



Annex II. Procedural protocol for law enforcement officials in charge of collecting presumably poisoned fauna or bait and the preliminary investigation of the offence

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MINISTERIO DE AGRICULTURA, ALIMENTACIÓN Y MEDIO AMBIENTE





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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 II of the **Action Plan to eradicate the illegal use of poison in the countryside** and will be triggered whenever there is evidence or suspicions of poisoning. Whenever a possible case of poisoning comes to light, the law enforcement officials will act as follows:

1. INITIAL MEASURES

In the first moments after detection of the poisoned bait or fauna the following actions will be taken as quickly as possible:

- The law enforcement officials will carry out a systematic ground search in the surrounding area to look for more bait or presumably poisoned fauna, especially in places where bait or poisoned carcasses may have been hidden or buried.
- Footprints will be looked for in the places where the bait or carcasses have been found, around rabbit nurseries, partridge feeding- and drinking-stations or other hunting or livestock-farming facilities.
- Wheel tracks will be looked for in the environs.
- Vestiges and tools will be looked for in the aforementioned areas, such as cigarette butts, rubber gloves, packaging and wrappers, DNA remains or fingerprints and, in general, any evidence that might help to prove culpability.
- An identification will be made of the person or persons in charge of maintaining the farming or hunting facilities (normally the hunting warden).
- The vehicles of the above will be registered as quickly as possible. Should any poison, bait or poisoned fauna come to light, the ownership and use of the vehicles will be checked.
- A check will be made to find out if any type of facilities exist, either of the warden, the hunting ground, the hunters' association, the livestock farmer (farm buildings, sheds and lean-tos, etc) or crop farmer, that might be inspected in these early moments.

After the finding of the bait or fauna suspected of having been poisoned, a first visual inspection will be made of the terrain and the animals found and work will then begin on labelling the samples, cordoning off the terrain so that only persons in charge of the investigation have access.

A photographic report will also be drawn up, with benchmarks and metric scales, showing:



- The animals found dead and the bait. If the baits used and found are similar, only one will be included for reference in the case record.
- Evidence (cigarettes, tyre marks, etc.). On many occasions photography is the only way of conserving the evidence.
- Seized objects.
- Store or shed, in search cases, showing that the building in question is not a dwelling.
- General view of the environment.
- The GPS at the moment of taking coordinates.

The photographs will be numbered and classified, with date, photographer's name and an explanatory text. They may be presented on photographic paper or directly printed onto the sample removal report; the photos should ideally be in colour.

2. SEALING OF THE FAUNA AND/OR BAIT FOUND

The poisoned bait or fauna shall be sealed as follows:

Carcasses, as judicial evidence, have to be sealed to prevent tampering with the sample. To do so the carcass should be placed in a double bag and closed with a seal. The bag must bear a perfectly legible label with a succinct expression of the following information:

- Identification of the contents: species, age, etc. and when the specimen has any distinctive features or marks.
- Location of the sample site (address, place name, hunting ground license number or livestock farm reference, GPS coordinates).
- Details of the sampling point.
- Date and time of collection.
- Identification of the law enforcement officials collecting the samples.
- Number of the report of the alleged offence or protocol.
- Number of samples.
- Metric scales and benchmarks



In the case of a skeletonised and/or mummified carcass and if there are traces of substances and biological remains, a soil sample has to be collected down to a depth of 15 cm and deposited in a wide-mouthed plastic container with an easy-opening and -closing screw lid.

Poisoned bait has to be wrapped first in aluminium foil and then placed in wide-mouthed plastic containers with an easy-opening and -closing screw lid.

Ideally, glass containers will not be used. If they are used, they must likewise be sealed and labelled.

3. DRAWING UP THE SAMPLE REMOVAL REPORT

To ensure correct collection of judicial evidence, after the sealing of the carcass and/or poisoned bait, the law enforcement officials will draw up a sample removal report (*Acta de Levantamiento de Muestras*: the official report controlling removal of the sample from the site where it was found) using the model form shown in Annex I. Attached thereto will be the following:

- Detailed description of the places where the bait or dead animals were found: place name, coordinates, type of vegetation or land-use qualification (agricultural, forestry, urban), distances to significant elements that might provide clues to the poisoner's modus operandi (paths, hunting ground facilities or reforestation areas, rivers, fauna passageways, farms, landfill sites ...). A sketch might usefully be made of the area to help locate all the elements properly.
- Detailed description of the state of the bait or animal: state of conservation, whether or not it has suffered scavenger predation, whether it is found in a different site from where it was originally found or died and evidence for same.
- Description of the symptoms or evidence of the animal's causes of death: carcass fauna or dead insects, mummification, non-coagulation of blood, strained postures, gaping rictus, vomit or diarrhoea nearby. Whether or not it shows any orifice caused by a shot or lesions from any other hunting method, presence of nearby roads or power lines posing hazards for fauna.
- Characteristics of the poison: type of toxicity, whether still marketed or withdrawn (date of market withdrawal, reference legislation, reason for market withdrawal,...). Name or tradename of the presumably used commercial product. If investigations bring to light evidence of the tradename showing the toxin used, due recording will be made of the name, company or laboratory marketing the product in Spain (Bayer, Rhone Poulenc,...) and the use of the commercial preparation.
- Description of the elements found that are of interest to the case and description of the site where it was found.



- Description of the observed and salient evidence for the investigation in the first moments thereof (tyre marks or footsteps, etc.).
- Photographic report of the carcass and/or bait.
- Weather conditions at the moment of removing the carcass and/or bait.
- As much additional information as is deemed pertinent to the investigation, such as leasing contracts, prospectuses or labels of the product used, hunting management plan, subsidies received, previous offence reports, predator-control authorisation, etc.

The removal report will indicate the case number, which shall then figure on all documents drawn up in relation thereto. Attached to the report will be the technical form for initiating sanctioning proceedings or adoption of previous measures, included in Annex III. Once the sample removal report has been drawn up, the provincial coordinator will be notified thereof and be sent a copy.

4. DELIVERY OF SAMPLES FOR ANALYSIS THEREOF. SAMPLE ASSIGNMENT REPORT

Once all the material has been correctly sealed and identified and the sample removal report has been filled in and signed, the law enforcement officials will deliver them for analysis to the reference reception centre. This centre will be, in the first place, the wildlife rescue centre (*Centro de Recuperación de Fauna*) of the *Comunidad Autónoma* or, in default thereof, the laboratory or administrative office that has been assigned the tasks of sample collection and toxicological analysis.

In the case of poisoned carcasses, if the samples cannot be analysed at the moment of delivery, the recommended procedure is to refrigerate them immediately to ensure they remain in proper conservation conditions when it comes to writing the expert appraisal and drawing up the toxicological analysis. If the same case also involves poisoned bait, this will also be frozen.

When it is not possible to hand over the material directly to the reception centre it can be delivered to other government offices or a messaging service can be used, providing strict compliance with the custody chain can be guaranteed by means of seals and labels.

The samples will always be accompanied by a sample assignment report (*“Acta de Cesión de Muestras”*) according to the model form shown in Annex II to ensure a proper custody chain. The removal report will also be handed over and as much documentation and description of the facts of the case as have been obtained.

The sample assignment report will specify:

- The assigned case number (according to the removal report).
- The department or provincial office they are sent to.



- The species or sample sent and its state of conservation.
- The origin of the sample or carcass.
- The type and number of seal.
- The type of container.

The sample assignment report shall be signed by the person or law enforcement official who sent the sample and by the person of the transporting company (or seal) with the date, time and signature of the head of the laboratory or office to which it is sent or the rescue centre (*Centro de Recuperación*) it is delivered to as well as the stamp and seal of the latter.

A copy of this report shall be sent in duplicate to the laboratory, office or rescue centre (*Centro de Recuperación*) so that it may be returned attached to the appraisal report. Another copy will be sent to the provincial plan coordinator.

The following have collaborated in drawing up this document

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ANNEX I: SAMPLE REMOVAL REPORT

Case No.: _____ / _____

1. GENERAL INFORMATION

Date of intervention	Start time	Finish time
Place names		
Name of the terrain / Hunting ground/farm		Registration number
Municipal district		Province
Intervention by specialist K9 unit	Yes No	Registration number

2. INTERVENING LAW ENFORCEMENT OFFICIALS

Organisation	Environment officers	Seprona (Guardia Civil)	Regional police	Others
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Officer Identification
 Number / Professional
 Identification Card
 (N.I.A./T.I.P.)

3. WITNESSES

First name/Surname(s)	Personal or Fiscal ID (D.N.I./C.I.F)	Post	Telephone number
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4. IDENTIFICATION AND SAMPLE COLLECTION

No.	Sample identification	Time UTM Coordinates	Seal number and type
		S X Y	
		S X Y	
		S X Y	
		S X Y	
		S X Y	
		S X Y	
		S X Y	
		S X Y	
		S X Y	
		S X Y	

5. SALIENT FACTS

In witness whereof this report is hereby issued in the place and on the date indicated above and is signed by all intervening therein.

Address
 Post Code Telephone



ANNEX II: SAMPLE ASSIGNMENT REPORT

1. GENERAL INFORMATION

Provincial case number _____ / _____
Samples referring to sample collection report number
Transport carried out by

2. DESCRIPTION OF THE SAMPLES

Types of containers
Total number of sealed containers
State of conservation

3. OBSERVATIONS

4. DATE OF DISPATCH AND ENTRY IN THE CENTRO DE RECUPERACIÓN/LAB

Officer/expert sending in the samples
Date and time:
Signed:

Entry in the *Centro de Recuperación*

Date and time:
Signed:

Address
Post code

Telephone number



ANNEX III: TECHNICAL FORM FOR INITIATION OF SANCTIONING PROCEEDINGS OR ADOPTION OF PREVIOUS MEASURES

With reference to the sample collection report No.....

Possible cause of death Poisoning Collision with fence Electrocution Run over
 Intoxication Collision with wire fencing Inanition Gunshot

Falling nest Collision with wind power vanes Illness Other

State of carcass Fresh Putrefaction Colliquative Post-colliquative Skeletonised

Evidence of poisoning Clutched claws Blood natural orifices Carcass fauna Facial rictus

Convulsive posture Vomit/diarrhoea Bitten tongue Others

Estimated placement date of assumed bait:
 Estimated date of death of found specimens:
 Distance of carcasses from found bait:
 Carcass fauna:
 Type of establishment inspected Hunting ground Livestock farm Others (indicate)
 Main hunting activity (where applicable) Small game Large game
 Type of hunting ground (where applicable) Private Intensive Sports hunting
 Type of livestock farming (where applicable) Extensive Intensive Mixed
 Livestock raised (where applicable) Sheep Goats Cattle Pigs Other

Samples found near built-up areas, rural houses Yes No Not known
 Samples found after notification by the tenure holder of the farm/hunting ground/terrain Yes No Not known
 Samples found after notification from a private individual Yes No Not known
 Samples found after an anonymous call Yes No Not known
 Existence of wardens or surveillance in the zone Yes No Not known
 Presence of perimeter fencing balking access Yes No Not known
 Precedents of illicit activities involving the use of banned means Yes No Not known
 Finding of samples on the borders of farm/hunting ground/terrain Yes No Not known
 Bait found in the season of partridge or rabbit releases Yes No Not known
 Samples next to feeding or eating stations, cairns, animal pens/folds, rabbit warren Yes No Not known
 Species apparently apt for human consumption Yes No Not known
 Bait apparently apt for human consumption Yes No Not known
 Other risks to public health (fountains, recreational areas, paths ...) Yes No Not known
 Carcasses buried or hidden in an attempt to conceal their death Yes No Not known
 Traces of moving the carcasses to mislead investigators Yes No Not known
 Vehicle tracks next to the samples Yes No Not known
 Footprints near the samples Yes No Not known
 Bags/containers or other recipients found Yes No Not known
 Paths associated with the finding of samples Yes No Not known
 Hunting/dispersal areas of threatened species Yes No Not known
 Landfill sites near the site of the samples Yes No Not known
 Roosts in the immediate area Yes No Not known
 Finding of suspicious products in stores/vehicles Yes No Not known
 Suspicious purchases in phytosanitary product points of sale Yes No Not known
 Other salient considerations, declarations by witnesses, wardens, guards et al:

In witness whereof this form is hereby issued, signed by the intervening law enforcement officials.
 Address
 Post code Telephone