Justice Committee

Police and Fire Reform (Scotland) Bill

Written submission from RSPB Scotland

1 RSPB Scotland maintains a small team of Investigations staff whose primary responsibility is to assist the relevant statutory agencies, not least the police service, in the effective investigation of wildlife related crime. This team is based at our Edinburgh headquarters and covers the whole of Scotland. It has considerable experience in working alongside all the current Scottish police forces.

2 The main thrust of the proposed legislation and most of the issues addressed lie beyond the RSPB’s remit. However we have noted a concern expressed in other submissions which we share and which is relevant to our area of work.

3 Forensic investigation of wildlife crime scenes has grown more common and more sophisticated in recent years, to the extent that the Scottish Government sponsored Partnership Against Wildlife Crime Scotland has facilitated training for police officers in the gathering and handling of wildlife-related forensic evidence.

In their own written submission, the Association of Chief Police Officers in Scotland (ACPOS), express concern about the complete separation of forensic services from the police service. Section 6) about the complete separation of forensic services from the police service.

Those concerns are expressed in detail by ACPOS and do not require reiteration here. Our interest in this lies in the risk to effective crime scene management that may be posed by the Bill’s proposals in particular where – as is frequently the case with wildlife crime – the crime scene is remote and relatively inaccessible. In these circumstances we observe that it is already challenging for the police service to allocate and manage resources for investigation of the crime(s) in question. Over and above the general concerns expressed by ACPOS on this issue, which we echo, we are concerned that the complete separation of crime scene evidence into two different classes, each managed by a different agency, risks dysfunction for the whole investigation. This is especially so since it may not be apparent at the outset into which class a particular piece of evidence falls.

It is not apparent to us why the public might not have confidence in evidence gathered by a properly trained and equipped constable. It should be clear that we are not suggesting that the scientific examination and analysis of forensic evidence should be done by anyone except a properly qualified person housed within a non-police agency.

We note that the Association of Scottish Police Superintendents, in their own submission, also express concern about this matter.
Beyond the very specific matter of the gathering of forensic evidence, we hope that reorganisation of the Scottish police services does not undermine the good progress made by both police and by Scottish administrations in improving the effectiveness of wildlife crime detection and prosecution. Specifically we hope that an adequate body of specialist wildlife officers will be available in Scotland under the new arrangements to enforce this area of law that the Scottish Parliament have repeatedly declared to be of national importance.

RSPB Scotland
5 March 2012