

Correspondence from Scottish Environment LINK – 26 January 2016

I write to you as Chair of the Scottish Parliament's Rural Affairs, Climate Change and Environment Committee, on behalf of the Scottish Environment LINK Wildlife Crime Task Force.

We wish to convey our surprise at some of the evidence given to the RACCE Committee at its hearing last week to consider the Scottish Government's Wildlife Crime Report for 2014. Appearing in front of the Committee were Police Scotland ACC Malcolm Graham & Ch. Supt. Sean Scott, and Tom Dysart from COPFS.

Firstly, we are concerned with ACC Graham's response to a question asked by Graham Dey MSP about levels of raptor persecution. ACC Graham commented that "this isn't an increasing problem, in fact it's more likely to be the case that we're hearing about a greater proportion and there's probably less happening." We consider this assertion to be anecdotal at best. We feel that it is important that the RACCE committee gets a wider picture of wildlife crime.

The Scottish Government has not yet published statistics for wildlife crimes occurring since 1st April 2014; indeed government reports only cover the period 1st January 2012 to 31st March 2014. We suggest that with only just over two years of data published by government, an unknown and varying percentage of incidents actually discovered from one year to the next, and a completely *ad hoc* search effort made by very few suitably trained individuals over a tiny proportion of Scotland's countryside, such a statement by ACC Graham is, in our opinion, purely speculative. Raptor persecution is a crime that invariably occurs without witnesses, where offences occur in the remotest parts of our country, and where victims are found largely by luck. It is impossible to say what the number of actual incidents is, or what proportion of these were found and documented.

There is, however, a considerable weight of peer-reviewed scientific evidence, including research commissioned by SNH, coupled with population surveys, that clearly shows that raptor persecution continues to have a marked impact on peregrine, hen harrier, red kite and golden eagle populations in Scotland.

Secondly, later in the hearing, Angus MacDonald MSP and Sarah Boyack MSP asked a series of questions about the *Natural Injustice* reports into wildlife crime investigation and prosecution published by LINK in early 2015. We listened to the comments made by ACC Graham with some disquiet. While we acknowledge the ACC's disappointment that the LINK reports were not shared with Police Scotland prior to publication, we wholeheartedly dispute his assertion that the findings of the reports were inaccurate. It is important to state that these reports were based on the experiences of those partner agencies involved as part of the investigations process. As such we defend the statistics in the reports unreservedly.

As ACC Graham mentioned I, along with the Wildlife Crime Task Force Vice-convenor, Ian Thomson, attended a meeting with Police Scotland, following publication of the reports, to discuss our concerns. In our opinion, this was a very helpful and constructive meeting, and few of the reports' findings were challenged – in fact, there was clear recognition and acknowledgement of many of the issues they raised.

While LINK members have acknowledged that there have been a number of improvements to wildlife crime policing and investigation following the formation of Police Scotland, there are still a number of significant issues such as resourcing & deployment of wildlife crime officers and rapidity of response to reported incidents that require addressing. LINK members' interests extend across all protected species.

At the hearing, Tom Dysart simply restated the Lord Advocate's position relating to the LINK reports. We remain disappointed that the Crown Office has refused to meet with Task Force members or to engage in any discussion relating to the findings of the reports. Similarly, none of the issues raised in LINK's reports with regard to the Crown Office were explored by the Committee.

We feel that the LINK reports have been publicly criticised, with no right of reply given to LINK or its members. We are also extremely frustrated that no-one from the Scottish Government has sought to engage with LINK over the very significant concerns identified by LINK members, many of which were also raised by RACCE Committee members at a similar hearing in late 2014. Having identified the Committee as an important conduit last autumn, we would welcome the opportunity to meet with you to further discuss these ongoing concerns with you and/or your fellow committee members at your earliest convenience. We also feel it would be of benefit to RACCE Committee members if more of the partner agencies involved in assisting in wildlife crime investigations and/or recording offences were engaged in reviews of future Scottish Government wildlife crime reports. It is important that the RACCE committee gets a wider picture of wildlife crime, in terms of the full evidence base, rather than simply what is recorded by the police.

We would be grateful if you could take these comments into account when formulating your response to the Scottish Government.

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For LINK Land Group