

SI0916

**Animals and
Wildlife**

This Service Instruction provides guidance to officers when dealing with animal and wildlife incidents and the associated offences and welfare issues.

SI Identification Number	SI0916
Policy Ownership	Operational Support Department
Issue Date	22/12/2016
Review Date	5 years from issue date
Last Updated	13/03/2020
Governing Service Policy	Training Leadership & Development
Cancellation of	SP06/2012 Animal/Wildlife Offences/Welfare
Classification	OFFICIAL [PUBLIC]



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1. Introduction

The Police Service of Northern Ireland (PSNI) is committed to humane engagement with incidents involving animals and wildlife in line with:

- The Welfare of Animals Act (Northern Ireland) 2011 (Officers should be mindful of the powers of seizure under section 17 when seizing animals under the Welfare of Animals Act (NI) 2011 to allow legal services to consider disposal under section 19);
- Animals (Northern Ireland) Order 1976;
- Wildlife (Northern Ireland) Order 1985 (as amended by the Wildlife and Natural Environment Act (NI) 2011);
- Dangerous Wild Animals (Northern Ireland) Order 2004; and
- The Convention on International Trade in Endangered Species of Flora and Fauna (CITES).

2. Aims

This Service Instruction aims to:

- Identify the main legislation police use to deal with animal/wildlife offences/welfare;

- Highlight the agreement which exists between the PSNI and the Service Provider for caring for animals seized by police;
- Assist District Commanders in managing the administration and finance;
- Ensure police and police staff have a clear understanding of the statutory bodies involved in animal/wildlife offences/welfare.

The PSNI Wildlife Liaison Officer (WLO) is there to act as a central point of contact within the Police Service of Northern Ireland advising on all issues relating to wildlife/animal crime and welfare that require police investigation.

The WLO is also the PSNI point of contact to liaise with outside statutory and voluntary bodies involved in the area of animal welfare/wildlife crime. Contact between the PSNI and these agencies should be through the WLO accordingly.

3. Process – Seizure and Court Proceedings

Service Provider

The costs for caring for animals have been agreed with the Service Provider;

Seizing Animals

Where animals are seized by police pending court proceedings, an agreed fee is paid to the Service Provider for caring for the animal. This is based largely upon a daily costing and it allows for veterinary care where the Service Provider deems necessary.

The duration of the animals care will therefore directly influence the cost to the Police Service.

When an officer is appointed to investigate a wildlife crime, animal welfare concern then advice, guidance and support should be requested from the PSNI WLO.

Where intelligence is received within the PSNI which relates to wildlife crime or animal welfare, advice should be sought from the wildlife office by both the Area Intelligence Hub officer conducting the research and subsequently by the appointed investigating officer (IO).

Where a wildlife crime/animal welfare operation, search, investigation or some element of covert operation will be carried out, the WLO should be contacted with the view to offering advice, support and guidance. If the intelligence is of a

sensitive nature, the WLO should, as per normal protocols, be indoctrinated into the investigation, thereby allowing the intelligence to be shared.

Unless there is an operational requirement to the contrary, the WLO should attend the briefing and/or the search to provide best practice examples and discuss and agree with the IO what animals should be seized/returned etc.

If for whatever reason the WLO cannot attend the search and/or briefing then the IO and the WLO should meet within two weeks of any animal seizure or related operational activity to review the entire case and decide and agree what animals, if any, are best held by PSNI to continue an investigation.

The WLO can make contact with Legal Services branch as soon as possible after seizing an animal to explore the possibility of an application to a court for disposal in a lawful and appropriate manner.

Where disposal has not been appropriate Investigating Officers must ensure that documentation is prepared for disposal of the animal in question and is included with the court file. Investigations should

therefore begin as soon as possible and proceed expeditiously. The Service Provider shall not dispose of any animal other than at the express direction of the police or a court.

Where, as a result of court proceedings, it is intended to recover costs from the offender/owner via a court order, a record of all costs relating to the retention and welfare of the animals whilst in the Service Provider's care shall be included in the court file.

The Service Provider has agreed to provide invoices which detail the costs associated with each individual case. -When court proceedings have terminated, it is the duty of the Investigating Officer to inform the Service Provider of any relevant court decision or order. This must be done forthwith.

It is recommended that Districts implement a system for checking the duration of retention of animals in each case where they are being retained at the cost to the Police Service. This will have the added benefit of checking progress of court files, or the success in tracing the owners of straying or unclaimed animals.

The investigation may result in the preparation of a prosecution file by police. If a prosecution file is prepared, the PSNI WLO should be informed and will, if applicable, request the Public Prosecution Service (PPS) to proceed with a joint prosecution with any other agency involved.

When officers are attending a scene for other policing purposes and it is found on arrival there is a reason to seize animal/s contact should be made with the WLO office informing them of such and an email should be sent to zwildlife within 48 hours.

4. Service Providers & Administration

When an animal is placed into the care of the Service Provider by police, the Service Provider will complete a 'Seizure of Animals Form'. This form bears a unique Service Provider reference number that will be included on all invoices subsequently forwarded to the Police Service regarding the costs of keeping the animal.

The form also includes details of the:

- Animals seized;
- Date and location of the seizure;
- Police officer affecting the seizure; and

- Service Provider taking the animal into their care.

This form must be signed by a member of the Police Service to show that they have authorised the seizure and impoundment of the animal. The Service Provider will sign the form and provide police with a copy.

The police officer affecting the seizure should make a notebook entry and forward a completed Form W1 (available on PoliceNet) to the email address zWildlife. A photocopy of the Seizure of Animals Form should also be forwarded to the Area Finance Office. The original should be retained for the officer's own records.

The Service Provider has agreed to provide monthly invoices detailing what expenses have been incurred in respect of each case where animals have been taken into their care at the request of police.

It is the responsibility of the PSNI Wildlife Office to have each invoice examined for accuracy, and to make payment to the Service Provider for maintenance of animals which have been seized. Any invoices received and found to be incorrect must be returned to the Service Provider, indicating where any discrepancies arise.

Payment shall be made through the PSNI Purchase Ledger. Normal Government prompt payment terms of 10 days from receipt of invoice must be adhered to.

A copy of each invoice shall be forwarded to the Investigating Officer for inclusion in the court file.

5. Working with Other Statutory Bodies

The Department of Agriculture, Environment and Rural Affairs (DAERA), District Councils and the Police Service carry out statutory functions in relation to Northern Ireland legislation governing the welfare of animals. There is a Memorandum of Understanding between DAERA, Local Councils and the PSNI. If police find any incidents of suffering to animals in the situations described where DAERA or District Councils have a statutory role, the DAERA local Divisional Veterinary Officer (DVO) or the District Council Inspector must be contacted. In such circumstances police should take such steps as appear immediately necessary to alleviate the animal's suffering as provided for in the Welfare of Animals Act (NI) 2011.

This instruction does not preclude use being made of the assistance provided by non-statutory agencies in their voluntary role.

Difficulties should be reported to the PSNI WLO, District Policing Command, Police Headquarters Brooklyn, in order that they can be discussed with the DAERA/District Council officials.

6. Examination of Animals - Poisons, Pesticides or other suspected illegal acts

The use of poisons and pesticides is widespread in the province however, with the exception of laying poisons in controlled conditions for small vermin (e.g. rats, mice) and invertebrates (e.g. cockroaches), it is illegal.

[Wildlife (NI) Order 1985 and Welfare of Animals Act (NI) 2011]. Using plant protection products (pesticides), which are not approved for use by Government, or failing to use them in line with the conditions of an approval is also illegal.

Police, DAERA Inspectors and District Council Inspectors have statutory powers

under the Welfare of Animals Act (NI) 2011 for investigating poisoning incidents.

Police also have statutory powers under the Wildlife (NI) Order 1985 for investigating poisoning offences involving wild animals. Health and Safety Executive for Northern Ireland and District Council Environmental Health Officers (EHOs) have similar responsibilities for the investigation and prosecution of offences under the Food and Environment Protection Act 1985 (FEPA) and the associated Control of Pesticides Regulations (Northern Ireland) 1987 as amended.

The Plant Protection Products Regulations (Northern Ireland) 2011 (as amended) provide for the enforcement of Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market.

The Plant Protection Products (Sustainable Use) Regulations 2012 transpose Directive 2009/128/EC establishing a framework for Community action to achieve the sustainable use of pesticides and provide enforcement provisions.

The Wildlife Incident Investigation Scheme for Northern Ireland lays down basic

guidelines on the investigation of reported poisoning incidents. Analysis work undertaken under the scheme is carried out by the Agri-Food and Biosciences Institute (AFBI). The scheme is funded by a levy from the pesticides industry.

Reports of poisoning may lead to a joint investigation between the police and the above agencies.

Most reports of pesticide poisoning can be attributed to one of three categories:

- Approved Use - the incident is caused by the side effects of the correct application of the agent;
- Misuse - the incident is caused by the side effects of the incorrect application of the agent, i.e. over concentrated, incorrect machinery used; or
- Abuse - the incident is caused by the deliberate abuse of the agent to poison a particular target, e.g. poison laid to kill foxes, birds.

Initial police actions upon the receipt of a report of a poisoning incident requiring police investigation should be as follows (The below procedures should also be followed where an animal has died as a

result of some other suspected breach of legislation referred to in this Service Instruction):

Obtain as much background information as possible, such as the symptoms the animal(s) displayed, where it was normally kept, exercised or roamed, specific dates and times abnormal behaviour was noticed, owner's details, veterinary surgeon's details etc. This background information may help to identify where, when and what poison might have been ingested.

Obtain the carcass of the animal(s) or have a veterinary surgeon obtain samples of blood, faeces, urine, stomach or crop contents if the animal is still alive, along with a detailed veterinary assessment of its symptoms.

The carcass or samples should be taken to the nearest laboratory of the AFBI Veterinary Services Division. Where the carcass is too large to be delivered by police transport, the laboratory or Service Provider can be contacted to lift large animals and assist.

A Wildlife Incident Investigation Form ([Appendix A](#)) should be completed prior to the delivery of the samples or at the

laboratory when delivery takes place.

A post-mortem will be carried out on the carcass and tissue samples may be taken for forensic analysis.

If there is evidence as to where the poison may have been laid, a search should be carried out in an attempt to locate any uneaten poison or bait. If the source is discovered, the protective equipment and packaging provided in the poisoning kit should be used to seize the material and forward it to the nearest AFBI Veterinary Services Division laboratory for analysis together with a completed Wildlife Incident Investigation Form.

Other offences may have been committed which are required to be investigated by other agencies, contact should be made with either the Health and Safety Executive (for incidents involving agricultural or industrial property), or the local District Council Environmental Health Officer (for incidents involving retail outlets or domestic property). These agencies should offer their assistance for a joint investigation.

Early contact should be made with the PSNI WLO/Statutory Agencies.

Interview of any suspect(s) should take place in conjunction with whichever of the other agencies is involved. It may be prudent to delay any formal interview until after the results of the post-mortem and forensic analysis have been received.

7. Health and Safety Issues

Many of the substances involved in poison incidents are very dangerous and can be absorbed directly through the skin - it is not necessary for them to be ingested to have harmful effects.

A poison kit is issued to every District. This kit contains protective equipment for handling suspect animals, baits and poisons. The kit also contains a number of containers and heavy gauge polythene bags for sealing samples within. Labels and indelible markers are also provided to label the containers and bags in accordance with current PSNI guidance on exhibit handling.

When all carcasses, baits, poisons and other samples have been recovered they should all be placed in the box. Used protective equipment should also be bagged and labelled as contaminated and placed in the box. The box can then be

sealed with the cable ties provided.

The whole box should then be transported to the nearest AFBI Veterinary Service Division laboratory where the samples/carcass will be analysed. The contaminated material will be incinerated and the large outer box will be washed and returned to the Police Service for re-use.

8. Dangerous Wild Animals

A number of dangerous wild animals are kept in captivity in Northern Ireland. The Dangerous Wild Animals (Northern Ireland) Order 2004 regulates the keeping of such animals in order to ensure public safety and the welfare of the animals. The legislation creates a licensing, inspection and enforcement scheme that will be administered by DAERA, Northern Ireland Environment Agency (NIEA).

The PSNI will not become involved in licensing, inspection or enforcement of this legislation. Where it is considered that police assistance is required either in the interests of public safety or to prevent a breach of the peace then the DAERA, Northern Ireland Environment Agency (NIEA) Wildlife Inspectors will contact with

the PSNI WLO who will liaise with the relevant District.

Powers of entry exist to investigate suspected animal/wildlife offences/welfare. Where it is suspected that a dangerous wild animal is involved the PSNI WLO should be contacted for further advice before any action is taken.

Police attending with DAERA, NIEA Wildlife Inspectors are there to deal with any breach of the peace that may occur or in the interests of public safety where it is suspected that the owner of a dangerous wild animal may release it.

DAERA will provide the resources required for handling, transporting and will also provide suitable premises for housing the dangerous wild animal.

Where any such dangerous wild animals escape or are released from captivity, the following should be considered:

- Is the animal in question a real or perceived threat to humans or livestock?
- Is the animal's physical condition known and could it affect its behaviour?
- Does the owner have equipment which

may secure the animal's recapture?

- Are there any experts with knowledge of the species in question who can assist?
- Is there any special transport arrangements required if the animal is recaptured?
- Can any other agency assist by providing resources, equipment, specialist knowledge etc.?

The PSNI WLO may be able to provide specialist advice and assistance from other agencies.

The term dangerous wild animal indicates a threat either directly to mankind or his property (including livestock). Police have a common law duty to protect same. This may extend to a right to destroy any such animal but each case must be taken on the facts presented at the time. This would also apply to animals not normally considered a danger (e.g. dog with rabies).

Appendix A Wildlife Incident Investigation Form

AFBI Logging in of PSNI Cases

Case Number: _____

Submitting Officer

Name of Police Officer submitting sample:

Station of Police Officer submitting sample:

Investigating Officer (log the case in to this officer)

Name of the Investigating Officer:

Number of the Investigating Officer:

Station of the Investigating Officer (please provide full address for written reports if necessary):

E mail address of the Investigating Officer (a copy of the report will be sent to this e mail address):

Telephone number of investigating officer:

Case details

PSNI reference (Command and control) number:

Incident Date:

4 figure grid reference of where incident occurred / bird was recovered:

(SEE BELOW ON HOW TO CONVERT)

Type of animal / bird involved:

History / Background of the case:

Police instructions to the veterinary pathologist:

Does the carcass need to be retained by AFBI: Yes / No

**12 FIGURE TO 6 FIGURE.....REMOVE 1st DIGIT & LAST 2 FROM EACH SET OF 6. EG
234567/123456 BECOMES 345 234**

**6 FIGURE TO 4 FIGURE.....REMOVE LAST DIGIT FROM EACH SET OF 3. EG 345 234 BECOMES
34 23**

Results shall be reported to the investigating officer by email and a copy sent to zwildlife@psni.pnn.police.uk

Appendix B Contact Us

Branch Email

zWildlife@psni.pnn.police.uk