

## **Correspondence from Scottish SPCA – 22 January 2016**

Dear Convener

Thank you for your letter dated 18 January 2016 to the Scottish SPCA Chief Executive Mr Stuart Earley in relation to the RACCE meeting on the 13<sup>th</sup> of January 2016.

As your questions relate to Inspectorate operations, your letter has been passed to me to reply.

It is unfortunate that the Scottish SPCA was not present at the meeting on the 13<sup>th</sup> of January as we could have answered most of the questions at that time.

Since receiving your letter I have discussed the issue with Mr Thomas Dysart of the Crown Office Procurator Fiscal Service.

As for the figures quoted for 2013 – 2014, the Scottish SPCA was asked by the Scottish Government to supply our figures for 2013 – 2014, the figures we submitted related to alleged offences carried out in that calendar year (1<sup>st</sup> January – 31 December).

The Crown Office figures relate to the financial year (6 April 2013 – 5 April 2014). As such a number of the incidents we reported in our figures would not fall into the Crown Office's yearly figure.

A further aspect to consider is there is a time difference between the date of an alleged offence and the date when a report is lodged with the Crown Office, this can sometimes be quite considerable if specialist forensic or post mortem are required.

Therefore a number of the incidents we referred to would be entered in the Crown Office figures for the previous or following year.

Going forward, we will report our figures on request to the Government in relation to cases lodged within the financial year period to avoid such confusion.

As has been highlighted in other Government meetings, the suggestion of additional powers for the Scottish SPCA was originally suggested by the ex MSP, Mr Peter Peacock during the WANE debate and not the Scottish SPCA.

The investigation of wildlife crime accounts for about 10 % of our investigations, the vast majority of our work relates to domestic animals under the Animal Health and Welfare (Scotland) 2006.

As I am sure Police Scotland will confirm, by its very nature, wildlife crime is very often very difficult to prove, you may well have all the evidence that an offence has been committed, but gaining sufficient evidence to link that offence to a person is an entirely different matter. I do believe that it is fair to say that the vast majority of wildlife incidents reported to Police Scotland or the Scottish SPCA will not be reported to the Crown Office as no accused can be identified.

I have read the transcript of the meeting on the 13<sup>th</sup> of January 2016 and in relation to the point made by Mr Alex Ferguson regarding the drop in the number of reports made in relation to wildlife crime to the Crown Office.

Neither, Police Scotland or the Scottish SPCA has personnel who patrol the countryside looking for wildlife crime. The Scottish SPCA responds to concerns reported by members of the public or other organisations (including Police Scotland) of welfare concerns regarding wildlife and we will investigate everything that is reported, however, if we are not alerted then there is nothing we can respond to.

Over the last couple of years there has been a noticeable reduction in the number of calls the Scottish SPCA has received in relation to the misuse or illegal use of snares, we do still receive calls on this matter, but following the introduction of the requirement for snares to be tagged and compulsory training courses etc, reports have definitely declined.

As I have previously written, wildlife matters account for approximately 10% of our Inspectorate work that is also reflected in the number of reports we forward to the Crown Office in relation to all animal welfare matters, in our calendar year of 2013 - 2014 the Scottish SPCA lodged over 140 reports with the Crown Office.

During the meeting on the 13<sup>th</sup> of January, the issue of the Scottish SPCA consultation was raised. Police Scotland are perfectly entitled to their views on the issue, but I welcome and totally agree with the comments made by Assistant Chief Constable Graham, the Scottish SPCA has a fantastic working relationship with Police Scotland and our Inspectors work with Police Scotland officers on a daily basis and are always available to assist Police Scotland in any way possible.

Yours sincerely

Michael Flynn

Chief Superintendent