

Wildlife Crime Investigative Powers for Inspectors in the Scottish Society for the Prevention of Cruelty to Animals

Analysis of Consultation Responses

January 2015

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1. Acknowledgements

Scottish Government would like to thank:

- All individuals and organisations who took the time to respond to this consultation, providing a wide range of views for consideration.
- Stakeholders in the Partnership for Action Against Wildlife Crime (PAW) Scotland, other groups and individuals who helped to circulate and raise awareness of the consultation.

2. Executive Summary

Background

This consultation sought views on proposals to increase wildlife crime investigative powers for inspectors in the Scottish Society for the Prevention of Cruelty to Animals (SSPCA). It was launched on 31 March 2014, fulfilling a Scottish Government commitment made during the passage of the Wildlife and Natural Environment (WANE) Bill.

The consultation was made available on the Scottish Government website, and responses were invited by email or post by 1 September 2014. The consultation was circulated to a list of stakeholders and core recipients, and also publicised via a press release and social media. The consultation paper can be viewed at: www.scotland.gov.uk/Publications/2014/03/1374.

Three questions were asked, as follows.

Q1. Do you agree that the law in Scotland should be changed to give the SSPCA the powers as set out in section 4.1?

Q2. Please set out your reasons for your answer to Q1.

Q3. If you would prefer to see changes to the SSPCA's powers to investigate wildlife crime other than those set out in section 4.1, please describe them.

Responses were recorded and acknowledged on receipt. Following the end of the consultation period, all responses were analysed by Scottish Government officials in order to produce this report.

Responses

244 valid responses were received during the consultation period – 213 of these were from individuals and 31 were from organisations or groups. The organisation respondents included those representing animal welfare, conservation, country sports, shooting, land management and law enforcement interests.

191 of the 244 respondents gave permission for their response to be published, with a name or anonymously. Those responses were published on 21 October 2014 and can be viewed at: <http://www.scotland.gov.uk/Publications/2014/10/8427>.

One response in favour of the proposals was received in the form of a petition backed by 7,015 signatures. In addition, a number of other individual responses were identified as being part of, or the result of, organised campaigns.

The percentage of respondents who answered Q1 and Q2 was very high, at 99%. The response rate for Q3 was considerably lower, at 39%.

Findings

Q1. Do you agree that the law in Scotland should be changed to give the SSPCA the powers as set out in [section 4.1](#)?

79 (32%) of the respondents agreed that the law should be changed as proposed, **163 (67%)** did not agree, and **2 (1%)** chose not to answer the question.

Q2. Please set out your reasons for your answer to Q1.

A variety of views, for or against the proposals were received, as well as some other neutral comments. The most frequent types of comment made were:

For

- Police unable to tackle wildlife crime due to e.g. lack of resources
- SSPCA's existing powers insufficient to deal with wildlife crime
- Further SSPCA powers would provide additional resources to support police

Against

- Increased powers would conflict with SSPCA campaigning status/not impartial
- Concerns over lack of SSPCA accountability
- Concerns over outsourcing of policing to charities/private organisations

Other

- Mechanisms to consider if new powers are granted/clarification needed on proposals
- Suggested changes to SSPCA status/procedures if new powers are granted
- Police involvement/resources should not be reduced as a result of any new SSPCA powers

Q3. If you would prefer to see changes to the SSPCA's powers to investigate wildlife crime other than those set out in section 4.1, please describe them.

Most respondents chose not to respond directly to this question, or used it to reiterate views relevant to Q2. Of the types of comments received which were specifically relevant to Q3, the most frequent were:

- Existing SSPCA powers should be reduced
- Changes outlined are sufficient for now/happy with proposed changes
- SSPCA need to be more open or accountable/have a governing body overseeing them

While they were less frequent, various suggestions for additional, alternative or partial increases to SSPCA investigative powers were also received.

3. Introduction

3.1 Background

During the passage of the Wildlife and Natural Environment (WANE) Bill, the Scottish Parliament debated an extension of powers for the SSPCA that would allow them to investigate a greater number of suspected wildlife crimes.

Amendments were tabled at both stage two and stage three of the Bill but were withdrawn, and the Scottish Government made a commitment to seek views on the subject. A consultation document fulfilling this promise was published on 31 March 2014.

3.2 Consultation Process

The consultation paper was published electronically in HTML and PDF format on the Scottish Government website (www.scotland.gov.uk/Publications/2014/03/1374) on 31 March 2014. Although the document was only made available electronically, responses were invited either by email or post.

To coincide with the publication, a Scottish Government press release (news.scotland.gov.uk/News/Wildlife-crime-powers-af4.aspx) was issued to inform interested parties and members of the public about the consultation and the key issues surrounding it.

Electronic copies of the consultation paper were sent to the following stakeholder groups:

- Bat Conservation Trust (BCT)
- British Association for Shooting and Conservation (BASC)
- British Deer Society (BDS)
- British Trust for Ornithology (BTO)
- Cairngorms National Park Authority
- Game and Wildlife Conservation Trust (GWCT)
- League Against Cruel Sports
- Loch Lomond and the Trossachs National Park Authority
- Ministry of Defence (MOD) Police
- Moredun Research Institute
- National Farmers' Union (NFU) Scotland
- National Wildlife Crime Unit (NWCU)
- OneKind
- Police Scotland
- Royal Society for the Protection of Birds (RSPB)
- Royal Zoological Society of Scotland (RZSS)
- Scotland's Rural College
- Scottish Association for Country Sports (SACS)
- Scottish Badgers
- Scottish Countryside Alliance (SCA)

- Scottish Countryside Rangers Association
- Scottish Environment Link
- Scottish Gamekeepers Association (SGA)
- Scottish Land and Estates
- Scottish Ornithologists Club
- Scottish Raptor Study Group (SRSG)
- Scottish Society for the Prevention of Cruelty to Animals (SSPCA)
- Scottish Wildlife Trust (SWT)
- TRACE Wildlife Forensics Network
- World Wide Fund for Nature (WWF).

This distribution list was largely made up of organisations who are members of the Partnership for Action Against Wildlife Crime (PAW) Scotland. PAW Scotland is a broad partnership managed by Scottish Government, including representatives from the police, land managers, conservation groups and government agencies.

While the partnership includes an extensive cross-section of different groups with an interest in the consultation topic, some additional groups were included to widen participation including NFU Scotland, and Scottish Environment Link, who were included to increase potential participation amongst other conservation or environmental groups not already represented in PAW Scotland.

In line with SG guidelines, electronic copies of the consultation were also emailed to the following core recipients:

- Convention of Scottish Local Authorities (CoSLA) and the 32 individual Local Authorities
- All Scottish Members of the European Parliament (MEPs)
- Equal Opportunities Commission, Commission for Racial Equality and Disability Rights Commission
- Rural Affairs, Climate Change and Environment (RACCE) Committee
- Scottish Parliament Information Centre (SPICe) library.

Finally, electronic copies of the consultation paper were circulated through wider PAW Scotland mailing lists, and stakeholder organisations were encouraged to forward it to their members and other interested groups. The consultation was also publicised via the PAW Scotland web pages and Twitter account.

3.3 Questions and Response Format

The questions set out in the consultation paper were as follows:

Q1. Do you agree that the law in Scotland should be changed to give the SSPCA the powers as set out in section 4.1?

Q2. Please set out your reasons for your answer to Q1.

Q3. If you would prefer to see changes to the SSPCA's powers to investigate wildlife crime other than those set out in section 4.1, please describe them.

To encourage participation, a template for responses was provided with the consultation paper in both PDF and Microsoft Word format. The Word version could be completed electronically and then either returned by email or printed and sent by post.

The template included a copy of the standard Respondent Information Form, with Yes/No check boxes for question 1 of the consultation questionnaire, and text boxes for questions 2 and 3.

3.4 Recording of Responses and Analysis Process

Upon receipt, all responses were assigned a unique reference number and acknowledged with a standard email or letter thanking the respondent and providing some brief information on the next steps in the consultation process.

Where important details (e.g. permission to publish response, anonymity preferences etc.) were missing from the response, conflicting or unreadable, this information was requested in a follow-up email, letter or phone call as appropriate. In cases where permissions were unclear, and no further response was received, a precautionary approach was taken and these responses were either not published or published anonymously depending on the information available. However, all readable responses were still considered as part of the consultation exercise. A brief extension to the consultation deadline was allowed, where notice of late submission was received in advance, or where it was clear that a postal response had been sent before the deadline.

Details of all responses were recorded in a spreadsheet as they were received, including names, contact details and answers to multiple choice questions.

The analysis process was carried out by the Scottish Government's wildlife crime policy team. Each response was read carefully, starting with a sample of responses "For" and "Against" the proposals, to establish an overview of the most common points made. Every individual comment or point made in each response was "coded" with a number, with the same number being applied to identical points made in other responses. To keep the response data manageable, similar or related points were grouped together under the same code.

Through this process, a picture was slowly built of the range and frequency of the views expressed. Once every response had been coded, further work was carried out to tidy up the data, by further merging or separating response categories where appropriate.

The findings are specific to this consultation exercise and do not necessarily reflect the weight or range of views within the population as a whole, or within particular population sub-groups. Respondents have not been representatively sampled.

4. Responses

4.1 Respondent Breakdown

In total, 245 responses were received during the consultation period. One of these responses was received in an incompatible file format and despite follow-up requests, a readable version could not be obtained. This response has therefore been excluded from the analysis.

Of the 244 readable responses, 203 were received by email, and 41 on paper. A breakdown of the responses by respondent type is provided in [Table 1](#) below.

Table 1: Number of responses by respondent type

Individual	Organisation (by primary interest)						Total
	Animal Welfare	Conservation	Country Sports	Land Management	Law	Shooting / Conservation	
213	4	9	2	9	4	3	244

Most individuals did not identify themselves as belonging to a particular sector or interest group, and therefore no attempt has been made here to further break down the total number of individual respondents.

The 31 organisations or groups who responded to the consultation were:

Animal Welfare

Animal Concern Advice Line
League Against Cruel Sports
OneKind
Scotland for Animals

Conservation

Bat Conservation Trust (BCT)
Buglife
Durham Bird Club
National Trust for Scotland
Royal Society for the Protection of Birds (RSPB)
Scottish Badgers
Scottish Raptor Study Group (SRSG)
Scottish Wildlife Trust (SWT)
Songbird Survival

Country Sports

Scottish Association for Country Sports (SACS)
Scottish Countryside Alliance (SCA)

Shooting/Conservation

British Association for Shooting and Conservation (BASC)
British Deer Society

Game and Wildlife Conservation Trust (GWCT)

Land Management

Alvie & Dalraddy Estates

Altnaharra Estate

Craigswood Game and Deer Management

Glenfalloch Estate

National Working Terrier Federation

National Farmers' Union (NFU) Scotland

Scottish Gamekeepers Association (SGA)

Scottish Land and Estates

Joint letter from BASC, SGA, Scottish Land & Estates, SACS and SCA

Law

Crown Office and Procurator Fiscal Service (COPFS)

Law Society of Scotland

National Wildlife Crime Unit (NWCU)

Police Scotland

Not including the joint letter on behalf of a number of land management/shooting industry groups, 19 responses were received from the 30 groups or organisations who were invited to respond through the stakeholder distribution list. This included 2 organisations who were invited via Scottish Environment Link. 12 organisations included on the list did not provide a response to the consultation. The most common explanations received for non-response were:

- the consultation topic was not within the group's remit;
- organisation members had contributed to the response of another group instead, or felt that their views were represented by another group who had responded; or
- the organisation did not feel it appropriate to respond due to their status.

A further 11 responses were received from organisations not included on the distribution list.

Based on the figures in [Table 1](#), it can be seen that the consultation reached a broad range of interest groups, with law enforcement, conservationists, land management, sporting and animal welfare interests all well represented. However, no responses were received from any of the core recipients, including local authorities or equalities groups.

Additionally, 3 groups (2 animal welfare and 1 conservation) expressed disappointment at not being included on the original distribution list, and this is something which will be taken into account when considering the distribution of similar consultation exercises in future.

4.2 Publication of Responses

Individual respondents were asked whether they wished their response to be published, either anonymously or with their name/address. [Table 2](#) provides a breakdown of the permissions given by respondents. Individuals who gave

permission for their response to be published with name only, or with both name and address, have been included in one category. Organisations were not given the option of having their response published anonymously.

Table 2: Summary of permissions given for response publication

	Published		Not Published
	With Name / Contact Details	Published Anonymously	
Individuals	91	70	52
Groups/Organisations	30	-	1
Total	191		53

The 191 responses where permission had been given were published on the SG website on 21 October 2014, and can be viewed at:
<http://www.scotland.gov.uk/Publications/2014/10/8427>.

4.3 Petition

One response (SSPCA150) was received in the form of a petition which directly referenced this consultation and supported the proposals. The petition was launched on 12 April 2014 by a party identified as 'Let's get MAD for wildlife', in response to a bird of prey poisoning incident near Conon Bridge, Ross-shire. The Ross-shire incident was caused by the use of an illegal poison and is known to have resulted in the deaths of at least 16 birds of prey (red kites and buzzards) - believed to be the highest number killed by a single incident recorded in modern Scotland. The text of the petition read:

"In just one week, it is estimated that between 10 and 25% of the Black Isle red kite breeding population was illegally killed in one atrocious poisoning incident. This cannot be allowed to happen again. By directing your sadness and anger into signing this petition, you will be contributing to make real and lasting change. By signing, you agree that the laws in Scotland should be changed to give the SSPCA the powers set out in section 4.1 of the consultation document.

Furthermore, any person found guilty of committing a criminal offence against wildlife should be given a harsher, preferably custodial sentence to reflect the seriousness of the crime and to act as a deterrent to others.

Letter to:

Minister for Environment and Climate Change Paul Wheelhouse MSP

I have signed this petition so that you will extend the investigative authority of SSPCA inspectors, providing them with greater powers to tackle wildlife crime in Scotland. Also, anyone found guilty of these crimes must be given harsher, custodial sentences."

A paper copy of the petition including names and comments was handed to the then Minister for Environment and Climate Change, Paul Wheelhouse, at the Scottish Parliament on 21 August 2014. Upon being made aware of the petition, SG officials

contacted the organiser, Andrea Goddard, who agreed to act as the 'principal petitioner' in order for this petition to be included as an official response to the consultation.

At the time the petition was handed to the Minister, it contained 6,776 signatures in total, of which 676 were written and 6100 received online. The petition was closed on 1 September 2014 to coincide with the end of the consultation. By this point, an additional 239 signatures had been received, giving a total of 7,015.

4.4 Campaigns

A number of other individual responses were believed to be part of, or prompted by, organised campaigns. These were identified as follows.

In favour of the proposals

1. An online blog 'Raptor Persecution Scotland' updated their website shortly after the consultation opened, asking readers to respond and suggesting key points to include in the response. The website also issued a reminder shortly before the consultation closed. At least 17 responses used the suggested wording, or variations of it. It is likely a number of other responses were encouraged by the website as well, however it is not possible to quantify this.

Not in favour of the proposals

1. The Scottish Gamekeepers Association (SGA) wrote to their members listing key points against the proposals, and asked them to respond to the consultation using their own words. While only a small number of respondents identified themselves specifically as SGA members, the wording of at least 70 responses suggest they were based, at least in part, on the SGA's suggestions. Again, the actual number of responses prompted by this campaign may be higher, but it is not possible to quantify with any degree of certainty.

2. A campaign led by one or two individuals is believed to have resulted in 15 similar postal responses against the proposals which were received together, having been sent to an MSP's office. A small number of email responses around the same time also used very similar wording.

Other campaigns which SG officials were not aware of may also have taken place.

4.5 Response Rates for Each Question

A vast majority (236 or 97%) of the consultation responses used the provided response template or suggested question layout. Of the 8 (3%) of responses that were submitted in a different format, 6 were from individuals and 2 were from organisations.

[Table 3](#) below shows a summary of the number of respondents who answered, or provided comments relevant to, each question raised in the consultation paper. In responses where the numbered question format was not followed, answers to Q1 have been assumed where it was sufficiently clear from the text which side the respondent fell on. Other comments or points made in these informally structured

text responses have been coded to either Q2 or Q3, depending on which question they were most relevant to.

Table 3: Response rate for each question

Question	Number of Respondents Answered	Percentage of Respondents Answered
Q1. Do you agree that the law in Scotland should be changed to give the SSPCA the powers as set out in section 4.1?	242	99%
Q2. Please set out your reasons for your answer to Q1.	242	99%
Q3. If you would prefer to see changes to the SSPCA's powers to investigate wildlife crime other than those set out in section 4.1, please describe them.	96	39%

Almost all respondents provided an answer to both Q1 and Q2. Two organisations chose not to answer Q1, either due to mixed views from their membership or perceived impropriety in their organisation submitting a Yes/No view on the proposals.

It is worth noting that the identical number of respondents (242) who answered Q1 and Q2 is simply a coincidence. The two respondents who did not provide any comments on Q2 were both individuals.

The number of respondents who answered, or provided comments relevant to Q3 was considerably lower at 96. This is not surprising, given that Q3 asked respondents to suggest alternative changes rather than simply commenting on the proposals outlined in the consultation paper.

5. Findings

This section provides a summary of all the points made in response to the three consultation questions. The views expressed are summaries of those provided by consultation respondents, and do not necessarily reflect the views of the Scottish Government.

5.1 Answers to Q1

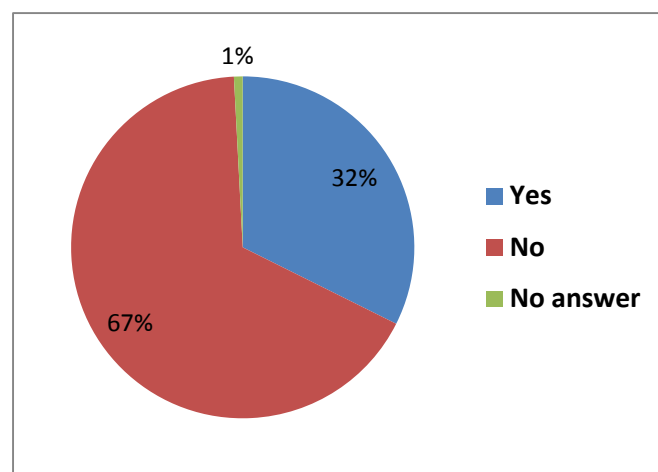
Table 4a and Figure 1a show a breakdown of the responses given to Q1. Those categorised as Yes or No include a small number of respondents who did not directly answer Q1, but made it clear in the text of their response whether they were in favour of the proposals or not.

Table 4a: Summary of responses to Q1

Q1. Do you agree that the law in Scotland should be changed to give the SSPCA the powers as set out in section 4.1? Yes/No

	Individuals		Organisations		Total	
	Number	%	Number	%	Number	%
Yes	64	30%	15	45%	79	32%
No	147	70%	16	48%	163	67%
No answer	0	0%	2	6%	2	1%

Figure 1a: Summary of responses to Q1



Those who were generally not in favour of the proposals outnumbered those in favour by just over 2 to 1. While the consultation exercise should not be thought of as a vote on the topic, the proportion of No responses demonstrates that significant concerns were held by a number of individuals and organisations about these proposals. However, it should also be recognised that one of the Yes responses was received in the form of a [petition](#) backed by 7,015 signatures, demonstrating a significant additional public support for the proposals.

The arguments for and against additional SSPCA powers are covered in detail in [section 5.2](#).

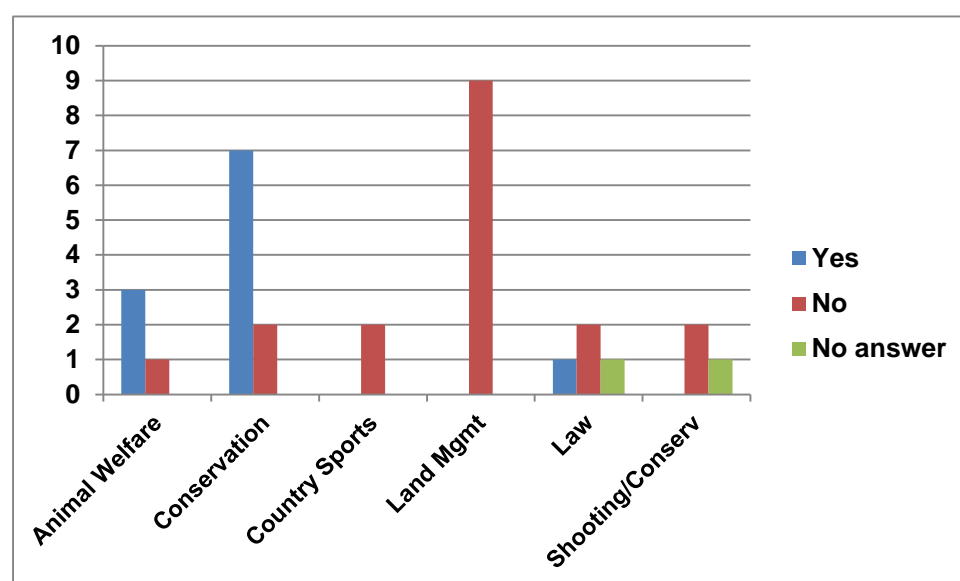
[Table 4b](#) and [Figure 1b](#) show a breakdown of the responses to Q1 by organisation type.

Table 4b: Responses to Q1 by Organisation Type

Q1. Do you agree that the law in Scotland should be changed to give the SSPCA the powers as set out in section 4.1? Yes/No

	Organisation Type (by primary area of interest)						Total
	Animal Welfare	Conservation	Country Sports	Land Management	Law	Shooting / Conservation	
Yes	3	7	0	0	1	0	11
No	1	2	2	9	2	2	18
No answer	0	0	0	0	1	1	2

Figure 1b: Responses to Q1 by Organisation Type



From this data, it can be seen that:

- a majority of the conservation and animal welfare groups who responded were in favour of the proposed powers;
- nearly all land management, country sports and shooting/conservation groups who responded were not in favour of the proposals; and
- mixed views were received from bodies with an interest or involvement in law or law enforcement.

5.2 Answers to Q2

Q2. Please set out your reasons for your answer to Q1.

Q2 invited respondents to provide comments explaining their answer to the previous question, unprompted and using whatever wording they wished. A wide variety of comments were made, and these have been summarised in [Tables 5a-5c](#) below. The comments have been divided into three categories:

- [Table 5a - 'For'](#)
- [Table 5b - 'Against'](#)
- [Table 5c - 'Other'](#).

Some responses included comments both 'For' and 'Against' the proposals. For the purposes of this report, those comments have been categorised based on the individual comment itself, regardless of whether the respondent indicated they were in favour of the proposals overall or not in favour.

For ease of analysis, similar or related comments have been grouped together under headings which summarise the main point made. The tables include a count of the number of respondents who made one or more comments under each heading. The points are presented in order of frequency, with the most frequently made comments in each category listed first.

A detailed list of the various comments summarised below is available in [Annex A](#).

Table 5a: Summary of Comments ‘For’ the Proposals

Comment(s)	No. of respondents who made this point		
	Ind	Org	Total
Police unable to tackle wildlife crime due to e.g. lack of resources/expertise/commitment/priority	45	10	55
SSPCA’s existing powers insufficient to deal with wildlife crime	31	6	37
Further SSPCA powers would provide additional resources to support police	31	5	36
SSPCA have the right training and expertise in this field	30	5	35
Wildlife crime a major problem, illegal persecution threatens species/biodiversity/ecology ¹	28	6	34
Too few convictions for wildlife crime/proposed powers would increase successful convictions	28	5	33
Proposed powers will allow faster response times and prevent loss of vital evidence	25	7	32
Free resource/no cost to taxpayer	20	4	24
SSPCA are already a specialist reporting agency/used by police	10	3	13
Rebuttal of concerns raised about lack of SSPCA impartiality or accountability	9	3	12
Would improve partnership working	7	2	9
Wildlife tourism more beneficial than shooting industry	7	2	9
Mixed feelings but overall in favour of proposals	4	3	7
Police are not currently obliged to invite SSPCA to attend multi-agency searches, and they are used inconsistently by the police depending on the personalities of those involved	6	0	6
Criticism of effects of shooting industry on wildlife	4	1	5
Calls for wider support for proposals	3	1	4
These proposals are proportionate	2	2	4
New powers would help animals/animal welfare	2	2	4
Shooting industry has too much influence/power	3	0	3

¹ This point also backed by 7,015 petition signatures.

Outcome of this consultation is a test of Scottish Government commitment to tackle wildlife crime	3	0	3
SSPCA are very credible, and trusted by raptor monitoring groups and/or the general public	2	1	3
Reduction in crime would benefit the shooting industry/good estates should be used as examples	2	0	2
Wildlife crime investigations require local knowledge	2	0	2
Difficult for local police officers who live in the community where they are taking action	1	0	1
Interference from landowner/sporting representatives has broken down partnerships	1	0	1
SSPCA should be able to access buildings as soon as possible to search for e.g. illegal poisons	1	0	1
SSPCA has specialised equipment and facilities for handling live animal casualties	0	1	1
Damage to bird populations from wildlife crime harms wind farm applications/renewable energy targets	1	0	1
Water bailiffs give precedent for such powers	0	1	1
Cruelty to animals often correlates with other illegal activity	1	0	1
Powers for SSPCA officers to search vehicles suspected of containing evidence are especially appropriate	0	1	1

Table 5b: Summary of Comments ‘Against’ the Proposals

Comment(s)	No. of respondents who made this point		
	Ind	Org	Total
Increased powers would conflict with SSPCA campaigning status/not impartial	101	17	118
Concerns over lack of SSPCA accountability	85	13	98
Concerns over outsourcing of policing to charities/private organisations	64	14	78
Criticism of alleged SSPCA mistakes/inappropriate behaviour/abuses of power	34	4	38
SSPCA training or resources are not good enough to take on new powers	28	9	37
Police/existing setup are capable of tackling wildlife crime	23	10	33
More resources/improvements should be given to the police instead	17	10	27
SSPCA should continue their existing good work	15	9	24
SSPCA are target/prosecution driven	22	1	23
Comparisons made with alleged mistakes made by RSPCA or other welfare organisations	11	6	17
New powers may endanger/disrupt existing SSPCA work	7	8	15
There is a risk of alienating rural communities/businesses	4	10	14
Too much influence from extreme/radical views	11	3	14
Concerns over SSPCA complaints procedures	10	3	13
Risks to individuals/businesses from unfair targeting	7	5	12
Concerns over further powers of entry/search for SSPCA/lack of clarity over use of such powers	8	2	10
SSPCA do not have access to important data/equipment/procedures that police do	1	8	9
Criticism of SSPCA record/conduct in investigations/cases	5	4	9
Agree that something needs to be done, but cannot back these proposals	4	4	8
SSPCA status could damage court cases	6	1	7
Problems with SSPCA partnership working/risk of police being excluded	2	5	7
Proposals not necessary due to reduction in wildlife crime	3	4	7

Complaints of unfair criticism given to gamekeepers/sporting industry	3	3	6
Problems with these proposals previously highlighted during debates etc. have not changed	0	5	5
Concerns over SSPCA staff safety/willingness to take on this new work	3	1	4
Wildlife crime linked to other types of crimes which SSPCA might miss	1	3	4
Concerns over surveillance/privacy	2	1	3
Criticism of RSPB policy/surveillance	2	0	2
Suggestion that SSPCA have ulterior motives in asking for new powers	2	0	2
Concerns over SSPCA crime data recording	1	1	2
Risk to wider reputation of law enforcement	1	1	2
No need for urgent response if animal is already dead, unlike with cruelty cases	0	2	2
SSPCA linked with leaks of confidential information	1	1	2
Consultation is politically motivated/wrong priority	1	1	2
Queries over the legal capacity in which SSPCA Inspectors are to be given new powers	0	2	2
Proposals don't offer enough additional protection to some species (e.g. bats, deer)	0	2	2
Why only SSPCA considered for new powers - other charities (RSPB) investigate wildlife crime too	0	2	2
Concerns over evidence handling	1	1	2
Charities only aim to secure their own existence/employees jobs	1	0	1
Instead, establish a civilian group of WCOs within police force who can support leading Police WCO	1	0	1
Proposals are as flawed as giving organisations representing gamekeepers the power to investigate wildlife crime would be	1	0	1
Instead, give training to others within communities/meat/sport industries to help police investigate wildlife crime	1	0	1
Section 4.2 of consultation document seems to contradict laws about not releasing non-native species	1	0	1
The situation in Italy has got worse with antis/charities in charge, shooting industry maintained balance	1	0	1
Concerns over vandalism of legally set traps	1	0	1
RPID staff already authorised to gain entry to investigate cross compliance/pesticide issues	0	1	1

This consultation deflects attention from real issues involving animal welfare/rights	0	1	1
Potential for quicker response times in areas where police resources are limited has been overstated	0	1	1
2006 Act specifically only relates to animals under protection of people – wildlife deliberately not included	0	1	1
Water bailiffs usually hand evidence over to the police to continue investigation	0	1	1
Cannot support proposals as incident recording process has not been explained	0	1	1
SSPCA are not available outside normal working hours but police are	1	0	1

Table 5c: Summary of Other Comments – Neither ‘For’ or ‘Against’ the Proposals

Comment(s)	No. of respondents who made this point		
	Ind	Org	Total
Mechanisms to consider if new powers are granted/clarification needed on proposals	2	10	12
Suggested changes to SSPCA status/procedures if new powers are granted	6	5	11
Police involvement/resources should not be reduced as a result of any new SSPCA powers	1	6	7
Financial support should be given to SSPCA/other charities for helping police	1	5	6
Wildlife crime penalties are too light/should be increased ² /not enough legal protection for animals	3	1	4
Criticism of response to consultation from land management groups	4	0	4
Adequate training procedures are required if new powers are granted	1	2	3
No answer (<i>respondent did not provide any comments at, or relevant to, Q2</i>)	2	0	2
Police wildlife crime structure should be improved	2	0	2
SSPCA should have officers specialising in certain animals and they should deal with the cases involving those animals	1	0	1
SSPCA should build trust by being more transparent	1	0	1
Consider expanding powers of rangers/nature reserve staff to help fight wildlife crime	0	1	1
Marine Protected Areas - how will wildlife crime in inshore and intertidal areas be investigated?	0	1	1
SSPCA Inspectors should only be able to exercise these powers when accompanied by a witness	0	1	1
Existing legislation allows police to call SSPCA for assistance in investigations, authorised by warrant	1	0	1
Will SSPCA be subject to Scottish Crime Reporting Standard?	0	1	1

² This point also backed by 7,015 petition signatures.

5.3 Answers to Q3

Q3. If you would prefer to see changes to the SSPCA's powers to investigate wildlife crime other than those set out in section 4.1, please describe them.

The purpose of Q3 was to gather views on alternatives to the powers proposed in the consultation paper. This question was interpreted by respondents in various ways, including suggestions for reductions in SSPCA powers, additional powers to those proposed in the consultation, partial implementation of the powers proposed, or other alternatives. The comments have been summarised in [Table 6](#) below.

For ease of analysis, similar or related comments have been grouped together under headings which summarise the main point made. The table includes a count of the number of respondents who made each type of comment. The points are presented in order of frequency, with the most frequently made comments listed first.

Where it was felt that comments made in response to Q3 were more relevant to comments already covered under Q2, these comments have been counted in the appropriate section of the Q2 analysis, rather than repeated again here.

A detailed list of the various comments summarised below is available in [Annex A](#).

Table 6: Summary of responses to Q3

Comment(s)	No. of respondents who made this point		
	Ind	Org	Total
No answer (<i>respondent did not provide any comments at, or relevant to, Q3</i>)	136	12	148
Repeat of views that SSPCA should not be given additional powers/powers should remain with police	33	6	39
Existing SSPCA powers should be reduced	13	0	13
Changes outlined are sufficient for now/happy with proposed changes	6	5	11
SSPCA need to be more open or accountable/have governing body overseeing them	10	0	10
Further complaints about SSPCA behaviour/vested interests	7	0	7
Suggested restrictions on SSPCA investigative powers	7	0	7
Support for the use of video surveillance	4	0	4
SSPCA should focus on support/education	4	0	4
Monitor these new powers and consider further changes later	2	1	3
SSPCA should have greater powers of entry/search	2	1	3
Suggestion for SSPCA collection of evidence on behalf of police as alternative to the full proposed powers	0	2	2
Clarification is needed over statutory powers under 2006 Animal Health and Welfare Act	0	2	2
Suggestion of powers for other groups/persons (e.g. countryside rangers, SNH)	1	1	2
Any additional SSPCA powers should be exercised under the control of police	1	1	2
Clarity on crime reporting process/awareness raising would be needed	1	1	2
SSPCA should be able to investigate where an animal is already dead	1	1	2
SSPCA should be able to investigate all wildlife crime	2	0	2
Support for further measures outlined by Minister for Environment and Climate Change in 2013	0	1	1
SG should consider/introduce estate licencing	0	1	1
Extra powers must be extended to cover the Protection of Badgers Act 1992	0	1	1
Urgent review needed of how problem of wildlife and environmental law is addressed/separate government	0	1	1

funded organisation should be set up to protect wildlife (e.g. US Fish & Wildlife Service)			
SSPCA should be able to prosecute SG for failing to ensure police are properly resourced/committed	0	1	1
Instead, a police wildlife crime officer should be seconded to SSPCA's Special Investigations Unit, funded by SSPCA	0	1	1
Closer partnership working between SSPCA and police would remove need for new powers/SSPCA could alert police to an incident and protect crime scene until police arrive	0	1	1
SSPCA should be able to enter land where misuse of cage traps is suspected	0	1	1
Communication between SSPCA and police over wildlife investigations is vital	0	1	1
Give SSPCA power to act autonomously	1	0	1
Failure to answer an SSPCA Inspector's questions should be a criminal offence (as with HSE Inspectors)	1	0	1
SSPCA should also have powers to remove illegally set traps and prosecute those responsible	1	0	1
SSPCA evidence could be used to remove firearms licences from those convicted	1	0	1
SSPCA evidence could be used to withdraw General Licences from areas/people involved in wildlife crime	1	0	1
SSPCA evidence could be used to encourage introduction of competency requirements for firearms /trapping licences and certificates removed from those not fit to have them	1	0	1
To protect biosecurity, warrants should be compulsory for entry to non-domestic premises housing "high health status animals/birds"	1	0	1
RSPCA are also under fire	1	0	1
Many SSPCA staff have left the organisation disillusioned with the way it is run	1	0	1
SSPCA should have to investigate every call about wildlife in danger, so they are actually helping animals	1	0	1
SSPCA should be able to enter dwelling/lockfast premises without a warrant if police are present and immediate access would prevent further suffering or deaths	1	0	1
Alleged evidence gathered by unqualified or unidentified 3rd parties should be discounted	1	0	1
Prosecutions brought by SSPCA should be paid for by SSPCA/liable for defendants costs in failed cases	1	0	1
SSPCA should not be allowed to wear uniforms that resemble police uniforms	1	0	1
Allow SSPCA to investigate those who are preparing legal and illegal traps, poisoned baits and other methods both before and after crimes have occurred	1	0	1
Allow SSPCA to arrest, search and detain persons/property on suspicion of committing offence or	1	0	1

preparing to commit offence			
Allow SSPCA to use dogs to sniff out poisons and dead/buried animals onto any land and dig there when investigating wildlife crime	1	0	1
SSPCA Inspectors do not want or need these powers for animal welfare work	1	0	1

6. Next Steps

Based on the information contained in this report, Scottish Ministers, will make a decision on whether further powers to investigate wildlife crime should be extended to the SSPCA. If it is decided to extend the powers, it is likely that changes will be required to primary legislation and a suitable legislative vehicle will need to be identified.

An announcement will be made by the Scottish Government in due course.

Detailed Responses to Q2 and Q3

The following tables provide more detail on the comments in response to Q2 and Q3 of the consultation paper, with examples of specific points made and variations on the most commonly made types of comment grouped together under the headings used for the summary tables, where appropriate.

[Table 7a: Detailed Comments 'For' the Proposals](#)

[Table 7b: Detailed Comments 'Against' the Proposals](#)

[Table 7c: Details of Other Comments – Neither 'For' or 'Against' the Proposals](#)

[Table 8: Detailed Responses to Q3](#)

Table 7a: Detailed Comments 'For' the Proposals

Comment(s)	No. of respondents who made this point		
	Ind	Org	Total
Police unable to tackle wildlife crime due to e.g. lack of resources/expertise/commitment/priority <ul style="list-style-type: none"> Police do not have the time/resources/manpower/ability/expertise/commitment to properly investigate wildlife crime Not enough Wildlife Crime Officers (WCOs)/many police WCOs are part time, voluntary or focused on other duties/even full time WCOs are not always available when an incident is reported Police numbers are dropping, resources are becoming more stretched/have become more stretched since amalgamation of police forces Difficult for police to enforce wildlife crime effectively Police call handlers don't know enough about wildlife crime Wildlife crime not a high priority Public need a more reliable response Police have poor record in wildlife crime investigations/police have 'bungled' some high profile cases With some exceptions, police culture is unsuited to working with wildlife Wildlife crime officers are frustrated by lack of resources, and existing laws preventing them taking 	45	10	55

<p>action against criminals</p> <ul style="list-style-type: none"> Recent changes or increasing complexity in wildlife and snaring laws increase the resources required by police or require additional specialist knowledge 			
<p>SSPCA's existing powers insufficient to deal with wildlife crime</p> <ul style="list-style-type: none"> Current SSPCA powers are inadequate to deal with crimes against protected species such as raptors New powers would allow SSPCA to investigate wider range of crimes Would improve investigations and detection, allow investigations to cover a wider area and allow better searching of crime scenes and collection of evidence Current situation where SSPCA cannot investigate dead animals or birds, illegal traps, snares or suspicious activity by persons is ridiculous/unhelpful SSPCA powers are currently too limited – they can't investigate if outside animal welfare legislation and have to wait for police to arrive SSPCA inspectors often discover offences under the Wildlife & Countryside Act 1981 alongside animal health and welfare offences, but cannot enter land or seize evidence under 1981 Act, so need equivalent powers under the 1981 Act 	31	6	37
<p>Further SSPCA powers would provide additional resources to support police</p> <ul style="list-style-type: none"> New SSPCA powers would provide vital resources (an additional 64 staff) and motivation to supplement police Would result in more people investigating on the ground Police need the support of the SSPCA and/or RSPB Proposed changes would not reduce police resources or stop police and SSPCA working together on joint operations or individually depending on the circumstances 	31	5	36
<p>SSPCA have the right training and expertise in this field</p> <ul style="list-style-type: none"> SSPCA staff have a lot of training and experience in animal crimes/SSPCA have spent a lot of money on training Have a good track record with wildlife crime Respond to wildlife crime quicker than police Already know the laws and what evidence is required/understand complexities of wildlife crime Care about animal welfare Committed to undertaking difficult, lengthy, expensive investigations 	30	5	35

<ul style="list-style-type: none"> • Inspectors include experienced former police WCOs who understand responsibilities that come with these powers • Have specialist knowledge and expertise of animal ecology and welfare • Already given powers of entry under 2006 Act in light of their excellent reputation for enforcing earlier legislation/have experience of using similar powers under 2006 Act 			
<p>Wildlife crime a major problem, illegal persecution threatens species/biodiversity/ecology</p> <ul style="list-style-type: none"> • Raptor persecution and other types of wildlife crime are a huge problem/out of control/increasing • Wildlife targeted by poisoning, trapping and shooting • Illegal poisons extremely dangerous and threaten non-target species as well • Estimated 10-25% of Black Isle red kite breeding population illegally killed in one poisoning incident - cannot be allowed to happen again • These crimes threaten wildlife, ecology, habitats, biodiversity, natural heritage • Wildlife crime is a major conservation problem and rare species such as raptors or freshwater pearl mussels are particularly vulnerable • Weight of scientific evidence shows that wildlife crime is having population level impact on some species • Some raptors are not expanding into suitable habitat • Wildlife needs greater legal protection/should be a higher priority/current record on wildlife crime is disgraceful • Wildlife crime often involves cruelty • It is linked to serious and organised crime involving large profits • Proposed powers would have helped in recent high profile cases 	28	6	34
<p>Too few convictions for wildlife crime/proposed powers would increase successful convictions</p> <ul style="list-style-type: none"> • There are too few convictions for wildlife crime • It is too difficult to secure convictions despite existing laws/difficult to present enough evidence to Fiscal/problems with admissibility of evidence • Raptor persecution convictions very low (only 7.3%) • Freshwater pearl mussels are a wildlife crime priority but out of 72 suspected freshwater pearl mussel incidents, only 2 were reported for prosecution and 1 resulted in conviction (under different legislation). • SSPCA would increase convictions and bring more perpetrators to justice 	28	5	33

<ul style="list-style-type: none"> • Most existing wildlife crime convictions happen through or with support of SSPCA • Crown Office data shows SSPCA has better prosecution record than the police/SSPCA had 83% conviction rate under 19(2) of 2006 Act in 2012/13 compared to 46% for police • Would encourage courts to take more prosecutions, give meaningful sentences or use vicarious liability provisions 			
Proposed powers will allow faster response times and prevent loss of vital evidence <ul style="list-style-type: none"> • Proposed powers will allow quicker response times to wildlife crime incidents • Wildlife crime often happens in remote areas and is too difficult to detect/most incidents are discovered by chance//known incidents are the tip of the iceberg • It is currently too easy for wildlife criminals to hide or destroy evidence and think they can get away with it/we need a greater deterrent/increased SSPCA powers would shake things up • Chances of finding evidence or victim species still alive are remote • Delays or difficulties in police investigating lead to loss of vital evidence through deliberate removal or effects of weather and scavenging by other creatures • Delays mean further victims are claimed by illegal traps or poisons • SSPCA could conduct their own investigations if police were unable to attend crime scene at short notice, to prevent evidence being lost • Speed of reaction is vital for successful investigation • There have been cases where dead birds discovered by the public have disappeared before they could be recovered by the police • Some selfish individuals are still determined to flout the law and stronger legislation has failed to prevent this • Areas covered by birds of prey are huge, and very difficult for police to cover • Quicker response times to poaching offences would be welcome 	25	7	32
Free resource/no cost to taxpayer <ul style="list-style-type: none"> • There would be no extra cost to the taxpayer • This would be a free resource/it makes economic and financial sense • It is an efficient alternative to a problem which is unlikely to be solely resourced by statutory authorities 	20	4	24
SSPCA are already a specialist reporting agency/used by police <ul style="list-style-type: none"> • SSPCA already work closely with police and are a specialist reporting agency (one of over 50) 	10	3	13

<ul style="list-style-type: none"> • They already act as consultants/expert witnesses • Their specialist skills are already recognised and utilised by police, and they have been involved in or reported many wildlife cases • SSPCA already have some powers to address or investigate crimes against wildlife, this just slightly extends those powers 			
<p>Rebuttal of concerns raised about lack of SSPCA impartiality or accountability</p> <ul style="list-style-type: none"> • Aware of concerns raised about proposed powers but believe they are misplaced • SSPCA will act impartially/do not agree they will be biased • SSPCA are more open and forthcoming than police • Final decision on whether there is sufficient evidence for prosecution lies with Procurator Fiscal, then any decision on conviction or acquittal lies solely with the court • SSPCA's role would be in valuable gathering of evidence • SSPCA would be/are accountable to the Charity Commission/Office of Scottish Charities Regulator, their membership and the general public • In the unlikely event of an abuse of power, Crown Office would act quickly to address this • Proposed powers will not compromise SSPCA's charity status • Proposed powers outlined in consultation power are very specific which should prevent any problems with impartiality • Don't see how SSPCA could use these powers to target a lawful activity they are opposed to (e.g. snaring) • Issues over accountability are not relevant as SSPCA will not have same powers as Police Constables • Proposed powers do not allow SSPCA undue intrusion into environments where evidence may be • Those who question SSPCA objectivity should provide evidence of specific incidents • Concerns raised seem to be subjective (criticism of SSPCA opposing snaring but no criticism of them opposing badger baiting) • There are important differences between taking a policy position as SSPCA have done and carrying out organised campaigning • SSPCA seek to educate public about animal welfare but this is separate from operational matters • Accountability is fundamentally important but SSPCA have high standards and rigorous internal procedures 	9	3	12

<ul style="list-style-type: none"> SSPCA have protocols in place with police and local authorities for sharing information 			
Would improve partnership working <ul style="list-style-type: none"> New powers would improve partnership working with police and/or other organisations This would be proper partnership working 	7	2	9
Wildlife tourism more beneficial than shooting industry <ul style="list-style-type: none"> Wildlife crime harms tourism and damages Scotland's reputation, natural capital and economy Proposed powers would help wildlife tourism and would show that Scotland was serious about protecting wildlife Scotland should be promoted as a wildlife destination, rather than just for game shooting Financial benefits of game shooting are unproven Countryside is there for enjoyment of everyone, not just shooting industry 	7	2	9
Mixed feelings but overall in favour of proposals <ul style="list-style-type: none"> This is not the ideal solution but better than the status quo Reluctantly in favour of the proposals Was previously opposed to such powers but now feel they are necessary Would prefer more resources for police but failing that the proposed powers should be granted The benefits outlined in consultation outweigh the possible disadvantages 	4	3	7
Police are not currently obliged to invite SSPCA to attend multi-agency searches, and they are used inconsistently by the police depending on the personalities of those involved	6	0	6
Criticism of effects of shooting industry on wildlife <ul style="list-style-type: none"> Raptor crime still prevails on shooting estates/levels of wildlife crime associated with driven grouse moors appalling Gamekeepers or country estates should be investigated more thoroughly Sport shooting is unacceptable in modern society and also causes unacceptable damage through creation of tracks etc. It has previously driven some raptor species to extinction, hinders reintroductions, and has harmed other species e.g. wildcat Attitudes to "pest" and predator species are outdated It creates suppressed or artificial environments The industry is subsidised by public funds 	4	1	5

Calls for wider support for proposals <ul style="list-style-type: none"> Stakeholders/rural communities/sporting interests/everyone should support these proposals Those who don't support them have something to hide Can't understand why anyone who publicly supports a reduction in wildlife crime would oppose such powers 	3	1	4
These proposals are proportionate <ul style="list-style-type: none"> Proposed powers are proportionate/appropriate/reasonable Any organisation involved in reinforcing wildlife law should have the required powers to investigate properly to help prevent these crimes It is appropriate for these powers to be used by SSPCA to gather evidence, provided it is done responsibly and all parties understand legal position Powers would be no greater than those of the police 	2	2	4
New powers would help animals/animal welfare <ul style="list-style-type: none"> New powers would be in the interest of animals/would save more animals Animals can't speak for themselves and need our help Animals have the capacity to suffer from illegal conduct by humans Any efforts to reduce abuse of animals are welcome 	2	2	4
Shooting industry has too much influence/power <ul style="list-style-type: none"> SSPCA would not be susceptible to pressure from hunting/shooting industry Currently financial interests and influence outweigh animal welfare/wildlife protection Shooting estates have too much power There are links to wider issues of land use for all rather than the wealthy few 	3	0	3
Outcome of this consultation is a test of Scottish Government commitment to tackle wildlife crime <ul style="list-style-type: none"> Increasing SSPCA powers would strongly endorse SG's stated commitment to tackling wildlife crime/would show SG is serious about eradicating wildlife crime Failure to implement proposals would suggest SG is not interested in enforcing wildlife law 	3	0	3
SSPCA are very credible, and trusted by raptor monitoring groups and/or the general public who would welcome this contribution against bird of prey crime or other wildlife crime	2	1	3
Reduction in crime would benefit the shooting industry/good estates should be used as examples <ul style="list-style-type: none"> The reduction of criminal working practices in sport shooting is in the long term interest of the shooting industry 	2	0	2

<ul style="list-style-type: none"> Some estates are run very well/responsibly, and should be used as example to set standards Those who think they can do whatever they like have brought focus on the industry and damaged its reputation 			
Wildlife crime investigations require local knowledge	2	0	2
It is difficult for local police officers as they have to live in the community where they are taking action – this is not a problem for SSPCA officers travelling from elsewhere to investigate	1	0	1
Interference from landowner and game management representatives has broken down once successful partnership between police and wildlife charities, hindering wildlife crime investigations	1	0	1
SSPCA should be able to access buildings as soon as possible to search for e.g. illegal poisons	1	0	1
SSPCA has specialised equipment and facilities for handling live animal casualties	0	1	1
Damage to bird populations from wildlife crime harms wind farm applications/renewables targets <ul style="list-style-type: none"> Where impacts on raptor populations from wind farms were previously low-level, these are now seen as significant impacts due to populations already being threatened or severely damaged by illegal persecution This has led to wind farm projects being rejected 	1	0	1
Water bailiffs give precedent for such powers <ul style="list-style-type: none"> There is precedent in terms of water bailiffs who already have statutory powers beyond those proposed for the SSPCA The justification for water bailiff powers is to exercise regulatory functions in the public interest SSPCA functions are also in the public interest and would benefit from the additional powers 	0	1	1
Cruelty to animals often correlates with other illegal activity	1	0	1
Powers for SSPCA officers to search vehicles suspected of containing evidence (e.g. carcasses, traps, poisons, live protected animals and birds) are especially appropriate	0	1	1

Table 7b: Detailed Comments ‘Against’ the Proposals

Comment(s)	No. of respondents who made this point		
	Ind	Org	Total
Increased powers would conflict with SSPCA campaigning status/not impartial <ul style="list-style-type: none"> SSPCA are too political/anti-field sports/biased SSPCA employees with these powers would be subject to conflicts of interest They campaign against snaring/tail docking/legal rural practices/use of air rifles for pest control/meat production industry so are not impartial/objective/neutral/independent They could use the new powers to further campaigning agendas by targeting those involved in legitimate activity It would be inappropriate for a campaigning organisation to be given powers of search and seizure SSPCA campaigning views conflict with government views Proposed powers would increase persecution of landowners and gamekeepers Special Investigations Team could use new powers to travel the country targeting politically motivated investigations Lack of impartiality could compromise ability for justice to be done 	101	17	118
Concerns over lack of SSPCA accountability <ul style="list-style-type: none"> Police are accountable/open/transparent/have a multi-layered accountability process/professionally regulated)/represent all of society/have checks and balances Police officers have rigorous training, selection, vetting and disciplinary process SSPCA are not publicly accountable, transparent or auditable and don't have checks and balances in place There is no answerable Minister or regulatory body overseeing SSPCA, who monitors them? The Office of the Scottish Charity Regulator is mainly concerned with ensuring charity is managed properly and has financial stability, and is not equipped to address complaints relating to offences SSPCA are not subject to Freedom of Information Act They think they are untouchable There is a risk of a cover up in the event of a botched investigation SSPCA lack of accountability is understated in consultation paper/controlling agency is not explained in consultation paper 	85	13	98

Concerns over outsourcing of policing to charities/private organisations <ul style="list-style-type: none"> SSPCA is a charity, not a law enforcement agency Police have a statutory duty to investigate crime Police investigate “without fear or favour” Crime investigation should be left to police/state bodies/government agencies, not outsourced or privatised Proposed powers are incompatible with SSPCA charity status Possible abuse of the tax breaks enjoyed by charities SSPCA have extensive/enough powers already Proposals set a dangerous precedent/ /could be a slippery slope to privatisation or devolving of other policing/could lead to other wildlife charities asking for similar powers Proposals are undemocratic/a threat to civil liberty No other areas of law have been handed over to private organisations If granted these powers under 1981 Act, SSPCA may ask for further powers under other legislation outwith their remit e.g. COTES, 1992 Badgers Act, 1996 Deer Act etc. Charity funding uncertain therefore not a reliable long term solution ACPOS are opposed to the move/HMICS Inspection Report and ACPOS previously agreed police should investigate wildlife crime with support of partner organisations Charity donations should not be used to supplement work of police/charity regulator may query the use of animal welfare funds to investigate wildlife crime It is not appropriate to further merge roles of animal welfare charities with policing The appointment of a non-public body as a proxy police force would be illegal, even through an act of parliament, and open to challenge Charities should only provide support in a consultancy capacity Wildlife crime shouldn't be treated differently to other kinds of crime Public may not be willing to accept a charity being able to search, film, interview or arrest them Not convinced charity employees should be given similar powers of entry, search, and seizure to the police Giving extra powers to non-governmental agencies will not reduce wildlife crime 	64	14	78
Criticism of alleged SSPCA mistakes/inappropriate behaviour/abuses of power <ul style="list-style-type: none"> Anecdotal evidence of specific cases where SSPCA have allegedly acted inappropriately 	34	4	38

<ul style="list-style-type: none"> • SSPCA abuses its power/has too much power already/has exceeded its remit • Current powers should be reduced or reviewed • SSPCA staff have bullied or victimised, or launched personal attacks on people • They do not/should tell people what their rights are • SSPCA in some cases have failed to understand effect of Cadder ruling on their activities • They should try to provide education or support instead • They have led people to believe they already have more powers than they do/police-style uniforms cause confusion • SSPCA does not have public trust to investigate this kind of crime 			
<p>SSPCA training or resources are not good enough to take on new powers</p> <ul style="list-style-type: none"> • SSPCA inspectors do not have enough training, experience or knowledge/are lacking in specialist training/no formal training/it is unclear how effective the training is • Some types of wildlife crime are outwith SSPCA expertise • Knowledge of local police wildlife crime officers is not readily available to SSPCA which is likely to result in less informed investigations • SSPCA do not currently have level of competence needed to check traps and snares • They are only trained for pets, and don't know enough about wildlife crime • No safeguards in place to ensure all inspectors are adequately trained to cope with expanded role • Anecdotes of SSPCA staff not carrying out duties effectively • Staff careers are short • "64 additional staff" at no extra cost to public is misleading • These voluntary resources have already been available to police for years from various welfare charities • Only 5 Special Investigations Unit (SIU) officers are able to deal with wildlife crime - not enough to provide national benefit. The other 59 trained inspectors are no more able to investigate than the 10,000 other police officers untrained for wildlife crime • Is there any benefit in adding 59 SSPCA staff to 17,300 trained police officers? • SSPCA do not have enough staff to carry out large scale searches of land and buildings • How many SSPCA Inspectors have taken optional "crime investigation" training module? • Lack of experience could lead to excessive or unnecessary items being taken as evidence, causing increased workload for SAC/SASA/SG and delays in prosecuting time-barred wildlife crime offences 	28	9	37

Police/existing setup are capable of tackling wildlife crime <ul style="list-style-type: none"> • The Police already have such powers and are effective/properly trained/efficient/have lots more staff and equipment than SSPCA/capable of doing the job already • Existing law is appropriate for addressing wildlife crime/proposed powers are not needed • Changes made under Police Scotland (14 WCLOs and national co-ordinator) indicate police are committed to pursuing wildlife crime • Police have authority, expertise and knowledge/are supportive of communities • The current system works and is well admired • SSPCA staff who want more wildlife crime powers should join the police instead • SSPCA should report information to the police like anyone else • Police have dedicated wildlife crime officers, supported by NWCU, PAW partners, animal welfare charities and field sports associations where appropriate • PAWS has been effective at reducing wildlife crime • Proposals could lead to conflict or duplication of resources if police and SSPCA try to investigate same case/could lead to confusion over who is in charge of wildlife investigations or who has responsibility to investigate them/chain of command confused • Would police pass all wildlife crime investigations to the SSPCA?/there is a risk that police would be deterred from investigating wildlife crime • Would SSPCA have a statutory responsibility to investigate wildlife crime or would they pick and choose which to investigate - current powers under 2006 Act do not place statutory responsibility on SSPCA/likewise there is nothing in place to stop police failing to act on referrals from SSPCA if they feel the charity should be investigating the incident themselves • Investigations need clear leadership, may become confused with increasing SSPCA involvement as well as RSPB and wildlife crime officers • It would be unacceptable to have the police assisting a charity-led investigation • SSPCA may not take into account the impact of conservation offences e.g. destruction of bat roosts • Additional SSPCA powers would not increase prosecutions as they would encounter the same obstacles as the police in securing these, but with additional limitations • Police have duty to prevent crimes rather than just waiting to investigate ones that have already happened - not clear if SSPCA would be able or expected to do this as well • Police and SNH already have greater powers of entry to specified premises without warrant 	23	10	33
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More resources/improvements should be given to the police instead <ul style="list-style-type: none"> • More resources should be provided to the police instead/improve policing instead • More prevention/education work/wildlife crime investigation is in the public interest so should be carried out by a public body • Have full time WCOs in each division with the support of their managers • Critics of the police don't understand the challenges involved in wildlife investigations • New SSPCA powers just a way of saving government money or providing cheap policing • This is a budgeting matter for SG and the Chief Constable/where there are problems it is due to lack of resources which should be sorted out between SG and Police Scotland • Address why police are unable to properly investigate or respond quickly to wildlife crime • Proposals highlight how low a priority wildlife and rural crime is on the police agenda • Proposed powers may dilute role of police or lead to reduction in police wildlife crime resources • Bad unofficial policing would be worse than a shortage of policing • Continued support for partnership working between police and other organisations should be supported instead • Relatively low number of wildlife crime convictions (4-5 per year) secured by SSPCA does not justify giving them further powers to deal with something which could have been dealt with by police 	17	10	27
SSPCA should just continue their existing good work <ul style="list-style-type: none"> • SSPCA do a good job as they are/they are knowledgeable in the charity work they do • They should continue to support the police and work with other organisations via PAWS • They do good animal welfare work - it should remain that way • They should remain focused on looking after injured animals and birds • Existing powers are adequate for SSPCA to carry out their work 	15	9	24
SSPCA are target/prosecution driven <ul style="list-style-type: none"> • SSPCA relies on donations/public support and so they need prosecutions to generate interest and income • Getting publicity or stories in the press is the priority • Target driven procedures make SSPCA staff try not to leave without finding something when following up a complaint • They target particular offences to attract funding/have a vested interest in inflating the recording of certain kinds of wildlife crime 	22	1	23

<ul style="list-style-type: none"> • They are more concerned with targets than animal welfare • SSPCA are too influenced by donors/donors may require SSPCA to prioritise campaigning-related cases • Their agenda will be to ensure a prosecution at any cost and they will drag more people through long court cases based on a perceived minor contravention 			
Comparisons made with alleged mistakes made by RSPCA or other welfare organisations <ul style="list-style-type: none"> • RSPCA in England has lost respect by becoming too involved in investigations/prosecutions • The charity has lost a number of high profile cases, which have damaged its reputation and lost donations as a result/RSPCA is the second biggest prosecutor in England but prosecutions have attracted criticism • RSPCA is being examined by a former Chief Inspector • It has had to reconsider policy and return to core animal welfare work • There are examples of other welfare charities expelling members who oppose one of their policy positions 	11	6	17
New powers may endanger/disrupt existing SSPCA work <ul style="list-style-type: none"> • Proposed powers would dilute SSPCA's main role/interfere with animal welfare work • SSPCA's primary focus is cruelty and wildlife crime does not always involve cruelty • Controversial new powers, failed cases and perceived misuse of charity funds could undermine SSPCA's reputation, credibility and public goodwill resulting in reduced donations • SSPCA may have to accept snaring as legal tool, at odds with their own fundraising campaigns • Animal welfare work has doubled in 2013 compared to 6 years previously - SSPCA lack the capacity or resources to handle this alongside all their other work • SSPCA are already having to close some animal welfare centres – they cannot afford to take on these new responsibilities • This may discourage some people from reporting animal welfare concerns 	7	8	15
There is a risk of alienating rural communities/businesses <ul style="list-style-type: none"> • Police Wildlife Crime Officers (WCOs) engage and work well with rural communities and businesses who provide intelligence and advice and help with prevention work • The police are trusted in rural areas/it is vital that police contact with rural communities is maintained rather than diluted • The Fife model works well 	4	10	14

<ul style="list-style-type: none"> • Gamekeepers, land managers and shooters are committed to working alongside police and through PAWS to fight wildlife crime - too much power for the SSPCA could negatively affect this • Game and wildlife management organisations provide important additional training for police officers - may not be willing to provide this for SSPCA staff • SSPCA may not receive same level of support or confidence, and could alienate supportive people in rural communities and the sporting industry • New powers could be divisive, destabilise relationships, undermine progress, damage important balance and co-operation of partnership working • It would lead to increased conflict between SSPCA and the general public/legitimate field sports enthusiasts which would be counterproductive • It will increase mistrust in some areas of wildlife crime enforcement 			
Too much influence from extreme/radical views <ul style="list-style-type: none"> • Welfare organisations are too influenced by special interest or radical groups • Some staff are former activists • SSPCA is now an animal rights rather than animal welfare charity/SSPCA has become far more extreme/its views are more radical than those of the public • Proposed powers could lead to vigilante-style policing • Welfare charities are too susceptible to anonymous malicious reporting • The entrenched views of some extremists already make partnership working more difficult 	11	3	14
Concerns over SSPCA complaints procedures <ul style="list-style-type: none"> • SSPCA's complaints procedure is ineffective/unclear • Public would have little means of redress if SSPCA treated them unfairly • Only SSPCA's own Chief Inspector investigates complaints • Defendants have to pay expensive legal fees to combat (alleged) misrepresentation of facts by SSPCA 	10	3	13
Risks to individuals/businesses from unfair targeting <ul style="list-style-type: none"> • There would be a risk to the reputation/finances/health/jobs/rights of individuals in rural communities and businesses as a result of what may turn out to be unfounded allegations or unfair targeting from the SSPCA • Cases are abandoned due to lack of evidence but still have an adverse effect on individuals concerned 	7	5	12

<ul style="list-style-type: none"> • The risk of dead animals or birds being planted means impartiality is even more important • The connection between wildlife crime, loss of single farm payments and the role of animal welfare charity employees should be considered • This would not lead to justice being served/SSPCA may use speculation and information extracted under duress 			
<p>Concerns over further powers of entry/search for SSPCA/lack of clarity over use of such powers</p> <ul style="list-style-type: none"> • Proposed powers would allow SSPCA staff to enter private land and search buildings without a warrant, on the grounds that they are searching for wildlife • Powers will allow SSPCA to enter land and seize evidence based only on suspicion or the possibility that a crime has been committed, or without any evidence of a crime having taken place • SSPCA should have less power to enter • The definition of "domestic premises" is unclear - is it dwelling only or does it include gardens and associated buildings such as sheds, garages, greenhouses etc. • These powers would give a private organisation the authority to invade an individual's privacy with potentially serious consequences for them including prison • "Reason to suspect that a Part 1 offence was being committed" is too open to interpretation/no clear definition of "reason to suspect" - could be interpreted as required by individual SSPCA inspectors which is unacceptable • There is a fine line between investigating a crime and simply "fishing" for evidence of crime • It is unclear what strength of evidence or hearsay will be required to justify the use of these powers, or how such evidence would be verified 	8	2	10
<p>SSPCA do not have access to important data/equipment/procedures that police do</p> <ul style="list-style-type: none"> • Many wildlife crime investigations rely on technical or specialist evidence • SSPCA do not have access to specialist crime support, equipment or resources such as DNA databases, forensic databases or techniques, fingerprint databases, vehicle licensing and registration data and firearms databases • SSPCA do not have access to the criminal intelligence databases (including NWCU database) which are very important for successful investigations and to identify suspects • SSPCA cannot take DNA or fingerprint evidence/their lack of CSI capabilities could lead to loss or damage of valuable evidence • Many investigations would still have to rely on police support 	1	8	9

<ul style="list-style-type: none"> • Technological advances will make it even more important to work closely with police/other partners • Do SSPCA have the resources or expertise to use Proceeds of Crime legislation? 			
Criticism of SSPCA record/conduct in investigations/cases <ul style="list-style-type: none"> • SSPCA have interfered with cases/cases have been damaged or dismissed as a result of SSPCA procedural mistakes • They believe person is guilty until proven innocent • SSPCA have a low success rate in sole prosecutions • Under new powers, mistakes in entering premises or evidence handling could jeopardise a police investigation • There have been conflicts of interest from those providing evidence for SSPCA court cases • High profile prosecutions have failed due to abuse of powers by campaigning organisations • SSPCA have much influence over the Procurator Fiscal • Efforts to encourage NGOs to operate within authorised framework have been opposed 	5	4	9
Agree that something needs to be done, but cannot back these proposals <ul style="list-style-type: none"> • It is clear that something needs to be done/persecution of raptors and other protected species must stop/recent incidents appalling but the proposed powers are not the answer/taking it too far • Proposed powers may initially appear a good idea, but are fundamentally wrong • There are better alternatives which will address current problems • No objection in principle but too many unanswered questions to support proposals as they stand 	4	4	8
SSPCA status could damage court cases <ul style="list-style-type: none"> • SSPCA cases would be scrutinised by the judicial system, and the legality of searches and seizures would be queried • The defence would use SSPCA's campaigning status or perceived lack of impartiality to cast doubt on a case • SSPCA could be accused of deliberately targeting/entrapping, or bringing bogus cases with no hope of conviction to further anti-field sports agenda • Mistakes would result in the wasting of court time 	6	1	7
Proposals not necessary due to reduction in wildlife crime <ul style="list-style-type: none"> • There is no need for new powers due to evidence that raptor crime has fallen since 2010/recent figures show a reduction in wildlife crime/wildlife crime has fallen year on year (since 2004) • SG has already introduced range of robust measures which have had beneficial effect 	3	4	7

Problems with SSPCA partnership working/risk of police being excluded <ul style="list-style-type: none"> • The proposals would not be needed if good partnership working was in place between the police and the SSPCA/proposals suggest working relationship between police and SSPCA is not good • SSPCA hasn't shared information with other investigative bodies • SSPCA Inspectors do their own thing, and don't share information with the police • There is a risk that RSPB and SSPCA will work together and exclude police/extra SSPCA powers will increase problem of police not being informed of some incidents and damage public trust • Conservationists and raptor workers will only report information to SSPCA or RSPB • Investigations could end up solely carried out by charities, ignoring partnerships and protocols developed with the police through PAW • Sole SSPCA wildlife cases more successful in gaining convictions than joint cases with police • Proposals could make situation with police service worse 	2	5	7
Complaints of unfair criticism given to gamekeepers/sporting industry <ul style="list-style-type: none"> • Those living and working legally in countryside are the caretakers of wildlife • Gamekeepers and the sporting industry help keep a balanced wildlife population/are good for biodiversity/take balanced view on wildlife protection rather than focusing on one species alone • Sporting industry generates income for Scotland and rural communities • Employees do not need to be watched, inspected or harassed by a campaigning charity • Gamekeepers are unfairly blamed by charities without evidence/gamekeepers are persecuted by some charities 	3	3	6
Problems with these proposals previously highlighted during debates etc. have not changed <ul style="list-style-type: none"> • The potential disadvantages outlined in the consultation paper and by during the debate on the WANE bill have not changed • Concerns expressed by Roseanna Cunningham and Sheriff Drummond at the time are still valid • The disadvantages outweigh the possible benefits 	0	5	5
Concerns over SSPCA staff safety/willingness to take on this new work <ul style="list-style-type: none"> • Investigating new offences could be dangerous for SSPCA staff/they should be accompanied by police for their own safety • SSPCA staff do not have powers to arrest or detain • It is unfair to ask their staff, who may have joined SSPCA to work with animals, to take on responsibilities of police officers 	3	1	4

Wildlife crime linked to other types of crimes which SSPCA might miss <ul style="list-style-type: none"> Wildlife crime is often closely linked to other types of rural crime and the police are better placed to link investigations involving these It is true that wildlife crime is difficult to detect and investigate but this is also true of all rural crime Other types of crime are also committed in rural areas, sometimes deliberately due to lack of witnesses SSPCA could ruin or disrupt a major police operation into wider crimes if they embark on a separate uncoordinated investigation of their own SSPCA would miss links to other crimes such as firearms offences 	1	3	4
Concerns over surveillance/privacy <ul style="list-style-type: none"> The right to roam, along with increased SSPCA powers, is likely to lead to increased risk of incidences of surveillance which if released into public domain can violate Article 8 of the European Human Rights Act Who would own photographs/videos of crime scenes - SSPCA or the prosecuting authority? Campaigning organisations have secretly informed media in advance of searches, potentially damaging legality of search SSPCA are not covered by RIP(S)/A/unequipped to comply with RIP(S)/A 	2	1	3
Criticism of RSPB policy/surveillance	2	0	2
Suggestion that SSPCA have ulterior motives in asking for new powers <ul style="list-style-type: none"> SSPCA may have instigated the application for more powers themselves to further their aim of banning snaring SSPCA have been opportunistic by appointing former police officers to investigate wildlife crime (particularly raptor crime) without consultation with police 	2	0	2
Concerns over SSPCA crime data recording <ul style="list-style-type: none"> SG use wildlife crime data provided by Police Scotland SSPCA report directly to COPFS and have no requirement to share this with Police, so national data may not include these cases SSPCA do not record offences on the Scottish crime database Increased powers would make this situation worse and potentially create further work for SG It is unclear if SSPCA use Scottish Crime Recording Standard as used by the police 	1	1	2
Risk to wider reputation of law enforcement	1	1	2

<ul style="list-style-type: none"> SSPCA involvement in this area could cause public unrest or conflict/Police may have to intervene This could also tarnish police reputation and damage public trust in policing further following other high profile controversies 			
No need for urgent response if animal is already dead, unlike with cruelty cases If a live animal is subject to cruelty or suffering then urgent action is required - if no live animal is involved then there is not the same need to act urgently/there is no need for anyone other than police to have statutory powers where no live animal is present	0	2	2
SSPCA linked with leaks of confidential information <ul style="list-style-type: none"> Charity staff are believed to be responsible for leaking of confidential information relating to investigations If the police leaked information it would be subject to independent investigation but this would not happen with SSPCA The protocols in place between police and charities to prevent leaking of confidential information are difficult to enforce Extra SSPCA powers could increase instances of information about live cases being leaked and could result in failed prosecutions and increased mistrust from public and among partner organisations 	1	1	2
Consultation is politically motivated/wrong priority <ul style="list-style-type: none"> Wildlife crime is a low priority for most of the public who would prefer resources devoted to offences such as violence against persons, burglary, drug dealing etc. A minority of pressures groups focused on wildlife crime should not be allowed to have undue influence on government policy or police resource allocation/consultation being run to appease certain lobbying groups Proposed powers are for political gain by Scottish Ministers 	1	1	2
Queries over the legal capacity in which SSPCA Inspectors are to be given new powers <ul style="list-style-type: none"> There is a risk that the distinction could become blurred between what SSPCA staff can do as SSPCA Inspectors/employees and what they can do as Inspectors under the 2006 Animal Health and Welfare Act RSPCA employees are not appointed as Inspectors under the 2006 Act due to concerns raised during the passage of the bill It is unclear if the new powers will apply to SSPCA only or any Inspectors appointed by local 	0	2	2

authorities or Scottish Ministers			
<ul style="list-style-type: none"> Powers under the 2006 Act are often incorrectly assumed to apply to SSPCA as an organisation 			
Proposals don't offer enough additional protection to some species (e.g. bats, deer) <ul style="list-style-type: none"> Proposals only apply to the 1981 Act, but no mention is made of 1994 Habitats Regulations which give legal protection to bats and other European Protected Species There are doubts over whether increased powers will allow the SSPCA to improve and protect welfare of deer - this species is already well protected by existing legislation (1981 Act, 2006 Act, 1996 Deer Act) 	0	2	2
Why only SSPCA considered for new powers - other charities (RSPB) investigate wildlife crime too Why are only the SSPCA being considered for new powers, when other organisations including RSPB are already involved in wildlife crime investigation?	0	2	2
Concerns over evidence handling <ul style="list-style-type: none"> The chain of evidence transmission is vital Any mechanism for authorising SSPCA to seize evidence would also need to regulate what should be done with evidence afterwards - would it be handed to in-house SSPCA 'experts' or the police/Procurator Fiscal, and when would this happen? SSPCA do not have detention powers or solicitor access procedures which may affect admissibility of evidence and prosecutions Difficulties with potential contamination of evidence Mistakes/abuses with evidence handling are known to have happened within existing structures 	1	1	2
Charities only aim to secure their own existence/employees jobs	1	0	1
Instead establish a civilian group of WCOs within police force who can support leading Police wildlife crime officer	1	0	1
The proposals are as flawed as giving organisations representing gamekeepers the power to investigate wildlife crime would be	1	0	1
Instead, give training to others within communities/meat/sport industries to help police investigate wildlife crime	1	0	1
Section 4.2 of consultation document seems to contradict laws about not releasing non-native species such as grey squirrels and mink	1	0	1
The situation in Italy has got worse with antis/charities in charge, whereas previously the shooting community had maintained a good balance with conservation	1	0	1

Concerns over vandalism of legally set traps	1	0	1
RPID staff already authorised to gain entry to investigate cross compliance/pesticide issues	0	1	1
This consultation deflects attention from real issues involving animal welfare/rights	0	1	1
The potential for quicker response times in areas where police resources are limited has been overstated - most SSPCA Inspectors are probably based in urban areas	0	1	1
The 2006 Act specifically only relates to animals under the protection of people - SSPCA can intervene or report to the Procurator Fiscal as appropriate – wildlife was deliberately excluded from this Act	0	1	1
Water bailiffs usually hand evidence over to the police to continue investigation	0	1	1
Cannot support proposals as incident recording process has not been explained	0	1	1
SSPCA are not available outside normal working hours but police are	1	0	1

Table 7c: Details of Other Comments – Neither ‘For’ or ‘Against’ the Proposals

Comment(s)	No. of respondents who made this point		
	Ind	Org	Total
Mechanisms to consider if new powers are granted/clarification needed on proposals <ul style="list-style-type: none"> Processes or mechanisms should be put in place to monitor how SSPCA are using the extended powers, to prevent any possible abuse of power, to ensure accountability and ensure powers are not being used to further SSPCA campaigning issues New powers would have to be supported by appropriate training and standard operating procedures Essential that any extension of powers is effected in a way that maintains public confidence in impartiality and accountability of wildlife crime investigation SG should undertake review of relevant legislation 2-5 years after implementation Concerns about human rights intrusions must be allayed by requirement for a warrant before entry to dwellings or lockfast premises Appropriate intelligence management and clear lines of communication required to avoid interfering with any wider ongoing police investigations Any new legislation would need to address whether or not SSPCA will have statutory responsibility to investigate wildlife crimes Issue of primacy would need to be addressed where two organisations have powers relating to the same area of crime, and SG must make it clear who is responsible for investigating wildlife crime, especially in priority areas Powers would have to be granted through primary legislation, with adequate safeguards Powers should not exceed those of police Compliance must be ensured with RIPSA, Data Protection, MOPI , Fol etc Difficult to determine whether proposed powers are acceptable because mechanisms for granting them have not been set out (<i>in consultation paper</i>) Any legislation should be examined in terms of the harm it could cause if improperly used as well as the benefits it might bring SG should clarify section 3.2 of consultation document to make it clear what criteria are applied to authorise SSPCA staff 	2	10	12

Suggested changes to SSPCA status/procedures if new powers are granted <ul style="list-style-type: none"> SSPCA should have to give up their charity status and become a government agency (e.g. part of SNH) If SSPCA are given new powers, they should be subject to the same rules/guidelines as the police SSPCA should be made accountable to an independent authority/make new laws to govern their operations Set up a proper complaints process/Independent arbitration Powers should be granted to inspectors only in a state appointed capacity, not just by being an employee of a welfare charity, as public bodies have to abide by rules regarding human rights, surveillance, evidence gathering, fair trial etc. Public and private spheres kept separate Agree that decisions to prosecute will remain with COPFS Address power of COPFS to instruct and direct SSPCA inspectors Partner organisations would want accountability 	6	5	11
Police involvement/resources should not be reduced as a result of any new SSPCA powers <ul style="list-style-type: none"> New powers should not result in a reduction of police resources, powers or staff or the exclusion of police from investigations Important that police do not direct all wildlife crime reports to SSPCA instead Police should take a more active role in animal welfare or wildlife crime as well New SSPCA powers should not lead to opening of floodgates for organisations to take over more powers better suited to police These powers should not be extended to any other organisations as well 	1	6	7
Financial support should be given to SSPCA/other charities for helping police <ul style="list-style-type: none"> SG should financially support SSPCA or make sure resources are in place to help with additional cost of training It is unfair that government has refused to give financial help to SSPCA after they have supported government/local authority work SSPCA and other charities should be financially compensated for helping the police 	1	5	6
Criticism of response to consultation from land management groups <ul style="list-style-type: none"> Objection to SGA writing to its members advising how to respond to this consultation Land management groups hypocritical for opposing new SSPCA powers as they claim to support 	4	0	4

the law and condemn malpractice			
<ul style="list-style-type: none"> Concerns are only being raised by those organisations with something to fear 			
Adequate training procedures are required if new powers are granted <ul style="list-style-type: none"> SSPCA Inspectors must be provided with sufficient training, and/or made to pass an examination before exercising these new powers SSPCA training and accreditation process needs to be properly explained Advice should be taken from fiscals and sheriffs to determine how additional training could improve professionalism 	1	2	3
No answer (<i>respondent did not provide any comments at, or relevant to, Q2</i>)	2	0	2
Wildlife crime penalties are too light/not enough legal protection for animals <ul style="list-style-type: none"> Penalties for wildlife and animal welfare crimes are too light Current punishments are no deterrent Fines are too small/fines should be percentage of income Those in charge show a lack of interest in properly punishing those responsible SG position on animal protection is dire (refusal to protect animals at slaughter or strengthen welfare legislation) Legislation needs strengthening/complete overhaul 	1	1	2
Police wildlife crime structure should be improved <ul style="list-style-type: none"> There should be an adequately resourced specialist Scottish police wildlife crime department dealing with all types of wildlife crime across the country, working closely with partner agencies Police wildlife crime structure should be reformed, offering a better career path to dedicated police wildlife experts 	2	0	2
SSPCA should have officers specialising in certain animals and they should deal with the cases involving those animals	1	0	1
SSPCA should build trust by being more transparent <ul style="list-style-type: none"> SSPCA should publish more details of investigations (without prejudicing them) Should also publish details of vetting and training of inspectors, Memorandums of Understanding with other authorities, disciplinary procedures etc. 	1	0	1
Consider expanding powers of rangers/nature reserve staff to help fight wildlife crime <ul style="list-style-type: none"> Replicate the model from Loch Lomond and the Trossachs National Park, training Special Constables but for wildlife crime instead of anti-social behaviour 	0	1	1

In relation to new Marine Protected Areas - how will wildlife crime in inshore and intertidal areas be investigated?	0	1	1
SSPCA Inspectors should only be able to exercise these powers when accompanied by a witness, for safety and corroboration purposes	0	1	1
Existing legislation allows police to call SSPCA and others for assistance in investigations, authorised by warrant	1	0	1
Will SSPCA be subject to Scottish Crime Reporting Standard?	0	1	1

Table 8: Detailed Responses to Q3

Comment(s)	No. of respondents who made this point		
	Ind	Org	Total
No answer (<i>respondent did not provide any comments at, or relevant to, Q3</i>)	136	12	148
Repeat of views that SSPCA should not be given additional powers/should remain with police <ul style="list-style-type: none"> Do not agree that SSPCA should be given more powers as proposed/powers to investigate criminal offences should remain with police SSPCA should only act as expert witnesses SSPCA do good work on animal welfare as they are - no need to change/status quo is currently right 	33	6	39
Existing SSPCA powers should be reduced <ul style="list-style-type: none"> SSPCA powers or influence should be reduced/limited/removed completely/given to police instead SSPCA have too much power already Better for animal welfare if they are removed from policing activities altogether 	13	0	13
Changes outlined are sufficient for now/happy with proposed changes	6	5	11
SSPCA need to be more open or accountable/have governing body overseeing them <ul style="list-style-type: none"> There should be an authority or governing body above the SSPCA to oversee them and deal with complaints/should not just be dealt with by their Chief Supt SSPCA should be accountable/have a code of standards like the police/should be more open and honest/should be made to publish financial and other records/subject to FoI Those under investigation should be able to find out more details of complaint against them and the outcome Charitable status should be reviewed 	10	0	10
Further complaints about SSPCA behaviour/vested interests <ul style="list-style-type: none"> Allegations of inappropriate actions/mistreatment of public/abuse of power by SSPCA staff Deliberate targeting of sporting industry/employees/campaigning role against snaring and trapping would give them a vested interest in targeting certain offences Proposed powers are driven by financial gain for SSPCA 	7	0	7
Suggested restrictions on proposed SSPCA investigative powers	7	0	7

<ul style="list-style-type: none"> SSPCA should only investigate with agreement and assistance from police They should only be allowed to investigate genuine recorded wildlife crimes and not carry this over into further investigation of animals on the same premises They should not be allowed free access to private land/property/should not be allowed to spy on people They should not be allowed to access government-held information 			
Support for the use of video surveillance <ul style="list-style-type: none"> Allow SSPCA to use covert surveillance/web cams/record images and video for prevention or prosecution purposes Require courts to accept this as evidence 	4	0	4
SSPCA should focus on support/education <ul style="list-style-type: none"> SSPCA should give people advice on how to help animals rather than immediately seizing them/should provide more educational support SSPCA should focus on animal welfare rather than prosecutions which should be a last resort 	4	0	4
Monitor these new powers and consider further changes later <ul style="list-style-type: none"> Possibility of further changes should be reviewed in future if required If these proposed changes work well, further powers could be considered Sufficient time to monitor these new powers must be given before any new ones are considered 	2	1	3
SSPCA should have greater powers of entry/search <ul style="list-style-type: none"> SSPCA should be allowed to enter unlocked buildings and stores without a warrant to look for evidence of suspected wildlife crime New powers should include right to enter land etc. to search for materials (including poisons) that could be used for future crimes - not clear if proposals include this already SSPCA should be allowed to enter buildings, vehicles or private land where wildlife crime is suspected/has occurred 	2	1	3
SSPCA collection of evidence on behalf of police as alternative to the full proposed powers <ul style="list-style-type: none"> To address the problem of SSPCA inspectors having to wait for the police to arrive to investigate non-welfare wildlife crimes, an extension to 1981 Act could allow SSPCA to act as agents for police, collecting and delivering evidence or helping with recovery of dead birds Authorisation, liability and risks would need to be carefully assessed 2006 Act could be amended to allow SSPCA inspectors who have entered land to investigate a 	0	2	2

<p>welfare offence, but discover evidence of a wildlife crime instead or as well, to record and seize this evidence following consultation with police and where delay is likely to lead to loss of evidence - this evidence would then to be handed over to the police as soon as possible</p> <ul style="list-style-type: none"> SSPCA should hand evidence over to police 			
<p>Clarity is needed over statutory powers under 2006 Animal Health and Welfare Act</p> <ul style="list-style-type: none"> 2006 Act does not confer any statutory powers on the SSPCA Which individuals or groups have been appointed as inspectors for the purposes of the 2006 Act The way in which this status is given to SSPCA staff should be examined thoroughly and transparently Happy for those suitably qualified to be given this status, but merely being an SSPCA staff member should not qualify them automatically - formal training and suitable experience should be required first Powers derived from legislation (public role) must be kept separate from those derived from employment as SSPCA Inspectors (private role) SSPCA Inspectors should have to account formally to SG for their actions as 'inspectors' under 2006 Act 	0	2	2
<p>Suggestion of powers for other groups/persons (e.g. countryside rangers, SNH)</p> <ul style="list-style-type: none"> Scottish Ministers should be able to allocate powers to other persons (e.g. in Ireland where powers to enforce wildlife legislation are extended to National Park Rangers) Give more powers to countryside rangers and SNH to investigate wildlife and environmental issues 	1	1	2
<p>Any additional SSPCA powers should exercised under the control of police</p> <ul style="list-style-type: none"> SSPCA should make their resources/staff available to the police but under the command and control of the police who would be accountable for SSPCA actions New powers should only be granted if SSPCA staff go through the same training and vetting as police officers and operate under police control 	1	1	2
<p>Clarity on crime reporting process/awareness raising would be needed</p> <ul style="list-style-type: none"> Proposed powers would need to be backed up by an awareness raising campaign to encourage public to report incidents and tell them where to report them to SG would need to make it clear which organisations was responsible for investigating what 	1	1	2
SSPCA should be able to investigate where an animal is already dead	1	1	2
SSPCA should be able to investigate all wildlife crime	2	0	2

<ul style="list-style-type: none"> No need to restrict types of wildlife crime SSPCA can investigate/they need full investigative powers Police should hand over investigation of wildlife crime to SSPCA, as they have already done with animal welfare 			
Support for further measures outlined by Minister for Environment and Climate Change in 2013	0	1	1
SG should consider/introduce estate licencing	0	1	1
Extra powers must be extended to cover the Protection of Badgers Act 1992 as amended in Scotland. Badgers trapped in snares are often found alive later and powers are needed to enter land to deal with these kinds of incidents	0	1	1
Urgent review needed of how problem of wildlife and environmental law is addressed/separate government funded organisation should be set up to protect wildlife (e.g. US Fish & Wildlife Service)	0	1	1
SSPCA should be able to prosecute Scottish Government for failing to ensure Police Scotland are adequately resourced and committed to investigating wildlife crime/crimes against other animals	0	1	1
Instead, a police WCLO should be seconded to SSPCA's SIU, funded by SSPCA. This would allow them to take statements from SSPCA inspectors, liaise with police, record data onto central database, speed up warrant applications and support police in joint investigations, share intelligence, access local WCLO expertise and additional police support e.g. CSI officers, improve statistical reporting, reduce risk of specific details of cases being leaked to media and address concerns of those who do not trust a charity to carry out investigations	0	1	1
Closer partnership working between SSPCA and police would remove need for new powers/SSPCA could alert police to an incident and protect crime scene until police arrive	0	1	1
To help against raptor crime, authority for SSPCA to enter land where misuse of cage traps is suspected, could be granted through Open General Licences	0	1	1
Importance of communication between SSPCA and police over wildlife investigations <ul style="list-style-type: none"> Communication should be mandatory between SSPCA and Police SSPCA should always consult police first to determine which of them should investigate an incident 	0	1	1
Give SSPCA power to act autonomously	1	0	1
Failure to answer an SSPCA Inspector's questions should be a criminal offence (as with HSE Inspectors)	1	0	1
SSPCA should also have powers to remove illegally set traps and prosecute those responsible	1	0	1
SSPCA evidence could be used to remove firearms licences from those convicted (and perhaps their employers) under WCA1981 and related legislation	1	0	1

SSPCA evidence could be used to withdraw general licences from lands or individuals involved in wildlife crime or welfare issues	1	0	1
SSPCA evidence could be used to encourage introduction of competency requirements for firearms licences/shotgun certificates/legally use traps and certificates removed from those not fit to have them	1	0	1
To protect biosecurity, warrants should be compulsory for entry to non-domestic premises housing "high health status animals/birds"	1	0	1
RSPCA are also under fire	1	0	1
Many SSPCA staff have left the organisation disillusioned with the way it is run	1	0	1
SSPCA should have to investigate every call about wildlife in danger, so they are actually helping animals	1	0	1
SSPCA should be able to enter dwelling/lockfast premises without a warrant if police are present and immediate access would prevent further suffering or deaths	1	0	1
Alleged evidence gathered by unqualified or unidentified 3rd parties should be discounted	1	0	1
Prosecutions brought by SSPCA should be paid for by SSPCA/they should be liable for all costs including those of defendant in failed prosecutions	1	0	1
SSPCA should not be allowed to wear uniforms that resemble police uniforms	1	0	1
Allow SSPCA to investigate those who are preparing legal and illegal traps, poisoned baits and other methods both before and after crimes have occurred	1	0	1
Allow SSPCA to arrest, search and detain persons or property suspected of committing offence to preparing to commit offence	1	0	1
Allow SSPCA to take dogs trained to sniff out poisons and dead/buried animals onto any land when investigating wildlife crime/allow power to dig on any land to search for carcasses identified by sniffer dogs	1	0	1
SSPCA Inspectors do not want or need these powers for animal welfare work	1	0	1



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