

O'Brien & Crotty Raptor Prosecution Case

Bird of Prey persecution is a significant problem in Co. Waterford and has been for many years. Peregrine Falcons are particularly targeted leading to a situation where breeding success of the species has been substantially reduced in the county. This persecution takes many forms including shooting and poisoning. It is believed that much of this illegal activity is carried out by a small number of individuals within the pigeon racing community. In March 2014 NPWS staff detected illegal hunting of Peregrines at Cappagh Quarry, Keereen Quarry and at Carroll's Cross Quarry. These sites were closely monitored for an extended period and several individuals were identified and photographed participating in the illegal activities. During this time four dead Peregrine Falcons were discovered and two dead Sparrowhawks. A large number of suspected poison baits were collected and tested at the state laboratory. These tests confirmed the presence of two banned poisons on the baits. In many cases the poison was placed on live racing pigeons which were then tied to stones or stakes at the top of cliffs to lure in wild predatory birds. Observations at nest sites were followed up by searches of the homes of the individuals concerned and a number of items including a stuffed Peregrine Falcon and poison containers were seized as evidence, one individual was also arrested by Gardai after obstructing NPWS staff during the searches.

A prosecution file was created recommending prosecution under the Wildlife Acts and the case presented by State Solicitor Francis Hutchinson was heard for a full day at Dungarvan District Court on 15th February 2016. All charges were fully contested. I gave evidence for just under three hours and Cyril Saich and Seamus Hassett were also called to give evidence. Judge Finn dismissed specific charges relating to the use of poison as NPWS did not have staff from the laboratory that tested the poisons in court, we did have 17 reports from the laboratory in court but these were not adequate. Despite this a considerable number of other charges including illegal hunting remained and on 9th March 2016 Judge Finn directed that these remaining charges should proceed and the case went on for a further half day where all the accused parties and two other witnesses on their behalf gave evidence. Having heard the case Judge Finn convicted the accused on all counts (other than the laying of poisonous bait). The following penalties were imposed:

1. Kevin Crotty was fined €600 on each of two counts of aiding and abetting an offence and using a mechanically propelled vehicle as an aid to offend on 16/3/2014. He was given six months to pay. The remaining 8 charges were taken into consideration (total fine €1200).
2. John Crotty was fined €700 in respect to four charges including hunting a protected wild bird on 23rd March 2014. He was also convicted of offences under the Firearms Act (charges brought by the gardai) in relation to an unlicensed air rifle found during the search of his residence.
3. Stephen O'Brien was convicted on 20 various charges relating to five separate dates. Judge Finn stated that he was not truthful and had told a tissue of lies to the court. He convicted him on five separate counts of hunting a protected wild bird and fined him €1500 in respect of each of the five counts and gave him six months to pay. The remaining counts were taken into consideration (total fine €7500).
4. Christopher O'Brien was convicted of obstructing an authorised person and also on 16 separate charges of being in possession of wild birds. He was fined €700 in respect to the obstruction charge and given six months to pay, the other charges were taken into consideration.
5. Charges were dismissed against Peter O'Brien

6. 46 charges had originally been recommended against Michael Riordan but he passed away during the two year period between the offences and the trial.