



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITION NO.

PE01750

Name of petitioner

Alex Hogg on behalf of Scottish Gamekeepers Association

Petition title

Independent Monitoring of Satellite tags fitted to raptors

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce independent monitoring of satellite tags fitted to raptor species, to assist the police and courts in potential wildlife crime cases and to provide data transparency.

Action taken to resolve issues of concern before submitting the petition

Questions with MSPs at Constituency surgeries.

Petition background information

The fitting of satellite tags to raptors today has moved away from conservation, exclusively, to include potential detection of wildlife crime.

Despite possibly hundreds of birds being tagged (Scottish Government is attempting to establish oversight on how many there are), no prosecutions for potential wildlife crimes have ever been brought on the basis of satellite tag data as there has been an insufficient evidence base to do so.

If satellite tags were monitored by government or government-approved agencies/bodies, Police would have instant data access and an independent resource to interpret complex tag information so it can be of use to investigators in live cases. It would have, at its disposal, timely, independent, expert information.

Independent information, rather than owner or third party data, would provide transparency and end mistrust amongst stakeholders. It has the potential to offer Scottish Government and the Scottish public greater clarity on the extent of raptor crime occurring today in Scotland.

Present Problems:

There is little uniformity when it comes to the type of tags operational today. Many types offer different functionality. Many tags signal, for example, when there is enough solar power. These signals, in some cases, can be hours apart. When it comes to how tags are fitted, there are human error considerations. Similarly, some tag types may be more

reliable than others. Even then, seemingly foolproof technology can fail. There have been a number of publicised cases where birds were given up as lost, their tag no longer signalling, only to be found years later.

Given the many variables, having access to an independent analyst or team of analysts to interpret the data, and any other considerations, could help Police when trying to ascertain whether crimes have been committed. Wildlife crime is one of Scottish Government and Police Scotland's top priorities.

However, Police Scotland themselves have admitted to Ministers in Parliament that bringing cases on the back of satellite tag information can be challenging.

In response to a question raised by the Environment, Climate Change and Land Reform Committee on March 12th 2019, with regard to whether the tags were 100 percent reliable, Police Scotland), said:

"There is still a margin of failure. Some tags are out in the extremes for a long time, they have issues and they fail...From an investigator's point of view, it is often difficult to hang your hat on a tag's disappearance definitely being the result of persecution. There is no doubt that that will be the case on some occasions, but differentiating between tag failure and persecution is a real challenge."

Addressing the same points about investigative challenges, Police Scotland said: "In the past six months to a year, there have been instances of birds seeming to disappear then to reappear due to issues with the tags. That is always a challenge for us.

"On the recording of crime, we need to be absolutely certain that a crime has taken place- as opposed to just considering that, in all probability, a crime has taken place- before we can record the incident as a crime."

The role of owners and/or third parties:

At present, if a tag fitted to a raptor stops signalling, Police are informed through the tag owner, or a third party monitoring that data for the owner. Police must then obtain the data. Police can be given data at different moments in a live investigation. As it is the property of the entity owning the tag, there is no obligation upon the owner to give data to the Police necessarily in a format or timescale which they might find most beneficial.

Bodies or individuals fitting tags to raptors, as data owners, may have reasons for doing so beyond, exclusively, conservation. It is not uncommon for tag owners to use data to build political or campaign cases through the media.

Whilst it is possible that these public interpretations may be correct, there can be no accountable way of establishing this with certainty.

In the high profile disappearance of Fred the Eagle, which elicited Ministerial comment, tag owners advanced their interpretations of the case through campaign videos and media statements. Police Scotland are yet to establish criminality in that case.

Lack of independent monitoring of tag data means incidents, such as that of Fred, are contested in the public sphere, increasing mistrust amongst stakeholders. Accusations which would not hold in a court of law can be made in public without the scrutiny or accountability which would be required by a legal process. No cases have had the required evidential basis to bring a criminal case.

Precedent:

It would not be unusual for government to seek independent expertise in collating data on wildlife crime.

Science and Advice for Scottish Agriculture (SASA), a division of the Scottish Government Agriculture and Rural Economy Directorate currently administer the Wildlife Incident Investigation Scheme, investigating suspected poisoning of animals. These investigations inform Scotland's annual official Wildlife Crime reports and hotspot maps. SASA's independence and level of expertise is acknowledged and its work- and conclusions- are trusted by stakeholders. This is an example of an independent body which could monitor and analyse data for government.

An opportunity exists for satellite tag cases, in future, to be brought within the standard crime recording processes which govern all other wildlife crime reporting in Scotland, if there was independent monitoring of data.

In Summary:

If the petition was successful Police Scotland would have immediate access to independently verified data, helping them investigate potential crimes. Police would not have to obtain the data from owners or third parties, who may have objectives in how they utilise the data.

Tag Data would be transparent. Police Scotland already benefits from this type of transparent resource, provided by SASA, in other areas of wildlife crime investigation. This verified information enables Scottish Government to produce official wildlife crime reports annually.

Damaging mistrust between stakeholders would be reduced and evidence and due process would take the place of public accusation.

Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/PE01750>

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