



Annex I: Procedural protocol for law enforcement officials in charge of surveillance and preventive action against use of poison in the countryside

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The present document has been drawn up under the *Life* + *VENENO* (LIFE08 NAT/E/000062) by the technical team of SEO/BirdLife with collaboration of all the key stakeholders in the fight against poison in Spain.

This protocol is the Annex I of the **Action Plan to eradicate the illegal use of poison in the countryside.**

The tasks of surveillance and preventive investigation carried out by law enforcement officials to control the use of poison are crucial in the fight to eradicate this use.

To ensure that poisoning prevention work is as efficient as possible, the investigation and surveillance of the use of poison in the countryside will be carried out in the way described herein. To carry out this work, out-of-hours services can be performed when essential.

1. PHASE I: PREVENTIVE INVESTIGATION

1.1 HISTORICAL BACKGROUND

Whenever cases of poisoning crop up, or in ongoing prevention work, a trawl should be made of the following sources of information to find out the historical background of possible cases:

- Government sources: information on wild animals whose necropsy indicated poisoning as the cause of death; information on customs of poison use in certain areas; review of reports of alleged offences and poaching reports. Detection of traps, snares, protected species (like raptors with gunshot wounds) might all be clues to the possible use of poison in the area.
- Veterinarians: veterinary clinics will be furnished with documents informing them of the problem of the illegal use of poison and also of the pathology that might indicate the ingestion of poison in domestic animals. These clinics will be given a telephone number to contact law enforcement officials and they will be made aware of the importance of communicating any case involving suspicions of the use of poison.
- Animal tenders: their information is precise and wide ranging. On many occasions their own animals have suffered from the use of poison.
- Local residents: mainly those living in isolated country houses such as dwellings and housing estates bordering on hunting grounds, woodland and scrubland, etc.
- NGOs and other organisations working to protect the environment.
- Internet: specialist websites and forums.

1.2 DETECTION AND INVESTIGATION OF THE USE OF POISON



Surveillance in preventive action against the use of poison should ideally be carried out by tenured public servants, who, as such, qualify as law enforcement officials, and by criminal investigation police (including environment and forestry officers in Spain), though useful participation might also come from members of NGO patrols or other private organisations.

To detect and find cases of poisoning, due consideration will be given to the hazard zone map drawn up with the dates of the poisoning episode and investigations into the reasons for the use of poison.

1.3 INSPECTION AND SURVEILLANCE IN DIFFERENT AREAS OF THE COUNTRYSIDE

As a general rule surveillance should be thoroughgoing in any property with a previous record of poisoning cases although each zone calls for a series of specific checks that are outlined below.

- Inspection and surveillance in registered hunting grounds and hunting estates with releases or restocking of hunting species

In the case of hunting estates all available information will be culled to find out as much about their registered area, their facilities and fixtures, the estate warden, hunters and managers. Meetings will be held with them to find out the various problems they face and to offer advice.

When application has been made for predator-control authorisation, a check will be made that this is actually carried out as per authorised without using any large-scale non-selective methods. This control will extend to neighbouring hunting grounds or estates. The law enforcement official will present him/herself to the manager or head with the aim of giving advice.

During the hunting season inspections will be made of the hunters of the grounds under investigation. Throughout the whole year, moreover, inspection visits will be made to the area on foot to check zones at times when poison has previously appeared, such as isolated areas, fauna tracks and passageways, zones with water, warrens or nests.

Special attention will be paid to hunting grounds effecting releases or restocking of hunting species to avoid possible elimination with illegal methods of the predators of these introduced populations.

- Inspection and surveillance of farms with known crop damage

Farms that are known to have complained about crop damage or applied for permission to control crop-damaging species should be checked regularly to ensure that poison is not being used (control of vole plagues, control of crop-damaging rabbits, etc.).

- Inspection and surveillance of livestock farms, especially those with precedents of livestock attacks



Surveillance needs to be especially strict in those areas (e.g. wolf habitat) where there are known to have been attacks on livestock to look for any poisoned bait, scavenging animals showing poisoning symptoms or any other possible indication of the use of poison.

In the case of crop farms all possible information should be culled thereon to find out such features as their facilities, boundaries, managers, leaseholders or workers, meeting up with them to find out the problems they face and offer advice. Throughout the whole year, moreover, inspection visits will be made to the area on foot to check zones at times when poison has previously appeared.

- Inspection and surveillance of commercial apiaries

Bee-eaters eat bees, and attempts have been made in the past to poison them.

When an apiary is detected or when applications for beekeeping authorisation arrive at district offices, an inspection will be made of the hives to detect the presence of natural or artificial perches impregnated with liquid insecticide, and signs of poisoning from previous seasons will also be looked for such as the remains of carcasses of Bee-eaters or other birds, toxin containers, etc.

In summer, when the Bee-eaters return to the area, preventive surveillance checks will be carried out to detect any use of poison or other illegal hunting method, checking perches near the hives to detect toxin use by smell or by finding toxin-impregnated sponges or grease. A count should also be made of the Bee-eater colony to detect any sudden fall thereafter. Inspections at this time of year should be made periodically.

1.4 COLLECTION OF ALL FAUNA CARCASSES OR THEIR REMAINS

All fauna carcasses or their remains found in the countryside will be collected, even if they have presumably been victims of poisoning or about which suspicions are held (especially those found under power lines or in windfarms, etc.), and then taken to the wildlife rescue centre (*centro de recuperación*), government office or assigned laboratory, where the necropsy will be carried out to find out the actual cause of death and report same. Possible poisoning of fauna should never be ruled out just because their remains were found in or near such facilities or infrastructure.

If there are suspicions or evidence of death by intoxication, any examples of domestic fauna will also be collected.

2. PHASE II: PROCEDURE IN CASES WITH CLEAR EVIDENCE OF POISON USE

The following actions will be carried out within this phase:



- Presence will be stepped up in the area concerned, with collection of vestiges and information outside the normal working hours of the law enforcement officials and preferably without uniform to avoid alerting the poisoner.
- Monitoring of “canary-in-the-mine” species like dogs and cats, scavenging birds, foxes, crows, etc, will be stepped up to detect any decreases in their numbers.
- A closer check will be kept of applications for restocking with hunting species, monitoring same.
- Suspect persons, managers of the area under surveillance, wardens, etc, will also be monitored and followed.
- If any poisoned carcass / bait has come to light, attempts will then be made to work out the poisoner’s modus operandi since they tend to repeat the same behaviour pattern and method year after year.
- Bait will be looked for in areas frequented by animals, zones close to water, fauna passageways, warrens, etc.
- A search will be made for any landmarks set up by the poisoner to find the bait and check whether it has been predated. These usually take the form of cairns, dry branches, thread or string tied to nearby branches or any other sign betraying the spot. Evidence about the person who placed the poison will also be sought, such as footprints, tyre marks, cigarette butts, etc.

3. PHASE III: SURVEILLANCE AND INTERCEPTION OF SUSPECTS

The following actions will be carried out within this phase:

- Analysis of information to hand on the suspect(s): habits, vehicles, working hours, etc.
- Service planning: timetabling of the working hours of the acting officers, observation points.
- Recce of the area by means of photographs, local maps or previous visits to the area in an unmarked car and out of uniform.
- Identification of general and direct observation points, trying to cover the widest possible area in which the poisoner may operate. These should also be areas of good coverage for cell phones and walky-talkies to ensure that each member of the operation can communicate the movements of the suspect and any incidents.



- Surveillance of the zone until catching the poisoner *in flagranti* placing the poisoned bait. At this moment the offender will be intercepted by two law enforcement officials, showing their credentials as such.
- In this moment the poisoner will be frisked and asked to empty his/her pockets, rucksack or any other material being carried at the time that might contain incriminating evidence. A check will also be made of any vehicles, stores, huts and sheds, etc. providing they are not considered to be dwellings. All items that might constitute any evidence will be confiscated: toxins, bait, gloves, etc, sealing and labelling them on the spot.
- Attempts will be made to get the intercepted person to collaborate to prevent continuance of the damage caused, i.e, by indicating the location of other poisoned bait and the location of dead animals.
- All intervening officers will then leave the site except one, who will keep a watch to ensure the poisoner does not return to the site shortly afterwards to remove any other undetected bait, dead fauna or other banned hunting method.

4. PHASE IV: POST-INTERCEPTION PROCEDURE

- A debriefing meeting will be held with all personnel who have worked on the case as feedback to comment on problems, shortfalls or mistakes to avoid in the future.
- If necessary a search will be made for other evidence.
- Government authorities or affected organisations will be informed of events.
- Initial arrangements will be made for bringing the pertinent administrative or criminal action.

5. OTHER PROCEDURES

5.1 INSPECTION OF THE OFFICIAL REGISTER OF HAZARDOUS PESTICIDES AND USE OF ZOOSANITARY PRODUCTS

Products used as poison are usually phytosanitary products that can be bought and used solely for farming use under very strict rules and conditions to minimise any damage.

Establishments selling phytosanitary products are bound by law to keep an Official Ledger of Movements of Hazardous Pesticides (*Libro Oficial de Movimientos de Plaguicidas Peligrosos*: LOM), recording all purchases of products of this type with the date of purchase, name of the product and identification of the purchaser. This is done in the interests of monitoring the use of these products and, in the event of improper use, be able to find out who purchased them.



It is therefore vital for law enforcement officials to inspect the LOM to detect any possible unauthorised use of these products to kill fauna. Furthermore, whenever any particular person is suspected of being a poisoner, this hypothesis can then be tested by checking the ledger to find out if this person has purchased any phytosanitary products.

In those cases where the poisoning might have been caused by the illegal use of zoosanitary products, inspection and control tasks will be carried out as laid down in relevant legislation, i.e., the Animal Health Act 8/2003 of 24 April (*Ley de Sanidad Animal*) and Royal Decree (*Real Decreto*) 488/2010 of 23 April regulating zoosanitary products).

5.2 ENVIRONMENTAL EDUCATION AND RAISING PUBLIC AWARENESS

Meetings will be held with mayors, hunting ground managers, wardens, hunting associations, livestock farmers' associations, etc to inform diverse users of the countryside about the illegality and hazardousness of using poison.

At local level direct and personal contact will be encouraged with mayors and environmental councillors of the working zone, with hunting ground managers, hunters, wardens and surveillance personnel of the hunting ground, crop- and livestock-farmers, etc, informing and advising them about the government help they can get if their activity is harmed by wildlife. They will also be informed about the prejudicial effects of using poison and the criminal liabilities they might incur.

The attempt to raise awareness about this problem by means of environment education work goes hand in hand with prevention of poison use. Adverts should therefore be run in the mass media about the harm done to fauna by the use of poison and concomitant criminal liabilities. Schoolchildren-targeted environmental education campaigns will also be promoted.

Media publication and broadcasting of the work of law enforcement officials in the investigation of poison use and interception of the perpetrators, especially cases in which liability is established, hunting grounds closed, etc, is crucial in the interests of deterring potential offenders in the future and combatting the sense of impunity that poisoners currently enjoy.

This document has been drawn up by the federal coordinator (*Coordinadora Federal*) of environment and forestry officers (*Agentes Forestales/Medioambientales*) of the Citizen Service Federation (*Federación de Servicio a la Ciudadanía*) of the trade union CCOO.

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