

Written Submission from Scottish Badgers

Who are we?

Scottish Badgers was formed as an alliance of badger groups in Scotland in 1999 at the behest of Scottish Government, and is a SCIO, Scottish registered charity (SC034297).

Our vision is a Scotland free of badger persecution and cruelty by 2020 where;

- Wildlife legislation is strengthened and enforced by sufficiently-resourced lawmakers, police and prosecution services.
- Communities value and act to protect local badger populations, their setts and habitats.

Scottish Badgers provides education, and advice for the benefit of the public, members and other volunteers, in relation to badgers in Scotland. Advice and guidance is given to statutory organisations, private companies, the Police, and individuals in forestry, agriculture, and house and road building, whose activities can affect badgers greatly.

We work with partners on providing our excellent training to volunteers and professionals working in ecological services, forestry and development. An Annual Conference is held in Scotland each year, attracting all sectors and providing up-to-date information and learning.

We continually develop our core of expertise in groups of members across Scotland, providing an invaluable service.

There are 8 Trustees, who work with a wider Advisory Group of another 8-10 members, representing both geographical areas and areas of interest.

All of the trustees are 'hands-on', and act in both local badger groups, and in areas of special expertise.

Scottish Badgers has two contracted workers - one leading our (Heritage Lottery) HLF-funded 3-year project based in South Lanarkshire (where there are high rates of badger crime) providing information, training, and connecting adults and children with the native wildlife that is on their doorstep; and our Species Protection Coordinator (SPC) who takes calls from the public seeking advice, and providing Police and other agencies with specific badger related expertise.

The nature and scale of badger crime

Badgers are the largest native omnivore in the U.K., and are subject to increasing persecution. Generally there two categories: the deliberate digging of badger setts to obtain badgers for baiting with dogs, which is often associated with other forms of serious and organised crime such as drug dealing and domestic violence. The other wider category is mainly unintended 'mistakes' by development, forestry and agriculture; however, badgers are also regularly subjected to deliberate persecution

such as poisoning, gassing, snaring, drowning with slurry, suffocation when setts are blocked, and crushing when setts are destroyed. The level of cruelty meted out to badgers by perpetrators is unparalleled in any other form of wildlife crime.

Our work over the past sixteen years has shown that the strongest and most sustainable solution is to gain the involvement of local communities, which requires information, training, and active citizen participation.

What is badger crime?

Badgers and their setts are fully protected in law by the Protection of Badgers Act 1992, as amended in Scotland (this can be found on our website, www.scottishbadgers.org.uk >resources>downloads). Badgers are especially vulnerable as they are bonded to a permanent home territory and use the setts within that territory for shelter and breeding. The varied nature of the habitat in which badgers are found, from upland moors to inner cities, makes them easy prey for baiters, and can bring them into conflict with human activities unless people know they have legal responsibilities and seek advice.

We come across many instances of disturbance to badger setts, and this is one reason the figures quoted in the Government's report cause us concern. The report seems to suggest that badger crime hardly occurs in Scotland. The very small single figure numbers in the tables on pages 26, 28 and 58 do not reflect the many instances of disturbed setts and other incidents that we and members of the public come across. We receive reports of 40-50 badger incidents each year which are certainly crimes. However, many are hidden from public view, and remain undiscovered, and as a consequence not reported.

Scottish Badgers is not an investigation agency. Our SPC will ask an experienced member (volunteer) to respond to calls for information or help – from the general public, the Police, or another agency (e.g. SSPCA, Scottish Wildlife Trust, Scottish Natural Heritage etc.). If we discover a likely crime, our members will either call the Police (via 101, or 999 if a crime is in progress), or advise the complainant to do so. A core of our members have been trained in badger sett identification, and how to protect evidence and seek assistance at a potential crime scene.

We understand that the practical progress of an investigation lies with the police, under the supervision of the Procurator Fiscal (PF). However it is often frustrating that further information is not forthcoming once a case has been reported. This includes the information about whether an incident has been deemed a crime or not, and how that decision has been justified.

We have the specialist expertise to recognise when a sett has been damaged, and therefore do not report 'unlikely' crimes. Accordingly, we would ask for increased transparency with regard to the decision-making process and the grounds upon which decisions to determine 'crime or no crime' badger incidents are based.

These are criminal activities and should be treated as such.

The problems and frustrations at different stages:

- Whilst awareness has improved in recent years, Call Centres haven't always recognised badger crime for what it is – crime.
- A Police investigation needs to be timely because evidence on the ground deteriorates or is 'removed' – yet there are often delays of days or even weeks.
- Wildlife Crime Officers (WCLOs) are usually very efficient, courteous, skilled, helpful and conscientious. However, experienced WCLOs are not 'made available' as speedily or in the numbers needed.
- Frustratingly, after an investigation at a crime scene, with statements by our own members, badger crimes often do not progress to the next stage. Allied to this, the time span of decision-making can be very long, e.g. 6, 9, 12 months, when valuable volunteer time and is consumed chasing Police Officers for up-to-date reports.
- It is highly significant that in recent years none the cases we have been involved in have progressed to the PF. We would seek greater transparency in understanding how this situation can be improved t
- Cases of damage to badger setts at development sites, or in forestry can be complex, involving land managers, agents, contractors and sub-contractors. This makes case management time-consuming, and investigations lengthy.

Scottish Badgers Species Protection Annual reports table:

Badger crimes	2012/13	2013/14	2014/15
1. Police-recorded badger crimes	1	7	4
2. COPFS badger cases received	3	0	4
3. COPFS badger cases prosecuted	2	0	1
4. SG reply to MSP's question How many crimes related to badgers?	0	0	-
5. Badger crimes identified – source SB Species Protection Officer	50	42	42
6. Calls for badger advice – source SB Species Protection Officer	c. 400	c. 400	c.400

References

- Scottish Government *Wildlife Crime in Scotland: 2012 Annual Report*. Scottish Government Environment & Forestry Directorate (Report SG/2013/172), Edinburgh.
- Scottish Government *Wildlife Crime in Scotland: 2015 Annual Report*.
- Answer in parliament to MSP's question S4W-24776,18:3:15 'How many crimes related to badgers since 2007 by year?'

- Natural Injustice Paper 1 'A Review of the Enforcement of Wildlife Protection Legislation in Scotland', Feb. 2015, and Natural injustice Paper 2 'Eliminating Wildlife Crime in Scotland', Feb. 2015, published by Scottish Environment LINK
- Scottish Badgers Species Protection Annual reports 2013, 2014, 2015.