



## Animals, Wildlife and the Environment

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Policy holders	Norfolk and Suffolk Constabularies' Rural Crime Teams
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### Approved by

Legal Services	N/A
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**Note:** By signing the above you are authorising the policy for publication and are accepting responsibility for the policy on behalf of the Chief Constables.

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**Note:** Please send the original Policy with both signatures on it to the Norfolk CPU for the audit trail.

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## Legal Basis

### *Legislation/Law specific to the subject of this policy document*

<b>Section</b>	<b>Act (title and year)</b>
4, 18, 19	Animal Welfare Act 2006
	Game Act 1831
	Animal Health Act 1981

### *Other legislation/law which you must check this document against (required by law)*

<b>Act (title and year)</b>
<a href="#">Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)</a>
<a href="#">Equality Act 2010</a>
<a href="#">Crime and Disorder Act 1998</a>
<a href="#">Health &amp; Safety Legislation</a>
<a href="#">General Data Protection Regulation (GDPR)</a> and <a href="#">Data Protection Act 2018</a>
<a href="#">Freedom Of Information Act 2000</a>
<a href="#">Civil Contingencies Act 2004</a>

## Other Related Documents

- Dangerous Dogs Policy
- Dogs Coming into Police Possession Policy (in progress)

## 1. Introduction

- 1.1 There are many Acts of Parliament that provide protection for animals and wildlife and the police are frequently required to deal with animals, wildlife and associated offences. We are fortunate that there are several charities and authorities that are willing and able to offer expert assistance with this task.
- 1.2 The purpose of this document is to provide guidance in dealing with incidents and offences concerning animals and wildlife. It is not the purpose of this guidance to detail all offences under this legislation. Details of local procedures are given where appropriate.
- 1.3 Both Norfolk and Suffolk Constabularies work with the UK National Wildlife Crime Unit (NWCU) who assist in the prevention and detection of wildlife crime by obtaining and disseminating information from a wide range of organisations and by assisting police forces in wildlife crime investigations. The Constabularies will also ensure WCOs are aware of the current UK priorities and objectives for wildlife crime, set yearly by the Strategic Tasking and Co-ordination Meeting for combating wildlife crime in the UK. A list of the current priorities can be found [here](#).
- 1.4 The police are often the first point of contact for the public and are often able to assist by putting them in contact with another agency. There are numerous agencies and charities, which deal with animals. Contact numbers for these are available from the CCR. If uncertain as to which is the appropriate agency to contact, assistance may be sought from the Constabularies' Wildlife Crime Officers (WCO) in both counties however, in Suffolk the Rural crime Team should be the first port of call.
- 1.5 It is important to note that wildlife crime offences are the responsibility of the police to investigate and prosecute and not that of other agencies, such as the RSPCA or RSPB. However, animal welfare offences are often completed by the RSPCA.

## 2. What is Wildlife Crime?

- 2.1 In general, wildlife crime is any action which contravenes current legislation governing the protection of the UK's wild animals and plants, and includes:
  - Hare Coursing.
  - Deer Poaching.
  - Fish Poaching.
  - Badger persecution – including baiting, snaring, shooting, and disturbance of setts.
  - Bat persecution.
  - Egg theft / collection.

- Bird of Prey persecution – through poisoning, trapping, shooting, disturbance of nests and/or theft of chicks.
  - The trade in ivory, tortoises, rhino horn and other protected species covered by the Convention on International Trade in Endangered Species (CITES), including caviar, Traditional Chinese Medicines and orchids.
  - Non registration of certain birds and animals which require licensing through DEFRA/Animal Health if kept in captivity or sold.
- 2.2 Incidents involving domestic animals, such as dogs (other than dogs being used to hunt mammals), cats, rabbits, budgies etc. would normally be classed as animal welfare issues under the Animal Welfare Act 2006.

### 3. Wildlife

- 3.1 When dealing with an incident involving wildlife, advice may be sought from a Wildlife Crime Officer (WCO), in both counties however, in Suffolk the Rural crime Team should be the first port of call.
- 3.2 The WCOs have expert knowledge of laws concerning wildlife and maintain contacts with local and national agencies that are able to give assistance to the police. They are volunteers who undertake this work in addition to their normal duties - however they may be able to take on more serious and protracted enquiries regarding wildlife. Suffolk has a small Rural Crime team dedicated to investigating wildlife crime.
- 3.3 There is a WCO risk assessment which can be viewed [here](#).
- 3.4 WCOs can be contacted through the CCR.

### 4. Poaching

- 4.1 Poachers tend to act in groups with a number of dogs and weapons. They generally have little regard for the countryside, wildlife or the farmers' land that they damage or destroy.
- 4.2 Poachers often pursue animals such as hares and species which fall under the heading of 'Game' and deer.
- 4.3 Under the Game Act 1831, game refers to hares, pheasants, partridges, grouse, heath or moor game and black game. Under the Night Poaching Act 1828 it also includes bustards.
- 4.4 Project Poacher is a mobile app which allows members of the public to easily report poaching crimes and is a useful tool for officers dealing with poaching incidents.
- 4.5 When dealing with a poaching incident, a WCO should be contacted for advice and guidance.

4.6 The [Poaching CCR Standard Operating Procedure](#) (SOP) is a useful reference tool.

## 5. Dogs

5.1 Dogs and other domestic animals are not classed as wildlife. However, WCOs may assist in liaison with other agencies, such as the RSPCA.

5.2 Stray dogs are the responsibility of the Local Authority; not the police.

5.3 Dogs worrying livestock is a police responsibility and the Rural Crime Team or an on-duty WCO should be contacted for advice.

5.4 Officers dealing with an incident involving a dangerous dog should seek advice from a trained Dog Legislation Officer (DLO) within the Joint Dog Section of Norfolk and Suffolk Constabularies and refer to the [Dangerous Dogs policy](#).

5.5 Officers dealing with dogs coming into police possession, should refer to the Dogs coming into Police Possession policy. (Currently being drafted)

5.6 The [Dogs CCR SOP](#) is a useful reference tool.

## 6. Horses

6.1 Upon receiving notification of one or more stray horses on a public carriageway, officers should:

- If safe, try to secure the animal where possible in order to prevent danger to road users. If it is not possible to secure the animal, they should take whatever action is necessary to reduce the danger to themselves and other road users.
- Once the animal has been secured and the danger to the public has been removed, officers should make enquiries with surrounding properties to attempt to identify and contact the owner so that the horse(s) can be removed to safety. A decision will then be made whether or not to prosecute. Details of local farmers can be obtained via:
  - Norfolk: Farmwatch via CCR and/or the the local Public Enquiry Officer (PEO).
  - Suffolk: The CCR or Rural Crime Team.

6.2 Both Suffolk and Norfolk use a 'Fast SMS' system for farmers and landowners.

6.3 Norfolk Constabulary works in partnership with the horse charity, Redwings. If an owner cannot be located and leaving the horse at the incident location would be a danger to the public, Redwings can be contacted in order for the horse to be recovered and taken to a safe place. The call out of Redwings must be conducted by the CCR and must also

be authorised by the Duty Inspector. The procedure in [Appendix A](#) should be closely followed.

- 6.4 It must be emphasised that recovering the animal is a costly option and should only be used as a last resort when all other options have failed. If any offences have been disclosed, positive action is recommended against the owners of such animals so that efforts can be made to recover the costs through the courts.

**Please Note:** This scheme should not be used when assisting enforcement agencies such as the RSPCA as they will have their own systems in place.

## 7. Other Lost/Found Animals

- 7.1 There is no legal requirement for the police to deal with lost or found animals. Finders of lost/stray dogs should be referred to the Local Authority.
- 7.2 Finders of animals other than dogs should be referred to the RSPCA or local Animal Rescue organisations. Most local vets would also be able to advise on persons/organisations who take in animals other than dogs.
- 7.3 The ownership of found racing pigeons bearing registration rings can be traced through the Royal Pigeon Racing Association (01452-713529).

## 8. Dead, Injured or Diseased Animals

- 8.1 Unless an offence is suspected, dealing with dead, injured or diseased animals generally falls outside of the WCO remit.
- 8.2 However, if a diseased or injured animal is found and it is not possible to quickly trace the owner, a registered veterinary surgeon can be called to the scene. If, in the opinion of the vet, the animal should be destroyed, the vet can be asked to do this with or without the consent of the owner (N.B. with the exception of deer, badgers and foxes when the services of a Humane Animal Destruction (HAD) Trained officer should be requested - see section on 'HAD' below).
- 8.3 Some diseases of animals are 'notifiable' under the Animal Health Act 1981. Any suspected cases of these diseases must be reported to the Department for Environment, Food and Rural Affairs (DEFRA). The vet should be able to advise on which diseases are notifiable.
- 8.4 If the services of a vet are necessary, a report should be submitted to the Finance Department with details of the owner if available. When an invoice for veterinary services is received in these circumstances, every attempt should be made to recover the costs from the animal's owner.
- 8.5 The Local Authority should be contacted to dispose of any animal carcass where appropriate.

- 8.6 Professional advice must be sought where an animal being dealt with appears to have any infectious or contagious disease. Medical advice must be sought where officers/staff come in contact with an animal suffering from a zoonotic disease (transferable to humans). An 'Injury on Duty' form must also be completed.
- 8.7 Where an offence is suspected, any evidence should be secured and the matter investigated.

## 9. Dangerous Animals

- 9.1 If dealing with an animal in circumstances which may be a danger to any person, e.g. an escaped zoo animal or bull, full details must be passed to the CCR and consideration given to requesting the attendance of a vet.
- 9.2 The CCR Inspector should consider the deployment of a Supervisor and Armed Response Officers (AROs). The AROs may dispatch the animal in accordance with guidance given in [Authorised Professional Practice \(APP\)](#).

## 10. Rabies

- 10.1 Rabies is a viral infection of the central nervous system for which there is no known cure and which is invariably fatal. The rabies virus is normally carried in the saliva of infected animals and transmitted by a bite or scratch. All warm-blooded animals, including humans are susceptible to the disease.
- 10.2 Enforcement of illegal landing legislation under the Animal Health Act 1981 is the responsibility of the Animal Health Inspectors at Norfolk County Council (Trading Standards Department). They have powers to enter any land, building, place, vehicle or vessel where there are reasonable grounds to suspect the Act or an Order is not being complied with. Animal Health Inspectors may seek police assistance in certain circumstances, as police officers have powers of arrest and greater powers of entry.
- 10.3 If a report of a suspected breach of the rabies controls or a suspected case of rabies is received, the Animal Health Inspector, Trading Standards Department must be informed as soon as possible.
- 10.4 A copy of the Norfolk Trading Standards Service Aide Memoir can be found [here](#).

## 11. Oil Polluted Birds

- 11.1 Upon receipt of a report about oil polluted birds, the RSPCA must be contacted.
- 11.2 Oil and chemical pollution incidents must be reported to the Environment Agency (24 hours emergency number: 0800-807060).

## 12. Deer

- 12.1 Dead deer on roads should be removed from the road at the earliest opportunity. Large deer should be removed out of public view, the location marked by police tape and Environmental Health contacted for collection. Small deer should be removed out of public view and left to decompose naturally.
- 12.2 If the deer is injured, a Humane Animal Dispatch (HAD) trained officer can be deployed to dispatch the injured animal.
- 12.3 If a dead or injured deer is reported on Forest Enterprise (Forestry Commission) land or within a three-mile radius of their boundaries, the Forest Enterprise should be contacted and a Deer Warden will attend to kill or dispose of the deer.
- 12.4 The control room will contact the most appropriate resource (Deer Warden or HAD officer) depending on the location and type of the deer.
- 12.5 Slightly injured large red stags that are still mobile are best dealt with by a Deer Warden. A HAD officer can be deployed if there is any uncertainty on type as they can recognise deer types and will make a dynamic risk assessment as to the best method of destruction.
- 12.6 The services of a vet can be requested (see section on Dead, Injured or Diseased Animals above) if appropriate. If it is necessary for a vet to euthanize a deer, it must be removed immediately to avoid poisoning of other animals which may eat it.
- 12.7 Bear in mind that the remains of deer carcasses may be evidence of theft/poaching of deer.
- 12.8 The [Deer CCR SOP](#) is a useful reference tool.

## 13. Humane Animal Dispatch (HAD) Trained Officers

- 13.1 There are officers in both Norfolk and Suffolk Constabularies who are trained in Humane Animal Dispatch who can dispatch injured deer, badgers and foxes.
- 13.2 HAD trained officers can dispatch animals on dual carriageways without the need to close the road (other than the lane they are in) as there is no ricochet risk.
- 13.3 The control room will contact a HAD trained officer if one is required.
- 13.4 HAD trained officers can assist the RSPCA should a large number of injured livestock require destruction urgently, e.g. a road traffic collision involving a vehicle transporting animals. The RSPCA would contact the relevant police force and the HAD officers would assist under the RSPCA's direction and supervision.

13.5 The protocol for HAD trained officers is included at [Appendix B](#).

#### 14. Animals left in Vehicles

14.1 In an event of a call from a member of public that an animal has been left alone in a vehicle, the following should be considered:

14.2 Section 4 Animal Welfare Act 2006 states that it is an offence to cause unnecessary suffering to a Protected Animal (an animal that is commonly domesticated in this country). It would have to be proved that the animal was caused unnecessary suffering rather than mere inconvenience.

14.3 'Unnecessary Suffering' is defined under the legislation and includes whether the suffering could reasonably have been avoided or reduced.

14.4 Section 18 Animal Welfare Act 2006 states that if a Police Constable reasonably believes a Protected Animal is suffering, they should take immediate steps to alleviate suffering.

14.5 Section 19 Animal Welfare Act 2006 provides a power of entry. If there is reasonable belief that there is a Protected Animal on premises (other than a private dwelling), and that the Protected Animal is suffering, or is likely to suffer if it's circumstances do not change, entry can be obtained to search for the Protected Animal or to exercise Section 18 powers (to alleviate the Protected Animal's suffering). If force is to be used, justification must be given as to why a warrant was not applied for first.

14.6 "Premises" includes any places and includes vehicles, vessels, etc.

14.7 Entry to the vehicle can be made if done so with the intent, for example, to take the animal in possession to remove it to a place of safety, or take such steps as immediately necessary to alleviate suffering. Justification would be required as to why it was a necessary and reasonable step to take (exhausting all other options to locate owners of the vehicle and assist the animal would help evidence that the action was necessary and reasonable).

14.8 Any forced entry to a vehicle has to be deemed a last resort, only when absolutely necessary following the exhausting of all other avenues and only when the animal is reasonably believed to be clearly suffering to a justifiable degree rather than being merely inconvenienced. This is something that the attending officer will determine and justify when taking in to account all of the available circumstances pertinent to that specific case.

14.9 Any power of entry would be under the provision of 'saving life and limb and to prevent serious damage to property' of Section 17 PACE 1984. However, there must be apprehension that what has happened, or may happen, will involve serious damage or serious injury; 'concern for the welfare of somebody within the premises' will not suffice alone (Syed v DPP [2010] EWHC 81 (Admin), (2010) 174 JP 97).

14.10 PCSOs have a standard power of entry that a constable has under their designation under the Police Reform Act 2002. They can only do what is designated to them so the specific powers under the Animal Welfare Act are not applicable.

## **Appendix A – Recovery of Stray Horses via Redwings (Norfolk only)**

Norfolk Constabulary has a partnership with the horse charity Redwings with regard to the recovery of stray horses found on the public carriageway. While this does not change the way in which such incidents are initially dealt with, it does provide the option of removing the animal if an owner cannot be located and where leaving the horse at the incident location would be a danger to the public. However, this is as a last resort after all other options have been exhausted.

In the event of a call from a member of public that a stray horse(s) is on a public carriageway, the following procedure should be followed.

Officer(s) dispatched to the scene should try to secure the animal where possible in order to prevent danger to road users. If it is not possible to secure the animal, they should take whatever action is necessary to reduce the danger to themselves and other road users.

Once the animal has been secured and the danger to the public has been removed, officers should make enquiries with surrounding properties to attempt to identify and contact the owner so that the horse(s) can be removed to safety. A decision will then be made whether or not to prosecute. CCR should contact Farmwatch and the local PEO for details of local farmers.

Additionally, some local commands hold a record of horses in the local area with photographs and owner details (entitled 'Whose Hooves'). The CCR can access this if available for the area in which a horse has been found. The CCR are also able to contact a Horse SPOC who may be able to offer help and assistance in these circumstances when on duty.

If all efforts have failed to identify the owner and the horse is likely to continue to be a danger to the public, then authority must be sought from the Duty Inspector to have the animal recovered by Redwings.

**It must be emphasised that recovering the animal is a costly option and should only be used as a last resort when all other options have failed.**

The call out of Redwings must be conducted by the CCR, who will provide the following details:

- the CAD number;
- Command District;
- the reason for recovery, with a brief description of the incident and service required;
- full details of the OIC so that Redwings have a point of contact if they are approached by the owner at a later date;
- the name of the Authorising Inspector;

- the location, type and approximate size and mental state of the animal(s);
- the Dispatch desk contact number (and if possible a contact number for the officers on scene).

Redwings will confirm an ETA to the scene with the Dispatch desk.

Officers must remain with the animal until Redwings have attended and completed recovery.

Details of the animal should be entered onto the CAD.

Once the animal has been recovered, the authorising Inspector must ensure that the OIC's Sector Inspector is made aware of the recovery.

The OIC should ensure that full enquiries are conducted to attempt to identify the owner. This should include door to door enquiries in the area, checking the crime system in case the animal is stolen and issuing a press release. They are to liaise with Redwings who will examine the animal for possible identification features such as freeze marks or micro-chips.

If the OIC is due to go on annual leave or rest days, the enquiry should be handed to their supervisor for allocation to another officer in their absence.

If at any time during the incident the owner of the animal is identified, their full details should be taken and consideration to prosecute them for any offences that have occurred should be given. Positive action is recommended particularly if this is an ongoing problem.

If a decision is made to prosecute the owner, any costs incurred should be formally claimed back via the judicial process.

If it is decided not to prosecute the owner and callout costs have been incurred, then the owner should be advised that they will be invoiced for the callout service used.

In the event of difficulty in recovering costs from owners, liaison with the Legal Services department is advised.

In the event of the owner not being traced, disposal of the animal under the Police Property Act 1997 should be considered.

#### **Redwings Contact Telephone Numbers:**

- General Enquiries (Office Hours): 01508 481 008 / 7 / 6
- General Enquiries e-mail address: [welfare@redwings.co.uk](mailto:welfare@redwings.co.uk) or [rangell@redwings.co.uk](mailto:rangell@redwings.co.uk)

Redwings are happy to be contacted by CCR for advice on dealing with horses at any time free of charge. They will also provide advice to officers via the General Enquiries number during working hours.

**This scheme should not be used when assisting enforcement agencies such as the RSPCA as they will have their own systems in place.**

## Appendix B – Humane Animal Dispatch (HAD) Officer Protocol

Only Officers trained in the use of the HAD will carry and load the device and dispatch animals.

The captive bolt stunner will only be removed from its secure location when required for an operational purpose.

HAD officers are responsible for signing out and signing in the apparatus and recording the number of blank rounds drawn, returned and used.

HAD officers are responsible for ensuring the cleaning of the apparatus after each use.

The Firearms Admin Dept. will be notified after each use by a short email detailing the time, place of the use, the discharging officer and whether the use was successful and the number of blank rounds used. This will allow the replacement cartridges to be ordered and forwarded onto the station.

HAD officers are responsible for ensuring the successful dispatch of the animal.

If the HAD officer feels it is unsafe to approach the injured animal, due to its size or mobility, they should call for assistance from the Armed Response Vehicle (ARV) or Deer Warden for the dispatch of the animal.

The HAD officer will wear the appropriate PPE, i.e. eye glasses and gloves/gauntlets and hearing protection in line with their training.

The HAD officer is responsible for briefing the officers on scene as to their requirements and ensuring the road is closed if required and members of the public are removed from the working area while the destruction takes place.

The animal carcass will be moved to the side and of the road and left on the verge well away from the road.

The HAD officer will be responsible for making a detailed pocket note book entry for rational for the use of the captive bolt stunner detailing the condition of the deer when located, the injuries in their opinion would not be survivable, the destruction was necessary to prevent suffering to the animal, the fact the deer was dispatched in accordance to the training provided, the number of blank cartridges used and the PPE provided was also used.

The captive bolt stunner will be cleaned after every use and returned to the Taser Safe and the Log Sheet completed.

If there are concerns around the safe working of the captive bolt stunner, the stunner will be removed from use by attaching an unsafe label to it. The other HADs in the station will be notified by email and a line added to the Log Sheet. The relevant Force Armourer will be notified by email. Arrangements will then be made to transport the stunner to OCC/PHQ Firearms for servicing.