32</b>	<b>24</b>	<b>53</b>	<b>37</b>	<b>71</b>	<b>48</b>	<b>75</b>	<b>55</b>	<b>304</b>	<b>217</b>

\* Where main charge

Source: Scottish Government Court Proceedings Database

Data is recorded by financial year (e.g. 1 April 2012–31 March 2013)

These figures provide a snapshot of the number of proceedings and convictions each year, for a five year period, divided into various categories of wildlife offences, including five year totals for proceedings and convictions under each offence category.

The legislation relating to each category in the “offences” column is explained in [Appendix 1](#).

A single crime or offence recorded by the police may have more than one perpetrator, or alternatively, an individual may be convicted of several cases of

the same crime. There is the possibility that the crime or offence recorded by the police may be altered in the course of judicial proceedings, while a crime or offence may be recorded by the police in one year and court proceedings not concluded until a later year.

The final charges listed are for the main offence only. Therefore if a wildlife offence has been proven, but it is secondary to a firearms offence, the firearms offence will be listed as the main offence. In this scenario, the wildlife offence will be unrecorded. This is standard procedure by the Crown Office and Procurator Fiscal Service (COPFS) and the courts when recording any type of offence. Additionally, crimes and offences alleged to have been committed by children less than 16 years old are also generally dealt with through the children's hearings system rather than through the courts and will also not be shown.

For the 2013 report a new table has now been included ([Table 1b](#)). This table will better illustrate in percentage terms what proportion of cases have resulted in guilty verdicts and is in response to feedback for more meaningful interpretation of the data. However it should be noted that these percentage figures themselves can also be misleading for years/offence categories where there are only a very small number of proceedings (e.g. where there is only one proceeding for possession of unlawfully obtained fish, and this resulted in a guilty verdict, the data will show 100%).

It is also worth noting at this point in the report that much of this data cannot be narrowed down to show which species or wildlife crime priority were involved. For example, offences involving bats are usually recorded under "other wildlife offences" but it is not possible to distinguish these from offences relating to other wildlife recorded in the same category. Because of this, in some of the wildlife crime priority chapters in this report, figures from PAW Scotland stakeholders have been used to illustrate the number of incidents and reports that they have been notified of and have passed to Police Scotland where appropriate. These incidents will not all have resulted in a recorded crime – that will depend on the evidence available to Police Scotland.

**Table 1b: Percentage of people prosecuted for Wildlife Offences\*, receiving a guilty verdict, in Scottish Courts, 2008-09 to 2012-13**

Offences relating to	Percentage Resulting in Guilty Verdict					
	2008-09	2009-10	2010-11	2011-12	2012-13	Average
Badgers	0%	100%	100%	50%	-	<b>75%</b>
Birds	70%	71%	67%	80%	84%	<b>77%</b>
Cruelty to wild animals	89%	75%	100%	75%	78%	<b>82%</b>
Deer	-	-	100%	63%	33%	<b>64%</b>
Hunting with dogs	75%	70%	33%	0%	64%	<b>53%</b>
Other conservation offences	0%	100%	-	100%	-	<b>67%</b>
Other wildlife offences	17%	100%	-	90%	73%	<b>68%</b>
Poaching and game laws	67%	75%	50%	63%	100%	<b>63%</b>
Possession of salmon or trout unlawfully obtained	100%	-	100%	50%	100%	<b>88%</b>
Salmon and freshwater fisheries offences	81%	67%	81%	69%	68%	<b>76%</b>
<b>Totals</b>	<b>73%</b>	<b>75%</b>	<b>70%</b>	<b>68%</b>	<b>73%</b>	<b>71%</b>

\* Where main charge

Source: Scottish Government Court Proceedings Database

## **PAW Scotland in 2013**

The work of the Partnership for Action Against Wildlife Crime (PAW) Scotland continued throughout 2013. Eight meetings took place across the various PAW groups, with all but two of the sub-groups meeting at least once during the year. The newly formed Scientific sub-group met formally for the first time in early 2013, and there were some changes in membership of various other sub-groups, including a new Chair appointed to the Legislation, Regulation and Guidance Group. Partners throughout PAW have reported finding it increasingly difficult to attend the variety of meetings held throughout the year, and it should be noted that their continued participation is both welcomed and vital to the success of the groups.

PAW Scotland continues to operate a high level Executive Group and a wider Plenary Group both chaired by the Minister. The Executive group met once in 2013, and the Plenary group, which is open to all members of the partnership, met twice.

The PAW Scotland Executive took initial steps to review the Wildlife Crime Strategy which was included in the 2012 report. The review is currently in the process of being agreed by the group.

### **PAW Scotland Sub-Groups**

The 2013 work of the PAW Scotland sub-groups is covered below. The activities of the Raptor, Poaching and Coursing, and Freshwater Pearl Mussel groups are covered within the priority sections of the report.

More information on the activities and membership of PAW Scotland is available on the PAW Scotland website at [www.PAW.Scotland.gov.uk](http://www.PAW.Scotland.gov.uk).

### **Legislation, Regulation and Guidance Sub-group**

Since the retirement of former Chair Sheriff Kevin Drummond, the group has appointed a new Chair – Professor Colin Reid, from the University of Dundee. Professor Reid is an expert in Environmental Law and brings a great deal to the group from not only his academic insight but his experience of working with Government and a wide range of stakeholders. He is a member of the UK Environmental Law Association and the International Union for Conservation of Nature (IUCN) Environmental Law Commission. The first meeting with the new Chair was held in 2014 so there are no 2013 updates to provide in this edition of the report.

In 2014, the group will be considering the following issues:

- Accidental by-catch in legal traps
- Consolidation of Scottish wildlife legislation
- Monitoring the General Licence restrictions by Scottish Natural Heritage
- Wider penalties for wildlife crime convictions such as revocations of firearms licensing.



### **Training & Awareness Sub-group**

The Training and Awareness group did not meet in 2013, following the retirement of previous Chair Kevin Findlater, and the merger of regional police forces to form a single national force on 1 April 2013. Sgt Andy Mavin, wildlife crime co-ordinator for Police Scotland, has been appointed as the new chair, and will take the group's work forward. There are plans to review the remit and membership of the group to reflect the new structure of wildlife crime policing in Scotland.

### **Funding Sub-group**

The Funding group was reconvened in June 2013 to look at alternative sources of funding, and to focus funding towards wildlife crime priority projects. The group reviewed its remit and membership, discussed projects previously funded, ways to increase awareness of available grant money and possible corporate sponsorship options. Eileen Stuart has now replaced Ron MacDonald as Chair of the group.

### **Media Sub-group**

The Media group met twice in 2013. The group continued to draft and co-ordinate various press releases, including stories on a rhino horn DNA database, changes to snaring legislation and the launch of a wildlife crime reporting app for smartphones. Group members also provided advice and support on publicity for the Hen Harrier Action Plan, and the annual hotspot maps for raptor poisoning. Going forward, the group is looking for solutions to some challenges which have delayed press releases going out, including ensuring the relevant data is available for use by the media to illustrate stories.

### **Scientific Sub-group**

The newly formed Scientific sub-group met twice in 2013 and discussed topics including how science can help enforcement, evidence handling and the conservation status of certain species. The group reviewed anonymised case studies with a specialist Procurator Fiscal, which provided a useful steer for follow up work, including the need for validation of DNA profiling tests for more bird species - particularly the red kite. Representatives from the Scottish Police Authority's Forensic Services Team also provided additional expert input, joining the group as new members.

## Wildlife Crime Priorities

The UK and Scottish priorities are set every two years and as these were set in 2012, they remained unchanged in 2013.

- Badger persecution
- Bat persecution
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Freshwater pearl mussels
- Poaching (including deer poaching, hare coursing, fish poaching)
- Raptor persecution

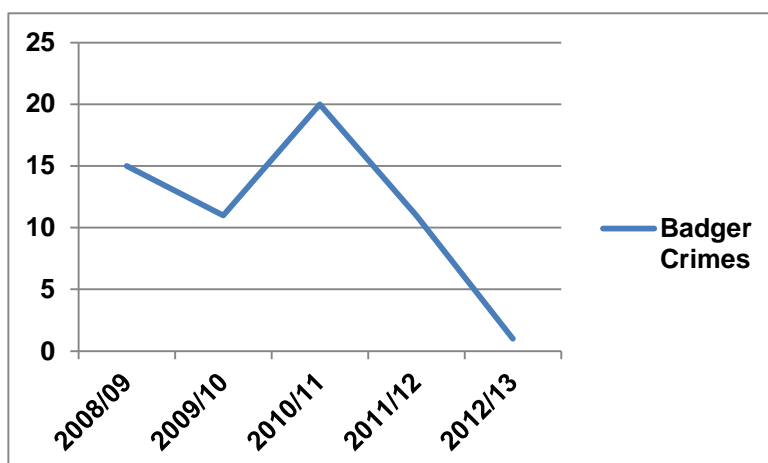
Priority groups on poaching and coursing, and freshwater pearl mussel crime, continue to operate in Scotland, as well as the PAW Scotland Raptor Group (formerly the Raptor Persecution Priority Delivery Group).

The following sections provide more detail on each of these priority areas, along with relevant data where available.

### Summary Data

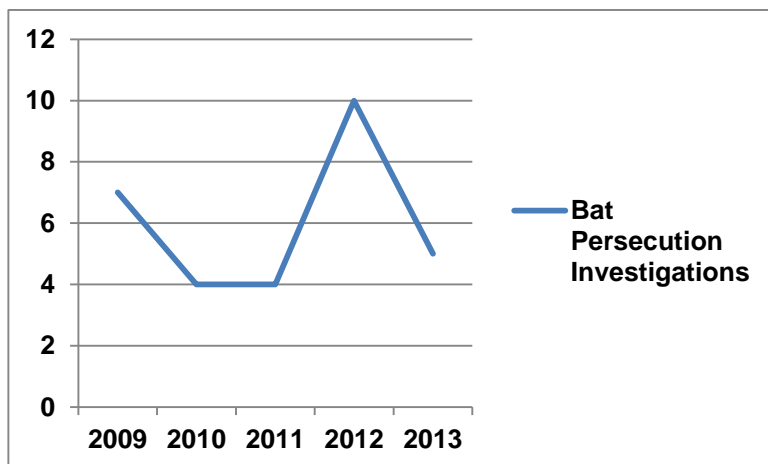
Figures 1a to 1e show a five year summary of recorded crimes or incidents in Scotland for five of the six wildlife crime priorities. Where it has been possible to extract figures from wider data in the report, or where figures were already available from other publications, official Police recorded crime figures have been used. However, this is not currently possible for all the wildlife crime priorities. Police Scotland were unable to provide a breakdown of offences relating to CITES during the five year period.

**Figure 1a: Recorded Badger Crimes\*, 2008/09 to 2012/13**



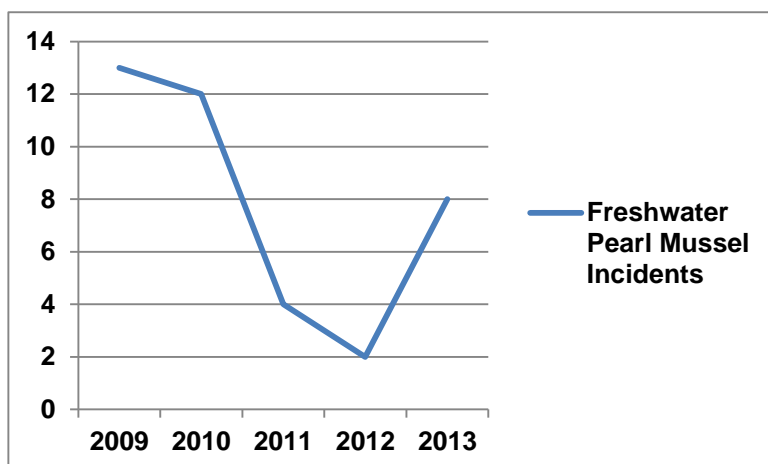
\*Crimes recorded by police under category of badger offences. Some crimes relating to badgers may be recorded under other offence categories.

**Figure 1b: Bat Persecution Investigations\*, 2009 to 2013**



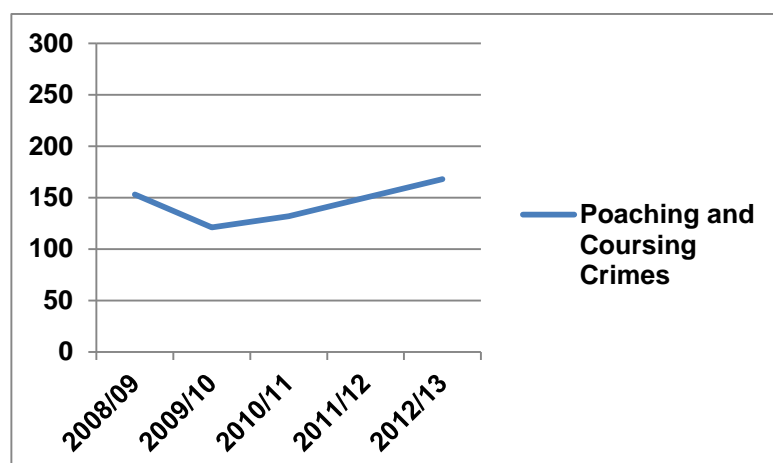
\*Referred to police by Bat Conservation Trust (BCT)

**Figure 1c: Freshwater Pearl Mussel Incidents\*, 2009 to 2013**



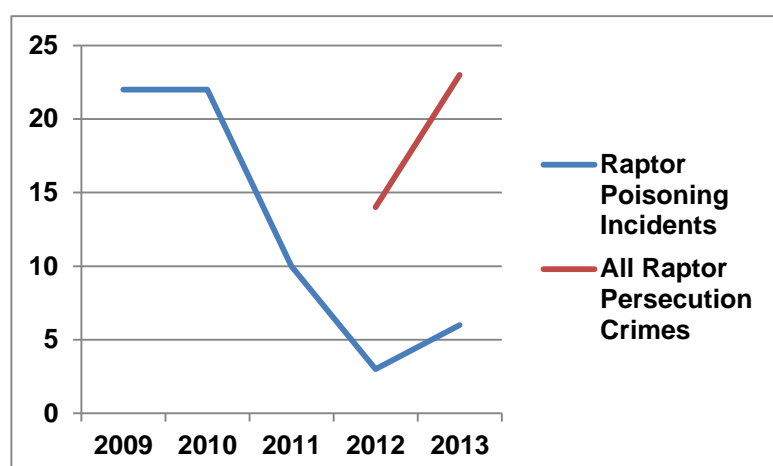
\*Recorded by Scottish Natural Heritage (SNH) and National Wildlife Crime Unit (NWCU)

**Figure 1d: Recorded Poaching and Coursing Crimes\* 2008/09 to 2012/13**



\*Includes crimes recorded by police under offence categories of 'Hunting with dogs', 'Poaching & Game Laws', 'Salmon, freshwater fisheries offences' and 'Possession of salmon or trout unlawfully obtained'.

**Figure 1e: Raptor Poisoning Incidents, 2009-2013 and All Recorded Raptor Persecution Incidents 2012-2013\***



\*As police data showing all recorded raptor persecution crimes is currently only available for 2012 and 2013, the number of raptor poisoning incidents recorded as abuse incidents by Science and Advice for Scottish Agriculture (SASA) has been included to show a wider picture over five years.



## **Badger Persecution**

The wildlife charity Scottish Badgers estimate that there is a stable population of around 25,000 badgers in Scotland.

A badger sett survey examining current use is underway with around 100 setts being examined each month by around 50 volunteers. Scottish Badgers are pleased with the response they have had and also in the spread of the setts which are located throughout Scotland in all manner of habitats. The purpose of the survey is to ascertain how often there are signs of actual current use at the setts, which is a requirement for the prosecution of offences relating to sett interference.

Operation Meles, the police-led operation dedicated to badger crime, recorded 694 incidents throughout the UK in 2013 with 50 of those incidents being reported in Scotland. 10 of these 50 incidents related to alleged badger baiting, most of which took place in central and south Scotland. Police Scotland have also advised of incidents relating to poisoning, shooting and trapping. Sett interference played a major part in persecution, with 24 incidents reported to Scottish Badgers relating to illegal operations through forestry and agricultural works. This type of offence accounts for nearly 50% of all the incidents reported in 2013. The advice remains that anyone who anticipates a problem with badgers or badger setts interfering in otherwise lawful operations should seek expert advice, much of which is freely available, and can be provided by Scottish Natural Heritage and Scottish Badgers.

The above information is included to provide a clearer picture of the levels of suspected badger crime in Scotland in 2013. Clearly the number of incidents is significantly higher than the number of crimes recorded under the category of badger offences in [Table 9](#). There may be a number of reasons for this, including: the recorded crime data covers a different time period (financial year); and there is not always sufficient information for an incident to be recorded as a crime by the police. A number of cases may also be handled solely by the Scottish Society for the Prevention of Cruelty to Animals (SSPCA).

It is believed that a contribution in the struggle against badger persecution is made by taking dogs away from offenders thought to be involved in badger baiting. The removal of the dogs has a serious impact, disrupting the activities of those intent on committing such a crime or indeed for those who use the dogs for breeding. The SSPCA estimate that 97 dogs have been seized by their Special Investigations Unit (SIU) between 2009 and 2013 where there was sufficient evidence that the dog was being used for, or kept for the purposes of animal fighting, which would include badger baiting.

## Bat Persecution

During 2013 the Bat Conservation Trust (BCT) received 14 allegations of bat crime in Scotland, 5 of which were referred to Police Scotland for investigation. This compares to 17 allegations received in 2012, 10 of which were referred to the police.

All incidents referred to Police Scotland in 2013 were in the Lothian and Borders, Strathclyde or Tayside areas. Of the three allegations of bat crime reported by police to COPFS in 2013, two were marked for "No Action" and a Warning Letter was issued in the third.

[Table 2](#) provides a summary of incidents reported by BCT to the police for investigation from 2009-2013. It is included to provide a clearer picture of the suspected levels of bat crime, as it is not possible to show specific bat offences with existing prosecution or recorded crime data categories.

**Table 2: Suspected Bat Crimes Reported to Police by BCT 2009-2013**

Year	UK Investigations	Scottish Investigations
2009	81	7
2010	117	4
2011	138	4
2012	138	10
2013	121	5

**Source: Bat Conservation Trust**

Not all investigations will result in a crime being recorded.

Bat persecution does not have a specific Scotland focused group due to bat population levels in Scotland being lower than in England and Wales. In 2013 ownership of the Bat priority delivery group was taken by Essex Police.

## CITES

Enforcement of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) regulations is the responsibility of HM Revenue and Customs, the UK Border Agency and all nationwide police forces.

UK Border Force has noted strong activity around airports in Aberdeen, Glasgow and Edinburgh. They have also reported good partnership working with Police Scotland, including pro-active awareness raising work in the Aberdeenshire area.

Specimens and products from CITES listed species are numerous, but those which are a nationwide PAW priority include ivory, traditional medicine, rhino horn and some types of plants and timbers. Rhino horn is in high demand globally for use in traditional medicine and for carving, and live animals in zoos and parks in the UK as well as museum exhibits are at risk. In response to this threat, in April 2013, the Wildlife DNA Forensics Unit at Science and Advice for Scottish Agriculture (SASA) launched a project to create a DNA database of rhino horn in those UK museums and zoos. The aim of the database is to help protect live rhinos, as well as horn in museum collections, by making it possible to trace the origin of stolen rhino horn recovered by law enforcement.

The following excerpt, from the data used to create [Table 1a](#), shows a five year summary of Scottish court proceedings under Control of Trade in Endangered Species (COTES) legislation.

Legislation	Offences relating to	2008-09		2009-10		2010-11		2011-12		2012-13	
		Proceeded Against	Guilty	Proceeded Against	Guilty	Proceeded Against	Guilty	Proceeded Against	Guilty	Proceeded Against	Guilty
Control of Trade in Endangered Species (Enforcement) Regulations 1997	Other wildlife offences	2	1	1	1	0	0	3	2	1	0

## Freshwater Pearl Mussel Persecution

Scotland is a key global stronghold for the surviving populations of freshwater pearl mussels but these key populations continue to be targeted by illegal activity.

Pearl fishing persists in Scotland, however this activity is probably less significant than the damage caused by unconsented or unlawful river engineering and pollution events which can have devastating consequences on a whole population. However, in the 2012 report it was noted that a severe case of pearl fishing in 2009 killed 50% of the population in one remote Outer Hebrides river. Unfortunately during 2013, evidence came to light that the 50% of that surviving population had been killed in a further pearl fishing incident. The long term survival of this population hangs in the balance and work is ongoing with SNH, the Outer Hebrides Fishery Trust and local landowners to aid its recovery.



Pearl mussel shells © Lorne Gill/SNH

2013 saw the start of the second national survey for freshwater pearl mussels in Scottish rivers. This is ongoing and will report in early 2015 but the work has already revealed evidence of criminal activity affecting a number of populations and this information is being followed up by Police Scotland and the NWCU.

In 2013 a multi-partner project called “Pearls in Peril” launched two riverwatch schemes to raise awareness of the damage pearl fishing and other illegal activities can pose to freshwater pearl mussels and the wider health of rivers. These partners include the Scottish Environment Protection Agency (SEPA), Forest Enterprise Scotland, Rivers and Fisheries Trusts of Scotland (RAFTS) and several individual fishery trusts and boards. Plans are now underway to launch further schemes in other key rivers during 2014 and 2015. The project appointed a riverwatcher, whose role involved conducting numerous patrols along key rivers and passing on information about suspicious activity and suspected criminality to local police wildlife crime officers.

There have been at least 80 suspected criminal incidents involving damage to freshwater pearl mussel sites in Scotland over the past 15 years. To date, these have been recorded by SNH and NWCU/Police Scotland on a yearly basis. [Table 3](#) shows data related to suspected criminal incidents over the past 5 years.

Disappointingly, there was a distinct increase in suspected incidents recorded in 2013, following successive drops over the previous three years. However, around 75% of these 2013 incidents were discovered as a direct result of the work of the newly appointed riverwatcher or the national survey. While this increase suggests that a number of incidents may have gone undiscovered in previous years (as with many types of wildlife crime), it clearly demonstrates the value of the proactive searching carried out by the riverwatcher and national survey.



**Table 3: Suspected Criminal Incidents Involving Freshwater Pearl Mussels, 2009 to 2013**

Year	Number of Suspected Criminal Incidents
2009	13
2010	12
2011	4
2012	2
2013	8

Source: SNH, NWCU & Police Scotland

The Pearls in Peril project has produced leaflets and posters that have been distributed within local communities to raise awareness of the threat posed by wildlife crime. Copies of these are available in [Appendix 2](#). Local schools have also been visited to introduce the next generation to this species and its place in their environment. Other actions that the project is implementing relate to improving the water quality and river habitat in rivers that host pearl mussel populations. As noted in the 2012 report, for this conservation project to be successful, it is vital that criminal activity ceases.

An operation which secured the first conviction for damaging pearl mussels in Scotland during 2013, resulted in the investigative team being awarded the inaugural 2014 WWF Wildlife Crime Operation of the Year. This was accepted by staff from the Scottish Environment Protection Agency (SEPA) who led the multi-agency investigation and secured the conviction. This case was a successful prosecution in relation to unlawful river works in Glen Lyon, as featured in last year's report.

In March 2013, the Scottish Gamekeepers Association (SGA) signed a Memorandum of Understanding with the NWCU to help tackle illegal pearl fishing. SGA members including ghillies or gamekeepers, often work near remote rivers containing mussels. Guidelines have therefore been provided to encourage the confidential reporting of suspicious or unusual activity to police. This complements agreements already in place with Scottish Land and Estates and the Association of Salmon Fishery Boards. All three organisations have raised awareness of the illegality of pearl fishing with their members.



Alex Hogg, SGA and Charlie Everitt, NWCU. © SGA

## Poaching and Coursing



Atlantic Salmon © Lorne Gill/SNH

Poaching is mostly an acquisitive crime, involving the taking of deer, salmon or other game without the permission of the relevant landowner or without fishing rights. It remains a priority area due to the high volume of incidents recorded, as well as the levels of cruelty often inflicted on the targeted animals. It should also be noted that certain types of fish poaching can cause serious damage to river ecosystems and land based poaching or coursing will often lead to damage of farmland properties.

[Table 9](#) shows that poaching continues to be the most commonly recorded type of wildlife crime. Salmon and freshwater fisheries offences were the most frequently recorded, with 130 crimes in 2012/13, compared to 101 in 2011/12 - an increase of almost 29%.

There was a sharp fall in 2012/13 in crimes recorded under the category of Poaching & Game laws. This is likely to be a result of the Wildlife and Natural Environment (Scotland) Act 2011, which repealed a number of historical pieces of poaching legislation, such as the Game (Scotland) Act 1772. Updated offences are now contained within the amended Wildlife and Countryside Act 1981 and will therefore appear in other categories in this data. A similar pattern can be seen in the court proceedings data in [Table 1a](#). Of course, other deer related offences can be found in the Deer (Scotland) Act 1996.

[Table 1a](#) shows that the joint highest number of proceedings (19, the same as offences relating to birds) in 2012/13 were for salmon and freshwater fisheries offences. 13 of these resulted in a verdict of guilty. There were also 11 proceedings for hunting with dogs, with 7 guilty verdicts.

For an offence which took place in Fife in April 2013, involving the illegal hunting of deer with a dog, the guilty party was fined £500 and disqualified from having custody of a dog for two years. The penalty in this case is a good example of the use of disqualification orders for dog ownership in wildlife crime cases. The removal of dogs from owners has a serious disruptive effect on levels of activity, much of which is organised and involves wider criminality than the poaching offence itself. Wider offences can vary from the illegal possession of firearms to vehicle offences and damage to property. Dogs of course can also be highly valued for breeding purposes and if they are removed this will also significantly curtail this criminal activity and the ability to make further profit.

## Poaching & Coursing Priority Group

The group continued to meet in 2013 to discuss and co-ordinate activities relating to prevention, intelligence and enforcement. As with other wildlife crime groups, the Chair provides updates to PAW Scotland at the Executive and Plenary

meetings. Following the group's last 2013 meeting, John Bruce, of the British Deer Society, agreed to take on the position of Chair.

It was evident in 2013 that a significant volume of deer poaching took place in the north of Scotland, while coursing with dogs was taking place country-wide, but more commonly in the south. Good partnership working continued with partners engaging with water bailiffs and the newly appointed Wildlife Crime Liaison Officers within Police Scotland.

Unfortunately, some work from 2012 could not be progressed:

- A leaflet on poaching was set aside due to funding difficulties.
- A survey of National Farmers Union Scotland (NFUS) and Scottish Land and Estates members on hare coursing was not progressed as it would not provide sufficient benefit because the effects of this crime were already understood (such as the damage to fields and the cruel nature of the activity).
- A communications protocol between SSPCA and the group was not progressed as it was not considered to be within the group's remit.
- Interpretation boards on poaching and pearl mussels were not progressed as they were not considered to be within the group's remit.

In 2013, the group's activities included:

- Looking at the production of historical intelligence/prosecution data, in order to show trends and patterns in poaching crime. This was still under consideration at the end of 2013.
- Looking at media opportunities, especially for raising awareness during peak poaching times and in areas of particular interest. This work is ongoing and the group has agreed to channel relevant items through the PAW Scotland Media group and established media and industry contacts.
- Improving engagement with potential buyers of poached meat and fish, such as hotels and restaurants, including targeting information at industry magazines.
- Neighbourhood Watch schemes are being considered in Ayrshire and Tayside to assist in policy of engagement with the public and will be evaluated further before being widely promoted.
- A draft incident notebook for use by the public has been created and passed on to Police Scotland for refinement.

## Raptor Persecution



Golden eagle chick Fearnan in eyrie - June 2011  
© Keith Brockie



Fearnan - Illegally poisoned – November 2013 ©  
RSPB Scotland

Raptor persecution continued to be the most high profile of the wildlife crime priorities in 2013, with a number of incidents resulting in widespread media attention and condemnation from the general public. Probably the most notable of these was the illegal poisoning of the satellite-tagged golden eagle 'Fearnan' in the Angus Glens in November 2013. This eagle died after ingesting the highly toxic pesticide carbofuran.

Carbofuran has been used, either solely or in combination with another chemical, in just under 70% of recorded raptor poisoning incidents between 2009 and 2013. This is despite it being illegal to possess under the Possession of Pesticides (Scotland) Order 2005 and being banned from use in the UK since 2001. It is recognised that poisoning as a form of persecution is both indiscriminate and highly dangerous.

Another incident involving carbofuran took place in December 2012, where a buzzard was illegally poisoned in Dumfries and Galloway. As a result of the subsequent investigation, a local man was prosecuted in 2013 and pled guilty to poisoning the buzzard, as well as possessing a number of illegal pesticides. He was fined a total of £4,450.

[Table 4](#) shows a summary of the birds of prey confirmed to have been illegally poisoned in Scotland over the last five years.



**Table 4: Bird of Prey Poisonings 2009-2013**

Year	Number of Birds Poisoned (By Species)								Number of Incidents
	Red kite	Buzzard	Peregrine falcon	Golden eagle	Tawny owl	Sparrow-hawk	White-tailed eagle	Total	
2009	4	22	0	2	1	0	1	30	22
2010	7	13	2	4	0	1	1	28	22
2011	4	7	2	1	0	2	0	16	10
2012	0	2	0	1	0	0	0	3	3
2013	1	4	0	1	0	0	0	6	6
<b>Total</b>	<b>16</b>	<b>48</b>	<b>4</b>	<b>9</b>	<b>1</b>	<b>3</b>	<b>2</b>	<b>83</b>	<b>63</b>

Source: Science and Advice for Scottish Agriculture (SASA)

While the number of illegal poisonings was substantially lower than the highs of 2009 and 2010, the total represents a disappointing increase from 2012, following successive reductions over the previous three years.

### **PAW Scotland Raptor Group**

The PAW Scotland Raptor Group continued to meet on a quarterly basis throughout 2013. The continuing evidence of raptor persecution kept the group busy dealing with a variety of issues which in turn prompted a fresh look at the overall direction. In light of this, the terms of reference were updated and refined. This process was a useful exercise to remind the group of its objectives and functions as a partnership, working with both stakeholders and law enforcement. It reinforced the aim of achieving the best outcomes in relation to raising awareness of and preventing raptor crime.

The group unanimously agreed in favour of the Chair Ewen West, formerly of Tayside Police, remaining in position for a further year.

A key output for the group was that the Hen Harrier Action Plan was finalised and implemented in 2013. The group carried out an awareness raising exercise called “Heads up for Harriers” which sought to engage the wider public by the reporting of sightings which were followed up by Scottish Natural Heritage. Over 40 sightings were reported and a suspected crime involving a buzzard was recorded. Wider work on the Hen Harrier Action Plan will be taken forward into 2014.

The group previously discussed the development of the annual poisoning hot spot maps, and in 2013 the maps evolved after collaboration between stakeholders. The new maps showed locations of other raptor crimes in addition to poisoning. The further crime categories were:

- Shooting
- Trapping
- Disturbance
- Egg theft
- Nest destruction
- Other.

The main purpose of the additional map, which can be viewed in [Appendix 3](#) or on the [PAW Scotland](#) website, was to show that other types of raptor crime were still prevalent and occurring in Scotland.

The background data to the new map is summarised in [Tables 5a](#) and [5b](#), which record wider persecution activities associated with raptor crime. In 2013, as well as poisoning, these included illegal trapping, shooting, disturbance and nest destruction. Any of these activities can have a serious adverse effect on the conservation status of bird of prey species.

**Table 5a: Details of Recorded Bird of Prey Crimes in Scotland 2013**

Species	Police Division	Type of Crime	Date
White-tailed Eagle	Tayside	Nest Destruction	January
Buzzard	Forth Valley	Shooting	February
Buzzard	Aberdeenshire	Shooting (died of starvation but post mortem showed the bird had also been shot)	February
Buzzard	Tayside	Poisoning	March
Red Kite	Forth Valley	Poisoning	March
Buzzard	Lothians & Scottish Borders	Shooting	March
Buzzard	Forth Valley	Trapping	March
Buzzard	Tayside	Poisoning	April
Red Kite	Aberdeenshire	Shooting	April
Tawny Owl	Lothians & Scottish Borders	Trapping	April
Hen Harrier	Aberdeenshire	Shooting	May
Osprey	Forth Valley	Disturbance	June
Buzzard	Tayside	Shooting	June
Hen Harrier	Aberdeenshire	Shooting	June
Buzzard	Lothians & Scottish Borders	Poisoning (bird also shot at some point)	June/July
Peregrine	Aberdeenshire	Disturbance	July
Buzzard	Renfrewshire & Inverclyde	Shooting	July
Red Kite	Lanarkshire	Shooting	August
Buzzard	Tayside	Poisoning	September
Buzzard	Dumfries & Galloway	Trapping	September
Buzzard	Tayside	Shooting	October
Golden Eagle	Tayside	Poisoning	November
Buzzard	Highlands & Islands	Shooting	December

**Source: Police Scotland**

From 1 April 2013, Scotland's eight regional police forces were replaced with a single Scottish police force, made up of 14 regional divisions. For consistency, all incidents from January 2013 onwards will be recorded in this background data using the new regional divisions.

**Table 5b: Recorded Bird of Prey Crimes in Scotland in 2013 by Species Involved and Type of Crime**

Type of Crime	Number of Incidents (By Species Involved)								Total
	Red Kite	Buzzard	Hen Harrier	Golden Eagle	Osprey	Peregrine	White-tailed Eagle	Tawny Owl	
Shooting	2	7	2	0	0	0	0	0	11
Poisoning	1	4	0	1	0	0	0	0	6
Trapping	0	2	0	0	0	0	0	1	3
Disturbance	0	0	0	0	1	1	0	0	2
Nest Destruction	0	0	0	0	0	0	1	0	1
<b>Total</b>	<b>3</b>	<b>13</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>23</b>

**Source: Police Scotland**

**The number of incidents does not necessarily equate to the number of individual birds affected, as some incidents may involve more than one bird.**

The total of 23 recorded incidents in 2013 compares to 14<sup>1</sup> incidents recorded in 2012. As wider methods of bird of prey persecution continue to be recorded for the production of the new hotspot maps, future annual reports will build on this data year by year until a five year picture can be shown, as with the poisoning incidents.

Other types of bird of prey crime in 2013 amounted to nearly three times the number of poisoning incidents. These figures served to reinforce the need for the new measures that the Minister for Environment and Climate Change, Mr Paul Wheelhouse, announced in July 2013. These measures were:

- A restriction of the use of a General Licence where SNH as the licensing authority, had reason to believe that crime had taken place.
- A review of wildlife crime penalties to establish if they act as a sufficient deterrent.
- Encouragement of law enforcement to use all investigative tools to aid wildlife crime investigations – supported by the Lord Advocate.

In 2014 the group will continue to develop the hen harrier action plan. Project officers were appointed in 2014 and the data that they collect will be scrutinised by SNH in conjunction with Police Scotland to look at breeding success and establish intelligence profiles. The hen harrier project will continue to be assessed to establish if it can be reproduced for other species, for example the goshawk.

<sup>1</sup> The figure published in the 2012 Annual Report was 13. The total has been updated to include a golden eagle which was found dead (not in suspicious circumstances) on Oronsay in 2012. It was only discovered later, in 2013, that the eagle had been shot.

## Government and Agencies

The Scottish Government (SG) has a dedicated wildlife crime policy team, which has responsibility for managing PAW Scotland. The following sections provide some details of the work carried out by government departments, agencies, and SG funded activity during 2013.

### SASA

Science and Advice for Scottish Agriculture (SASA) is a government department in Edinburgh which provides several services for wildlife crime investigation.

#### Wildlife DNA Forensic Unit

The Wildlife DNA Forensic Unit at SASA provides analysis of non-human DNA evidence recovered by wildlife crime investigations. [Table 6](#) provides a summary of the wide range of casework in 2013, divided into the UK wildlife crime priorities.

**Table 6: 2013 Wildlife DNA Forensic cases**

Category	Scottish cases
Badger persecution	4
Bat persecution	0
CITES	1
Freshwater pearl mussels	0
Poaching and coursing	5
Raptor persecution	4
Other wildlife crime	2
Other (e.g. animal cruelty)	2
<b>Total</b>	<b>18</b>

**Source: SASA**

This casework has included the examination of knives for badger DNA, the identification of DNA from multiple birds of prey on spring traps, and the matching of a dog DNA profile recovered from a coursed hare to a suspect's dog. In each of these examples, the evidence produced has played a crucial role in advancing an investigation towards prosecution.

#### Pesticides Branch

The Pesticides Branch at SASA investigates suspected animal poisoning incidents, as part of the Wildlife Incident Investigation Scheme. [Table 7](#) provides details of the number of suspected pesticide incidents investigated in Scotland (2009 - 2013) and summarises those incidents, categorised as abuse<sup>2</sup>, that are considered to be wildlife crimes because of the species or pesticide involved.

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<sup>2</sup> Abuse of a pesticide, in the form of deliberate, illegal attempts to poison wildlife.

**Table 7: Pesticide Abuse incidents in Scotland 2009–2013**

	2009	2010	2011	2012	2013
Number of wildlife incidents reported *	110	184	192	128	177
Number of wildlife incidents attributed to pesticides	36	44	19	12	15
Pesticide incidents involving wildlife categorised as abuse	32	32	14	6	12
<b>Wildlife abuse incidents by species/sample type</b>					
No. of abuse incidents involving birds of prey	22	22	10	3	6
No. of abuse incidents involving other birds **	6	1	2	1	1
No. of abuse incidents involving suspicious baits or substances ***	4	8	2	2	5
No. of abuse incidents involving mammals	0	1	0	0	0

**Source: SASA**

\* Excludes honeybees, exotic species, livestock, companion animals (pets) and incidents where no analyses were undertaken.

\*\* No birds of prey were associated with these incidents.

\*\*\* These incidents have been included as they were categorised as abuse by SASA. Animal carcasses or other items laced with illegal poisons present a potential danger to wildlife. It is not possible to confirm what the intended victim was in each of these cases.

As well as the wildlife incidents summarised above, a number of suspected pesticide poisoning incidents involving livestock or companion animals (pets) were also reported to SASA during 2009-2013. The details of these were as follows:

- 21 livestock incidents (none classified as abuse)
- 168 companion animal incidents (13 classified as abuse)
- 11 of the 13 companion animal abuse incidents involved chemicals listed in the Possession of Pesticides (Scotland) Order 2005, demonstrating the often indiscriminate nature of poisoning. While the poisoning of a companion animal is not a wildlife crime, it is important to note that in some of these cases, due to the indiscriminate nature of laying baits, the companion animal may have been the accidental victim of a poison intended to target wildlife and vice versa.

**SAC Consulting**

SAC Consulting (part of Scotland's Rural College, previously the Scottish Agricultural College) continue to provide post mortem examinations on wildlife, some of which further wildlife crime investigations. This work is funded through the Scottish Government's Veterinary Advisory Services programme.

2013 saw an increase in the number of wild mammals and birds examined under the Animal Welfare advisory activity, giving a total of 102 cases of which 53 were

mammals and 49 were birds. The increasing wildlife case load has been a trend over the past 5 years as shown in [Table 8](#).

**Table 8: Wildlife cases examined by SAC Consulting disease surveillance Centres under the Animal Welfare advisory activity 2009–2013**

Year	Total cases	Mammals			Avians		
		Total mammals	Crime related*		Total avians	Crime related*	
			Number	% of Mammal Cases		Number	% of Avian Cases
2009	22	12	3	25	10	3	30
2010	37	14	3	21	23	7	30
2011	90	35	12	34	55	9	16
2012	91	45	14	31	46	8	17
2013	102	53	17	32	49	9	18

**Source: SAC Consulting**

**\*Cases which were believed to be the result of criminal activity following examination by SAC Consulting staff, who then pass this information on to the police.**

Proportionately, the increase in the number of wildlife cases submitted over the past five years has been roughly equal for mammals and birds. This increase may be a reflection of increasing awareness of issues surrounding wildlife crime and the need for the general public to report incidents and animals found in suspicious circumstances.

On average 25% of wildlife cases submitted under this activity over the five year period were considered to be crime-related. The number of bird cases considered to be crime-related has increased from 3 in 2009 to 9 in 2013. However, as a percentage of the total number of birds examined, overall this has fallen from 30% in 2009 to 18% in 2013.

Investigations carried out on mammals covered a wide range of species including hedgehogs, squirrels, wild cats, rabbits, hares, otters, badgers, foxes, and deer. The causes of death have included a snare injury, gun-shots, dog attacks, sharp and blunt traumas.

The avian cases covered a range of species, though raptors predominated. Gun shot was the most frequent diagnosis, though other forms of malicious trauma were also recorded.

### **Scottish Natural Heritage (SNH)**

In 2013, SNH created the role of Wildlife Crime Project Officer to help the organisation deliver on its remit of wildlife crime prevention and education. Key to this role are the provision of organisational guidance and delivery of training for all lead contacts within SNH operational areas.

SNH are working closely with Police Scotland to deliver wildlife crime objectives. As detailed in the wildlife crime priority chapter on [Raptor Persecution](#), this includes the development of a mechanism to restrict the use of general licences



where SNH has evidence that wild birds have been killed or taken, or where there was intention to do so, other than in accordance with a licence. This will result in exclusion of the area of land on which such evidence is found from General Licences, based on a civil standard of proof, and where SNH consider it to be a proportionate response to the continuing problem of unlawful persecution.

The 2012 Annual Report on Wildlife Crime contained a full list of ongoing and historical wildlife crime projects funded through PAW Scotland or SNH grants. While only one SNH funded project was still running in 2013 (see [Appendix 4](#)) SNH are seeking proposals from the PAW Scotland Sub-groups and other partners and hope to have further wildlife crime projects supported in the near future.

## Police Scotland

Police Scotland recognise that crimes perpetrated against wildlife and the natural environment attract a high level of interest and concern from communities, both locally and beyond. Police reform, on 1 April 2013, saw each of the 14 territorial divisions benefit from an embedded Wildlife Crime Liaison Officer (WCLO) on either a full-time or part-time basis. These officers have been brought together during the year for joint meetings with wildlife crime specialists from COPFS, Scottish Government and a professional development seminar.

The development of the WCLO posts in 2013 deliberately included the establishment of local governance and accountability, with the ultimate reporting mechanism in each case being to the Local Policing Commander. However, wildlife crime structures have continued to evolve and an opportunity was recognised to offer further support to each of the local WCLOs by defining lead responsibility for co-ordinating efforts to tackle wildlife crime within divisions. As a consequence, a local Superintendent or Chief Inspector has also now been identified as Lead Officer to ensure better clarity, accountability and localised delivery against wildlife crime issues in each of the local policing areas.

Policing is of course not restricted to officers in the field. Scottish Police Authority staff provide vital support in the investigative and criminal justice processes, including wildlife crime enquiries. Forensic Services provide scientific expertise recognised at the highest level throughout the world. Partnerships in this area are constantly developing and Police Scotland forensic representatives are now part of the PAW Scotland Scientific Sub-group.

The breadth of criminality makes wildlife crime investigation unique. Whilst the current UK wildlife crime priorities reflect this to a certain degree, in the last year Police Scotland officers have also been investigating escaped wild boar; illegal razor clam fishing; and damage to Sites of Special Scientific Interest (SSSI) amongst others. All of these impact to different degrees on local communities whether it is the environmental damage at a local SSSI or simply the removal of local birds from the skies.

Police Scotland will use whatever resources it has at its disposal to target those committing the wide range of wildlife crimes but also recognises that partnership working is key in terms of both enforcement and prevention. This approach has perhaps been particularly highlighted during raptor enquiries where Police Scotland has worked with both government and non-governmental organisations during investigations.

The establishment of a single force has enhanced opportunities for police resources from across Scotland to be utilised (including trained search advisors, search teams, dog units and many other resources) but Police Scotland has also used the services of Royal Society for the Protection of Birds (RSPB) Investigations Officers and SSPCA officers to provide specialist advice and knowledge. In addition, the services of the Scottish Government Rural Payments and Inspections Division (SGRPID), SASA and SAC Consulting Veterinary Services have all played a significant role in these enquiries. Where an

investigation will allow, Police Scotland will always make best use of partnerships (whether through joint press releases or the use of partner expertise in searching) but a balance must be maintained to ensure impartiality.

Table 9 provides a summary of the different types of wildlife crime recorded by the police over the five year period to 2012/13. It is not possible to compare these figures to the prosecutions data in Table 1a as prosecutions may not happen in the same year as the date of the original charge. One thing which can be seen from the 5 year data below is that there has been an increase in volume in salmon/freshwater fisheries recorded crimes since 2009/10. Offences relating to birds were the second highest recorded category in 2012/13.

**Table 9: Wildlife Crimes Recorded by Police in Scotland from 2008/09 to 2012/13**

Offences relating to	Year				
	2008/09	2009/10	2010/11	2011/12	2012/13
Badgers	15	11	20	11	1
Birds	49	40	58	55	64
Cruelty to wild animals	20	27	40	26	27
Deer	28	20	33	47	33
Hunting with dogs	6	37	31	31	32
Other Conservation offences	1	3	2	1	0
Other wildlife offences	46	41	68	17	26
Poaching & Game laws	9	17	16	15	1
Possession of salmon or trout, unlawfully obtained or as result of offence	6	5	6	3	5
Salmon, freshwater fisheries offences	132	62	79	101	130
<b>Total</b>	<b>312</b>	<b>263</b>	<b>353</b>	<b>307</b>	<b>319</b>

**Source: Scottish Government Justice Analytical Services**

**Data is recorded by financial year e.g. 1 April 2012 - 31 March 2013**

Table 10 has been included in this report to show the variations in the types of wildlife crime recorded in different police force areas in 2012/13.

It can also be seen that the number of salmon and freshwater fisheries offences in 2012/13 amounts to over 40% of all recorded wildlife offences in Scotland in that reporting period.

**Table 10: Recorded Wildlife Crimes by Police Force Area, 2012-13**

Offences relating to	Police Force Area								
	Central	Dumfries & Galloway	Fife	Grampian	Lothian & Borders	Northern	Strathclyde	Tayside	Scotland
Badgers	1	0	0	0	0	0	0	0	1
Birds	10	5	2	23	12	5	4	3	64
Cruelty to wild animals	10	0	0	5	7	3	2	0	27
Deer	1	0	3	10	3	4	6	6	33
Hunting with dogs	0	1	3	13	1	0	3	11	32
Other conservation offences	0	0	0	0	0	0	0	0	0
Other wildlife offences	19	1	0	3	0	1	1	1	26
Poaching and game laws	0	0	0	1	0	0	0	0	1
Possession of salmon or trout unlawfully obtained, or as result of offence	0	1	0	0	0	3	1	0	5
Salmon and freshwater fisheries offences	19	4	1	7	15	63	10	11	130
<b>Total</b>	<b>60</b>	<b>12</b>	<b>9</b>	<b>62</b>	<b>38</b>	<b>79</b>	<b>27</b>	<b>32</b>	<b>319</b>

**Source: Scottish Government Justice Analytical Services**

**Data is recorded by financial year 1 April 2012 - 31 March 2013**

## **The National Wildlife Crime Unit**

The NWCU works with Police Scotland to produce intelligence products and provide support in wildlife crime investigations. Wildlife crime priorities did not change for 2013 and the NWCU continued to play an important role in working with the PAW Scotland partnership.

### **Scottish Investigative Support Officer**

The Scottish Investigative Support Officer (SISO) plays a significant role in partnership working and is jointly funded by SNH and Police Scotland. In 2013, the NWCU SISO has been involved in casework as well as the strategic development of wildlife crime enforcement and intelligence sharing. Examples include:

- 1) Investigation of non-native species incidents, including the illegal possession of crayfish and escape of prairie dogs.
- 2) Raising awareness of illegal freshwater pearl mussel fishing and generating intelligence.
- 3) Working with SNH to further the PAW Raptor Group Hen Harrier Action Plan.
- 4) Working with SNH on the Open General Licences.
- 5) Provision of advice and assistance for a number of investigations on the possession of illegal pesticides, deer and salmon poaching, CITES offences, pearl mussel fishing, raptor persecution and SSSI damage.

### **NWCU Facts and Figures**

The NWCU use intelligence to provide assistance with the prevention and detection of crime. This continues to be the most effective use of information and a tool that is used to paint a bigger picture and aid enforcement. From 2008 to 2011 the unit also recorded wildlife crime incident data, however as this task was extremely resource intensive, the decision was taken in early 2012 to refocus on intelligence only.

[Table 11](#) provides a summary for wildlife crime intelligence logs, broken down by the keyword which is used for future retrieval and analysis. This table has been included to provide a clearer picture of the spread of intelligence dealt with by the NWCU.

**Table 11: Summary of NWCU Wildlife Crime Intelligence Logs in 2013**

Keyword	Intelligence Logs	% of total
All 'Other' *	382	35.3%
Fish	234	21.6%
Deer	173	16.0%
Hare	106	9.8%
Raptor	83	7.7%
Badger	40	3.7%
CITES	22	2.0%
[Operation] Easter	20	1.9%
FWPM/Fresh Water	15	1.4%
Bat	4	0.4%
Non Native	2	0.2%
<b>Total</b>	<b>1081</b>	

**Source: NWCU, provided with permission of Police Scotland**

\* The category "All 'Other'" includes intelligence relating to animal cruelty, unconfirmed poisonings, otters, and fox hunting amongst others. A small amount of intelligence logs in this category may relate to non-wildlife crime issues, such as dog fighting or sheep theft.

Intelligence logs cannot be used to (a) directly compare year on year nor (b) comment on long term trends, as they are reviewed on a yearly basis and deleted if grounds for inclusion for policing purposes no longer exist. It must also be noted that an intelligence log is not a detected crime; it is a tool for police to use to establish a bigger picture of what is happening in a given area. However, the high instances of intelligence logs related to poaching does back up the recorded crime data in [Table 9](#) showing that poaching is a high volume crime.

[Table 12](#) gives a breakdown of the most common type of intelligence relating to wildlife crime priorities, for the five year period to 2013.

**Table 12: Most Common Priority NWCU Intelligence Logs 2009-2013**

Year	Intelligence Logs	Three most common priority intelligence types (as a percentage of the total number of intelligence logs)
2009	1051	Hare Coursing (16%), Deer Poaching (14%) and Raptor Persecution (14%)
2010	1315	Deer Poaching (16%), Fish Poaching (13%) and Hare Coursing (12%)
2011	1105	Deer Poaching (17%), Hare Coursing (17%) and Fish Poaching (17%)
2012	1068	Fish Poaching (14%), Deer Poaching (12%) and Other Poaching (6%)
2013	1081	Fish (22%), Deer (16%) and Hare (10%)*

**Source: NWCU, provided with permission of Police Scotland**

\* As the data for 2013 is based on keyword searches, it is not possible to confirm whether these intelligence logs all relate to poaching and coursing, although this is likely to be true in most cases.



## The SSPCA and Wildlife Crime

The SSPCA and their Special Investigations Unit (SIU) support wildlife crime investigations in Scotland, by authorisation by Scottish Ministers under the provisions of the Animal Health and Welfare (Scotland) Act 2006.

The following figures provided by the SSPCA relate to wildlife crime cases which were reported to the Procurator Fiscal.

The following figures relate to the work of the SIU. Prior to 2011, the SIU had a limited capacity for recording data and therefore the figures may in reality be higher.

In the five year period between 2009 and 2013, the SIU carried out an estimated 769 investigations involving or affecting wildlife. The scope of these investigations can vary from basic background checking following receipt of intelligence, to extensive investigative work. Of these investigations:

- 280 were classified as cases (solely investigated by SSPCA, and where there was a named suspect).
- 118 (42%) of these cases were reported to the Procurator Fiscal for prosecution, while 162 cases (58%) were not reported.
- 67 cases reported during this period resulted in a successful prosecution.

The SIU have reported that the percentage of cases not reported for prosecution has increased over the five year period, which may be accounted for by an increase in the amount of investigative work undertaken by the SIU, while some cases cannot be progressed due to an insufficiency of evidence.

In addition, during 2009-2013 the SIU supported police in investigating 51 cases, with 13 of these cases resulting in a successful prosecution.

The cases included suspected misuse of traps or snares, and the ill-treatment of birds and other wild animals.

More details about a 2014 consultation on increased wildlife crime investigative powers for SSPCA inspectors can be found in the [Priority Work for 2014](#) chapter.

# Crown Office - Prosecutions and Convictions

## Wildlife & Environmental Crime Unit

Crimes against wildlife or the environment are treated as a high priority by COPFS. A unit of dedicated specialist prosecutors – the Wildlife and Environmental Crime Unit (WECU) has been in operation since 15 August 2011. WECU investigates and manages the prosecution of all cases involving crimes against wildlife and the environment. It also marks all cases of animal cruelty and investigates and prosecutes more complex cases of this type.

The particular benefits that the role of a specialised unit brings to the investigation and prosecution of wildlife crime include:

- promoting a consistency of response from prosecutors to a complex area of crime;
- allowing prosecutors to build close working relationships with specialist investigators, be that from police or other agencies;
- early intervention in particularly complex or higher level cases;
- improving the quality of reporting of wildlife crime to COPFS;
- allowing the quality of prosecutions to continuously improve; and
- enabling prosecutors to gain a deeper understanding of the legislation and the context of this area of crime.

## Case work of WECU in 2013

Table 13 shows the breakdown of wildlife cases reported to COPFS in 2013 – and the actions taken in respect of each category. The figures do not include the results of cases which concluded in 2013 but which had been reported to COPFS prior to 2013.

Table 13 shows the following:

- 130 wildlife cases were received by COPFS in 2013. All of these cases have been marked.
- Of these 130 cases, 25 were either marked as having insufficient admissible evidence, not constituting a crime, or were time-barred on receipt from the reporting agency. Therefore in 105 cases the prosecutor had to consider whether the public interest lay in favour of taking some form of prosecutorial action or not.
- Of those 105 cases, some form of prosecutorial action was taken in 103 cases (98%).
- Of those 103 cases where prosecutorial action was taken, a warning was issued in 15 cases (15%), a Fiscal Fine was issued in 18 cases (17%) and prosecution in court was undertaken in 70 cases (68%).
- Of those 70 cases prosecuted, 18 (26%) remained outstanding at the time of this report.
- Of the 52 cases which concluded, proceedings were discontinued by the prosecutor in 8 cases (15%). Pleas of not guilty were accepted (either formally or by the matter not calling) consequent upon other pleas of guilty

in 3 cases (6%). An acquittal of all wildlife charges from the case resulted in 4 cases (8%), and a conviction resulted in 37 cases (71%).

Notes and Definitions on the COPFS data are available in [Appendix 5](#).

**Table 13: Wildlife Cases Reported to COPFS in 2013**

	Not yet marked	No action	Warning	Fiscal Fine	Discontinued after prosecution raised	Plea of Not Guilty Accepted	Prosecution ongoing	Acquittal	Conviction	TOTAL
Badger related										0
Bat related		2 (2)	1						0	3
Bird related (non-raptor)				1		1	2	1	3	8
COTES/CITES related		1 (1)								1
Deer related		2 (2)			2		1		6	11
Egg Collecting										0
Hare or rabbit related		8 (8)	4	6	1	1	2	1	5	28
Pesticide related										0
Raptor related			1				2		1(i)	4
Salmon related		8 (7)	4	8	4	1	10	2	18	55
Snare/Trap related		2 (2)	3	1	1		1		1	9
Other		4 (3)	2	2					3	11
<b>TOTAL</b>		<b>0 27 (25)</b>	<b>15</b>	<b>18</b>	<b>8</b>	<b>3</b>	<b>18</b>	<b>4</b>	<b>37</b>	<b>130</b>

**Source: COPFS**

(i) The accused also pled guilty to possession of banned Pesticide; the case has been categorised as "Raptor-Related".

## Legislative Changes

The following legislative changes, relevant to wildlife crime, came into force in 2013.

### Snaring

From 1 April 2013, it became an offence for anybody to set a snare in Scotland unless they have successfully completed a snaring training course run by an approved body as set out in the [Snares \(Training\) \(Scotland\) \(No. 2\) Order 2012](#).

The approved bodies are:

- Borders College
- British Association for Shooting and Conservation
- Elmwood College
- Game & Wildlife Conservation Trust
- SRUC (formerly the Scottish Agricultural College)
- Scottish Association for Country Sports
- Scottish Gamekeepers Association
- The North Highland College.

A snaring operator who has successfully completed a snaring training course must apply to their local police station for a unique identification number which must be attached to all snares set from 1 April 2013. The [Snares \(Identification Numbers and Tags\) \(Scotland\) Order 2012](#) sets out the process for obtaining a snaring identification number and tagging requirements.

As of the 25 October 2013 a total of 2,123 people had completed the training course. By the beginning of 2014, the number of people who had applied for and received their unique identification number amounted to 1,115.

### Changes to Schedules A1 and 1A

Schedules A1 and 1A to the Wildlife and Countryside Act 1981 were inserted into the WCA by the Nature Conservation Act 2004. During the passage of the 2004 Act, the then Scottish Executive indicated that a consultation would be undertaken with a view to adding other species to the schedules.

Schedule A1 of the 1981 Act lists bird species whose nests are protected at all times from disturbance, including outwith the breeding season. Schedule 1A lists those bird species which are protected from harassment. Changes to Schedules A1 and 1A of the 1981 Act came into effect on 16 March 2013, under the Wildlife and Countryside Act 1981 (Variation of Schedules A1 and 1A) (Scotland) Order 2013 Order. The Order added several species to the Schedules, affording them additional specific protection.

Prior to the Order only the white-tailed eagle was listed on the Schedules. Following the consultation, the golden eagle was added to Schedule A1, and the golden eagle, hen harrier and red kite were added to Schedule 1A. Further details can be found on the [Scottish Natural Heritage](#) website.

## **Priority Work for 2014**

While this report covers the year 2013, there is clearly great interest in ongoing work to combat wildlife crime, and this section has been included to provide a brief update on the most high profile areas of work being taken forward in 2014 and beyond. These will be covered in greater detail in subsequent annual reports.

### **Raptor Persecution – New Measures**

In light of ongoing persecution incidents the Minister announced further measures to help tackle this problem in July 2013. The Scottish Government will be closely monitoring the effects of these new measures as detailed in the priority chapter of this report. The 2014 General Licences now contain an enabling clause allowing SNH to take action and restrict the use of such licences where they believe wildlife crime has taken place. A group has been set up to conduct the review of wildlife crime penalties, and expects to report back in late 2014 and Police Scotland will use the appropriate investigative tools at their disposal to investigate crime scenes.

### **Pesticides Disposal Scheme**

In April 2014 the Minister announced that the Scottish Government was looking at the introduction of a pesticides disposal scheme to remove stocks of illegally held substances used for targeting wildlife. This scheme is currently under development with a view to implementation before the end of the year.

### **SSPCA Wildlife Crime Consultation**

A consultation to gather views on increasing wildlife crime investigative powers for inspectors in the SSPCA ran from 31 March to 1 September 2014. The consultation invited members of the public and interested organisations to provide their views on this topic and a full report analysing the results will be published in due course. All views will be taken into account before a further decision is made on the best way forward.

### **Freshwater Pearl Mussels**

With regard to freshwater pearl mussels, work continues amongst partners on the 'Pearls in Peril' LIFE project. There are also plans to publish 'hotspot' maps, based on those developed for use by the police, showing unidentifiable locations of freshwater pearl mussel crimes. These would be similar to the maps published for bird of prey crimes, and it is hoped they will be just as successful in helping to raise awareness of the ongoing threat posed by crimes against pearl mussels.

## Appendix 1 - Offence Categories and Legislation

Offences relating to	Legislation
Badgers	Protection of Badgers Act 1992
Birds	Wildlife & Countryside Act 1981
Cruelty to wild animals	Wild Mammals (Protection) Act 1996; Wildlife & Countryside Act 1981
Deer	Deer (Scotland) Act 1996
Hunting with dogs	Protection of Wild Mammals (Scotland) Act 2002
Other conservation offences	Nature Conservation (Scotland) Act 2004
Other wildlife offences	The Conservation (Natural Habitats Etc) Regulations 1994; Wildlife & Countryside Act 1981; Control of Trade In Endangered Species (Enforcement) Regs 1997
Poaching and game laws	Game (Scotland) Act 1772; Game (Scotland) Act 1832; Night Poaching Act 1828; Poaching Prevention Act 1862
Possession of salmon or trout unlawfully obtained	Salmon & Freshwater Fisheries (Consolidation) (Scot) Act 2003; Salmon & Freshwater Fisheries (Protection) (Scotland) Act 1951; Scotland Act 1998 (River Tweed Order)
Salmon and freshwater fisheries offences	Freshwater & Salmon Fisheries (Scotland) Act 1976; Salmon & Freshwater Fisheries (Protection) (Scot) Act 1951; Salmon & Freshwater Fisheries (Consol) (Scot) Act 2003; Salmon & Freshwater Fisheries Act 1975; Salmon Freshwater Fish 2003



## Appendix 2 - Pearls in Peril Poster and Leaflet



# Riverwatch

www.pearlsinperil.org

## Protecting our native freshwater pearl mussels

### We need your help if you see

- 1 Piles of dead shells in or near the river
- 2 Persons wading and using a cleft stick and glass bottomed bucket
- 3 Excessive siltation or pollution
- 4 River works that may be causing damage
- 5 Stressed or stranded mussel beds

### Reporting – how you can help

- ✓ Record the time and date
- ✓ Identify location by GPS or map
- ✓ Take a description of persons involved including gender, height and clothing
- ✓ Make a note of vehicles including registration, make and model
- ✓ Take photographs or video, but only if safe to do so.
- ✗ Don't approach suspects
- ✗ Don't interfere with evidence
- ✗ Don't disturb the scene
- ✗ Don't ignore an incident and please...
- ✓ Report anything suspicious no matter how small. Evidence of wildlife crime is not always obvious.



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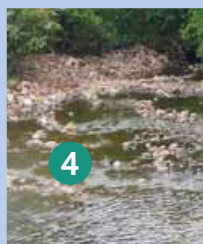
### Contact Details

In the first instance always contact your local police.

**Riverwatcher**  
tel 01463 783505  
mob 07789 793199  
riverwatcher@rafts.org.uk

**Crimestoppers**  
tel 0800 555111  
(999 if a crime is in progress)





We need your help  
if you see any of this

- 1 Piles of dead shells in or near the river
- 2 Persons wading and using a cleft stick and glass bottomed bucket
- 3 Excessive siltation or pollution
- 4 River works that may be causing damage
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## Contact Details

In the first instance always contact your local police.

### Riverwatcher

tel 01463 783505  
mob 07789 793199  
riverwatcher@rafts.org.uk

### Crimestoppers

If you suspect a crime has taken place call Police Scotland on 101 (or 999 if a crime is in progress).

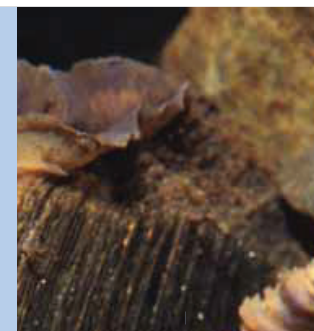
## Reporting – how you can help

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www.pearlsinperil.org

pearls in  
peril



Protecting our native  
Scottish pearl mussels

Riverwatch



Pearls in Peril is a LIFE+ project co-funded by many organisations across Great Britain, running from 2012 to 2016.

This partnership will act to safeguard the future of important freshwater pearl mussel (*Margaritifera margaritifera*) populations at key Natura 2000 sites.

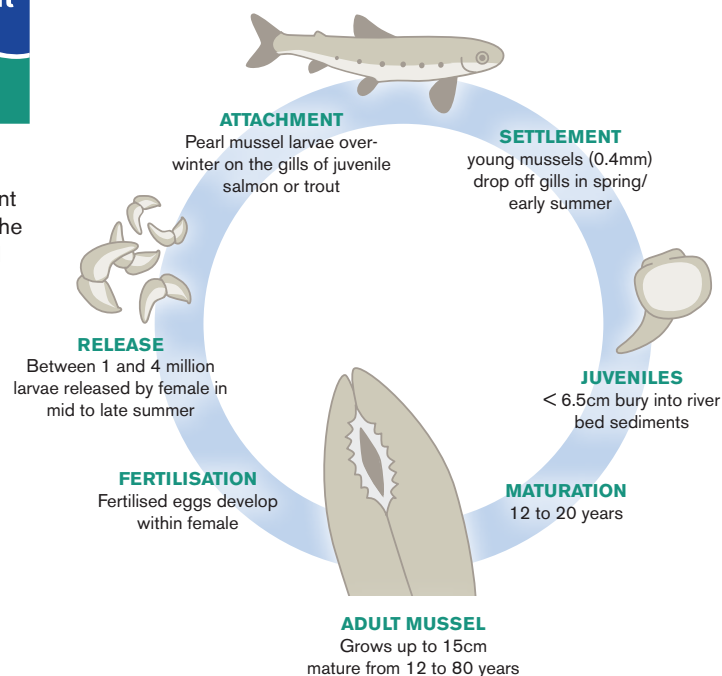
The freshwater pearl mussel is a fascinating and important part of our biodiversity and cultural heritage. It is one of the world's most critically endangered species and Scotland is one of its few remaining strongholds. Freshwater pearl mussels are dark in colour and grow up to 15cm long.



Illegally fished freshwater pearl mussel shells dumped next to a river.



## Lifecycle of the freshwater pearl mussel



## The Riverwatch scheme

The Riverwatch scheme is aimed at combating illegal activities affecting the freshwater pearl mussel in Scotland. This will be done by:

- ✓ Raising awareness of the threat to the freshwater pearl mussel;
- ✓ Implementing co-ordinated action to reduce and report illegal activities affecting pearl mussels; and
- ✓ Working with landowners, local communities, Police Scotland, fishery boards/trusts and other river users.

The Riverwatch scheme is an integral element in the conservation of the species and along with Police Scotland acts as a point of contact for reporting any suspicious activity concerning freshwater pearl mussels.

RAFTS (Rivers and Fisheries Trusts of Scotland) aided by the River Ness and Beaulieu Fisheries Trust are hosting the Riverwatch scheme.

The Riverwatcher is visiting 16 Scottish rivers to gather and collate evidence and Riverwatch schemes combined with awareness raising events are being implemented.

## Why are freshwater pearl mussels important?

They live in the bed of clean, fast-flowing rivers where they can be completely or partly buried.

Looking after freshwater pearl mussel benefits the whole river. They feed by drawing in river water and filtering out fine particles making them vitally important to other species that need clean water, especially salmon and trout.

They have a complex lifecycle and, in their first year, they harmlessly attach on to the gills of young salmon or trout before falling off and burying themselves in the river bed where they continue to grow.

Freshwater pearl mussels are fully protected under law because they are so threatened. It is a crime to intentionally or recklessly kill, injure, take or disturb freshwater pearl mussels or to damage their habitat.

## A history of exploitation

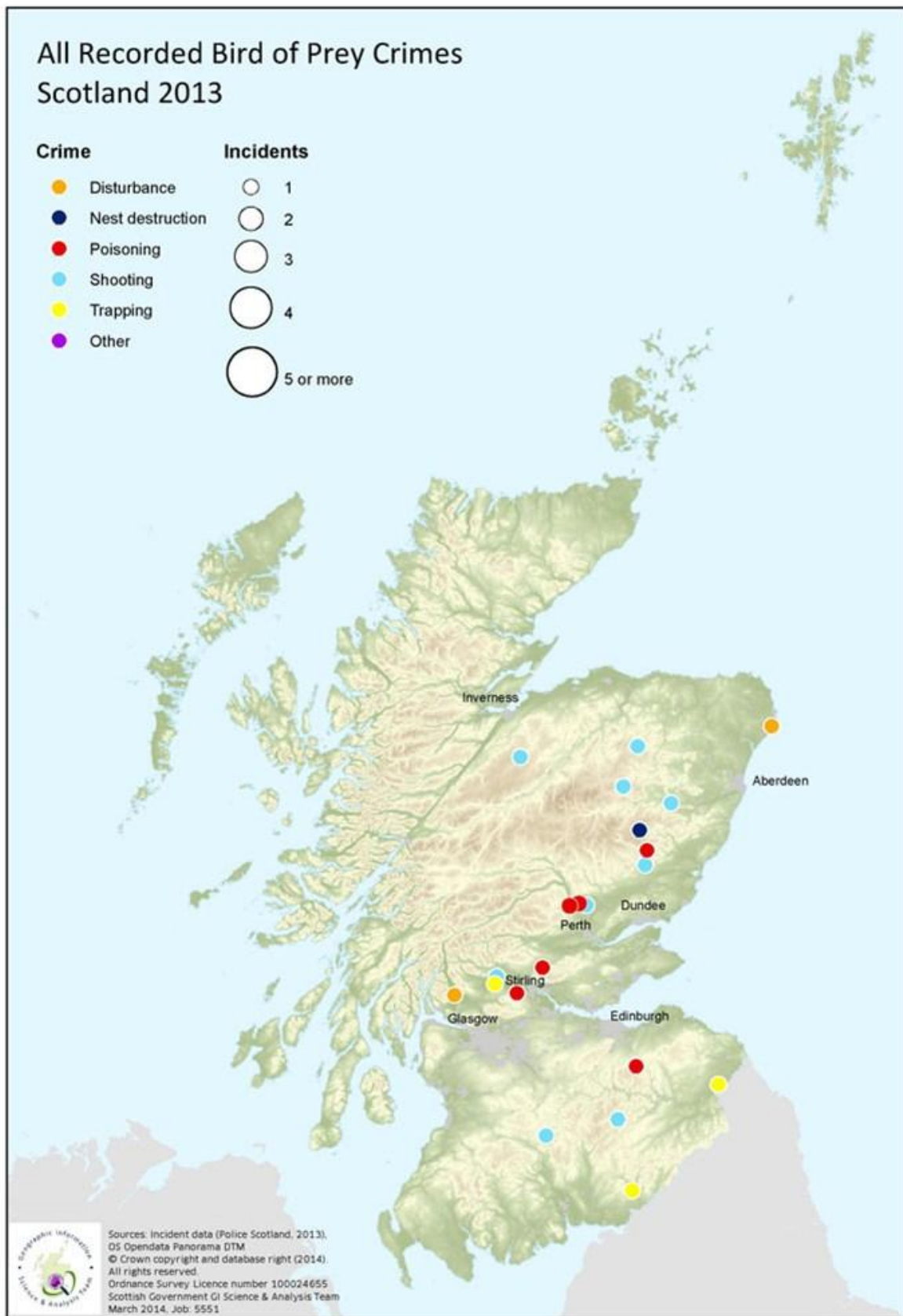
Exploitation of freshwater pearl mussels has taken place since pre-Roman times. Julius Caesar's biographer, Suetonius, stated that Caesar's admiration of pearls was a reason for the first Roman invasion in 55BC. In Scotland, the earliest reference dates back to the 12th Century when Alexander I was said to have the best pearl collection of any man living. The medieval poem, *The Pearl* which dates from the late 14th century is another early reference to freshwater pearl mussels in Scotland.

By the 18th century the first references to a decline in pearl mussel numbers can be seen. This decline accelerated during the 20th century, such that more recently there was evidence that freshwater pearl mussels became extinct from an average of two rivers every year in Scotland between 1970 and 1998 (when the species gained full legal protection).



Freshwater pearl mussel filtering river.

## Appendix 3 - Bird of Prey Crime Hotspot Map



## Appendix 4 - SNH Funded Projects

### Wildlife crime projects supported by SNH grant aid in 2013

SNH ref	Applicant	Project	Sum Awarded £	% of total/ eligible cost	Paid to Date	Main theme(s)*	Description
50000	RSPB Scotland	PAW - Combating Wildlife Crime in Scotland – 2012/15	45,000	45%	15,000	e, i	To reduce the incidence of wildlife crime across Scotland through providing specialist advice and supporting the work of PAW in Scotland, delivering training, raising awareness and understanding of wildlife crime issues.
			<b>45,000</b>		<b>15,000</b>		

\* e - enforcement  
i - intelligence  
p – prevention

## Appendix 5 - Notes and Definitions for COPFS Data

- The information provided is as at 16 July 2014.
- [Table 13](#) only shows wildlife cases reported to COPFS in 2013. It does not show the result of any case concluded in 2013 but which was reported to COPFS prior to 2013.
- Where a case has been “marked”, this means that a decision has been taken on what happens with the case.
- The table only shows cases where at least one statutory wildlife offence has been reported. It does not show any case where only a common law offence has been reported which may have a wildlife element, such as breach of the peace or culpable and reckless conduct.
- Cases are categorised only once. Cases are categorised according to the nature of the main offence contained within the report from the investigating agency to COPFS.
- For “Snares/Traps” where a creature was caught in the snare/trap, the case is categorised as “Snares/Traps”.
- Where there is more than one accused with different outcomes, the case is categorised at the highest level of outcome (i.e. the column furthest to the right).
- In the “No Action” column, the number of cases which were not a crime, time barred on receipt by COPFS or where there was insufficient admissible evidence are shown in brackets. Other cases are where the public interest did not lie in favour of prosecutorial action, for example where there are mitigating circumstances or where prosecutorial action was considered disproportionate to the circumstances of the offence.
- “Fiscal Fine” means a conditional offer by the Procurator Fiscal under section 302 of the Criminal Procedure (Scotland) Act 1995 and accepted, or deemed to have been accepted, by the accused. A conditional offer has a maximum level of £300.
- A case may be discontinued after a prosecution for a number of reasons and includes, for example, where the evidential position has changed since the time the case was marked.
- “Acquittal” is where any wildlife offence in a case has been prosecuted and all accused have been acquitted of all of the wildlife offences prosecuted in the case.
- “Conviction” is where any wildlife offence from a case has been prosecuted and at least one accused in the case has pled or been found guilty of at least one of the wildlife offences prosecuted in the case.
- The column “Plea of Not Guilty Accepted” reflects pleas of not guilty being formally or tacitly accepted by the Crown as a result of pleas of guilty being tendered by the same accused to other offences.





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ISBN: 978-1-78412-865-4 (web only)

Published by the Scottish Government, October 2014

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

Produced for the Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
DPPAS34409 (10/14)

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