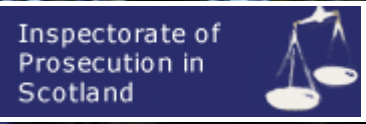




HM INSPECTORATE OF
CONSTABULARY FOR SCOTLAND



NATURAL JUSTICE:

A joint thematic inspection of the arrangements in Scotland
for preventing, investigating and prosecuting wildlife crime

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EXECUTIVE SUMMARY

OVERVIEW – A CRIME LIKE ANY OTHER CRIME?

Aspects of wildlife crime differ from some other crimes. For example, the locations where it often takes place are remote, the perpetrators may be part of a relatively closed and tight knit community and the levels of media and public interest may seem to some to be disproportionately high.

Whilst these attributes may differentiate this particular type of crime from others, the role of managing specialist crimes is neither new nor particularly unusual; internet crime, fraud and people-trafficking offences are at least as complex.

During this inspection some felt that the investigation of wildlife crime should be dealt with by an agency other than the police. Though only a minority expressed this view it nevertheless presented us with an important point of principle to consider. Our professional judgement is that the investigation of crime should generally, although not exclusively, be dealt with by the police. Gaps in service delivery found during this inspection were not considerable and this combined with our belief that the public considers the police to be the primary body for investigating crime, reinforced our position.

Therefore the stated strategic intention of:
'managing wildlife crime like any other crime'
(ACPOS lead officer on wildlife crime)

is both appropriate and achievable, a view that was strongly and widely shared by stakeholders throughout this inspection.

In a similar vein, we also encountered persistent calls to 'professionalise practice' in relation to wildlife crime. Generally this meant applying a level of professionalism in this area that enforcement agencies already possessed and employed in their other work.

Over many years, the police in particular have built up effective systems and structures to manage investigations, gather intelligence, co-operate with partner agencies and deal with the media. Generally these work very well and should also be used when dealing with wildlife crime.

The use of the term 'manage' in the previous paragraph is important. For it was at this level of activity that we most commonly identified shortcomings. Too frequently in dealing with wildlife crime the police had allowed, rather than directed, their considerable body of professional knowledge and practice to be set aside.

Across many areas of wildlife crime enforcement – for example selecting and supervising Wildlife and Environment Crime Officers (WECOs), managing intelligence, conducting investigations and liaising with the media – wildlife crime was often dealt with differently. It was not surprising therefore, that there were times when even high profile wildlife crime matters had not been managed well causing disappointment, frustration and tension. The practice of debriefing staff after certain incidents is well-established in the police service. However, a failure to do the same in cases of wildlife crime has in the past served to compound problems. It has weakened the service's ability as a whole to learn and to change its approach where appropriate.

A lack of priority and resources assigned to wildlife crime was often given as the reason for these differences in practice. In some particular cases this was undoubtedly true. Nevertheless, we believe that using the tried and tested systems and structures already in place would make a significant difference. It would also be a more effective use of existing funds. Whether the issue is the use of a national asset, such as the Scottish Intelligence Database (SID), or an existing force facility such as its media department, the cost of processing relatively low levels of wildlife crime through existing structures would be low.

Acknowledgement of some of the unusual and complex aspects of wildlife crime had resulted in the Procurator Fiscal Service introducing a specialist system to manage wildlife crime. However the cases were subject to the same procedural rules and legal considerations as all other prosecutions. There was no call for, nor evidence to support, withdrawing wildlife prosecutions from mainstream criminal prosecution.

PREVENTION

It is generally believed that preventing a crime is better not only for the victim but also in financial terms. Using an analogy, when all the costs of investigating, prosecuting and punishing someone for breaking a window are compared with the costs of preventing this, the case for prevention is strong.

There remain two issues however:

- whilst it is possible to reduce some of these crimes, e.g. in the above example by using a new type of glass or providing an after-school club for young people, it would be almost impossible to prevent all windows being broken;
- the savings accrued by reducing the number of windows being broken may fall within one department's budget and yet some of the increased costs to achieve this, e.g. running the after-school club, may fall to another.

Resolving these types of problem, particularly the budgetary elements, often requires partnership working. People from various departments, commercial and non-commercial agencies, must decide what the most pressing needs are in their communities and agree how best to deal with these. When this kind of local joint working is done well, it is effective. The same approach, though more likely to involve government departments, is also needed at the national level.

Combating wildlife crime is no different. Creating effective structures to discourage people from committing wildlife crime is more effective than investigating and prosecuting it. Whether locally or nationally, a working plan is necessary to deal with the most important aspects of wildlife crime prevention. It is also essential that there is the co-operation of partners necessary to achieve it.

We found no such plan to reduce wildlife crime nationally. Only in a very few areas could we find a local working plan. Nonetheless we believe that the national partnership structure, discussed later in this section, could provide the forum necessary to generate and work to such a plan. We believe that by providing modest funding to encourage agencies to invest in preventative and other approaches, this national group could ensure that new and more effective ways of working are developed.

Possible activities might include the following:

- Piloting closer working arrangements between police and other agencies. For example involving the police early in the planning stages of certain building projects may help to reduce damage to habitats and particular species;
- Helping to fund more complex or higher priority investigations, recognising that successful prosecutions are part of the deterrent that ultimately prevents crime;
- Assisting police forces that already have full-time wildlife crime co-ordinators but want to expand these arrangements.

Despite the lack of an effective overall plan we found some excellent examples of preventative work. These included some where an entire local community had become involved, such as 'Eagle Watch' in Mull. Others were working with significant numbers of school children and young people to highlight why the environment and wildlife were important.

In our opinion these and the few working examples of local partnership structures that we found during the inspection, could provide a starting point for the proposed national structure.

Probably the most contentious issue that was raised was the impact of birds of prey in areas where grouse moors are intensively managed for sporting purposes. Considerable research had and was taking place to identify how these two competing concerns could be managed successfully (see Appendix 1 on the Langholm projects).

Some success in preventing illegal activities had been made, most notably in Grampian and Tayside, by bringing together all relevant parties to form partnership groups. In other parts of Scotland little sustained progress was evident. We believe that the proposed national partnership group has a crucial role to play in displaying leadership and holding agencies to account to prevent the illegal persecution of birds of prey nationally. Equally, it needs to make sure that there is a local partnership structure throughout Scotland that can contribute towards the national plan to reduce wildlife crime, within which birds of prey persecution is a significant issue.

In the meantime, in some areas of Scotland there is no doubt that some birds of prey continue to be persecuted.

INVESTIGATION

Increasingly police forces rely on 'intelligence' to assist their investigations. Typically this is information received from their own staff or the public which is then analysed. The resulting intelligence might then be used to generate reports about named individuals or to inform commentary on crime trends.

With increasing use, the police service has recognised the importance of improving the quantity, quality and management of its intelligence.

The Scottish Intelligence Database (SID) allows forces to record this on a single electronic system. Like any other database SID is only as good as the quality of intelligence entered and its subsequent use. Scotland also has the benefit of hosting the National Wildlife Crime Unit (NWCU) at North Berwick. This is a UK wide unit. These two factors should mean that Scottish forces are well-placed in terms of wildlife crime intelligence. We were disappointed by the low – sometimes very low – volume of wildlife crime intelligence being submitted and used by forces. In some cases this had been recognised and progress had been made.

The police service has been investigating crime for at least a hundred and fifty years. Over this time it has built up considerable expertise both in terms of how to investigate crime and in making sure that this is done consistently and to a high standard. Unfortunately this same expertise was not always applied in cases of wildlife crime. Instead individual WECOs, though generally committed and knowledgeable, were very much left to conduct any investigations on their own. Difficulties in obtaining additional time or assistance meant that these officers often felt and frequently were unsupported. On the occasions where investigations became very high profile, gaps in support were often more obvious.

We believe that a national minimum standard for investigating wildlife crime would greatly help to remedy these problems, not least by ensuring greater levels of supervision and consistency in the process. It could further ensure that the local or national impact of wildlife crime along with the media interest that it can generate, forms part of the assessment of what resources and management are needed.

The standard should clearly set out how and under what circumstances other agencies can support the police in their investigations, something that was unclear and inconsistently applied at the time of our inspection.

Another way of improving both the prevention and investigation of wildlife crime would be to make sure that the right staff were consistently selected, properly trained and well managed. Few forces had taken these steps despite the fact that such requirements were invariably in place for staff in other specialist police roles. As we found throughout this inspection, wildlife crime work was rarely perceived or treated as equivalent to that of other specialist roles.

Where forces had appointed a lead senior officer for wildlife crime who then took an active interest, the situation was generally better. However we believe that in addition to this management role, forces should have a standard interview process for wildlife crime posts. We also consider that a national overview of training should be taken and managed through the national partnership structure that we have recommended.

PROSECUTION

As part of the inspection we examined arrangements between the police and other agencies that report to the Crown Office and Procurator Fiscal Service (COPFS). We also examined the arrangements for cases from first contact with COPFS and all processes thereafter until sentence in those cases that resulted in conviction. We carried out a case review examining all cases reported to COPFS for prosecution from the start of 2006 until the review process started in late 2007. We examined the quality of police and other reports and the processes employed at COPFS including the standard of drafting of charges, the adherence to Crown Office policy, the quality of case handling and the outcome and results of the cases. We concluded that the majority of the cases were dealt with appropriately and in accordance with Crown Office policy. Overall COPFS had introduced a sound system for managing wildlife crime particularly by establishing a network of specialist wildlife prosecutors who should prosecute these cases. We found however that this structure was not fully implemented nationally and was not always fully understood resulting in cases at times being prosecuted by non-specialist prosecutors. In a number of cases there would have been added value had the specialist wildlife prosecutor been involved. We are confident that these issues are capable of easy resolution.

We also looked at how effective the current legislation was thought by practitioners to be and what happened when wildlife crimes were taken to court.

Practitioners did report difficulties with certain legislation. Though some of this was being reviewed at the time of inspection we believe that a broader and continuing review process is necessary. This would usefully fall within the remit of our proposed national partnership structure.

In addition, some practitioners and agencies perceived that courts dealt more leniently with wildlife crimes than they did with other kinds of offence. Court verdicts and sentencing invariably attract controversy and are unlikely to meet the approval of all parties. We found no evidence, however, of any consistent difference of approach towards wildlife crime.

CONCLUSIONS

Both from our observations of the way that wildlife crime is managed and from the many discussions we had, we formed the view that the following elements are required to reduce wildlife crime:

- a national co-ordinating group that has a clear plan to reduce wildlife crime. This will require the appropriate representation from all relevant interest groups and the resources to achieve its objectives;
- local versions of the national group. These will be necessary to allow the national plan to fit with local needs and existing structures;
- local groups initially chaired by senior police officers but with the view to seeking independent chairs as soon as practicable;
- these same senior officers to oversee wildlife crime policing within their force areas. Activities would include chairing regular meetings of WECOs, where issues relating to prevention, intelligence, investigation and barriers to improving results are discussed, understood and overcome;
- full-time wildlife crime co-ordinators. Along with the other elements in this list, these officers are a crucial part of an effective structure. We observed how they improved their force's overall responsiveness to wildlife crime through their work to encourage colleagues and their support of partnership structures. Where these officers are police officers as opposed to members of police staff, they should also participate in investigations. Colleagues and partners thought this a particular advantage;

- a national minimum standard of investigation for wildlife crime. This would raise both the level and consistency of investigations. It would improve investigators' and supervisors' ability to recognise when to raise the level of management focus and how to engage with specialist agencies to support the police investigation;
- full implementation by COPFS of the stated role of the specialist wildlife prosecutor both in the prosecution of wildlife cases and also within local wildlife partnerships.

In so far as these conclusions relate to police activity the force that came closest to meeting the above criteria was Grampian Police. Here we saw clear evidence of ownership and drive, from the most senior levels through to the actions of individual WECDs, including a highly effective full-time co-ordinator. In order to resolve some of the more complex wildlife crime problems a well-led and well-constituted partnership group had also been established.

We shared their view that the greater number of wildlife crime incidents being recorded by the force reflected its closing of the gap between true and reported levels. It draws further into question the comparatively low levels recorded by some other forces.

The benefits to Grampian Police of having implemented the above structure were clear as was the enthusiasm of those involved. Significantly, through our interviews with partners, we learned that this relatively recent change of approach (only two years before) had increased their confidence in the force's ability to respond to matters including and beyond wildlife crime.

The force with perhaps the longest track record of combating wildlife crime was Tayside. Here also many of the elements listed above were present. What gaps there were, were to an extent compensated by two factors:

- the consistency of focus over many years and the benefits in expertise and relationships that this had brought about; and
- the enthusiasm of their co-ordinator and his work with similarly dedicated colleagues within their partnership group.

Finally and perhaps most importantly we return to the national partnership group mentioned at various points above. Such a structure could be developed from the existing Scottish sub-group of the UK Partnership against Wildlife Crime known as PAW (Scotland). This group is well positioned to take on the leadership role.

The fact that it has recently been chaired at ministerial level considerably increases its potential and is we believe, fundamental to its future success.

The proposed group would need to encourage all agencies to work effectively together and to act as arbiter where this was required. It must also be able to encourage the innovation necessary to bring about more effective ways of working and to provide monetary support where appropriate.

We believe that this report sets out at least some of the actions necessary to allow agencies to better match what is clearly the public's interest in and aspiration towards a strong national and natural heritage.



SUMMARY OF RECOMMENDATIONS

Recommendation 1 – that the Scottish Government creates a wildlife crime reduction strategy or equivalent policy statement. (Page 13)

Recommendation 2 – that the Wildlife and Habitats Crime Prosecution Forum be constituted so that the maximum operational and policy benefit can be gained from open and forthright debriefing of cases between the relevant agencies. (Page 15)

Recommendation 3 – that there is full implementation of the stated specialist wildlife prosecutor role within COPFS. (Page 16)

Recommendation 4 – that there is increased communication within COPFS on the role of specialist wildlife prosecutors (Page 16)

Recommendation 5 – COPFS provide more information on the role of specialist wildlife prosecutors to partner agencies and to each police force area wildlife crime co-ordinator (Page 16)

Recommendation 6 – that in each COPFS area the specialist wildlife prosecutor ensures there is liaison and communication between them and the police wildlife crime co-ordinator. (Page 16)

Recommendation 7 – that all reporting agencies indicate at the start of each report to COPFS that the case should be considered and marked by the area specialist wildlife prosecutor. (Page 19)

Recommendation 8 – that there is set up and maintained a properly constituted sub-group of PAW (Scotland) 'Legislation, Regulation & Guidance' with representation from relevant wildlife and rural agencies to review existing legislation and regulation and make recommendations. (Page 23)

Recommendation 9 – that in order to produce clear and consistent guidance the Legislation, Regulation & Guidance sub-group of PAW (Scotland) take responsibility for such publications. The sub-group should work with the various wildlife and rural agencies to oversee and produce these under PAW (Scotland) branding, thus promoting the PAW (Scotland) partnership and demonstrating that the guidance has the approval of the Scottish Parliament. (Page 23)

Recommendation 10 – that the PAW (Scotland) Legislation, Regulation & Guidance sub-group consider whether it would be appropriate to place any provision for criminal vicarious liability before Parliament for its consideration on this matter. (Page 24)

Recommendation 11 – that PAW (Scotland) consult upon, agree and publish comprehensive guidance on the various measures that can be used to deter or ultimately be applied as sanctions in relation to wildlife crime (Page 24)

Recommendation 12 – that COPFS carry out a training needs assessment for specialist wildlife prosecutors and provide a suitable training package for both newly appointed specialists and ongoing training. (Page 26)

Recommendation 13 – that forces have a formal interview process for appointing WECOs that includes the force co-ordinator or force lead on wildlife crime. (Page 28)

Recommendation 14 – that a generic national role description for WECOs be agreed to allow training needs to be assessed. This could be carried out through the relevant PAW (Training and Awareness) sub-group structure (Page 28)

Recommendation 15 – that a national training programme for WECOs be agreed, based substantially on existing arrangements and following good practice as identified by the Wildlife and Habitats Crime Prosecution Forum. (Page 28)

Recommendation 16 – that relevant Scottish Government Directorates consider whether they could benefit from the secondment of a WECO as takes place elsewhere within the United Kingdom. (Page 28)

Recommendation 17 – that those forces that do not already have a full-time wildlife crime coordinator post, create one and appoint a police officer to the role. (Page 29)

Recommendation 18 – that PAW (Scotland) assumes the strategic and pivotal role in reducing wildlife crime in Scotland and adopts the series of actions set out at pages 31/32 of this report.

Recommendation 19 – that the chair of PAW (Scotland) through an appropriate sub-group, administers a fund to support certain high priority investigations and the development of more effective practices to combat wildlife crime. (Page 33)

Recommendation 20 – that PAW (Scotland) consider the greater use of Crimestoppers as a means of reporting wildlife crime. (Page 36)

Recommendation 21 – that ACPOS work with the proposed PAW (Scotland) structure to develop a common minimum standard of investigation for wildlife crime. (Page 37)

Recommendation 22 – that the Wildlife and Habitats Crime Prosecution Forum initiate debriefs following significant wildlife crime investigations and prosecutions, either locally with partners or where appropriate nationally. (Page 37)

Recommendation 23 – that where a specialist agency has played a significant part in an investigation the reporting officer will confirm to the agency whether or not a report is being submitted to COPFS. If one is being submitted the reporting officer will confirm with the agency that the report accurately reflects its involvement. The report will confirm the agency has been advised of the submission of the report and that the agency agrees the report accurately reflects its involvement. (Page 39)

Recommendation 24 – while the independence of COPFS to decide on proceedings emanating from a report is not questioned, it is recommended that where a specialist agency has played a significant part in an investigation and COPFS take proceedings, they will discuss charges and any proposed plea resolution with the specialist agency. (Page 39)



INTRODUCTION

This report is the product of a joint thematic inspection carried out by Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) and the Inspectorate of Prosecution in Scotland (IPS). It presents options that should help the Scottish Government to generate and sustain improvements in tackling wildlife crime.

The needs and aspirations of the many who have professional or personal interests in Scotland's environment, habitats and species, whilst by no means exactly matching, have much more in common than they may realise. The skill therefore, will be in harnessing the energy of this wider consensus to make broad progress, while at the same time providing clear leadership to help negotiate those few areas where tensions are higher and success will be harder won.

LAYOUT OF REPORT

The Executive Summary of this report is set out in accordance with the remit of the inspection as stated to the Scottish Parliament on 4th October 2007. It is therefore laid out principally under the headings of:

- Prevention
- Investigation
- Prosecution

Our inspection methodology is aligned with the Business Excellence Model of the European Foundation for Quality Management (EFQM). Consequently, we present the information contained within the main body of the report under the following EFQM headings:

- Leadership
- Policy and Strategy
- People
- Partnership and Resources
- Processes
- Results

THE ROLE OF HER MAJESTY'S INSPECTORATE OF CONSTABULARY FOR SCOTLAND (HMICS)

Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) is a statutory body established under the terms of the Police (Scotland) Act 1967, as amended. HMICS acts on behalf of the Crown by:

- scrutinising Scottish policing;
- reporting its findings to Scottish Ministers, Parliament and the public; and
- providing professional advice on policing and police issues to Scottish Ministers.

HMICS discharges its duty primarily through an inspection programme that increasingly employs thematic inspections, including those carried out jointly with other inspectorates.

THE ROLE OF THE INSPECTORATE OF PROSECUTION IN SCOTLAND (IPS)

The Inspectorate of Prosecution in Scotland (IPS) was created in December 2003. It operated on an administrative basis until April 2007, when it received statutory standing in terms of sections 78 and 79 of the Criminal Proceedings etc (Reform) (Scotland) Act 2007. The IPS is the independent inspectorate for the Crown Office and Procurator Fiscal Service (COPFS), which is the sole prosecuting authority in Scotland and responsible for investigating sudden deaths and complaints of a criminal nature against the police. Its principal functions are to inspect the operation of COPFS and make recommendations for improvements. It also examines the COPFS outcomes and results and promotes good practice. By doing so the IPS makes COPFS more accountable and helps to raise public confidence in its service delivery. All reports are submitted to the Lord Advocate and are published on the IPS website at www.scotland.gov.uk/Topics/Justice/ipis. An annual report is laid before the Scottish Parliament.



BACKGROUND

On 4th October 2007 the Minister for the Environment, Mike Russell, and the Solicitor General, Frank Mulholland, announced that there would be a joint thematic inspection by HMICS and IPS, to consider and report on the arrangements for preventing, investigating and prosecuting wildlife crime in Scotland.

This decision had followed a Parliamentary debate on wildlife crime, prompted by widespread concern that this had become a significant problem in Scotland. Available figures had shown a disappointing rise in instances of wildlife poisoning over the preceding years and a low number of detections and prosecutions.

The debate itself revealed widespread cross-party acknowledgement of the importance of biodiversity and protection of wildlife to Scotland's natural heritage, both culturally and increasingly as a positive component of rural business and tourism. It also elicited universal condemnation of such crime and its perpetrators. Most of those present were however, aware of the substantial difficulties specific to detecting, investigating and gathering evidence relating to these offences.

Many contributors called for Ministers to ensure that every police force in Scotland employed a full-time wildlife crime officer; a topic that we will return to in this report. Chief constables by statute, have operational independence over the deployment of their resources.

Consequently they cannot be directed in this way. Where a similar solution has been reached in other circumstances, it has been through the direct central funding of specific policing roles. Across Scotland forces used the terms 'Wildlife Crime Officer' and 'Wildlife and Environment Crime Officer' to describe what was essentially the same post. In those forces where the term 'environment' was used within the job title we did not find significant evidence of different or increased work relating to environment or habitats. In general we found the working relationships between the Police and Scottish National Heritage (SNH) and Scottish Environment Protection Agency (SEPA) to be less developed than their equivalents elsewhere in the UK, a subject we return to later in this report.

Within the debate there was much positive comment on the enthusiastic input by various individuals and agencies. Even so, tensions arising as a result of the sometimes divergent aims and aspirations of some groups could be discerned. There was disappointment too that recent substantial improvements made to tighten current legislation in this area had not brought about significant reductions in all aspects of wildlife crime.

It was within this overall context that the inspection was announced. By jointly involving the Inspectorates of Constabulary and Prosecution it could examine processes and practices along the continuum of prevention, investigation and ultimately prosecution. The report was due to be presented to the Scottish Parliament by 31st March 2008.

This report is the response from HMICS and IPS to that Parliamentary announcement.

SCOPE

The inspection focused on wildlife crime and its effect on the environment and did not extend into broader animal welfare issues. The definition of wildlife crime remains somewhat blurred; a matter that we comment further on in the 'Policy and Strategy' section of this report.

We did not look in detail at international models of combating wildlife crime. Evidence gathered led us to conclude early in the inspection process that sound and appropriate working structures already existed in some areas of Scotland. As such we felt that the greatest improvements achievable in the short to medium term would be derived from standardising these structures across Scotland.

Nevertheless, some practitioners were already looking beyond even these approaches to newer ways of working. We commend such innovative thinking. We anticipate that the strengthened national structures recommended in this report will provide the framework and support needed to secure this drive for continuous improvement.

AIM

The aim of this inspection was to examine arrangements in Scotland for preventing, investigating and prosecuting wildlife crime and to make recommendations.

METHODOLOGY

Our methodology included the following elements:

Consultation – the high level of media attention that surrounded the parliamentary debate on the 4th October 2007, including the announcement of this inspection, triggered a series of direct contacts from interested parties. We also sent letters to a number of key organisations inviting further comments and set up links on the HMICS and IPS websites so that others, should they wish to, could contact us directly.

Interviews – to supplement written submissions we organised a programme of interviews. These allowed us to examine the perspectives of key organisations further and in more detail.

Questionnaires – questionnaires were used to elicit broad initial responses from police forces and COPFS.

Fieldwork – all police forces and COPFS areas were visited. Further interviews and focus groups were carried out to establish how local action and activities compared with those being undertaken at a national level.

Observations – we also attended various partnership meetings and seminars in order to establish how these contributed to combating wildlife crime.

Case Review – a list of all wildlife crime cases reported to COPFS from the beginning of 2006 until November 2007 was obtained. All case files for those cases that were concluded were sought from COPFS. The vast majority of these were provided and all aspects of the prosecution were examined.

ACKNOWLEDGEMENTS

We are grateful for the time and attention that staff across all agencies afforded this inspection. Whilst acknowledging that this inevitably distracted them from their daily work, we believe that to conduct such reviews without the input from those closest to the issues would be to greatly impoverish the process.

We are particularly grateful to those people whose involvement in these matters is on a voluntary basis. It serves as a useful reminder to many of us that the term 'professional' need not involve payment to secure the highest levels of commitment and expertise.

MAIN REPORT

LEADERSHIP

STRATEGIC LEVEL – POLITICAL

It was clear to us at the time of this inspection that wildlife crime had increasingly become a focus of political energy and drive. Practitioners across many agencies had also recognised this and were looking forward with some optimism to the results that would flow from this fresh approach. Accordingly, the view of many was that this was a useful context in which to engender positive change.

Attempts to reconcile the opposing arguments and factions within wildlife crime and thereby more successfully manage the environment, habitats and the species that populate them, would be greatly assisted by a clear and well supported national strategy or policy statement. Such a document could be developed using the Scottish Government's direction set out in its economic strategy to delineate how the successful management of the environment, habitats and species contributes to the national good. It would be anticipated this document would acknowledge, *inter alia*, the impact of climate change, changing demographic profiles and the need for a strong and successful economy.

This would provide the framework within which partnerships could work both locally and nationally. Most importantly, should disagreements arise it would provide a consistent reference point for guidance and arbitration.

Recommendation – that the Scottish Government creates a wildlife crime reduction strategy or equivalent policy statement.

STRATEGIC LEADERSHIP – POLICE

Strategic leadership for the police service in Scotland is provided by the Association of Chief Police Officers in Scotland (ACPOS). The main work of the Association is divided into portfolios each building into a 'Business Area' committee structure.

Policy and strategic decision-making passes through this structure in an auditable format. However in principle, implementing these decisions relies on the commitment of individual chief officers and to a certain extent peer pressure. Whilst HMICS may at times comment on adherence to ACPOS policy, such policy agreements are not binding in a more formal sense.

The ACPOS document 'A strategy for dealing with wildlife crime in Scotland 2006/8' sets out a series of objectives and actions that represents the service's strategic intentions in this regard. The implementation of this strategy is discussed more fully at 'Policy and Strategy'. However, in relation to leadership it is relevant to note that only a minority of Scottish forces were broadly familiar with the strategy. In the absence of any fresh impetus this situation is unlikely to change. Nor did there appear to be any other substantive plan either to improve existing practices or even to argue that overall responsibility lay with other agencies.

Some progress had been made however, a good example of which was the location of the National Wildlife Crime Unit at North Berwick. Such developments have been predominantly driven by individuals rather than being achieved through a service-wide commitment.

Existing systems and structures that should have generated strategic improvements, or even simply ensured a consistent approach across Scotland, were not doing so. This is not a sound basis from which to achieve the level of improvement discussed during the Parliamentary debate of 4th October 2007. Accordingly, we consider a more direct method of engagement is necessary if wildlife crime is to be tackled more effectively. The means of achieving this are discussed more fully at 'Partnerships and Resources'.

A minority of those we spoke with during the inspection felt that agencies other than the police should deal with wildlife crime. This raised an important point of principle for us to consider. Our professional judgement is that ownership should remain with the police for the following reasons:

- generally we believe that the police service is the best regulated and structured agency to deal with crime;
- what gaps our inspection revealed were not large; and
- in our opinion the public considers the police service to be the primary agency for investigating crime.

STRATEGIC LEADERSHIP – COPFS

At the time of our inspection COPFS had a nominated area procurator fiscal as national lead for wildlife crime. In addition to this portfolio the post-holder performed the duties of an operational Area Procurator Fiscal and had other national senior management commitments. This notwithstanding, the incumbent of some three years, was recognised universally within COPFS and widely throughout the wildlife crime enforcement fraternity as a knowledgeable and forceful lead in wildlife crime matters.

The COPFS lead was also a member of PAW (UK) and PAW (Scotland) and maintained a high profile across a number of other relevant fora. He also participated in national training events principally staged at the Scottish Police College.

In January 2006 COPFS, in partnership with other interested organisations, set up and now chairs (through the COPFS lead) the Wildlife and Habitats Crime Prosecution Forum. The Forum was established partly in response to wildlife organisations dissatisfied at the lack of a formal mechanism for discussing and learning from unsuccessful prosecutions.

A further factor was COPFS' response to the McInnes Report (2004), 'The Summary Justice Review Committee: Report to Ministers' (<http://www.scotland.gov.uk/Publications/2004/03/19042/34177>), which had identified a number of failings of the summary justice system. The report's recommendations included the following:

- that there be discussion between COPFS, the Convention of Scottish Local Authorities (COSLA) and other specialist reporting agencies on what needs to be done to secure the consistently effective prosecution of environmental and other similar regulatory offences;
- that there be earlier and improved reporting of criminal offences to COPFS; and
- that there be discussion between COPFS and specialist reporting agencies on what is required to ensure effective prosecution and that there be better – and early communication between COPFS and the police.

The Forum's primary function was to address concerns relating to the enforcement of wildlife crime and to provide a national support forum for information-sharing. Practitioners involved in investigation and prosecution formed the core of the group.

Partnership structures are discussed more fully at 'Partnership and Resources'. However it is relevant to mention here the view expressed by some that any discussion of cases should, for sound operational reasons, take place only in an appropriately constituted forum. There was concern that if membership was not tightly controlled, the forum and any other meetings where individual cases or tactics were considered could be compromised. Indeed there was already concern that discussions at some seminars and conferences including the Forum, were either constrained or too detailed relative to the composition of their audiences.

Recommendation – that the Wildlife and Habitats Crime Prosecution Forum be constituted so that the maximum operational and policy benefit can be gained from open and forthright debriefing of cases between the relevant agencies.

TACTICAL LEVEL – POLICE

The clearest example we found of national leadership at a tactical level was the Scottish Wildlife Crime Tactical and Co-ordinating Group (SWCTCG). This group should deliver the control strategy actions that flow from the National Intelligence Model (NIM) (see Appendix 4) strategic assessment of wildlife crime. In practice however, with no central resources to allocate to such activity, it relied on individual members to obtain resources from their own forces. Their ability to do so varied greatly. This was not dependent on their commitment or energy which was high, but reflected their position of influence in the force and the relative importance the force in turn attached to wildlife crime.

The fact that the Wildlife Crime NIM control strategy had little impact in forces was not helpful. For example, whilst most practitioners accepted that there were large intelligence gaps, it was hard to see how any progress could be made in the absence of action to close these gaps or to alert staff to their existence.

The SWCTCG structure is essential. Its effectiveness would be greatly enhanced however, following provision of funding as we recommend later at 'Partnership and Resources'.

The extent to which forces co-ordinated the activities of their WECOs varied. In some, force leads and/or co-ordinators provided strong leadership. In the majority though, the activities and focus of WECOs were predominantly self-determined. In these instances there was almost no awareness of national wildlife crime priorities.

TACTICAL LEVEL COPFS

Since 2004, COPFS has maintained a national network of specialist wildlife prosecutors. Although COPFS historically resisted the development of specialist prosecutors, it recognised in a limited number of areas that due to the complexity and specialism of certain types of criminal activity, there should correspondingly be specialist prosecutors. In furtherance of this the role of specialist wildlife prosecutor was established. At the time of our inspection there was at least one specialist wildlife prosecutor in each COPFS area (although one such specialist covered two of the smaller COPFS areas Fife and Central). In some areas there were two or more specialist wildlife prosecutors. The role of specialist wildlife prosecutor indicated a level of specialism and experience in wildlife crime and was carried out in addition to standard prosecuting duties. The posts were nominated locally and approved by the Area Procurator Fiscal. The national wildlife lead procurator fiscal was not involved in the appointment system but was advised of appointments through the central Business and Policy Development Division (BPDD) unit of COPFS.

COPFS has two models for its specialist prosecutors. The higher, more involved specialist form, 'Model 1 specialist' was applied to its specialist wildlife prosecutors. This committed the specialist wildlife prosecutor to (a) receive, 'mark' (that is to make a decision on further proceedings or other disposal) and prosecute cases in their area, (b) liaise locally with reporting agencies and (c) provide guidance and advice to other staff in the area as requested and required. As part of keeping up-to-date with wildlife crime matters other more general duties were suggested; these included training, monitoring trends in criminal activity, disseminating any findings nationally and sharing expertise with other specialist prosecutors.

Guidance was provided on appropriate liaison arrangements that should be made between the specialist wildlife prosecutor and the police and other reporting agencies. COPFS had issued guidelines detailing these duties and outlining the assistance COPFS would provide centrally.

Some COPFS areas have not fully committed to the Model 1 system of specialist wildlife prosecutors. Geographical difficulties were cited as the reason for not doing so. The anticipated partnership links had not in many areas become a reality. Where the specialist wildlife prosecutor role had been more fully implemented there was markedly better partnership working. Where this occurred the partner agencies involved were invariably positive about the contribution of the specialist wildlife prosecutors. The specialist wildlife prosecutors in turn were enthusiastic about their role believing that their greater expertise and experience translated into more sharply focused and directed investigation and prosecution.

The level of knowledge within COPFS of the existence and function of specialist prosecutors and of their breadth of role in investigating and prosecuting wildlife crime was at times disappointing. Commitment by Area Procurator Fiscals in encouraging and enabling specialist wildlife prosecutors to undertake area wide prosecution duties was variable. Clear guidance on area responsibility was not always provided. Not all specialist wildlife prosecutors were aware that their responsibility extended not just to their own office but to their area as a whole. At times, cases were marked and prosecuted by procurator fiscal deputes outside the specialist network. On occasion this led to inconsistency, incurred additional and lengthy research by inexperienced procurator fiscal deputes and resulted in instances where the most appropriate charge(s) were not drafted.

The extent to which WECOs and other specialist agencies were aware of the specialist wildlife prosecutors and their role also varied. The stage at which the specialist wildlife prosecutors became involved in an investigation also differed across the country. One factor that appeared to be relevant was the extent to which the force wildlife crime coordinator, where this post existed, was operationally active in wildlife crime investigations.

Recommendation – that there is full implementation of the stated specialist wildlife prosecutor role within COPFS.

Recommendation – that there is increased communication within COPFS on the role of specialist wildlife prosecutors.

Recommendation – COPFS provide more information on the role of specialist wildlife prosecutors to partner agencies and to each police force area wildlife crime co-ordinator.

Recommendation – that in each COPFS area the specialist wildlife prosecutor ensures there is liaison and communication between them and the police wildlife crime co-ordinator.



OPERATIONAL LEVEL – POLICE

Policing wildlife crime is similar to most other policing in that the greatest impact is often the result of the actions of individual officers in their local communities. It is to the credit of these individuals that in many cases their activities were recognised and attracted positive comment from agencies that had regional or even UK-wide remits. These same discussions however, also revealed parts of Scotland where there was little or no knowledge of any police-led prevention, investigation or prosecution activities relating to wildlife crime. Furthermore, it was clear that some agencies would initiate contact or action in areas where they knew there was a locally active individual, but worryingly would not do so in their absence.

The strength of individual commitment, while commendable, serves to highlight the frequent lack of structure and management support for WECOs at force level. In forces that had comparatively recently appointed a full-time wildlife crime co-ordinator, there was strong evidence from partner agencies that the responsiveness to wildlife crime had dramatically improved:

‘Two years ago I had stopped contacting the force about crime issues because there was no point, now I know that they’re interested and we speak regularly about rural crime issues’

Manager from Forestry Commission

Two issues are important to note here:

- 1) the level of focus provided by a full-time coordinator had raised the responsiveness of force staff generally to wildlife crime; and
- 2) as a result of improved relationships with their rural communities, local officers were better able to respond to the general demands of rural policing.

Many forces and partners commented on the need at an operational level to improve or very often regain a higher level of co-operation with the public in rural areas. Although the local system of part-time WECOs (discussed more fully under the section 'People') is important, by definition most of the contact between police and their local public and stakeholders in rural areas will be with non-specialist officers. It is important therefore, that such contact is frequent enough to maintain relationships and of a quality that reflects a high level of interest in and knowledge about rural crime issues, including wildlife crime.

In summary, the correlation between the structures and relationships necessary to deliver wildlife crime priorities and effective rural policing was striking. Where resources available for policing rural communities were lower than desired, an active WECO structure appeared to be able to fill some of the gaps. This was especially true where the local structure had been strengthened by a force partnership structure that allowed rural stakeholders to speak directly to the police.

OPERATIONAL LEVEL – COPFS

Case management

In line with the Model 1 specialist approach, the specialist wildlife prosecutor in each COPFS area should ensure there are good communication arrangements with the local specialist reporting agencies and police, to allow them to liaise prior to submission of their reports. Thereafter the specialist wildlife prosecutor should receive, mark and prosecute relevant cases throughout their area.

Though a number of agencies were able to report cases directly to the COPFS in practice this facility was used only very rarely. Outside agencies instead tended to involve the police in the enquiry and the police were the final reporting agency.

The electronic reporting system being used by COPFS did not permit cases to be submitted directly to individual prosecutors. Cases were submitted to a holding 'bank' at each COPFS office and then allocated to prosecutors in bulk groupings. At the time of our inspection COPFS was receiving approximately 330,000 cases per annum nationally, the number of which related to wildlife crime being in the region of 60 per year. Cases were allocated to individual fiscal deputies for marking, principally on the basis of the date of receipt and seriousness of the offence. There was no national system for highlighting cases for specialist prosecutors other than in the narrative of the case which was not read until the case came to be marked by a fiscal depute.

Awareness of the need for specialist wildlife prosecutors to mark wildlife cases was not widespread among non-specialist fiscal deputies. Accordingly, on occasion they would simply deal with any that came their way as they saw fit. In straightforward cases this did not have an adverse effect on how the cases were handled. It did prevent the specialist wildlife prosecutors bringing to bear the benefits of their specialist training and experience including for example, the consideration of wider conservation issues. It also reduced opportunities for them to increase their experience and expand their contacts amongst wildlife partners. In some areas where there was good liaison between the wildlife crime co-ordinator and the specialist wildlife prosecutor, informal arrangements had been established to alert the local COPFS office when a report was being submitted to allow the specialist wildlife prosecutor to retrieve and mark the case.

Case Review

As part of the inspection we reviewed some 80 cases reported to COPFS for prosecution. Incidents reported to the police and other enforcement agencies which did not result in a report to COPFS were not reviewed. The depth of review ranged from simply noting the processes and personnel involved in marking and prosecuting cases to an in-depth appraisal of all aspects of cases. The more detailed reviews covered the entire process from first contact with COPFS to sentence and de-briefing, partnership working and liaison, decision-making, timeliness of reporting, adequacy of information and statements, drafting standards and procedures at court.

The cases reviewed had all been reported from the beginning of 2006 to the start of the inspection process in November 2007 but excluded any cases not yet concluded (to avoid any prejudice to ongoing prosecutions). That said, as there is no standard definition of 'wildlife crime', nor any established protocol for recording cases under this heading, we could not consider this number to be definitive.

Results of Case Review

The following was noted as a result of the inspection of the 80 cases:

- only 7 cases disclosed discussion between the reporting officer and the specialist wildlife prosecutor prior to submission of the report;
- only 13 of the cases clearly stated they should be brought to the attention of the specialist wildlife prosecutor for the area;

- 32 of the cases were either marked by/or there was clear input and advice from the specialist wildlife prosecutor on the further proceedings to be adopted in the case;
- 29 reports submitted to COPFS did not fully meet agreed protocols between the police and COPFS on timeliness of submission of the case or content of report. The majority of failings related to lateness in submission of the report (later than the 28 day target for submission of reports as agreed between the police and COPFS). This is consistent with operational police officers concerns relating to complexity of these cases and difficulty in obtaining resources to conclude investigations particularly where there is no force wildlife crime co-ordinator;
- in 38 cases there was information from a wildlife expert included in the body of the report and the expert listed as a potential witness;
- 41 cases disclosed input by a WECO in the investigation and listed a WECO as a potential witness for any subsequent court proceedings. Correspondingly almost half of the cases submitted did not refer to any involvement of a WECO in the investigation;
- 6 of the cases submitted to COPFS for prosecution required to be marked 'No further proceedings' as the report did not disclose sufficient admissible evidence to substantiate an offence;
- 18 of the cases reviewed were dealt with by COPFS by taking further action short of prosecution in court. These disposals included warning letters and offers of fiscal fines. These decisions accorded with Crown Office policy on case marking;
- all but one of the cases reviewed which proceeded to court were prosecuted at the Sheriff Court rather than District Court. This is indicative of the seriousness accorded to these cases;
- 44 of the 56 cases which proceeded to court resulted in conviction of at least one of the major charges;
- where cases were submitted as a result of a targeted operation organised by a wildlife crime co-ordinator the standard of report was commendably high and usually resulted in successful prosecution, e.g. 9 'Operation Lepus' cases were submitted by Tayside police relating to hare-coursing and all resulted in prosecution and conviction at the Sheriff court;
- in 10 of the cases which resulted in conviction the court ordered no financial or custodial disposal. The disposals in these cases ranged from admonishment to orders for community service or probation;
- where there was conviction and subsequent financial penalty the average financial penalty for each accused was £488. COPFS/Justice department figures (due to be published at the end of March 2008) indicate the average financial penalty for each accused in all cases, irrespective of subject matter, at the Sheriff Court was £304. It should be borne in mind that other than ensuring the sentencer (sheriff) has been provided with full background information, including setting an offence in wildlife conservation context, COPFS has no influence on sentencing this being a matter within the exclusive preserve of the judiciary;
- in 28 of the cases one or more of the accused provided details of their occupation as one which may be considered relevant to motivation for the offence. The occupations included developers, farmers and gamekeepers.

Conclusion

The case review tends to support the benefits of early contact between the reporting agencies and the specialist wildlife prosecutor to discuss lines of inquiry and the evidence required to support proposed charges. The case review also tends to support a system whereby reports are highlighted on submission that they should be brought to the attention of the specialist wildlife prosecutor for marking. The case review also tends to support the contention there is added value to wildlife investigation and prosecution where there is a strong management system within the police based on a full-time wildlife crime co-ordinator.

Recommendation – that all reporting agencies indicate at the start of each report to COPFS that the case should be considered and marked by the area specialist wildlife prosecutor.



LEADERSHIP AND THE MEDIA

Even the most cursory scan of media output indicates a considerable media and public interest in environmental issues generally and in the wellbeing of wildlife in particular.

Universally recognised within COPFS this trend had resulted in heightened priority being given to wildlife cases.

Other agencies were also appreciative of the potential of the media. In some cases strong and sophisticated media functions successfully ensured that media coverage was focused and timed to maximum advantage.

Disappointingly, the police overall seemed least able to manage these activities in a systematic and proactive way. This is in spite of the fact that for aspects of policing other than wildlife crime they are highly capable when dealing with the media. It is perhaps symptomatic of wildlife crime that in this arena, forces chose not to use the machinery and expertise already in place. Too often the intention appeared to be to play down wildlife crime issues and dampen interest so as to reduce media coverage.

Relatively routine wildlife investigations attract high profile media coverage. With this comes the opportunity for forces to promote positive law enforcement messages and to enhance the general public's perception of the police and the job that they do. Allied to this are opportunities to raise awareness and highlight wildlife crime prevention among children and young people, both within the school setting and in extra curricular activities such as the Duke of Edinburgh Award scheme (see at Appendix 2).

A few forces had recognised this potential and were using wildlife crime issues as a method of increasing positively their dialogue with communities.



POLICY AND STRATEGY

TRACKING LEADERSHIP MESSAGES INTO POLICIES, STRATEGIES AND BUSINESS PLANS – POLICE

The inspection looked at the extent to which the ACPOS wildlife crime strategy and the priority actions from the NWCU’s strategic assessment of wildlife crime had been translated into force plans. We also sought evidence of how locally developed wildlife crime intelligence was collated and contributed to the force’s strategic intelligence assessment.

In fact very few forces actively followed the ACPOS strategy. Nor was it clear that any group was comprehensively pursuing this at a national level. The strategy’s objectives were not written in a format that would allow easy auditing, there was no action plan and there were no updates.

As will be discussed further at ‘Processes’, in most forces the control strategy derived from the national strategic assessment of wildlife crime was not being actively pursued.

Together, the above factors point to a systemic breakdown in the national police management of wildlife crime in Scotland. By definition the majority of the local results that

were being achieved, noteworthy as they were, could not be linked to a national, intelligence-led, strategic approach. When compared with the weighting and sophistication of analyses applied to other crimes, this pushes wildlife crime closer to the periphery of policing activity and reduces further the opportunities to compete for resources.

As will be discussed more fully at ‘Partnerships and Resources’, the partnership framework was complicated. If, as will be argued later in this report, the police are to take a leadership role in driving action against wildlife crime within an improved partnership structure, then they must first achieve a clarity and consistency of focus among their own staff.

TRACKING LEADERSHIP MESSAGES INTO POLICIES AND STRATEGIES/BUSINESS PLANS – COPFS

The COPFS Strategic Plan 2006/8 makes no specific mention of wildlife crime. The importance of wildlife crime to COPFS is however evidenced by the Solicitor-General's personal involvement in aspects of wildlife crime prosecution. The Solicitor-General opened the debate at the Scottish Parliament on 4th October 2007. Additionally, in response to concerns of some agencies about the implications of a case decided in the Sheriff Court in 2004, he personally provided an outline of the law of Scotland on the admissibility of evidence. In this case, evidence gathered by an agency, while carrying out what has been described as 'covert surveillance' while on land without the owner's consent, was held to be inadmissible.

In general specialist wildlife prosecutors reported that their line managers and Area Procurator Fiscals were aware that wildlife crime cases required and were assigned a heightened level of priority. This was due to the public and national interest generated by these cases, as a result of which they also received a greater level of resource than would otherwise be accorded. Specialist wildlife prosecutors stated that their wildlife crime portfolios received a high level of support and interest through the line management structure.

WILDLIFE CRIME DEFINITION BEING USED BY VARIOUS AGENCIES

There has been much debate around the definition of wildlife crime for a number of years and the matter remains unresolved. With no common definition, the way in which agencies record wildlife incidents and crimes has remained inconsistent. As a result attempts to quantify volumes and trends in crimes or to compare these over time and between areas are compromised.

The NWCU in their Strategic Assessment of wildlife crime used the following definition:

'Wildlife crime can be categorised by one or more of the following: the illegal trade in endangered species, crimes involving native species that are endangered or are of conservation concern, the persecution of wildlife species and criminal offences affecting global biodiversity.'

At the time of this inspection work was underway to develop a common definition through the SWCTCG. A member of the group had been tasked with formulating a definition to be agreed across police force areas. It is our opinion that PAW (Scotland) should consider and formally approve the definition once it has been formulated.

LEGISLATION/REGULATION/GUIDANCE

It was widely acknowledged that current legislation had been made more robust and fit for purpose in recent years. This has been helped by a number of new statutory provisions including those introduced post devolution into the Wildlife and Countryside Act 1981.

This has been effected by the Criminal Justice (Scotland) Act 2003 which introduced custodial sentences for a number of offences against wild birds, animals and habitats and also increased police investigative powers and rights of arrest. The Nature Conservation (Scotland) Act 2004 too, increased the enforceability of the legislation by strengthening police powers of search. Additionally it introduced a definition of 'recklessness' to the required intent for a number of offences, thus closing a well used legal loophole. The same Act also added a substantial number of provisions relating to the protection of wildlife habitat sites and the outlawing of various pesticides (some of which have been used in the poisoning of wild animals and raptors).

There has been a plethora of other Acts and Regulations, some emanating from European directives in recent years. This process continues, for example we were advised that licensing of pesticides was currently being considered for European legislation. The resulting legislative and regulatory landscape is at times complex and unduly archaic. Some aspects around enforcement also remain unclear. It was noted for example, that there were a number of Game Acts in existence, each containing various definitions of 'game' and specifying different animals to be protected. Other criticisms had recently been levelled at the Conservation of Seals Act 1970, which some practitioners described as unenforceable, and some sections of the Protection of Badgers Act 1992. These difficulties had led to lack of certainty at times as to the legality of actions for enforcement agencies, members of the rural community and the general public.

In order to ensure that wildlife crime legislation remains responsive to current circumstances there requires to be some form of regular legislative review. This clearly would be an appropriate task for the Legislation, Regulation & Guidance sub-group of PAW (Scotland) which we have recommended. It is important that such a review is transparent and that it is wider and more encompassing than that brought to bear by single issue lobbying groups. This group would also have a specific role to review new legislation and regulations within an appropriate timescale to report on their effectiveness. This would have immediate relevance for the legislative amendments anticipated as a result of the recent Parliamentary pronouncement following the public consultation on snaring.

There are numerous forms of guidance issued by the many wildlife and countryside agencies. Though some leaflets are produced directly by the Scottish Government under the PAW (Scotland) banner, many of the guidance notes and brochures are issued directly by single agencies or by an amalgam of groups under the PAW (Scotland) partnership.

Recommendation – that there is set up and maintained a properly constituted sub-group of PAW (Scotland) 'Legislation, Regulation & Guidance' with representation from relevant wildlife and rural agencies to review existing legislation and regulation and make recommendations.

Recommendation – that in order to produce clear and consistent guidance the Legislation, Regulation & Guidance sub-group of PAW (Scotland) take responsibility for such publications. The sub-group should work with the various wildlife and rural agencies to oversee and produce these under PAW (Scotland) branding, thus promoting the PAW (Scotland) partnership and demonstrating that the guidance has the approval of the Scottish Parliament.

'CRIMINAL LIABILITY – EMPLOYERS'

The overall view of interested wildlife agencies and rural groups was that the current legislation was substantially robust and that other than minor matters such as those discussed above, greater enforcement would pay higher dividends than an overhaul of existing legislation.

A small number of agencies forcibly argued that legislation to make an employer responsible for the criminal actions of their employees for certain offences against wildlife while in their employ, would be particularly effective. This was founded on the suspicion that in a small number of estates in Scotland, employees were merely carrying out the instructions of their employer by (illegally) ridding the estate of protected predatory birds and mammals.

Some current legislation, e.g. the Wildlife and Countryside Act 1981 s.1 (relating to killing/ injuring wild birds), makes it an offence to 'knowingly cause or permit' the offence to occur. Other statutory offences in terms of the Criminal Procedure (Scotland) Act 1995 s293 have implied guilt 'art and part', in that anyone (including an employer) is guilty of an offence if there is evidence that person 'aids, abets, counsels, procures or incites' another to commit the offence. These provisions require evidence of third party (employer) involvement rather than strict liability that some would prefer.

There appears to be no direct precedence for such a wide provision of criminal vicarious liability in Scots law. (There is 'criminal vicarious liability' on e.g. a licence holder for the actions of their employees should they break the terms of a licence, e.g. The Licensing (Scotland) Act 1976 s68. However, criminal responsibility here is restricted to breach of the licence with which the licence holder (employer) has undertaken to ensure compliance.)

Further debate on the merits or otherwise of such provisions falls outside the scope and remit of this review. It would require full consideration of the legality both nationally and in terms of the European Convention of Human Rights provisions, potential benefits, costs and consequences before it could be taken forward for any meaningful debate and consideration by the Scottish Parliament.

Similarly we came across views that other penalties should routinely be applied, for example in relation to revocation of firearms licences, where there was a conviction relating to wildlife crime offences.

Existing measures combined with measures to reduce an individual's European subsidies, would constitute a significant collection of punitive tools. It is clear that guidance on how and where these measures might be used, either individually or collectively, is required. Such guidance should also explicitly and definitively state the burden of proof required for such actions. This is an appropriate matter for PAW (Scotland) to oversee, once its membership represents the full continuum of interests in wildlife issues.

The issue of a pesticide amnesty was raised on a number of occasions during the inspection. Whilst we understand the government position is currently not in favour of that approach, we noted the lack of wider understanding of this stance by individuals and organisations.

Recommendation – that the PAW (Scotland) Legislation, Regulation & Guidance sub-group consider whether it would be appropriate to place any provision for criminal vicarious liability before Parliament for its consideration on this matter.

Recommendation – that PAW (Scotland) consult upon, agree and publish comprehensive guidance on the various measures that can be used to deter or ultimately be applied as sanctions in relation to wildlife crime.

SENTENCING/EVIDENCE

There are some who believe that harsher sentencing would have the strongest preventative effect on wildlife criminals. Indeed a number of animal welfare organisations were of the view that sentences relating to wildlife convictions were light compared to those imposed for other crimes.

Matters of sentencing are within the preserve of the judiciary and as such were not examined during this inspection. We have though, referred to the findings of our case review at 'Leadership', which compared the average fine for convictions relating to wildlife crime with that for convictions imposed at the sheriff court for all offences. The weight that can be placed on such bald figures must take into account the considerable variety of cases heard at the sheriff court and the similarly widely differing personal circumstances relevant to sentencing for each individual.

While certain agencies may be disappointed at individual sentences, there did not appear to be any evidence that sentencing for wildlife crimes differed from any other sentencing.

We also found nothing to suggest that the need for corroboration in Scotland inhibited the prosecution of wildlife crime to any significant extent. Nor was there any call from the various organisations we spoke with to reconsider the need for corroboration of evidence in wildlife cases. On the contrary it was stated by one agency that corroboration served to protect against any accusations of malpractice.

OTHER AGENCIES INVOLVED IN WILDLIFE CRIME INVESTIGATION

The degree to which other agencies were involved in wildlife crime investigation was a both strong and pervasive issue throughout this inspection. Some non-governmental organisations (NGOs) have, over many years, built up an effective structure through which to achieve the aims of their organisations. This should neither be a surprise nor detract from the considerable benefits that these groups have added centrally and their members locally. In some areas however, it was felt that the views of the various partner agencies were not always given equal weight and that their relationship with key agencies, including the police, was not always appropriately balanced.

We found no evidence of any deliberate or consistent discrepancies in these relationships. It was obvious however that on some occasions the desire of agencies for effective action on one hand and a lack of local police availability or expertise on the other, had combined to blur the distinction between the primary roles of the agencies involved.

We have discussed this matter further at the 'Processes' section under sub-heading 'The quality and consistency of investigations' and have made a specific recommendation to achieve clarity and transparency of roles.

Where the police are working with other agencies in support of their powers, for example under the Food and Environment Protection Act 1985, discussions should be held prior to the start of any operation in order to establish who is the primary agency and under what powers any actions, such as searches, should be undertaken. In this way, all persons taking part should be clear as to the purpose of the operation, the powers being used, the parameters of any search or other task and their own role, including the limitations placed upon it. Police representatives at these discussions should be capable of considering and managing the community impact of such operations. In such cases it would be good practice to consult with the area specialist wildlife prosecutor before deciding how the investigation should proceed. Operations approached in this way would secure their investigatory purpose and involve only those agencies that need to be there.

Again, the procedures outlined above are standard practice for other investigations. The question then arises as to why on occasion forces apply different practices to the investigation of wildlife crime.

These and other inconsistencies undermined police efforts to tackle wildlife crime nationally. As discussed at 'Processes', we are of the opinion that ACPOS should develop and publish a minimum standard for the investigation of wildlife crime that mirrors the steps that should be taken when investigating any other crime. This minimum standard should set out the police role and that of other supporting agencies. A useful step would be to submit it to PAW (Scotland) for discussion prior to it being agreed and published by ACPOS. At that point existing wildlife crime investigation protocols between ACPOS and other agencies would no longer be necessary and therefore, in our opinion, should be withdrawn.



PEOPLE

SPECIALIST WILDLIFE PROSECUTORS

Over the years relatively low numbers of wildlife crime cases have been submitted for prosecution – depending on the definition used, perhaps in the region of 60 cases per year. Nevertheless, each case has its own significance and complexities, hence the creation of the specialist role.

Established by COPFS in 2004, specialist wildlife prosecutors are part of a national network of prosecutors with training and expertise in wildlife legislation and prosecution. Post-holders are procurator fiscal deputies who carry out their normal duties in addition to those of their specialist role which includes being a local point of contact for relevant reporting agencies and wildlife organisations. The post carries no promotion, enhanced grading or financial benefit.

In practice, the selection process usually involved a locally circulated request for volunteers whenever a previous incumbent moved on. Approval of applicants by line managers and the area procurator fiscal tended to be automatic. That said, there was no evidence that specialist wildlife prosecutors were anything other than professional in their commitment to the role.

The COPFS intranet provided some background information, relevant case law, protocols and an internal information-sharing forum. Other than this, it offered no further initial training for the role. Instead most training was provided by the Scottish Police College. Though the specialist wildlife prosecutors found the courses useful, many also expressed the need for more direct and regular training specifically directed at the prosecutor role.

Recommendation – that COPFS carry out a training needs assessment for specialist wildlife prosecutors and provide a suitable training package for both newly appointed specialists and ongoing training.

WILDLIFE AND ENVIRONMENT CRIME OFFICERS (WECOS)

All forces had local WECOs who carried out the work of this role in addition to their normal duties. As a basic structure this offered a practical solution for tying wildlife crime in with other local policing matters.

The way in which WECOs were deployed varied across forces. Some were seen as a force resource and could travel across divisional boundaries to deal with wildlife crime, whilst others were restricted to their own divisions. In some forces that had central wildlife co-ordinators, some effort was being made to direct enquiries to WECOs, in an effort to share workloads and broaden experience. We were concerned, however, by the fact that in some forces WECOs had carried out very few investigations in the preceding twelve months and the potentially detrimental effect this might have on their skills.

While the role description for WECOs did not greatly vary between forces, the selection processes that followed did. These ranged from a local appointment following self-nomination, through to an interview involving a force co-ordinator. Once appointed, post-holders often received little supervision in their role despite the fact that some incidents could quickly escalate and receive national attention.

It is important that WECOs understand the tensions and arguments that can quickly surface in the wake of certain wildlife crimes. They must also be aware that their own actions will be critically examined by affected groups and agencies. Accordingly simply being a volunteer and having a stated interest in wildlife matters or field sports should not be sufficient to be appointed a WECO. For these reasons we believe that forces should have a formal interview process that involves the force co-ordinator or force lead on wildlife crime.

The abovementioned general low level of supervision of wildlife crime, when combined with the high levels of self-motivation we observed in WECOs created further tensions. Many WECOs for example, spoke of carrying out much of their wildlife crime investigation work outside of their working hours. Interviews with force managers tended to confirm this. The practice not only obscures the real cost of policing wildlife crime but may also prevent forces from discharging their health and safety or European Working Time Directive responsibilities.

An allied concern was the way that WECOs had their duties scheduled in order to complete their wildlife crime work, on the occasions where this work was recognised. Many spoke of having to complete their normal tour of duty and adding time for their wildlife crime investigation on to the beginning or end of the tour. Others stated that they could only reliably commit to an enquiry if they undertook it on a rest day, which they would then reschedule. Interestingly, where WECOs held other specialisms, e.g. being search or public order trained, it was only their WECO duties that were managed in this way. Partner organisations were well aware of this. Consequently, the overall perception was that while many forces had overtly created WECO posts, few had secured the working arrangements necessary to deliver this service in a consistent and professional way.

There were some exceptions, as one WECO noted:

'My boss doesn't think the police should be investigating wildlife crime at all but says that as long as we are, he will support me one hundred percent.'

In terms of training, most WECOs had attended some of the courses run by other officers and partner agencies at the Scottish Police College. The College offers a two-day basic level course and a further two days at a more advanced level. These are supplemented by an annual wildlife conference and a mock trials seminar. All of these events were well received by the WECOs.

We believe that a national role description for WECOs would take little effort to achieve. From this, a national training programme, based substantially on existing arrangements, could easily be developed. Included within the programme should be the lessons from successful and unsuccessful prosecutions, 'fed in' by the Wildlife and Habitats Crime Prosecution Forum. Notably throughout this inspection many partner agencies offered their assistance in providing training should this be required.

Wildlife crime had been removed from the initial training curriculum at the Scottish Police College. Some forces now provide such inputs locally, others do not. We were generally very impressed by the levels of awareness exhibited by non-specialist officers, many of whom could recall previous training. They in turn were confident about their in-force arrangements for providing detailed electronically available guidance.

We found that forces generally had comprehensive and accessible guidance for staff. Notwithstanding this, it is clear that over time the proportion of patrol officers who will have received no initial training in wildlife crime will increase. Accordingly, forces will wish to assess their individual positions in terms of successfully being able to comply with the national minimum standard for wildlife crime investigation, as recommended at 'Processes'.

If the above assessment indicates a consistent need for national training then this should be discussed with the Scottish Police Services Authority with a view to achieving this.

As part of the inspection we also examined practice elsewhere within the UK. In Wales, police officers were seconded to the government agencies that deal with environmental and wildlife crime matters. This not only helped to achieve a more consistent focus but also allowed earlier joint interventions to be directed at preventing crimes. We believe this would encourage the expertise of WECOs in the broader definition of their role by providing increased emphasis on the 'environment' element of their policing duties. We would encourage the relevant Scottish Government Directorates to give some consideration to this pragmatic and effective approach. PAW (Scotland) may also wish to encourage further exploration of such practice.

The preventative option outlined above may ultimately represent an effective augmentation to current structures within Scotland. However in terms of priority, forces should not be distracted from first achieving the consistency of approach across Scotland that we believe is both desirable and achievable.

Recommendation – that forces have a formal interview process for appointing WECOs that includes the force co-ordinator or force lead on wildlife crime.

Recommendation – that a generic national role description for WECOs be agreed to allow training needs to be assessed. This could be carried out through the relevant PAW (Training and Awareness) sub-group structure.

Recommendation – that a national training programme for WECOs be agreed, based substantially on existing arrangements and following good practice as identified by the Wildlife and Habitats Crime Prosecution Forum.

Recommendation – that relevant Scottish Government Directorates consider whether they could benefit from the secondment of a WECO as takes place elsewhere within the United Kingdom.

FORCE WILDLIFE CRIME CO-ORDINATORS

Four forces have full-time co-ordinators, two of whom are police staff and the other two police officers. Police staff are employees of the police service who have no statutory powers such as powers of entry, search and detention. There was strong evidence that these posts provided a focus and continuity of contact that was appreciated by their force colleagues and by partner agencies.

This continuity of contact is important in developing effective relations with local partners and core agencies such as those providing forensic science services. In the latter case, practitioners considered that their contact with the forces that did not have full-time co-ordinators was fragmented and importantly, it was not always clear who should receive the results of their analyses.

As we have commented previously, the benefits derived from full-time wildlife crime posts went far beyond simply the number of hours that the individual post-holders devoted to wildlife crime. When their efforts were combined with an active force wildlife crime lead senior officer, there appeared to be a tangible increase in the overall force's awareness of and responsiveness to wildlife crime matters. Activities included briefings and maintenance of guidance for staff in key areas such as call centres and feedback to the public and partners on wildlife crime investigations. They also ensured that relevant wildlife crime incidents were passed to the media thus maintaining its high profile for both internal and external audiences.

In this way the investment in one full-time wildlife crime co-ordinator post, combined with the correct choice of senior officer discussed below, delivered a return in overall service response and partner appreciation far in excess of that which might have been expected. For example in one force, where the recent introduction of a full-time police post had been closely evaluated, those senior managers that had been initially sceptical were convinced of its value.

Whilst much of the co-ordinator role does not require police powers, many people thought that in principle the post-holder should be a police officer. In practice, police officers could take on longer-term investigations that part-time WECOs found difficult to manage. They could also provide short-term support to their colleagues employing their full police powers where these were required.

It may be that over time, forces will wish to experiment with different ways of providing the co-ordinating and investigative roles. PAW (Scotland) could provide practical and financial support for such trials. In the meantime, where forces are considering the introduction of a full-time position, we would advise them to appoint a police officer to the post. (Where we use the expression 'full-time wildlife crime post' in this report, we fully recognise and encourage forces to explore flexible working arrangements that can fulfil this requirement.)

With one exception, it was the smaller forces across Scotland that had not created full-time wildlife crime coordinator posts. Clearly resourcing was a factor albeit we could not discern a lower level of demand for such a post in these areas.

Recommendation – that those forces that do not already have a full-time wildlife crime coordinator post, create one and appoint a police officer to the role.

FORCE WILDLIFE CRIME LEAD SENIOR OFFICERS

Although most forces had a nominated chief officer lead for wildlife crime matters, some had appointed an additional senior officer to oversee these issues more actively. As well as representing the force in national fora, these officers generally chaired internal meetings of force WECOs.

These roles were most effective when supplemented by a full-time wildlife crime co-ordinator. In forces with no active lead senior officers the effectiveness of full-time coordinators was significantly diminished. The lower ranks of the coordinators limited both their access to some key force meetings and their ability to influence decisions across the force.

In many forces it is common for senior officers to be given force-wide portfolios in addition to their normal roles. Most who held the wildlife crime portfolio reported that it was no more arduous and sometimes less so than others.

Some forces had assigned the wildlife crime portfolio to a divisional post and as incumbents changed, so did the force wildlife crime lead. Although partners and some WECOs were disappointed at the inevitable high turnover in post-holders, one benefit of this approach was that over time more managers became exposed to the wildlife crime specialism. We noted however that generally under this structure, force partnership arrangements were less well developed and effective.



PARTNERSHIP AND RESOURCES

PARTNERSHIP

The partnership structure for tackling wildlife crime is illustrated at Appendix 5. It encompasses UK-wide, Scotland-wide and more local geographic groupings. These partnerships include a large number of quite narrow and even single-issue groups. It is therefore not an easy task to achieve consensus or a consistency of focus. During this inspection we often found it difficult to identify clear priorities shared across the various groups particularly where there was no local formal partnership structure.

Some agencies had their own very clear priorities and put considerable effort into pursuing them in all the partnership groups in which they participated. Some had used the NWCU national strategic assessment to produce priorities and actions but not all groups shared these. The fact that some priorities focused on conservation issues that were not relevant locally caused some agencies to question them.

The police in particular had difficulty with this issue. The subsequent actions necessary to support the control strategy and the strategic assessment were not well disseminated across forces. Not surprisingly the WECCO's related knowledge and focus was very low.

This issue had been recognised and the inclusion of poaching as a priority was an attempt to broaden the scope of wildlife crime focus by highlighting the prevalence and impact of this offence whether involving fish, deer or other wildlife.

Despite this lack of national clarity, a number of local groups had formed to tackle jointly some of the difficult problems posed by wildlife crime.

One example, the police-led Operation Countrywatch in Perthshire had been in existence since 2000. Over that time it had successfully overseen reductions in raptor persecution and had engaged both group members and the wider public in broader rural crime issues.

The North East Partnership against Wildlife Crime was another police-led initiative that had been in operation since 2006. Its detailed three-year strategy contained actions broadly mirroring those in the ACPOS Wildlife Crime Strategy. Members spoke enthusiastically about their relationships with the police. Importantly, although not every group's individual area of interest was being prioritised by the partnership, they still felt strongly that since it had been formed, the general increase in awareness and service response by the local police had brought about a tangible benefit to them.

It is relevant that both of these partnerships were police-led. The police were generally seen as impartial in the face of opposing views. We therefore believe that in the initial stages of rolling out such local groups, the police can usefully contribute by taking the role of chair. In time, these groups could form the nucleus for or integrate with existing rural community engagement arrangements.

Operation Countrywatch and the North East Partnership are illustrative of, if not definitively, the type of local structures that are needed across Scotland to bring together local groups to tackle wildlife crime. They will need support from a national structure that is better placed to tackle strategic and policy issues. PAW (Scotland) appears best placed to take on this strategic leadership role. In doing so it should support the establishment of a local network of PAW groups that can reflect better the local needs of communities while still dealing with common barriers on a national basis.

We believe that the potential role for PAW (Scotland) should include the following:

- delivering the actions that flow from its strategy to reduce wildlife crime and its impact in Scotland; and
- tracking the implementation of the recommendations from this wildlife crime thematic inspection.

In detail this would include PAW (Scotland):

- re-constituting membership of the PAW (Scotland) steering group to ensure that members are able to direct and provide the necessary resources for actions within their own agencies;
- making sure that all major stakeholder groupings are given the opportunity to participate in and influence the wildlife crime debate;

- establishing across Scotland a network of PAW sub-groups to facilitate local action in support of its national strategy;
- establishing a sub-group to agree and disseminate guidance under the PAW banner;
- requiring the above sub-group to review and seek amendment to legislation;
- establishing a sub-group to assist with the design and delivery of specialist training to agencies where this is an identified need. This would include overseeing the various wildlife crime seminars and conferences, ensuring that a range is provided, focused on the varying and sometimes individual needs of partnership groups and agencies;
- enhancing the PAW (Scotland) 'brand' under which to market all activities to tackle wildlife crime to the media and public;
- sponsoring research to consolidate the various findings on the economic value of eco-tourism, field sports and other related activities;
- establishing a sub-group to develop and oversee information-sharing at a national level in relation to wildlife crime;
- establish a funding sub-group to oversee the distribution of funds to support targeted high priority operations as detailed earlier within this report and to encourage new working practices as discussed later in this section;
- in relation to the COPFS recommendations, receive regular progress reports from the COPFS lead on their implementation;
- assisting in the reconstitution of the Wildlife and Habitats Crime Prosecution Forum as discussed at 'Strategic Level – COPFS' by providing alternative fora for sharing non-sensitive information on prosecution and enforcement issues;
- in relation to the recommendations for police forces and with the assistance of HMICS, requiring senior officer level representation from each force at PAW (Scotland) meetings to report on the progress of the following:

1. The roll-out of police-chaired local PAW partnerships and the delivery of the PAW strategy within those areas;
 2. The implementation of minimum standards of investigation for wildlife crime;
 3. The implementation of appropriate WECO personnel measures, including a common role description, common selection procedures and a nationally validated training programme;
 4. The significantly improved gathering and use of wildlife crime intelligence.
- reviewing senior officer level representation after twelve months and raising this to Chief Officer level where the chair of PAW (Scotland) and Chief Inspector of Constabulary for Scotland consider that this is necessary;
 - receiving reports from the chair of the SWCTCG on operational activity in support of the priorities agreed by PAW. We believe that the effectiveness of this group would be transformed were it to be provided with funds from PAW for enforcement operations. This would allow resources e.g. overtime/ forensic work in support of national priority investigations to be purchased directly; and
 - encouraging the chair of the SWCTCG to expedite the work ongoing through that group to provide a definition of wildlife crime.

PAW (Scotland) may wish to consider after twelve months sponsoring a post-inspection update from us to ensure that progress is being maintained.

Appendix 6 illustrates a revised potential partnership structure for dealing with wildlife crime in Scotland.

Recommendation – that PAW (Scotland) assumes the strategic and pivotal role in reducing wildlife crime in Scotland and adopts the series of actions set out at pages 31/32 of this report.

RESOURCES

We consider that there are certain key elements of a successful local structure to tackle wildlife crime. These are listed below:

- a partnership structure usually chaired and administered by the police in its early stages of development and constituted at force level or sub-force level where multiple groups are appropriate;
- a nominated senior police officer within the force who is knowledgeable and active in relation to the wildlife crime portfolio albeit in addition to their primary force role;
- an appropriate budget to ensure that WECOs are equipped to carry out their role and to assist with costs of training and conferences;
- a full-time wildlife crime coordinator who could carry out or assist with investigations, support the nominated force senior officer and provide consistent liaison with stakeholders.

The benefits of having such a structure in terms of forces' perceived responsiveness to rural crime were considerably greater than might have been expected. Crucial to this success was consistently raising awareness of wildlife and rural crime to police officers and staff, particularly in call centres.

The most tangible cost implied in the preceding list is that of the full-time wildlife crime coordinator. Forces that had created such a position, valued it. The post-holder was carrying out work that needed to be done and in their absence would have been performed in some other probably less efficient way.

One force was actively considering taking the further step of creating a full-time force-wide unit to undertake wildlife crime investigations and other related work. We will follow this development with interest.

We encountered some examples where sponsorship had been successfully obtained by individual forces. Whilst recognising the sensitivity of this funding route, we would encourage PAW (Scotland) to actively consider where and how this might best be utilised to supplement resources.

NATIONAL FUNDING

As we have identified above, we consider that relatively small amounts of funding targeted at key areas would be very effective in increasing success in combating wildlife crime. Such an area is the SWCTCG which at the time of our inspection was limited in its ability to perform enforcement work in support of national priorities.

Further, we believe that the priority for PAW (Scotland) should be to drive a consistent approach throughout the country. However, concentrating solely on this could stymie innovation and frustrate those who already have an effective local structure in place.

In this report we comment on the potential to increase effective practice by forces working in different ways and with other agencies. This might include closer and earlier co-operation around planning and other environmental activities. It may also include developing the relationship between police and environmental agencies, such as SNH and SEPA, where this relates to issues of wildlife crime in its broader environment sense. New ways of managing wildlife crime within forces and providing responses across force boundaries were being discussed. We would encourage these developments.

We believe that PAW (Scotland) has both an interest and a role to play in encouraging new and potentially more effective approaches across the full spectrum of wildlife crime. The availability of a development fund, administered on behalf of the chair of PAW (Scotland) and monitored through a funding sub-group would be an effective method of encouraging innovation.

In our opinion such funding should be made available through a strict bidding process. It should be targeted at those areas that have already established the basic effective structures outlined in this report and who want to progress beyond this point.

Although a matter ultimately for PAW (Scotland) we further believe that funding should be provided on a matched basis with bidders, both to spread available funds more widely and to encourage local ownership of the projects. Equally we believe that such funding should be tapered to ensure that good and effective practice is mainstreamed into agencies' core operations.

Recommendation – that the chair of PAW (Scotland) through an appropriate sub-group, administers a fund to support certain high priority investigations and the development of more effective practices to combat wildlife crime.



PROCESSES

WILDLIFE CRIME REPORTING AND RECORDING

Although a small number of forces considered that the vast majority of wildlife crime that occurred was reported to them, most believed that it was probably under-reported. This included forces that had already experienced a rise in reporting following the creation of full-time wildlife crime coordinator posts. Under-reporting is notoriously difficult to estimate and in trying to arrive at a conclusion we considered the following issues:

- A number of agencies were of the opinion that wildlife crime was generally under-reported. On occasion, the geographical areas that they considered generated a large amount of wildlife crime coincided with areas where the local police force did not consider the issue under-reported. This was most notable in the case of Northern Constabulary.
- The results from those forces that had taken deliberate and sustained action to increase the profile of wildlife crime, both internally and towards the public, tended to show an increase in reporting.
- We also applied our own professional judgement of crime reporting formed from a number of years of assessing this issue.

Overall, we came to the conclusion that as many forces believe, wildlife crime is generally under-reported and that it is only in those areas that have a focus on wildlife crime supported by an active partnership structure that progress towards achieving fuller reporting is likely to be made.

Once a crime has been reported to the police it should be recorded as such subject to its meeting national standards. The implementation of the Scottish Crime Recording Standard has highlighted the importance to the police of having the most accurate picture of crime available. A recent thematic inspection on this subject has indicated that there is still some room for improvement.

Through ACPOS, a considerable amount of work has been done to develop common IT systems throughout the police service in Scotland. We were concerned that the opportunity to apply the consistent recording practices that such systems presented, was being potentially undermined by forces developing their own definitions for incident coding. This is the process by which forces attach an electronic 'tag' to an incident to allow similar incidents to be retrieved at a later date, usually for analytical purposes.

In forces where considerable effort had already resulted in more accurate recording of wildlife crime it would be disappointing to see the implementation of national systems undermine this work. Therefore we would encourage ACPOS to finalise the national standards for incident recording.

INFORMATION SHARING

There was a variety of information-sharing protocols and processes in existence and a very wide group of agencies interested in this issue. At the time of our inspection the NWCUC was establishing itself as a central point for information exchange with other agencies, providing in turn a more informed view of national activity. We believe this to be essential.

All such information-sharing protocols and processes will require agencies to assure themselves continually of the validity, reliability and legality of information being exchanged and held. PAW (Scotland) could usefully assume a role in assisting in the development of relevant information-sharing protocols and practices.

USE OF INTELLIGENCE

Figures produced by the NWCUC indicated that the level of intelligence submissions made by force WECOs was generally very low. In fact it was clear that a number must submit no intelligence of sufficient quality to merit inclusion in the Scottish Intelligence Database (SID). Some forces were unaware of the levels of intelligence that their officers submitted and in others only their force co-ordinator had this overview.

WECOs frequently stated that the level of priority that supervisors placed upon intelligence submissions informed their own subsequent actions. The most common reason given by officers for the varying volumes of inputs was the ease or lack thereof, with which they could use SID. Those who were frequent users stated that they had overcome the perceived problems with SID. Others whose use was so infrequent that they could not remember their passwords, clearly had not. This is an issue for forces that goes far beyond the management of wildlife crime alone.

Most force intelligence bureaux (FIB) managers were unaware of exchanges between the NWCUC, force wildlife crime coordinators and WECOs. The exchanges ranged from discussions about individual cases to the collation of crime, incident and intelligence figures. There was almost no awareness at FIB level of the Scottish Wildlife Crime Control Strategy and intelligence requirement. These managers could not think of another example where force staff dealt direct with a national intelligence function. This is another area where wildlife crime is managed differently to other crime.

The NWCUC's intelligence figures showed little sign of the overall situation improving significantly and it is difficult to see how a change could be brought about without direct intervention at force or national level. In the meantime, against this backdrop and given the low level of awareness of the Scottish Wildlife Crime control strategy, it is unlikely that the intelligence requirement that flows from it will be acted upon.

It is therefore reasonable to assume that the next strategic assessment will be based on no better intelligence than the current one. The same applies to the NWCUC's analyses in areas such as the motivation of offenders and the relationship between wildlife crime and other types of crime. If this situation persists it will undermine and devalue the excellent work instigated by the NWCUC and taken forward by the SWCTCG.

Some practitioners had difficulty with the NWCUC priorities as adopted by the PAW High Level Group (HLG) (see Appendix 5). They felt that some, or on occasion the majority, of the top wildlife crime priorities often targeted problems that were not prevalent in their own force areas. As mentioned previously the inclusion of poaching as a priority has improved this issue by highlighting the prevalence and impact of this offence whether involving fish, deer or other wildlife.

We fully acknowledge the paucity of intelligence data supplied overall by forces and therefore the extent of the material with which the NWCU can work. We believe that the overall wildlife crime priorities for Scotland could usefully be debated and finally agreed by PAW (Scotland). In this way joint ownership of the subsequent activities would be increased.

We further believe that the local PAW partnership structures as recommended earlier in this report should be empowered to add local priorities of particular significance in their areas. In this way the ownership and drive subsequently placed behind the whole wildlife crime agenda would be further facilitated.

Another suggested method of increasing the overall pool of wildlife crime intelligence would be to make greater use of Crimestoppers. Whilst recognising that anonymous reporting facilities are already available through other agencies we believe that there is merit in exploring this possibility further.

The police service has existing structures to deal with information from Crimestoppers. As with so many other aspects discussed in this report it makes sense to bring wildlife crime into these structures wherever possible.

Finally, and with specific regard to the police, in SID the Scottish police service has an intelligence capability that is envied by others throughout the UK. Scotland hosts the National Wildlife Crime Unit and has the benefit of a regional co-ordinating group through which to focus its intelligence products. Manifestly it would be more efficient to make proper use of these assets.

Recommendation – that PAW (Scotland) consider the greater use of Crimestoppers as a means of reporting wildlife crime.

NATIONAL WILDLIFE CRIME UNIT (NWCU)

In relation to NWCU, two issues seemed most significant. The first of these was the previously mentioned lack of intelligence for its staff to work with and the second the precarious nature of its funding.

This latter issue was significantly affecting the focus of the unit as it produced increasing numbers of reports justifying its future funding requirements. The situation was exacerbated by its decreasing ability to recruit and retain staff having only secure funding for a matter of months. It is to the enormous credit of the NWCU staff that in the face of such uncertainty they had continued to produce intelligence products for agencies and police services throughout the UK.

Though the unit had been providing both an intelligence and an investigative support function, there were differing views as to how successful this had been in Scotland. We noted that the unit had supported significant operational activity within Scotland in addition to providing both a Scottish strategic assessment and supporting the SWCTCG.

The bulk of NWCU's funding has been met by the Department for the Environment, Food and Rural Affairs (DEFRA) whose UK-wide responsibilities in the field of wildlife crime relate only to trade in endangered species. ACPO have funded the unit manager's costs and some other funding is provided by various agencies in return for specific pieces of analysis. The unit is based in Scotland and pays funds to offset the majority of its costs within Lothian and Borders Police's estate.

We expect that negotiations to secure and sustain funding will have been completed by the time this report is published. It is hoped that these negotiations will also have secured clear arrangements for the role and governance of the unit, to prevent it once again reaching the position it found itself in during 2007/08.

The indecision over the funding of the NWCU was seized upon by practitioners as yet another example of strategic statements about wildlife crime's importance not being followed up with tangible resources and action.

THE QUALITY AND CONSISTENCY OF INVESTIGATIONS

The findings of our case review, discussed at 'Leadership – Operational Level – COPFS', disappointingly revealed that a substantial number of cases, 29 of the 80 cases reviewed, had failed to fully comply with agreed protocols between the police and COPFS in relation to timeliness, content and form of report. These factors can prejudice subsequent attempts at prosecution.

Throughout our inspection a regular complaint from WECOs and from the agencies reporting incidents to them, was that their availability to investigate was impeded by line managers failing to give priority to wildlife crime investigation. We reviewed a number of cases where it was clear that there had been no WECO involvement and that the reporting officers did not have a basic understanding of the evidential requirements in wildlife crime cases.

As stated earlier, some wildlife crimes can attract a high degree of media and public attention. COPFS staff consistently recognised this and subsequently applied greater scrutiny to these cases. At times they expressed surprise when the police did not seem to apply the necessary levels of technical skill commensurate with the profile of the crime being investigated.

The police service is accustomed to assessing the possible impact that some crimes and incidents have on communities. They will take this into account when managing crime and increase their focus where this is necessary. Broadly speaking, forces also recognised the potential for wildlife crime investigations to attract high levels of interest from the public, media and other agencies. On some occasions however, this had not been recognised early enough at supervisory or more senior levels.

As is often the case, initial management intervention late in an incident can be perceived as abrupt. On a number of occasions during this inspection we observed the fallout from such occurrences. The damaging legacy from these was exacerbated and prolonged in forces that had no functioning partnership structure through which to discuss these and other, hopefully more positive, matters. The persistent failure to debrief staff following such incidents prevented them from exploring, understanding and learning from them.

Partner agencies expressed frustration at the channels of communication available to them. Generally their observations were not aimed at the operational level but with invariably no recourse to speak with middle managers, their only alternative was to approach the relevant chief constable; something they were often reluctant to do.

The above is another example of the police treating wildlife crime differently and failing to use, at what would be little cost to themselves, existing structures and processes designed entirely for these purposes.

We believe that a national minimum standard of investigation for wildlife crime would significantly reduce the frequency and seriousness of the above scenarios. It would:

- ensure that investigating officers can complete and persuade supervisors of the need to complete a professional investigation appropriate to the crime;
- improve supervisors' understanding of and therefore their ability to manage wildlife crime investigations. The standard would stress the need for regular supervisory input consistent with the approach already adopted by forces for other crimes;
- specify the need to consider the possible impact on communities and other agencies, as is the case for other crimes, and to increase the level of management attention where this is appropriate; and
- specify the principal role of the police service in the investigation of wildlife crime and the control of evidence, detailing the involvement of supporting agencies where this is appropriate.

Clearly ACPOS will wish to develop this minimum standard. However we feel that there would be merit in using the PAW (Scotland) membership and structure to maximise partner agency input, understanding and ultimately wider ownership of the standard.

Once developed, this standard will give force senior officer wildlife crime leads a mechanism to track the overall quality of force investigations and to report back through PAW (Scotland) any relevant issues that may require further attention.

Recommendation – that ACPOS work with the proposed PAW (Scotland) structure to develop a common minimum standard of investigation for wildlife crime.

Recommendation – that the Wildlife and Habitats Crime Prosecution Forum initiate debriefs following significant wildlife crime investigations and prosecutions, either locally with partners or where appropriate nationally.

HOW EFFECTIVE ARE FORENSIC SCIENCE ARRANGEMENTS?

Overall, most practitioners thought forensic science arrangements worked well. We were concerned to note that some of the services being provided were not being funded in an overt and straightforward way. Whilst there appeared to be no specific or imminent threat to the provision of these services, we believe that as with so many issues relating to wildlife crime, consistency and sustainability can best be achieved by using clear funding routes.

As noted earlier in this report, contact between forensic science practitioners and the police service was generally regarded as being fragmented, except in those forces that had full-time co-ordinators. Two specific areas for improvement were mentioned. The first of these was the benefit to be gained from raising practitioners' awareness of how to handle and secure forensic evidence. The other was the need for more clarity as to exactly who should receive the results of forensic analyses, a point that could appropriately be covered in the minimum standard of investigation that we have recommended.

WHAT IS THE QUALITY OF PREVENTATIVE WORK ACROSS THE VARIOUS AGENCIES?

It was not clear to us who, if anyone, was leading preventative work to combat wildlife crime. Since resources will always be limited, it increases the need for an overarching strategy or plan that prioritises activities and articulates how these will integrate with other efforts, e.g. enforcement.

The ACPOS 2006/8 strategy contained an element of preventative work but, as discussed throughout this report, this was not generally informing force activity. A number of preventative actions also emanated from the NWCU strategic assessment, but again these had not been mainstreamed into force activity. Some practitioners thought that PAW (Scotland) had the lead but this was not clear from PAW's minutes, documentation or those members that we spoke to.

On the positive side there was much sound local work being undertaken. This ranged from projects such as the Mull Eagle watch, through to large-scale schools projects such as the 'Look, Don't Touch' campaign organised by Dumfries and Galloway Police Force involving 12 local primary schools (see Appendix 3) and Strathclyde Police's Duke of Edinburgh scheme (see Appendix 2). It was also noted that there was substantial attendance of individual WECOs at countryside shows. It was noticeable that those forces with full-time WECOs carried out considerably more preventative work than those without.

We believe that PAW (Scotland) should adopt the responsibility for overseeing preventative work and making sure that this aligns with its national strategy to reduce wildlife crime.

HOW EFFECTIVE IS CASE MANAGEMENT WITHIN/ACROSS AGENCIES?

Although many wildlife crime incidents were initially reported to agencies other than the police, in the vast majority of cases the police assume the role of lead enforcement agency at some point during the investigation. With just a very few exceptions, it was also the police that made the final decision on whether to report the case to COPFS for prosecution. Forces then received the results of COPFS decisions automatically through an electronic reporting system.

A number of agencies expressed disquiet that at the point the police assumed the lead in an investigation the specialist agency was sidelined. They were not shown the report to COPFS or even those parts relating to their involvement for the purpose of checking accuracy. We were told of one example where the report submitted to COPFS by the police failed to narrate clear admissions made by an accused to the agency volunteer. As a result the case was marked not to proceed because there was insufficient evidence detailed on the report. Also it was observed that COPFS did not always take the specialist agencies views into account when drafting charges or later when resolving cases by way of pleas.

Good partnership working between the police and the specialist agency would point to the need for a system of checking the accuracy of reports prior to these being submitted to COPFS. Similarly, good practice suggests that recognition of agencies' involvement should extend to their being advised of the outcome of such cases.

There would appear to be advantage in considering the views of specialist agencies in such cases.

Recommendation – that where a specialist agency has played a significant part in an investigation the reporting officer will confirm to the agency whether or not a report is being submitted to COPFS. If one is being submitted the reporting officer will confirm with the agency that the report accurately reflects its involvement. The report will confirm the agency has been advised of the submission of the report and that the agency agrees the report accurately reflects its involvement.

Recommendation – while the independence of COPFS to decide on proceedings emanating from a report is not questioned, it is recommended that where a specialist agency has played a significant part in an investigation and COPFS take proceedings, they will discuss charges and any proposed plea resolution with the specialist agency.



RESULTS

For reasons that are described below it is not easy to assess trends in wildlife crime and their impact locally or nationally. Most stakeholders believe that wildlife crime is under-reported. We support that view. This issue when combined with the low levels of intelligence submission makes meaningful analysis about overall wildlife crime difficult.

Equally some agencies were keen to put forward their own research to evidence how their area of interest contributed financially to the local or national economy. These invariably suggested that large sums of money were attributable to their activities, but with varying methodologies being used to arrive at these it was difficult to take a comparative overview. We would suggest that this type of research is important in weighting the impact of actions related to the work carried out on behalf of PAW (Scotland).

It is clear is that there is significant economic benefit to be gained from the responsible management of Scotland's environment. The relative subtleties of argument between differing and competing interest groups however require a better and more objective understanding.

Accordingly we would suggest that early action is taken to sponsor a consolidation of existing research to provide PAW (Scotland) with such an authoritative overview.

Where single agencies are sponsoring their own future research they may consider it useful to bring the research proposals and methodology to PAW (Scotland). In this way wider ownership of the results may be achieved hence lessening the current energetic, if distracting, trading in research results between various groups.

The Parliamentary debate that initiated this inspection included some comment on the apparently differing success rates of attempts to re-introduce red kites to Scotland. It is widely recognised that red kites are not a threat to game birds. However because of their feeding habits they are particularly vulnerable to poisoning.

Whilst tracking re-introductions provides some numerical baselines that are easy to work from, the underpinning question of how, where and why the distribution of raptors differs across similar habitats in Scotland as opposed to the wider United Kingdom, is perhaps of wider concern. The co-existence of raptors and intensively managed game birds is a particularly sensitive and controversial issue and is the reason why the Langholm projects described below (Appendix 1) were established. It is hoped that such research may provide new methods of managing raptors and game-birds in close proximity.

Such innovative and positive partnership working, when combined with the enforcement and other measures as recommended in this report, offer good potential to reduce not just the persecution of birds, but reductions in the wider wildlife crime which affects communities across Scotland.



APPENDICES

APPENDIX 1 THE LANGHOLM PROJECTS

The most contentious issue that we encountered during this inspection was that of the management of upland grouse moors and their relationship with raptors. The Langholm projects were instigated to explore this matter further and are described below.

Between 1992 and 1997, Langholm was the main study site for the 'Joint Raptor Study' investigating the relationships between hen harriers, peregrines and red grouse numbers. By the end of the study period in 1997, the numbers of hen harriers had peaked at 20 breeding females. The contrasting decline in red grouse numbers to a considerably lower than normal level was taken to indicate that it would be difficult to maintain a healthy red grouse population so long as the two species co-existed.

However, since the conclusion of the project period there has been considerable controversy over what the research did or did not demonstrate; the degree and level of land management activity and legal predator control on the moor before, during and after the study has been heavily debated. So much so, that Scottish Natural Heritage completely disregard the results that resulted from Langholm 1 and do not attach any scientific significance to them.

The Langholm Moor Demonstration Project (Langholm 2) was launched on 20th September 2007 by the Scottish Environment Minister, Michael Russell. It was established by a unique partnership that includes The Buccleuch Group, Scottish Natural Heritage, The Game Conservancy Trust, the Royal Society for the Protection of Birds and Natural England. Its focus will be the management of a substantial red grouse moor on the Buccleuch Estates in Dumfriesshire. The moor includes around 7,000 hectares protected under European legislation because of its internationally recognised importance for the hen harrier.

With an investment of more than £3m over a ten-year period, the project will employ eight people. It aims to integrate the management of the moor for grouse, biodiversity and other land use interests. Indeed, more than half of the funding for the project comes from grouse moor interests, including The Buccleuch Group.

The management of Langholm Moor has been one of the most keenly debated conservation issues in the country in recent years. People from a number of key conservation and land management organisations have worked together to agree and develop a viable way forward. The partnership now in place carries considerable experience and expertise in land and conservation management, and in scientific monitoring.

The overall aim of the project is to establish Langholm Moor as an economically viable grouse moor that also meets the site's nature conservation objectives. It seeks to extend and improve the condition of the heather-dominated habitat through heather burning, bracken control and appropriate stock management to encourage heather recovery. In addition there will be legal predator control of foxes, crows, stoats and weasels, diversionary feeding of nesting hen harriers, habitat creation for hen harriers and other moorland breeding birds.

APPENDIX 2

DUKE OF EDINBURGH AWARD (DoE)

At the time of this inspection, Constable Craig Borthwick of Strathclyde Police was the campus-based community officer at Bannerman High School, Glasgow. In addition to being a WECCO with his force, PC Borthwick is a qualified Duke of Edinburgh Award Leader – a qualification that he gained outwith his police duties.

Since January 2007, PC Borthwick had successfully combined these specialisms and had designed and implemented a DoE award structure with wildlife crime at the core of the 'Service' and 'Expedition' elements. At the time of writing, 12 pupils from the school had successfully participated in this award, which concluded in September 2007.

The 'Service' section of the Duke of Edinburgh award is intended to encourage participants to perform some form of voluntary service to individuals or to the community. The 'Service' section of the award structure devised by PC Borthwick centred on raising participants' awareness of matters associated with the prevention and detection of wildlife crime. This he did by giving pupils the opportunity to learn about the work of Strathclyde Police and other agencies through a number of guest speaker theory sessions, followed by a series of practical field sessions, again using agency experts. Examples of the theory sessions undertaken are given below:

- the role of the police WECCO;
- the work of the SSPCA in relation to wildlife crime;
- wild bird persecution through poisoning, trapping and egg collecting;
- the Countryside Ranger Service in Glasgow;
- the work of the British Association for Shooting and Conservation;
- Scottish Badgers;
- The Deer Commission for Scotland; and
- Hessilhead Wildlife Sanctuary.

The practical field sessions comprised:

- inputs from BASC, highlighting the signs of urban poaching and the illegal use of air weapons;
- tracking and surveying roe deer in the urban environment;
- inputs from Scottish Badgers on detecting and tracking badgers; and
- participation in the Sea Eagle Protection Watch on the Isle of Mull.

The 'expedition' element of the award involved a practice expedition to the Isle of Mull, where the group was given the opportunity to trace and observe local animal and bird life. This was followed some weeks later by the qualifying expedition to the Isle of Rhum.

We believe that this is an excellent example of preventative work in relation to wildlife crime and exactly the type of approach that PAW (Scotland) should be seeking to expand. Moreover, it clearly demonstrates the expertise and resources that the wide membership brings to PAW (Scotland) and which can be harnessed to good effect.

APPENDIX 3

“LOOK. DON’T TOUCH!” SCHOOLS PROJECT

During the early part of 2006, Constable Steven Ritchie of Dumfries and Galloway Police lead a project within 12 primary schools entitled “Look. Don’t Touch!”. The schools involved were situated in and around the villages of Wigtown, Creetown and Newton Stewart. The project was designed to introduce children of P5 and P6 ages to the wealth of wildlife in their area and to make them aware of some elements of wildlife crime such as the disturbance of animals and birds, and the negative impact that can have on them. The 200 children who took part in the

project were given talks by Constable Ritchie and other guest speakers from local agencies concerned in the conservation and protection of animals and birds.

The project culminated with a competition sponsored by Scottish Natural Heritage (SNH), RSPB and Dumfries and Galloway Police to design a poster conveying the message of “Look. Don’t Touch!”. The winners and runners up received prizes from SNH and RSPB. Over and above the competition sponsorship, Dumfries and Galloway Police also put forward sufficient funding that allowed 200 books on basic bird identification to be bought and presented to each child who took part in the project.



APPENDIX 4

THE NATIONAL INTELLIGENCE MODEL

The National Intelligence Model (NIM) is an intelligence-led policing model adopted by ACPO and ACPOS in 2000 as the means by which police forces throughout the United Kingdom and Northern Ireland should set their priorities and allocate their resources.

The NIM is a business model which ensures that information is used in a way that enables managers to determine strategic direction, make tactical and resourcing decisions and manage risk. Because it is an intelligence-led model it encourages proper examination and analysis of all available information and decision making based on sound evidence.

Four main products emerge from the NIM process which are:

- The **Strategic Assessment** – The Strategic Assessment is an overview of ongoing and long-term issues which involve criminality or have community safety implications.
- The **Tactical Assessment** – This defines short-term issues, comparing current figures to seasonal averages and makes recommendations in accordance with the Control Strategy.
- **Target Profiles** – These bring together information leading to a greater understanding of a person or group of people, for example a gang of people engaged in criminal or anti-social behaviour.
- **Problem Profiles** – These provide information leading to a greater understanding of a problem, perhaps involving a series of crimes or incidents or a hotspot location, and make recommendations for tactical resolution.

Having completed a *strategic assessment* from a comprehensive environmental scanning and consultation exercise, a **Control Strategy** will be set for the area concerned at a *strategic* tasking and co-ordinating group meeting. The *control strategy* is derived from the strategic assessment and sets the long-term policing priorities.

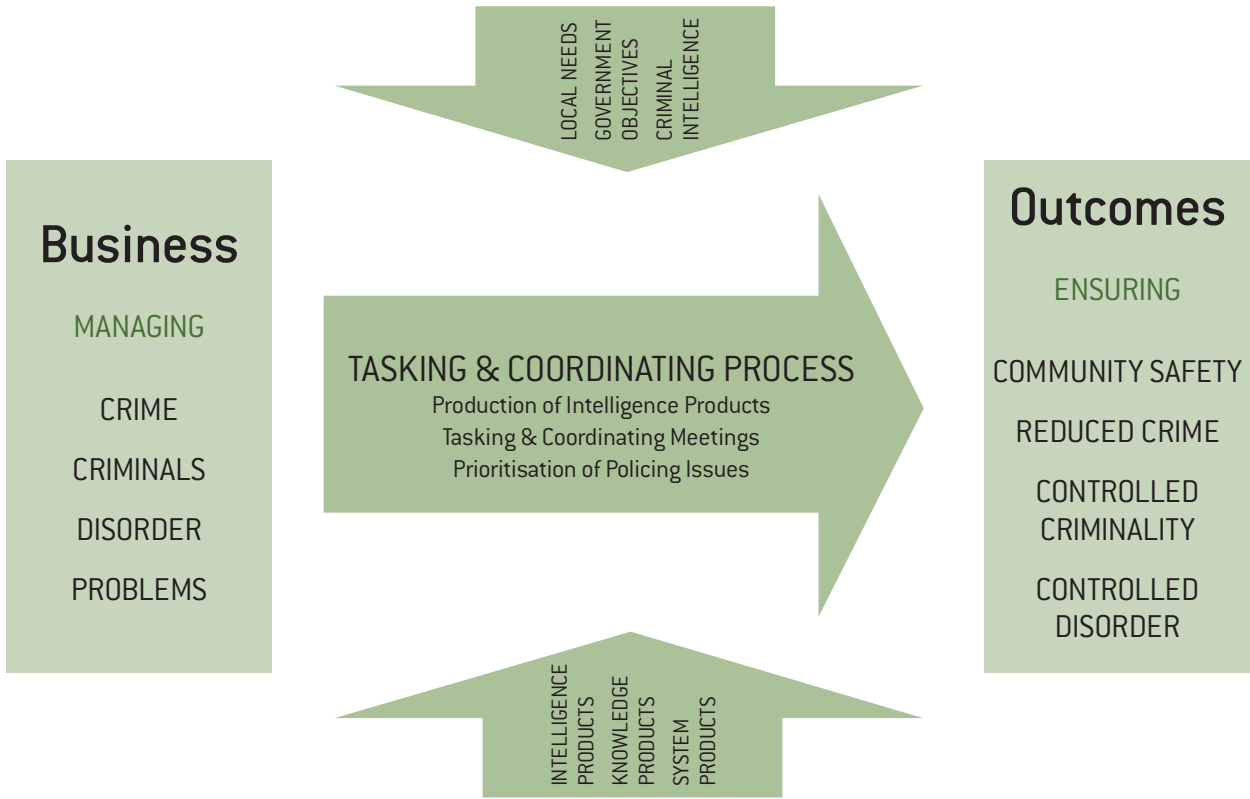
The NIM operates over three geographical levels. Broadly speaking, level 1 deals with local issues as found in a police division or command unit, level 2 with force and regional issues, and level 3 with national issues.

Information used by the NIM is gathered from a variety of sources, including reports of criminal activity, criminal intelligence and relevant information from external agencies. Once collated, the information is analysed and contributes to the production of the four 'products' indicated above. The NIM aims to ensure that the information is used in an effective and efficient manner by identifying problems, prioritising them and allocating an appropriate response, however, the quality of the response is often dependent on availability of resources and other priorities.

Central to the NIM is the **Tasking and Co-ordinating Group (TCG)** process, which operates at all three levels. A tasking and co-ordinating group comprises of key representatives from the geographical area under examination who consider the resources available and prioritise activity for a specified period. Resourcing decisions are generally aligned to priorities identified within the *control strategy* and take into account the nature of crimes, what is known of the suspects/perpetrators/victims, and any hot-spot locations.

The NIM is not just about intelligence or policing. The principles are very similar to those used in other risk businesses in the public and private sectors, like public health or fund management. It follows that the NIM business model can be applied beyond crime and antisocial behaviour to deliver more effective community safety and partnership working. In some forces, relevant partners are invited to the strategic and tactical tasking and co-ordinating group meetings.

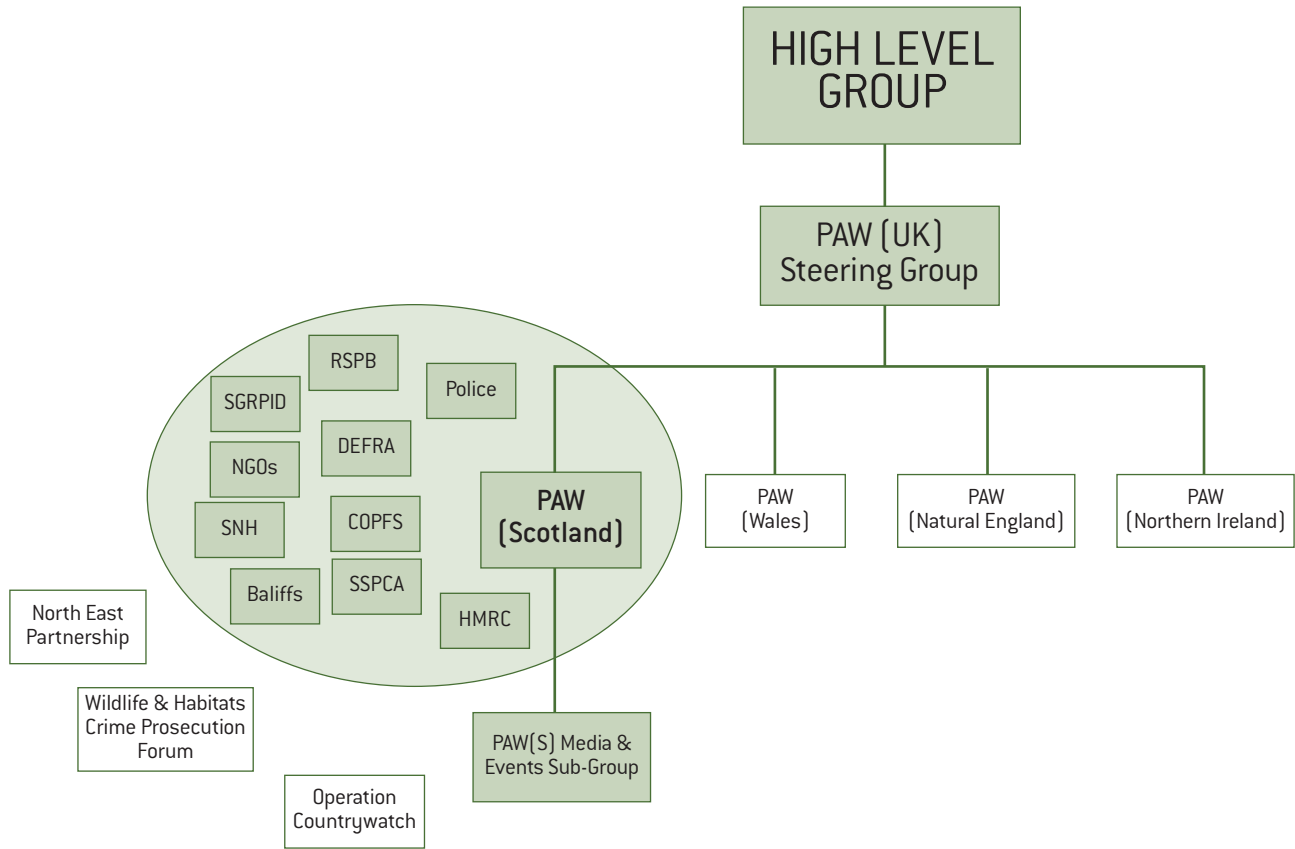
The development of policing wildlife crime issues has led to the introduction of the Scottish Wildlife Crime Coordinators Tasking and Coordinating Group (SWCTCG).



APPENDIX 5

PARTNERSHIP MAP

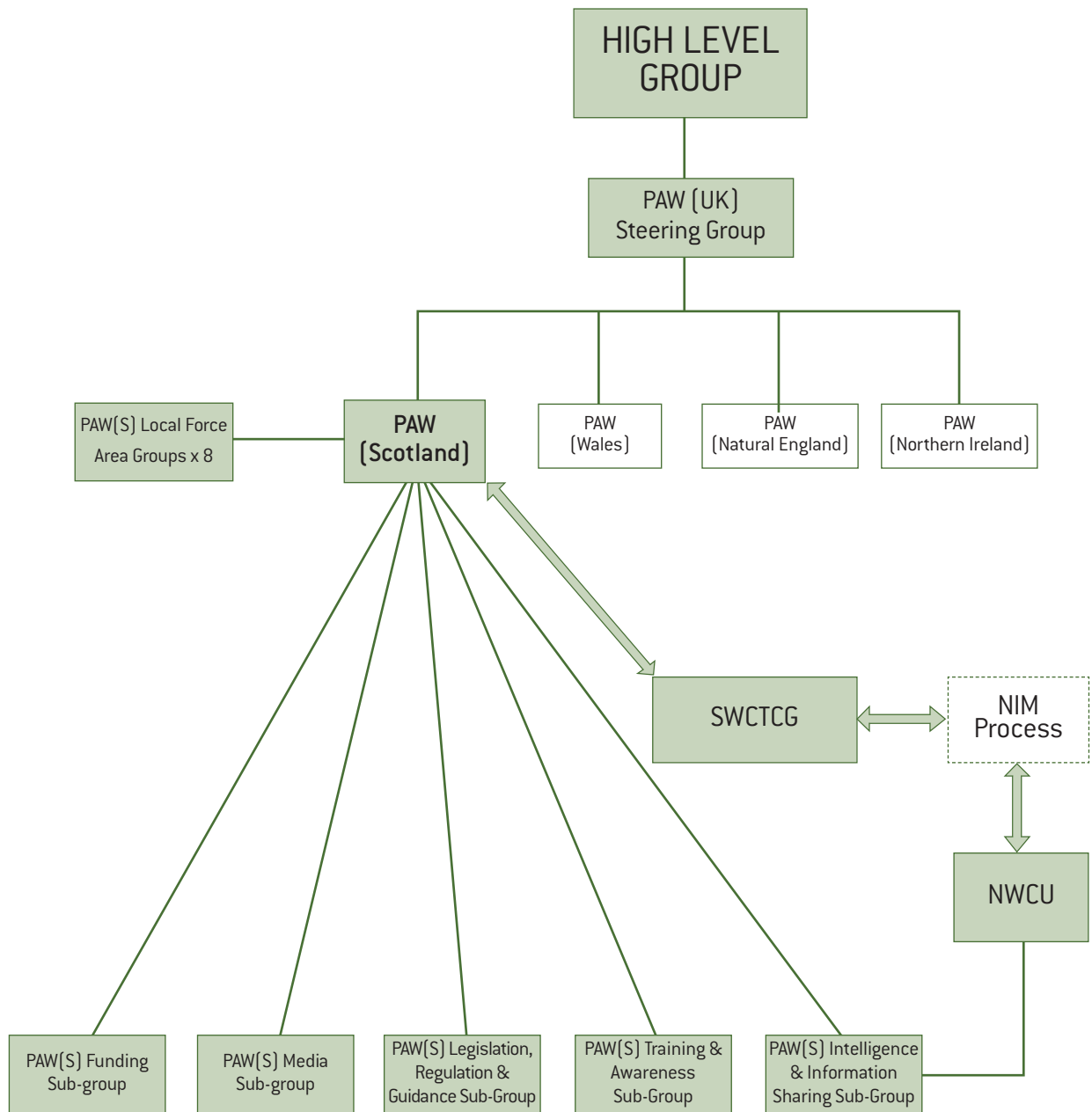
[Current Arrangement]



APPENDIX 6

PARTNERSHIP MAP

[Proposed Arrangement]



APPENDIX 7

We are grateful to the following individuals and organisations who have helped inform this inspection:

Advocates for Animals
Association of Chief Police Officers in Scotland
Association of Scottish Fishery Boards
Association of Scottish Police Superintendents
Bat Conservation Trust
British Association for Shooting and Conservation
Central Scotland Police
Crown Office and Procurator Fiscal Service
David Dick, wildlife consultant
Dee, South Esk, Spey, Tay and Tweed District Salmon
Fishery Boards
Defra, Wildlife Species Conservation Division
Dumfries and Galloway Constabulary
Dumfries and Galloway Ranger Service
Fife Constabulary
Forestry Commission Scotland
Grampian Police
Her Majesty's Revenue and Customs
Joint Nature Conservation Council
Langholm 2 Project
Lothian and Borders Police
Metropolitan Police
National Farmers' Union Scotland
National Wildlife Crime Unit
North East Partnership
Northern Constabulary
Operation Countrywatch
River Tweed Commissioners
Royal Society for the Protection of Birds (Scotland)
Scottish Agricultural Science Agency
Scottish Badgers
Scottish Countryside Alliance
Scottish Estates Business Group
Scottish Gamekeepers' Association
Scottish Government Rural Inspection Payments
Directorate
Scottish Government, Landscape and Habitats Division
Scottish Natural Heritage
Scottish Raptor Study groups
Scottish Rural Property and Business Association
Scottish Society for the Prevention of Cruelty to Animals
Scottish Wildlife Trust
Sheriff T A K Drummond QC
Strathclyde Police
Tayside Police

APPENDIX 8

GLOSSARY

ACPO	The Association of Chief Police Officers (England & Wales)
ACPOS	The Association of Chief Police Officers in Scotland
Control Strategy	See Appendix 4 (NIM Overview)
Crimestoppers	Crimestoppers is an independent charity. Crimestoppers provide a phone number for anonymous provision of information which in turn is passed to the police for assessment and possible action.
COPFS	Crown Office and Procurator Fiscal Service
CROSS COMPLIANCE	<p>Cross Compliance is a series of Statutory Management Requirements (existing legislative standards relating to public health, animal and plant health, environmental protection and animal welfare) and Good Agricultural and Environmental Conditions (GAEC) which must be met in return for support payments under the following schemes:</p> <ul style="list-style-type: none"> ■ Single Farm Payment Scheme ■ Scottish Beef Calf Scheme ■ Energy Crops Scheme ■ Protein Crops Scheme ■ Nuts Aid Scheme ■ Less Favoured Areas Support Scheme – from 2007 onwards.
DEFRA	Department for Environment, Food and Rural Affairs. DEFRA is a UK Government Department whose overarching aim is to enable everyone to live within their environmental means. In practice, DEFRA's mission is to tackle climate change internationally and through domestic action; to secure a healthy, resilient, productive and diverse natural environment.
EFQM	European Foundation for Quality Management. The EFQM Business Excellence Model is a framework for organisational management systems, designed to help the drive towards an organisation being more efficient.
Matched funding	Where funding provision is shared – often with applicant agency or group paying a proportion.
NGO	Non-Governmental Organisation. An NGO is an organisation created with no government participation. In some cases, where NGOs are funded partially or totally by governments, the NGO maintains its non-governmental status insofar as it excludes government representatives from membership in the organisation.
NIM	National Intelligence Model. The NIM is 'A Model for Policing' that ensures that information is fully researched, developed and analysed to provide intelligence that senior managers can use to provide strategic direction, make tactical resourcing decisions about operational policing and manage risk. See Appendix 4.

PAW (Scotland)	The Scottish steering sub-group of PAW (UK).
PAW (UK)	Partnership for Action Against Wildlife Crime. PAW brings together the Police, HM Revenue and Customs, COPFS and representatives of Government Departments and NGOs, with an interest in wildlife law enforcement. It provides a strategic overview of enforcement activity; considers and develops responses to strategic problems; and looks at issues of strategic concern.
RSPB	Royal Society for the Protection of Birds. The RSPB is a UK charity working to secure a healthy environment for birds and other wildlife.
Scottish Crime Recording Standard	The Scottish Crime Recording Standard is a set of guidelines that encourages uniformity in crime recording practices throughout Scotland. The standard provides a more victim orientated approach that better serves the needs of communities.
Scottish Intelligence Database	The Scottish Intelligence Database is a system used by all police forces in Scotland to share relevant intelligence.
SGRPID	Scottish Government Rural Payments & Inspections Directorate.
SNH	Scottish Natural Heritage. Scottish Natural Heritage is a Non-Departmental Public Body answerable to the Environment Minister and the First Minister and through them to the Scottish Parliament.
SSPCA	Scottish Society for the Prevention of Cruelty to Animals. The Scottish Society for the Prevention of Cruelty to Animals is Scotland's biggest animal welfare charity. It is accorded the status of a direct 'reporting agency' and has the ability to report cases for prosecution directly to COPFS.
SSSI	Sites of Special Scientific Interest. Sites are deemed 'special' for a number of reasons which range from the species found at the site to geological or landform features.
Strategic Assessment	An overview of ongoing and long-term issues which involve criminality or have community safety implications. See Appendix 4.
SWCTCG	Scottish Wildlife Crime Tasking and Coordinating Group.
Tapered Funding	Where external funding is reduced over a number of years in anticipation that the benefiting organisation steadily increases its contribution, eventually up to one hundred percent.

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