

Supplementary Written submission from Police Scotland following evidence session 10 January 2017

I refer to the above subject and your email dated 11 January 2017 in relation to the evidence session on the Wildlife Crime Annual Report for 2015. I am grateful for the opportunity to address additional questions from the Committee as follows:

1. Recording of Badger Crime

“Claudia Beamish raised the issue of definitions of classifications of incidents as they move through the criminal justice system with regard to Scottish Badgers figures on crimes involving badgers. She noted that both these and the figures in the Scottish Government’s report conflict with an answer provided to her in a Parliamentary Written Answer on the subject. She requested that Police Scotland consider the evidence provided by Scottish Badgers in the second half of the meeting and provide further comment in writing on the discrepancy between figures and how this affects the transparency of the process.”

Police Scotland is required to record crime in compliance with the Scottish Crime Recording Standards (SCRS). As such, Police Scotland data may on occasion differ from that of partner agencies which can record not only ‘confirmed’ crime reports but also ‘possible’ and ‘probable’ crimes, neither of which are, nor can be, part of the Police Scotland submission to the Scottish Government for inclusion in the Annual Report. However, as part of the continuing development of the partnership approach to tackling wildlife crime, Police Scotland will now meet on a regular basis with Scottish Badgers to ensure that there is a transfer of information between organisations about reported incidents of alleged crime and a greater level of mutual understanding relating to the decision-making rationale around crime recording. The first meeting is due to take place on 23 February 2017.

2. Bat incidents reported by Local Authorities

“Finlay Carson asked DCS Sean Scott about local authority “policing”/checking of developments and contravention of planning permissions regarding bat colony disturbances. DCS Scott undertook to check whether there had been any cases of local authorities reporting disturbances to Police Scotland.”

Licensing for work during a development that may impact on bats or their roosts is undertaken by Scottish Natural Heritage (SNH). Ecological surveys for bat roosts are usually a requirement of such development work and this will involve the ongoing monitoring of the site by appropriate personnel in the local authority or private surveyors. On occasion, Police Scotland is contacted for advice which is directed to the local Wildlife Crime Liaison Officer and often this will be provided in conjunction with SNH as the licensing authority. Unless a crime is recorded, Police Scotland would not keep records of this interaction and therefore it is not possible to provide a specific detailed response to Mr Carson’s question.

3. Fresh Water Pearl Mussels (FWPM)

“ACC Steve Johnson and DCS Sean Scott undertook to provide details of research and investigations undertaken on where freshwater pearl mussels are going in the retail market.”

In an attempt to establish the end-market for illegally fished freshwater pearls, previous and ongoing research with the jewellery retail and manufacturing trade showed no links to the high street jewellery industry.

New information suggesting that illegally fished pearls may be being sold as jewellery in small, local craft fairs is now being looked into with some fairs visited by Police Scotland prior to Christmas 2016 as part of joint working with the National Wildlife Crime Unit. This work remains ongoing into 2017 and the results of visits will be reported back to the PAW Scotland FWPM Group.

4. Raptor Persecution Data

“Mark Ruskell sought information on discrepancies between the content of the RSPB report “The Illegal Killing of Birds of Prey in Scotland” and the Scottish Government’s Wildlife Crime Scotland Annual Report 2015.”

The discrepancy between the two reports is partly due to an error in the recording of one specific crime. This related to the discovery of illegal traps during a joint agency search in the Lothians and Scottish Borders Division in May 2014. However, this was incorrectly recorded in the Police Scotland records as having occurred in September 2014. The members will note that the Annual Wildlife Crime Report for 2015 does in fact record a trapping offence in September 2014 that isn’t noted in the RSPB report. The recording of this crime has been publicly available (it was included in the PAW Scotland Bird of Prey Crime Hotspot Maps 2010-2014) and was part of the Police Scotland submission to Scottish Natural Heritage that enabled it to take decisions on the restrictions in use of the Open General Licence.

Unfortunately, the additional crimes recorded by RSPB in relation to this specific incident cannot be confirmed as crimes by Police Scotland despite extensive forensic examinations (including on a number of skeletal remains recovered at the locus) and subsequent local investigations. Following the evidence session on 11 January 2017, Police Scotland has asked RSPB for any further material it may hold that would assist in establishing the potential for additional crimes to be recorded and awaits a response.

“Mark Ruskell requested information on the percentage of raptor persecution crimes passed to the COPFS and the percentage which were prosecuted.”

With regard to the figures for 2014/15 as published in the 2015 Report, Police Scotland submitted reports to COPFS in respect of 22.2% of the crimes from the reporting period. The second part of the question relating to prosecution is for COPFS to clarify.

I would also like to take this opportunity to correct an inaccuracy in the evidence session that followed that of Police Scotland and COPFS. Specific mention was made by Mr Ian Thomson, the RSPB representative, of an incident on the Invercauld Estate involving a gull caught in a trap. For the benefit of the members of the

committee it should be clarified that the SSPCA Inspector, who attended the initial report concerning the welfare of a bird caught in a trap, did not seize the trap nor immediately report the full criminal nature of the circumstances to Police Scotland which, unfortunately, represents a lost opportunity to harvest forensic evidence. The subsequent search of the area, following Police Scotland being made aware of the circumstances, was arranged by Police Scotland to coincide with the availability of other partners.

I hope that this response has been of use in addressing the Committee's questions on the 2015 Wildlife Crime Annual Report. Please be assured that Police Scotland is committed to tackling wildlife crime and we encourage the public to report suspicions at the earliest opportunity to prevent further criminal activity taking place.

Steve Johnson

Assistant Chief Constable

Crime