

Crown Office and Procurator Fiscal Service

Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA
Wildlife & Environmental Crime Unit



Patrick Hughes, Procurator Fiscal Wildlife & Environment

Rob Gibson MSP
Convener
Rural Affairs, Climate Change and Environment
Committee
Room T3.40
The Scottish Parliament
Edinburgh EH99 1SP

Date: 12 November 2014

Dear Mr Gibson,

Wildlife Crime Report 2013

Thank you for inviting me to give evidence to the Rural Affairs, Climate Change and Environment Committee on 29 October 2014. At that hearing, a question was asked regarding the "No Action" figures for wildlife crime compared to other forms of crime.

The wildlife crime figures provided in the 2013 report relate to all wildlife crime cases reported to COPFS. These figures were produced for the purposes of the report and therefore relate to the calendar year of 2013. In contrast, COPFS as an organisation maintains figures based on financial, rather than calendar year, so the figures provided here, for the purposes of comparison, are for financial year April 2013 to March 2014.

In that period, a total of 293,672 crimes were reported to COPFS. Of these, 27,798, or 9.5%, were marked for "No Action". As was noted at the hearing, the comparable figures for wildlife crime in 2013 were 130 crimes reported, of which 27 (20.7%) were marked "No Action".

As the figures in the report indicate, in 25 of these 27 cases it was not possible to take action for legal reasons. In only 2 cases did the decision to take no action reflect the exercise of prosecutorial discretion, taking account of public interest considerations. These figures reflect the fact that the Crown applies a presumption in favour of prosecutorial action being taken in any case, unless a non-discretionary "no action" marking would be appropriate.

Given the significant difference in the number of reports received for wildlife crime compared to the numbers received for crime generally, it may be that scope for meaningful comparison of the figures is limited. As discussed at the hearing, wildlife

crime presents certain different characteristics compared to other crime, and as a result, the initial assessment by investigators that an offence has been committed, or of sufficiency of evidence, may not, following careful consideration of the facts and the law, permit court proceedings. Where the initial report submitted does not provide sufficient evidence or does not demonstrate that any offence has been committed, specialist wildlife crime prosecutors will routinely request further detailed information before taking a final decision. Prosecutors in the Wildlife and Environmental Crime Unit will continue to work with our investigative partners to ensure that all appropriate cases are taken forward.

Yours sincerely,

Patrick Hughes
Procurator Fiscal
Wildlife & Environment