

Independent review of North Wales Police performance in relation to enforcing the ban on fox hunting with hounds and policing incidents connected with hunting.

Iolo Madoc-Jones

Andy Jones

Caroline Gorden

on behalf of

The Office of the North Wales Police and Crime Commissioner

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# Abbreviations and Glossary

|  |  |
| --- | --- |
| Countryside Alliance | The Countryside Alliance is a campaigning organisation for field activities including hunting, shooting, fishing and rural communities |
| Drag hunting  | Hounds hunt an artificial non-animal scent pulled by a drag, laiddown over a predetermined route which is known to riders and those controlling hounds. |
| (The) Field | The Field is the collective term for all the riders following the hunt (some of whom may have paid to do that) |
|  |  |
| Hunt Monitors  | Individuals who attend hunts to ‘monitor’ hunt activity |
| Hunt saboteurs | Individuals who attend hunts to ‘sabotage’ what they consider to be illegal Hunting Activity by laying down scents; using loud noise etc to disrupt the hunt.  |
| JISC | A survey platform: JISC is a UK digital, data and technology agency focused on tertiary education, research and innovation. |
| LACS | League Against Cruel Sports |
| NPPC | National Police Chief’s Council |
| NSIR | National Standards for Incident Reporting 2011 |
| OPCC | The Office of the Police and Crime Commissioner for North Wales |
| Operation Yarder | The Police operation to manage protests associated with The Hunting Act  |
| PCSO | Police Community Support Officer |
| RCT | The Rural Crime Team |
| Trail hunting | Hounds hunt an artificial animal scent trail laid down over a route that is usually not shared with riders and those controlling the hounds  |
|  |  |
|  |  |
|  |  |

# Acknowledgements

The review team would like to thank everybody who gave their time to distribute and/ or complete the survey. An additional debt of gratitude is owed to those who also agreed to take part in interviews. We would like to thank North Wales Police for hosting us as we undertook the reported incidents review and, in particular, Superintendent Jonathan Bowcott for facilitating access to police databases and staff. A final thank you is extended Helen Williams from the OPCC who managed the review contract fairly and impartially, making useful suggestions throughout with a view to improving the quality of the final report.

# FOREWORD

My role as Police and Crime Commissioner is making sure that the people of North Wales have the best police service possible. I made the pledge within my manifesto that the communities of North Wales will be at the centre of my decisions. To deliver on this promise, I hold the Chief Constable to account to ensure that the Force are working effectively and efficiently. I measure North Wales Police’s performance against my Police and Crime Plan which sets out my priorities and objectives.

Delivering Safer Neighbourhoods is my overarching priority and sets the foundation of my Police and Crime Plan. My vision is to make all North Wales communities safe, make sure victims and vulnerable people feel supported, ensure crime and reoffending are low, and people have the confidence in policing and the criminal justice system.

Rural and Wildlife crime are incorporated within this overarching priority due to the significant impact that crime can have on secluded rural communities. The importance of rural and wildlife crime to the people of North Wales was confirmed by my public consultation in 2021 where 83% of the 2,279 individuals who responded stated that rural and wildlife crime was an important priority. Policing rural areas raises its own challenges however as the representative of the North Wales people it is my role to ensure that all communities, urban and rural, receive an excellent policing service.

Following my election, I was frequently asked by members of the public “What difference is there between somebody who is intent on distributing illegal substances and somebody who is intent on illegal hunting? Both acts are illegal. Why is it that somebody can be arrested ‘on the suspicion of’ the intent to distribute illegal substances but this does not happen with any suspicious hunt gathering”. This question was one of the main reasons I commissioned this review.

This report sets out why trail hunting was not included in the review, and I trust there is an understanding of what is within my remit as a Police and Crime Commissioner - which I am legally, and duty bound to uphold.

Following regular correspondence from the public to me directly and to the office raising concerns regarding the way North Wales Police enforce the Hunting Act 2004, I commissioned an independent review. This review considered how well the Hunting Act is policed in North Wales and whether there are any areas for improvement. Along with what recommendations have been made; listening, understanding and what learning can be gained from this review is vitally important to me. I hope that any organisations who have an interest in this topic can use this review for reference.

Following a procurement process Wrexham Glyndwr University were awarded the contract. I wish to extend my sincere thanks to Professor Iolo Madoc Jones, Andrew Jones and Caroline Gordon for their work in completing this review in a pragmatic, professional and objective manner.



Andy Dunbobbin

North Wales Police and Crime Commissioner

# EXECUTIVE SUMMARY

Fox Hunting with hounds was made illegal in England and Wales by the 2004 Hunting Act. In some quarters, how the police are enforcing the legislation and responding to incidents connected with hunting is the subject of criticism. This independent review sought to establish

1. What are the enforcement and prosecutorial challenges linked to the legal provisions in the Hunting Act 2004 that arise for the police and the Crown Prosecution Service.
2. What constitutes good practice in relation to policing the hunting ban.
3. How well do North Wales Police perform in relation to illegal fox hunting and incidents connected with hunting that are brought to their attention.
4. How well does North Wales Police comply with National Standards in relation to recording, responding, investigating and prosecuting incidents in connection with hunting.

The review involved three elements: a survey, reported incidents review and interviews with key stakeholders. The survey was distributed widely and captured data from a larger sample of respondents than would have been possible through interviews alone and in total 117 eligible responses were received. For the reported incident review the team engaged with North Wales Police to agree protocols for accessing, examining and analysing Force data to review how well the Force recorded, responded, investigated and processed/prosecuted incidents connected with hunting between 1st January 2018 and 16th March 2020 (when lockdown began). In total, the police response to 57 incidents was examined. Finally, for the interviews a sampling frame was created of interested and involved parties and invitations to contribute to the research were distributed. Ten police officers or staff; nine individuals with standing within Monitor/Saboteur organisations, four people involved in hunting; five individuals affected by hunting and five others with insight based on their work were interviewed. Written/video evidence was also submitted by hunt and anti-hunt groups and the Crown Prosecution Service.

In relation to the first objective several legal and practical enforcement and prosecutorial challenges were identified. Legally, very specific ‘points to prove’ arise in relation to an offence against Section 1 of the Hunting Act. In summary, it is not enough to prove a fox has been chased or killed. For a successful prosecution to take place, it must be shown beyond a reasonable doubt that an intentional and deliberate chase has taken place. Practically, gathering any sort of evidence is challenging. Hunting is a fast-moving activity, that usually takes place on private land away from the public gaze, and thereby in a location the police have no automatic right to enter.

In relation to the second objective, it was found the tenets of good practice in relation to policing the Hunting Act are in some sense no different to the tenets in relation to any police activity. They are distributed across a range of policy and practice statements governing policing activity. Some specific guidance in relation to good practice in relation to the Hunting Act has been issued by the National Police Chief’s Council (NPCC). Wildlife organisations have also published guidance in relation to ‘best practices’ when policing the Hunting Act (Royal Society for the Protection of Animals/ League Against Cruel Sports 2022). In addition, some police force areas have developed bespoke “hunting with dogs” policies for their officers (Gloucestershire Constabulary, 2020). In summary, there is guidance available on best practice in relation to enforcing the Hunting Act against which to benchmark North Wales Police activity.

North Wales Police’s approach to enforcing the Hunting Act and policing incidents connected with hunting is enshrined in Operation Yarder whose main aims may be summarised as being to facilitate protest; to manage any disorder that might arise during hunt gatherings and to prevent/detect illegal hunting. The Operation and associated activity presented as largely aligned with the various statements of good practice that were reviewed. However, the tactical plan for Operation Yarder was considered by the review team to be less well developed in relation to the aim of preventing/detecting illegal hunting. Moreover, the Operation was primarily understood, by those involved in delivering it, as intended to manage disorder.

In relation to the third objective the principal finding was that individuals involved in hunting were far more satisfied with how the Hunting Act and incidents associated with hunting were being policed than members of anti-hunting groups. The latter considered the police are biased in favour of the former group. However, many respondents identified aspects to sabotage, that necessarily increase the likelihood that those engaged in it would attract police attention.

The Review found that communication between anti-hunting groups and some North Wales Police staff had not always been good. But more recently this had had improved, and a range of respondents were of the view police practices in relation to enforcing the ban on illegal hunting and policing incidents connected with hunting had also improved.

North Wales Police were clear they dealt with each party objectively. However, it was not clear to the Review team how this objectivity was monitored given the stereotypes that exist around hunt saboteurs, that police officers were deployed infrequently on Operation Yarder and had minimal training.

In relation to the fourth objective, the headline finding was that whilst many incidents associated with the Hunting Act or hunt gatherings were responded to in a way that was in line with National Standards, an investigative mindset was absent in too many incidents reported to the police, especially incidents of alleged illegal hunting that control room and police officer/staff were less accustomed to dealing with. An analysis of cases from 2022, however, suggested more recently this had improved.

In this review we conclude by noting fox hunting is not a national policing priority. Because of this, enforcing the Hunting Act is not a priority for North Wales Police and it is not at all clear, given how people local to North Wales see things, that this should change. To an objective eye, North Wales Police practices for enforcing the hunting ban and its resource commitment to managing incidents associated with hunting align well with good practice guides. In the 12 months leading up to this review North Wales Police had been refreshing its approach and practices associated with enforcing the hunting ban and incidents associated with it. Our review ends therefore with a commendation for this, and recommendations that seek to consolidate and build on the progress that has been made:

**Recommendation 1**: Ensure JCC staff are further briefed on taking calls relating to hunting, of the distinction between trail hunting (legal) and illegal fox hunting and on the information to obtain when an incident is reported.

**Recommendation 2:** Ensure JCC staff and police officers regularly deployed on Operation Yarder receive training/guidance on the points to prove related to illegal hunting including advice on what questions to ask when an incident is reported; and how to deal with evidence.

**Recommendation 3**: Ensure JCC staff and police officers record, and close incidents related to hunting with hounds with due reference to the ‘hunting’ context

**Recommendation 4:** Notwithstanding the challenges involved in proving cases, all incidents of illegal fox hunting should be approached with an investigative mind set where no pre-conceptions are applied, for example that a statement by a hunt or anti-hunt campaigner will inevitably be of limited evidential value.

**Recommendation 5:** Ensure all police officers and staff, including Rural Crime Team Officers document their actions and decisions on relevant databases.

**Recommendation 6:** Linked to the previous recommendation, North Wales Police should ensure JCC supervisors more actively scrutinise hunt related incidents to satisfy themselves that crime-recording follows national standards and that the rationale for the decisions made (especially closing cases when further avenues of investigation exist) are clearly recorded.

**Recommendation 7:** North Wales Police should continue to have structured constructive conversations with hunt and anti-hunting groups, listening and responding to views and reporting back on key decisions and the effect of changes made when concerns are raised.

**Recommendation 8**: North Wales Police should review Operation Yarder and engage with hunt and anti-hunt groups to consider the possibility that a more intelligence led approach would better reflect policing priorities and resources.

**Recommendation 9**: North Wales Police/CPS should continue to liaise closely over charging decisions and seek an objective expert witness to review the evidence in relevant cases.

**Recommendation 10:** North Wales Police should continue to explore ways of using social media appropriately to show the challenges of rural policing as well as to build relationships with the communities they serve.

# 1. INTRODUCTION

## The context

There are sensitivities around the appropriate terminology to use when in relation to fox hunting. For the purposes of this review, we use the term ‘hunting’ and ‘hunt’ to cover fox, trail, drag/clean boot (mounted or walking) hunting; but subsidiary terms when seeking to be more specific in our concerns. We recognise that for some the term ‘hunt saboteur’ is problematic and that it is appropriate to draw a distinction between hunt ‘monitors’ and hunt ‘saboteurs. However, we use the term ‘saboteur’ in this report because we feel it is a term associated with sufficient common sense understanding to be useful. It is also a term widely used by anti-hunt campaigners themselves. Be that as it may, we do use the term anti-hunt campaigners when referring to a broader group who might not engage with sabotaging fox hunting. Finally, we appreciate ‘protest’ and ‘protestors’ are problematic words to use to describe people whose own understanding of their action is that they are trying to ensure the law is being followed. However, again we believe these are the terms a non-specialist audience will best understand.

Fox Hunting with hounds was made illegal in England and Wales by the Hunting Act 2004. Supporters of fox hunting with hounds argue that criminalising hunting of this nature suppresses a particular rural personal or cultural identity. It removes from rural areas a source of much needed income, harms conservation efforts and allows the number of animals that prey on livestock to swell.

Conversely, supporters of the law against fox hunting with hounds argue such hunting serves no practical purpose. They associate an animal being chased and then killed by hounds with cruelty.

It is not necessary to engage with these debates for the purpose of this review. The arguments for and against fox hunting have been rehearsed at some length in the courts of England and Wales and the European Court of Human Rights. At present, fox hunting with hounds is illegal. This places a duty on North Wales Police to enforce the law.

In some quarters, how the police are doing this is the subject of criticism. This is primarily linked to perceptions about the legitimacy of trail hunting.

In response to fox hunting with hounds being made illegal, organisers of fox hunts changed their practices to focus on simulated ‘hunts’ involving the field and followers engaging in drag hunting or trail hunting.

Although there is some variability, in drag hunting, hounds hunt an artificial non-animal scent pulled by a drag, laid down over a predetermined route which is known to riders and those controlling the hounds.

Trail hunting will bare more of the hallmarks of real fox hunting. In trail hunting hounds hunt an artificial animal scent trail laid down over a route that is usually not shared with riders and those controlling the hounds. Terrier men/Countrymen, whose traditional role was to dig out (flush) foxes who take to ground, follow the field on horseback or quad bikes.

Trail hunting is also associated with pre-season preparations being made. Associated with fox hunting when it was legal was the practice of ‘cubbing’. This involved hounds being taken out in the early morning to search for cubs to become familiar with the scent of the fox (the scent of young foxes being especially strong in the early hours). In trail hunting the practice of dog exercising in the morning prior to the season starting simulates this activity.

The rationale given for trail hunting is that it allows important aspects of rural identity to be performed and keeps hounds trained and staff employed ready for deployment as efforts to repeal the Hunting Act are pursued. This is not an unrealistic prospect. Albeit it did not happen, the Coalition Agreement of 2010 and the Conservative Manifesto in 2015 both stated that the Government would find Parliamentary time to debate hunting again.

Whilst drag hunting is acceptable to most anti-hunt campaigners, trail hunting is considered to be illegitimate. It is considered by them to be an invention developed as a smokescreen for continued fox hunting.

Suspicions that trail hunting is simply an invention created to mask fox hunting were amplified in 2020 when a secretly filmed video was released showing individuals associated with the Hunting Office addressing an online crowd of over one hundred hunt masters and seeming to be discussing ways of using trail hunts to disguise live fox hunting. The director of the Masters of Foxhound Association was fined for intentionally encouraging or assisting others to commit an offence. Albeit the conviction was subsequently overturned, more than 2.3 million acres of land owned by organisations such as National Trust, Lake District National Park and Natural Resources Wales has since been unavailable for hunting.

Just as it is not necessary for us to engage with the debate as to whether fox hunting with hounds should be made illegal or not, it is not necessary for us to enter the debate about whether trail hunting is legitimate or not. Simulated hunting was not outlawed by the 2004 Act. Accordingly, no specific obligation falls upon North Wales Police in relation to policing that activity.

However, believing that trail hunting is really fox hunting with hounds in disguise, some individuals will turn up at trail hunts to ‘monitor’ the hunting taking place. Where evidence of fox hunting is perceived to exist, they will expect police to act to enforce the provisions of the Hunting Act. Where this does not happen to the extent expected, attempts may be made to sabotage or disrupt a hunt from taking place. This could be by confronting people involved in hunts, obstructing the field, laying down false scents, distracting a pack of hounds or closing off access to thoroughfares, some of which may amount to illegal behaviour.

Disruptive behaviour by saboteurs will not be welcomed by those taking part in trail hunting. On the basis trail hunting is not outlawed and where concerns arise that the disruptive activities of saboteurs pose a risk to riders and their hounds, they will expect the police to act so as to allow trail hunting to proceed.

Supporters of trail hunting argue that the police are sometimes too slow to act to allow trail hunting to take place or to protect riders. Or that they are too willing to accept the claims of hunt saboteurs that they are engaged in illegal fox hunting. Conversely a common view amongst hunt monitor and sabotage communities is that the police are sympathetic to individuals who engage in trail hunting and uninterested in prosecuting offences against the Hunting Act (Action Against Fox Hunting, 2020).

## Study aims and objectives

This independent review engages with this context and explores:

* What are the enforcement and prosecutorial challenges linked to the legal provisions in the Hunting Act 2004 that arise for the police and the Crown Prosecution Service?
* What constitutes good practice in relation to policing the hunting ban.
* How well do North Wales Police perform in relation to illegal fox hunting and incidents connected with hunting that are brought to their attention?
* How well do North Wales Police comply with National Standards in relation to recording, responding, investigating and prosecuting incidents in connection with hunting?

# METHODOLOGY

The review involved three elements: a survey, reported incidents review and interviews with key stakeholders.

## Survey

The purpose of the survey was to allow as many people as possible to contribute to the review by sharing their experiences of how the Hunting Act was being enforced and incidents associated with hunting were being policed.

However, the survey was self-selecting. Individuals chose whether to respond and so were not selected at random. Therefore, it is not possible to state the responses received are representative of the views of people who engage in or oppose hunting or are affected by it.

That being said, the survey was distributed widely and captured the perspectives of a larger sample of respondents than would have been possible through interviews alone. As well as quantitative data, the survey elicited qualitative data that addressed concerns of thematic relevance to how the Hunting Act was being enforced and incidents connected with hunting were being policed.

Questions were designed to elicit specific details about incidents and general perceptions about policing activity at hunt gatherings. Scaled questions initially provided an opportunity for respondents to summarise their overall views about how a specific incident was dealt with. Each scaled question was then followed by an opportunity to elaborate on why a particular rating had been applied.

The survey was created and distributed using JISC/BOS. The functionalities in this platform allowed access to the survey by computer, tablet or phone via a web-link that could be embedded within an email.

Participation in the survey was voluntary and no identifying information or IP addresses were recorded. The survey was designed so that respondents were able to skip questions that they did not wish to answer and exit the survey at any point if they no longer wished to participate. Participants gave consent prior to commencing the survey and were advised that once they had clicked ‘finish’ at the end of the survey, their responses would be submitted and withdrawal from the study would no longer be possible.

In the survey respondents were not asked for residency details. Setting aside that people may move home yet still have relevant experiences from North Wales they wished to share, initial enquiries by the review team led to the understanding that monitors/saboteurs from a number of regions sometimes attend North Wales hunts. In turn people allied with hunts outside of North Wales often attend hunts in North Wales. That being the case, the survey asked about ‘experience with North Wales Police’ as opposed to residency. Thereafter questions focused on experiences of reporting incidents to North Wales Police and how hunts were policed.

A link to the survey was made available on the OPCC website. There was purposeful distribution of the link to the following groups: All the community councils in North Wales; The Countryside Alliance; North Wales Police Rural Crime Team; hunting groups; anti-hunt groups. That is to say, we emailed these groups to inform them of the survey and/or inform ‘administrators’ of Facebook and Twitter accounts related to these groups about the survey and invited them to distribute the link to their members/followers. As part of the survey individuals were invited to leave contact details that reviewers could use for recruitment into the interview stage of the review.

The survey was available to complete in the English and Welsh languages and an Easy Read version was developed by the OPCC for individuals with reading and or learning needs. The survey was open for completion from 6/7/22 to 16/9/22. A total of 134 returns were received.

For the purposes of ‘Fraud Management’ prevention-focused and exclusion-focused approaches were adopted. This involved ‘verifying’ a proportion of returns and identifying ‘suspicious’ ones.

In terms of verification, as part of the survey respondents were asked for reference numbers/ dates pertaining to any incidents reported to the police. Where such details were provided the review team were able to cross reference incidents on the police database. Also, in terms of verification, towards the end of the survey, respondents were invited to submit their names for subsequent interview. A third of respondents did this. Everyone who submitted their name was contacted. Accordingly (after data cleansing) the identity or ‘return’ of 34 (30%) of the respondents was verified.

In terms of identifying suspicious returns the review team drew on the Reflect, Expect, Analyze, Label (REAL) framework as outlined by Lawler et al. (2021). The team was alert to the possibility bad actors might seek to influence the review by submitting multiple returns. Alternatively, they might distribute the weblink to associates with the encouragement to fabricate opinions/incidents. The requirement to answer qualitative questions, however, placed quite a burden on any bad actor. It required that they devote considerable effort to a fraud- something most bots are incapable of, and most people are unwilling to do.

The review team considered ‘suspicious’ any return where only the scaled questions were answered and/or responses were limited or vague or where several vague responses were received in quick succession.

In total 11 out of 134 returns were identified as unverified and suspicious. They were removed for the purpose of data analysis. An additional six returns were from respondents who indicated they were not affected by hunting in North Wales and their data was therefore excluded, leaving a sample size of 117.

Therefore, after data cleaning, the following demographics were found

 

Figure 1: Declared status of survey respondents

 As may be observed, the majority of respondents (41%) described themselves as affected by hunting rather than involved in the activity (22.2%) or any anti-hunting campaign (30.8%). Those who indicated ‘other’ (6%) were by their subsequent accounts affected by hunting (3) or involved in hunting (1) or anti-hunting campaigns (3).

 As the following table makes clear, 79 respondents (about two thirds) indicated that they had been a victim or witnessed crime or anti-social behaviour. Of these 30 respondents said they had reported the incident to North Wales Police. Thirty-eight (38) individuals indicated they had never witnessed a crime or anti-social behaviour linked to a hunt, but did answer questions about policing activity associated with hunting (some of which suggested they had in fact witnessed potential crime or anti-social behaviour but did not recognise it as so).



Figure 2: Response to the question: which of the following best describes you?

## Reported incidents review

The team engaged with North Wales Police to agree protocols for accessing, examining and analysing force data to review how well the Force recorded, responded, investigated and processed/prosecuted incidents connected with the Hunting Act and hunting between 1st January 2018 and 16th March 2020 (when lockdown began).

Pursuant to this part of the project, the review team went through enhanced police vetting procedures.

Where survey respondents had given information about incidents between 1st January 2018 and 16th March 2020, the review team were able to check whether those incidents had been officially recorded and how they had been managed.

However, identifying other incidents in-scope for the review was challenging.

In North Wales, all incidents reported to the police are logged onto the “Intergraph Computer Assisted Dispatch System” (ICAD). When recording an incident, a code will be allocated to the incident. Codes indicate the nature of the incident, for example whether it relates to a road traffic accident or a burglary. An issue with regard to identifying incidents related to the Hunting Act, or connected with hunting, is that a category like ‘hunt’ or ‘hunt related’ is not available. Offences related to the Hunting Act, or connected with hunting, could therefore be categorised in diverse ways for example as ‘Admin’, Wildlife’, ‘Road Traffic’, ‘Public Order’.

Added to this, offences related to the Hunting Act 2004 are not recordable offences (offences which can result in prison sentences for which the police are required to keep a record on the Police National Computer system of the conviction and offender). Neither are they notifiable offences (criminal offences the police must inform the Home Office of by completing a crime report form for statistical purposes).

In summary, national police recording practices create methodological problems for those interested in scrutinising police practices and performance in relation to the Hunting Act or incidents connected with hunting.

In response, the review team asked North Wales Police to do a key word search of its ICAD system using the following search terms: ‘fox’, ‘hunt’, ‘hunting’, ‘saboteur’, ‘hound’, ‘Eryri’, ‘Flint & Denbigh’, ‘Wynnstay’, ‘Dwyryd’, ‘Anglesey Draghounds’, ‘Border Beagle’ and ‘Watkin Williams Wynn’ (the latter seven terms representing the names of the organised drag/trail hunts in North Wales of which the review team were aware). This produced a list of 77 incidents potentially in-scope for the review. Excluded would have been cases where no ‘incident’ log had been created or no reference to these terms had been made in the ICAD incident log.

For reasons of methodological conciseness, the review team did not seek to precisely audit police performance in each case that was examined e.g., by checking whether the correct codes had been used to open/close each case. Instead, an approach was adopted whereby through analysing the text of a reported incident, we sought to get an overview of how North Wales Police processed incidents. In this regard the National Standard for Incident Recording (NSIR) states ‘The text of the log should provide sufficient information to justify actions taken’ (NPIA 2011, p.7).

References points for the reported incidents review were: The National Standard for Incident Recording (NSIR) 2011 (NPIA, 2011); National Crime Recording Standards (Home Office 2022); Investigation Standards (College of Policing, 2022) Managing Investigations (College of Policing, 2022); NPCC Operational Guidance on Responding to Hunting Incidents (NPCC, 2018); CPS Legal Guidance on the Hunting Act 2004; Code for Crown Prosecutors Charging (The Director’s Guidance); Police Code of Ethics (College of Policing 2014); The Victim’s Code of Practice 2021 (Ministry of Justice, 2021); The Witness Charter (Ministry of Justice 2013).

The tool guided the reviewers to consider police practice in terms of Reporting and Recording the Incident (Investigative Assessment); Responding to the Incident (Immediate Response); Investigating the Incident (Initial and Full Investigation stages); and Prosecution. Initial questions guided reviewers to consider aspects of the case in detail. Each section then concluded with a ‘scoring question’ which required a summative judgment about adherence to National Standards:

* Excellent: There is evidence of full adherence to National Standards.
* Sufficient: Evidence of adherence to National Standards may be partial, but there is enough to conclude the incident was dealt with appropriately.
* Insufficient: There is not enough evidence of adherence to National Standards so as to conclude the incident was dealt with appropriately.
* Poor: There is evidence that key elements of National Standards were not adhered to, and the outcome was adversely affected.

## Interviews

A notional sampling frame for the interviews was created to represent the population of interest including police officers and staff, individuals involved with hunting; individuals involved in anti-hunting activity; individuals affected by hunting and ‘concerned others’ (to be constituted by those knowledgeable about enforcement and policing issues related to hunting.

In relation to police officers and staff, discussions with the OPCC readily identified individuals who had responsibilities for the Hunting Act and policing activities connected with hunting. Ten police officers or staff were finally interviewed.

The CPS were only willing to contribute written evidence to the review.

Engaging with individuals involved in hunting was challenging because initially the Countryside Alliance publicly withdrew support for the review. Although established hunts were contacted, only four people connected with hunting in North Wales agreed to be interviewed.

That said, a hunt club submitted videos of encounters between hunt members and saboteurs and statements about their dealings with saboteurs and the police to the review team.

Nine individuals with standing within Monitor/Saboteur organisations were interviewed after they added contact details within survey responses.

Five individuals affected by hunting were interviewed and five others approached the review team with particular insight based on their work, bringing the total number of interviews conducted to 33.

Interviews were conducted face to face (n=6) or over teams (n=27) and recorded on PIN protected recording devices. The interviews were informed by the aims and objectives of the review.

## Data analysis and presentation

A database of all interview data was set up for qualitative analysis. Thematic data analysis was undertaken informed by the objectives of the review. As part of the process of thematic data analysis potentially identifying information was removed (Glaser & Strauss, 1967, Braun & Clarke 2022).

Where it seems helpful, we illustrate our findings with data extracts from interviews- however this is done sparingly to protect the anonymity of respondents.

## Ethical approval

Ethical approval for the review was obtained from Glyndwr University Research Ethics Committee. At the start of the survey and in prior information given to interviewees, detailed information about the review was provided. This included details of the reviewers, the aims, the funding body, and how the data would be held and used. Anonymity was guaranteed and respondents were provided with details of who to approach should they have concerns or complaints. The review was overseen by a representative from the OPCC.

# FINDINGS: OBJECTIVE ONE

 What are the enforcement and prosecutorial challenges linked to the legal provisions in the Hunting Act 2004 that arise for the police and the Crown Prosecution Service

There are a number of enforcement and prosecutorial challenges associated with enforcing the Hunting Act. These have been identified by successive Governments, in the literature and were reinforced by those responding to our review.

Former Prime Minister David Cameron called the law ‘a mess’ (Sparrow, 2009). The League Against Cruel Sports (LACS) take the view that with the current form of the Hunting Act proving intent is very difficult. A United Nations Office on Drugs and Crime report in August 2021 recommended that the UK Government review the Hunting Act and its exemptions to improve the ability of police to enforce the Act (Hansard 25/4/2022).

## The Hunting Act in Law

The Hunting Act is a complex piece of legislation, and it is beyond the scope of this review to engage with every single nuance. In summary however, the 2004 Hunting Act created three offences relevant to fox hunting:

* Hunting a wild mammal with a dog (Section 1).
* Permitting land to be used for hunting a wild mammal with a dog (Section 3(1)).
* Permitting a dog to be used for hunting a wild mammal (Section 3(2).

The maximum penalty for the three offences introduced by the 2004 Hunting Act was set as a level 5 fine (section 6 of the Act). This makes Hunting Act offences summary only (triable only in Magistrates’ Courts). Whilst the Crown Prosecution Service Director’s Guidance allows for early contact in the most complex cases, the police do not have to refer routine cases to the Crown Prosecution Service. They can charge a suspect for a Hunting Act themselves. A charge, however, must be laid within 6 months of the offence taking place.

In relation to the way illegal hunting is defined, the law on what constitutes an illegal hunt is very specific. A hunt only becomes illegal when a specific fox is identified as prey and an intentional and deliberate chase ensues. The ‘intentional’ and ‘deliberate’ clauses likely means that a fox hunt is illegal only if a chase takes place and little or no effort is made to regain control of the hounds (or if they are encouraged to hunt).

Certain forms of hunting with hounds defined in Schedule 1 of the Hunting Act are also still allowed. Exemptions allow:

* Stalking and flushing out a wild mammal for certain purposes, with a view to its being shot forthwith, and not using more than two dogs.
* Hunting rats or rabbits.
* Retrieval of shot hares.
* Flushing a wild mammal from cover in connection with falconry.

The CPS charging guidance lays out the evidential challenges this gives rise to for police and prosecutors. To successfully prosecute a case, the police would need to prove the following:

* that an individual was not trail hunting;
* that an accident had not occurred whereby dogs chased a wild mammal whilst, for a period, out of control;
* that an individual was not hunting under one of the exemptions provided by Schedule 1 of the Act;
* that although a dog may indeed have hunted or even killed a wild mammal, there was intention for that to happen and preventing it was possible;
* that the right individual has been identified as responsible for the illegality. (Those involved in hunts, may wear the same type of clothes and responsibility for the hunt may be dispersed across a pack).

Given the complexities of the law and the points to prove in relation to an offence against Section 1 of the Hunting Act, a degree of legislative competence would be required when prosecuting offences of hunting with hounds. To this end the CPS have appointed Wildlife Crime Co-ordinators in each Police Service Area in Wales. We were, however, unable to reach agreement with the CPS to engage these co-ordinators in a formal interview.

In relation to the evidential issues, our respondents said:

When it comes to the Hunting Act there are many exceptions that make it very difficult.

Its blatantly clear the Hunting Act is inadequate…rushed through, so many ambiguities so many exemptions.

It was very badly written in legislation, they needed to make a decision if they wanted to ban it or not.

As a result of the legislation that was put into place, we are left with a problem... we are literally the proverbial piggy in the middle…caught in the crossfire… damned if we do and damned if we don’t.

## Hunting in practice

Existing evidence indicates, and our respondents largely agreed, that as well as legal challenges, there were practical challenges in enforcing the ban on hunting foxes with hounds.

Hunting usually takes place on private land away from the public gaze and thereby in a location the police have no automatic right to enter unless there is clear evidence of a crime taking place:

you have to take into account it mostly happens now on private land, especially now since big landowners removed rights of access.

It’s a fast-moving activity, over rough terrain in rural areas where there won’t be CCTV.

Traditional investigation techniques don’t work- for example you can’t do house to house.

The truth is, by the time you get there the hunt has moved on.

The police have no powers to compel a hunt to share details of where a trail has been laid.

The police have no powers to disperse a hunt if a fox is killed (unless there is unambiguous evidence this was done illegally)

Following a field is problematic for the police. Police are rarely in physical position to follow a hunt over rough terrain (even assuming they obtained right of access) and occasionally a hunting pack will cross county lines into Cheshire/Shropshire.

Unlike in many crimes, when illegal hunting takes place, there is unlikely to be an ‘independent’ witness on site whose evidence might be considered by a court to be unbiased. Whilst most trail hunters and hunt saboteurs are of good character, their investment in a particular agenda renders them easily portrayed in court as partial rather than objective in their evidence.

North Wales Police deploy drones at times during hunts. But the use of drones or a helicopter brings with it Human Rights considerations and the potential that livestock, and animals engaged in the hunt might be ‘spooked’ with collateral consequences for riders, followers and members of the public. Line of sight must be maintained with drones as part of required operating procedures.

Individuals involved in hunting could be difficult to identify as a result of wearing similar clothing. Hunts saboteurs also, sometimes, wear masks to conceal their identities.

Covert police activity such as use of Covert Human Intelligence Sources (CHIS) are resource intensive options for police with a very controversial history in the ‘policing protest’ field. Accordingly, they were not considered by our police respondents to be relevant or to represent a proportionate response to allegations of illegal fox hunting.

In relation to these points our respondents commented:

Its nigh on impossible for us as a police service to gather the evidence (of illegal fox hunting).

Even if a fox is killed right in front of you, proving what happened was a crime would be a challenge.

In recognition of the difficulties for the police in gathering evidence, Woller (2014) has argued that “Enforcement of the legislation was never going to be easy”. He predicted most hunt prosecutions would likely come to depended on evidence obtained by non-governmental organisations (e.g., League Against Cruel Sports) or other groups of hunt saboteurs or monitors.

Their involvement, however, brings its own challenges relating to the quality of the evidence they collect and the willingness of individuals to give supporting statements, hand over equipment and material or attend court.

Individuals involved in anti-hunting campaigns told us in interview that they often provided evidence of illegal fox hunting to the police but that no action was subsequently taken. The Police view of this was that the evidence submitted to them was usually not as conclusive as it was perceived to be by those submitting it who frequently failed to attend follow up interviews to provide statements to support interpretation of any video:

Very often they’ll claim they have the evidence but won’t give it to us, so they’re stating offences are taking place but won’t engage with us and when they do it isn’t quite as obvious as they think and then two weeks later there will be a post on social media saying we haven’t done anything.

Getting a statement is near impossible, their focus is on sabotage not really prosecuting for the long term.

The footage we get is often edited, or grainy, long distance and this is of no evidential value.

A number of videos/pictures were submitted to the review team as incontrovertible proof of illegal fox hunting in North Wales. However, we did not consider any of the evidence submitted to be conclusive, on its own, given the ‘points to prove’ beyond a reasonable doubt in a case of illegal fox hunting. Most were, for example, heavily edited, poor quality and had no date/time stamp (Nb: offences have to be charged within six months of them occurring).

In terms of anti-hunt campaigners being reluctant to attend police stations to give statements, we experienced our own challenges arranging appointments with many of those involved in anti-hunt campaigns. A number of appointments were arranged and then missed with no explanation given.

Perceptions that police did not act on ‘good’ evidence was likely to be fuelled by poor liaison between the police and individuals who submitted evidence (see later). Whilst the victim charter does require the police to keep victims informed of the progress of incidents, in relation to Hunting Act Offences the victim is ‘The Crown’ and a similar duty is not legally binding in respect of witnesses.

We were told by North Wales Police that there is a dearth of recognised and impartial experts on fox hunting in the UK that could be called upon as ‘expert witnesses’ to objectively interpret video and other evidence at courts.

## Enforcement and prosecutorial challenges

There was widespread agreement in the existing literature and amongst respondents that considerable enforcement and prosecutorial challenges arise for the police and the Crown Prosecution Service linked to the legal provisions in the Hunting Act 2004 and the practicalities of hunting.

Given the points the police have to prove to evidence fox hunting, for many of those against fox hunting, legislative change was considered necessary.

The Government need to change the legislation. They need to make a decision to ban it outright or keep it as it is, and if they are going to keep it as it is, put some measures around trail hunting-where and when they can and can’t do it, things like that.

In Scotland hunting foxes with hounds was banned in 2002 under the Wild Mammals Protection (Scotland) Act. At present a new bill to tighten the ban has been drafted which places under consideration a licencing scheme for the use of dogs in all hunting and a ban to the practice of trail hunting.

That being said, as some respondents noted, evidential and prosecutorial challenges have previously masked a cultural unwillingness and reluctance by police to act against certain forms of offending behaviour. An example that was frequently cited was domestic violence. Although a form of crime foregrounded in the current Police and Crime Commissioner’s Police and Crime Plan for North Wales (2021-2024), it was identified as a form of crime that, historically, was poorly policed:

Domestic Violence is a good example, in the past the police did very little about that- they thought it was too difficult to deal with, but what was happening was the victims, the ones complaining, were being seen as the problem and the police didn’t want to deal with things because they thought no case would ever go to court-it was seen as a waste of time.

Some respondents suggested other police service areas were more proactive in dealing with hunting. But hunt saboteurs we spoke to whose activities involved them crossing the border into or out of North Wales did not perceive that their experience of North Wales Police was exceptional in terms of being better/worse than their experiences with other forces.

The Ministry of Justice publish data on the number of prosecutions each year for offences against section one of the Hunting Act related to illegally hunting a wild mammal with a dog. But this data does not show whether the ‘mammal ‘involved was a fox and whether the conviction was related to an organised hunt.

## A note on policing hunt sabotage

The most important law affecting the activities of hunt saboteurs is aggravated trespass defined in sections 68 and 69 of the Criminal Justice and Public Order Act 1994. The offence arises when an individual trespasses (or shows intent to trespass) on land on which there are people engaged in, or about to engage in, a lawful activity; with the intention of disrupting that activity.

Hunt saboteurs will often use ‘gizmo’ boxes that imitate the sound of a pack of hounds in cry; citronella spray (a scent); or a hunting horn to disrupt an ongoing hunt. When this is done, on private land, it renders an individual liable to arrest for aggravated trespass, usually, in practice, if they do not desist from the activity when asked to do so.

Just as there are legal and practical challenges enforcing the hunting ban, there are legal and practical challenges preventing illegal protest.

If a case can be made that the hunt was hunting illegally, then a ‘lawful activity’ would not have been disrupted and therefore an offence of aggravated trespass would not be proven (NB: Even if the available evidence is insufficient to mount a successful prosecution for an illegal hunt, that is to say to prove beyond reasonable doubt that a hunt was illegal, there may be sufficient to challenge the prosecution’s case beyond a reasonable doubt that the hunt was legal).

Practically, there are also challenges with preventing hunt saboteurs from disrupting legal trail hunting activity. Like illegal hunting, aggravated trespass is an offence that often takes place in spaces police might find difficult to access, away from public spaces, with few independent people in attendance to bear witness to the offence.

Given these difficulties, those involved in hunting may seek to provide evidence of illegalities including aggravated trespass to the police. However, similar weaknesses in the evidence submitted may prevent a successful prosecution. Individuals involved in hunting provided the review team with evidence they considered illustrated aggravated trespass or violent offending by anti-hunt campaigners. However, abusive though the conduct clearly was, we did not consider this evidence conclusive in terms of what crime it showed.

# FINDINGS: OBJECTIVE TWO

What constitutes good practice in relation to policing the hunting ban

## General comments

As a general principle good practice in policing the hunting ban clearly depends on allowing trail hunting to proceed; upholding the rights of individuals and groups to lawfully protest against it; and investigating allegations of illegal hunting or offending associated with hunting proportionally and thoroughly.

## North Wales Police

North Wales Police were the first force to set up a dedicated Rural Crime Team in 2013, and many other police service areas, like Dyfed Powys Police have since, followed the example.

Within the Rural Crime Team, a dedicated police officer and a PCSO are assigned to investigate rural crime in each of the police divisional areas (Western, Central, Eastern).

Officers involved in the Rural Crime Team are primarily responsible for investigating allegations of illegal fox hunting. They informed us that investigating allegations of illegal fox hunting forms a very small proportion of their workload (1-2%) which is heavily weighted towards agricultural and livestock theft.

North Wales Police have an operation, underpinned by a tactical and deployment plan, focussed on hunt gatherings known as ‘Operation Yarder’.

This Operation’s main aims may be summarised as being to facilitate protest; to manage any disorder that might arise during hunt gatherings and to prevent/detect illegal hunting.

Under Operation Yarder, in the full season, based on the intelligence that is gathered, and where resource demands allow, police officers are extracted from across the force and deployed in cars to hunts where a police presence is deemed necessary (currently Denbighshire and Flint Hunt; Wynnstay Hunt).

Outside of hunt meetings, issues associated with disorder related to hunting are dealt with by Neighbourhood Policing Teams e.g., criminal damage of kennels or cars.

Albeit in one area the liaison is managed by the local police team, a separate team liaise with hunting and anti-hunting groups. Previously called the Protest Liaison Officers they are currently known as Police Liaison Officers (PLOs).

A PLO is assigned to liaise with a particular hunt or saboteur group. They engage their groups in pre-season meetings and then maintain regular contact with them to gather as much information as they can in advance of hunts and/or to anticipate or address any matters arising from them.

Neither Rural Crime Team police officers nor PLOs are deployed on hunt days for public order enforcement purposes. However, they will on occasion be on duty and provide advice to officers deployed on Operation Yarder and take the lead in investigating Hunting Act offences.

The Rural Crime Team have links with counterparts across the Northwest region and collaboration can take place as when, for example, a statement might be needed from an individual resident in another force area

## Good Practice Guides

The tenets of good practice in relation to policing the Hunting Act are in some sense no different to the tenets in relation to any police activity. They are distributed across a range of policy and practice statements governing policing activity (see 2.2.10).

In terms of good practice related to policing protest, following the death of Ian Tomlinson at protests against the G20 meeting in London in 2009, changes were made to public order policing in England and Wales. According to Jackson, Glimore and Monk (2019) a new ‘human rights compliant’ framework for public order policing, based on dialogue, communication and a commitment to ‘facilitate’ peaceful protest, was implemented. The most notable effect of this being, the creation of Police Liaison Teams to act as a conduit between groups likely to be involved with, or the subject of, protests.

Though some forms of behaviour are manifestly criminal, the point at which a lawful protest becomes illegal may often be difficult to define in law. Whether conduct or comments amount to harassment or hate has often been a matter for individual officers to decide. However, in 2021, and in response to activities by groups such as Extinction Rebellion, HM Chief Inspector of Constabulary Matt Parr commented:

Having reviewed the evidence, our conclusion is that the police do not strike the right balance on every occasion. The balance may tip too readily in favour of protesters when – as is often the case – the police do not accurately assess the level of disruption caused, or likely to be caused, by a protest. These and other observations led us to conclude that a modest reset of the scales is needed.

Such comments, coming on the back of criticisms of the way the Metropolitan Police handled protests related to the murder of Sarah Everard, the activities of ‘Extinction Rebellion’ and new provisions in the 2022 Police, Crime, Courts and Sentencing Act 2002, have created a dynamic situation at present whereby what constitutes good practice in policing protests is the subject of active debate.

Some specific guidance in relation to good practice in relation to the Hunting Act has been issued by the National Police Chief’s Council (NPCC). In relation to illegal hunting, the NPCC indicate that the most appropriate reaction at a hunt event is often evidence gathering for future prosecution as opposed to more direct intervention. The NPCC suggest the priorities should be to:

* Maximise public safety.
* Facilitate peaceful protest.
* Minimise disruption.
* Provide an appropriate and proportionate response to any incident of protest, crime or disorder at the locations of the hunts or ancillary to them.
* Preserve public order and take proportionate steps to deal appropriately with offenders if crime is committed.
* Lawfully gather and develop relevant intelligence & evidence.
* Maintain confidence in the Police Force.

They suggest prosecutions for illegal hunting should primarily be concentrated on those responsible for managing and directing illegal hunting activity (normally therefore the Hunt Master) and police should focus on the following evidence to inform decisions about charges:

* Eye-witness accounts of a wild mammal being hunted.
* Video and photographic evidence of the hunt or the wild mammal.
* Admissions.
* Evidence of Earth-stopping.
* Roles undertaken by suspects in the hunt.
* In the absence of a dead wild mammal, evidence in the form of the suitability of the environment and the presence of mammal droppings.
* Documentary evidence such as circulars about a planned hunt.

As the NPCC notes, the police do not simply respond to reports of a crime. They may engage in pre-planned operations to reassure the public or prevent crime if they become aware that criminal activity is intended. The NPCC also provide guidance on pre-panned police operations in relation to hunting. Prior to deployment in pre-planned operations forces should

* Establish public rights of way on land.
* Visit landowners / organisers of the hunt and obtain meet dates and locations.
* Obtain copies of trail maps / layers / scents used (there is no legal obligation on the hunt to provide).
* Engage in high visibility patrols to reassure the community and provide further intelligence gathering opportunities.

Offences that arise ancillary to a confrontation during a hunt may be dealt with under a swathe of different legislation. The NPCC guidance document refers to powers that may be deployed in response to incidents associated with hunting.

Wildlife organisations have published their own guidance in relation to ‘best practices’ when policing the Hunting Act. The tenets of good practice, for example have been outlined by the RSPCA and the League Against Cruel Sports for police to follow (RSPCA, LACS, 2022)

The review team considered the guidance to be largely founded on the understanding trail hunting is illegitimate. It is weighted towards those engaged in anti-hunting activities. So, for example, only those engaged in hunting are urged to sign a Memorandum of Understanding (MOU) or a Code of Conduct which states that they will not engage in threatening or abusive behaviour. However, the guide potentially acts as a useful set of reference points for benchmarking police activities focussed on illegal hunting.

Some police force areas have developed bespoke “hunting with dogs” policies for their officers. Examples include Gloucestershire Constabulary (2020). The advantages of such a policy relate to the transparency in terms of what officers on site at a hunting incident should and should not do, for example, in relation to the contentious issue of seizure of a carcass.

In summary, there is guidance available on best practice in relation to enforcing the Hunting Act against which to benchmark North Wales Police activity.

In this regard North Wales Police structures and processes presented as largely aligned with the various statements of good practice for enforcing the Hunting Act and policing incidents associated with it.

However, whilst the review team considered the Operation Yarder tactical plan was well developed in relation to the first two aims of facilitating protest and managing any disorder that might arise during hunt gatherings, it was less well developed in relation to the third aim of preventing/detecting illegal hunting.

Moreover, the Operation was primarily understood by those involved in delivering it as one intended to manage the disorder that might arise during hunt gatherings.

The reason it (Yarder) came into being…was because North Wales Police were being inundated with issues within central/rural areas with hunting; the demand on the local staff, the police station; force wide was enormous.

With Yarder we are seeking to prevent criminal offences and illegal hunting is part of that…but the reason we go to hunts is actually to prevent public order offences.

Its reason for existing is not fundamentally to prevent Hunting Offences…it’s just we don’t want people to come to harm.

Some North Wales Police officers and staff were positive about Operation Yarder. Challenges in making it work arose when resources were stretched, or when hunt or anti-hunt campaigners withdrew co-operation. We were told the arrest of members of either group was usually followed by a period of disengagement. However, the operation was perceived by them as reducing the demand placed on local police during the hunting season.

That said some others considered Operation Yarder problematic. The presence of police at hunts was understood to agitate those present. A visible police presence at a hunt was understood to create resentment and to motivate people to goad their opposition into illegality. In addition, it was said to fuel a sense of grievance with the police who, often faced with ‘tit for tat’ accusations, sought conciliatory outcomes that were not preferred by those present (who favour immediate arrest).

I wonder whether we create an audience for people to sort of play tit for tat, to report things because we’re there and we give them the opportunity to say, “have you seen what they have done” or “what he has done”.

I think it creates unrealistic expectations- because we’re there they think we can do things like tell the hunt to go home or arrest, but we can’t.

I think it can create problems when you send a drone over the hunt or hunt saboteurs- without a clear need for it.

# FINDINGS: OBJECTIVE THREE

How well do North Wales Police perform in relation to incidents of fox hunting and incidents connected with hunting that are brought to their attention

A measure of how well North Wales Police perform in relation to incidents of illegal fox hunting and incidents connected with hunting that are brought to their attention is provided by respondents to the survey and interviews.

In the following section we present an analysis of the survey findings with reference, where applicable, to differences between those involved in hunting, anti-hunt campaigning or affected by hunting. Here it is apposite to note the numbers involved when these stratifications are applied are low. Accordingly, the conclusions that can be drawn are limited. However, the survey data forms only one element of the body of data collected for this review, the findings of which are triangulated and based on a consideration of the survey data, reported incidents review and interviews with key stakeholders.

## Survey findings

As noted earlier, 79 survey respondents indicated they had been a witness or victim of crime and anti-social behaviour linked to hunting. The incidents reported to the police were primarily associated with the Denbigh and Flint Hunt (52%) or ‘other (22%) (largely walking) packs and the Sir Williams Wynns /Wynnstay Hunt (22%) (NB: some data cleansing was required here as not every respondent understood the Sir Williams Wynns Hunt and the Wynnstay hunt were one and the same).

No incidents were related to some North Wales hunts. This was because the hunts had recently disbanded or refocussed on drag hunting.

Respondents who had reported incidents to police (n=30) were asked “how satisfied or dissatisfied were you with the immediate police response?” The profile of responses to the question was as follows:

Figure 3 Satisfaction with the immediate police response

In relation to satisfaction/dissatisfaction with the immediate police response all 3 (100%) individuals involved in hunting who answered this question were very or fairly satisfied with the police response. Only 2 of the 12 individuals (16%) involved in anti-hunting campaigns and 3 of the 15 individuals (20%) affected by hunting who answered this question, however, were similarly very or fairly satisfied.

Thereafter respondents were asked about ‘How satisfied were you with the follow up response? Responses are presented in figure 4:

Figure 4 Satisfaction with the follow up response

Here 1 out of the 2 respondents involved in hunting for whom this question was applicable were very or fairly satisfied. The other was neutral. Conversely only 1 of the 12 (11%) individuals involved in anti-hunting campaigns for whom this question was applicable and none of the 12 individuals affected by hunting for whom this question was applicable were similarly very or fairly satisfied.

Accordingly, respondents involved in anti-hunting campaigns or who were affected by hunting were less likely to be satisfied with the immediate or follow up police response than those involved in hunting.

Accounts of dissatisfaction primarily focussed on a perception that police did not respond promptly enough or take the individual‘s concerns seriously:

Police attended but declined to investigate as the hounds had left.

No response was ever made!

Police officer present wasn't interested in complaint made.

Only 6 respondents in total referred to their perceptions of how matters were dealt with in court. One was a hunt supporter, the other five involved in anti-hunting campaigns. Two were very or fairly satisfied with how matters were dealt with; others were dissatisfied. Perceptions of dissatisfaction were associated with cases having been inexplicably dropped:

I did feel that the justice system was slightly swayed towards the anti-hunt protestors. The CPS had also dropped one case, despite again having clear video evidence and witnesses.

I went to my plea hearing, but 2 days before my court case the CPS dropped the case.

Individuals who witnessed a crime or anti-social behaviour but who did not report it to the police were asked to account for their decision. Thirty-six respondents took up this invitation as indicated below.

Figure 5: Which of the following best describes why you did not report the crime or anti-social behaviour to the police?

As the data in the above figure shows, the primary reason given for not reporting matters to the police was the expectation they would not be interested (43%) and previous experience of having reported issues and being unsatisfied with the response (33%)

No action is ever taken against hunting the officers aren't interested.

From dealings with the police, they only are interested in taking the hunts side.

Ongoing abuse by the anti hunt is low priority for the police.

Survey respondents were asked “How satisfied or dissatisfied are you normally with the level of uniformed police presence at hunts you attend, are involved with or affected by?”. The following responses were obtained:



Figure 6 Satisfaction with level of uniformed police presence at hunts

A higher proportion of individuals involved in hunting were satisfied (42%) with the level of uniformed police presence at hunts than individuals involved in anti-hunting campaigns (3%) or affected by hunts (16%). Where individuals involved with hunting were dissatisfied this was in relation to over-policing of hunts. Conversely, those identifying as being anti-hunt or affected by hunting referred to the police being absent or ineffectual at hunts:

Excellent cover perhaps over attendance.

We are lucky if we get 1 police car, even when we do, they don’t do anything when presented with evidence.

The police who attend are not prepared to take action which would very often diffuse situations and make both sides obey the law.

Survey respondents were asked “Considering hunts that you attend, are involved with or affected by, how often would you say that the police take people’s concerns seriously?”. In response to this question the following data was obtained:



Figure 7 How often police take people's concerns seriously

A higher proportion of individuals involved in hunting believed the police took people’s concerns seriously all or most of the time (46%) than individuals involved in anti-hunting campaigns (3%) or affected by hunts (17%).

They understand the need to be impartial and don't just rely on statements from anti hunt bodies.

The police seem pro hunt and seem to be very friendly and too friendly with the hunting community usually on first name basis.

Usually, the police never follow up any hunting related issue and it never gets to court.

In the survey, the next question asked respondents to comment on how often would the police use their powers appropriately? The following responses were recorded:



Figure 8 How often police use their powers appropriately

Two thirds of respondents considered the police did not often or ever use their powers appropriately. However, the stratified data shows once again, that this varies as a function of the respondents’ involvement with hunting. A higher proportion of those involved in hunting considered that the police used their powers appropriately all or most of the time (50%) than those involved in anti-hunt campaigns (3%) or affected by hunting (15%).

Individuals were asked to account for their answers and the following examples provide a flavour of the responses:

They have used their powers to protect hunt members who suffer assault and abuse.

They do when there is evidence of offences, but the Act is unenforceable.

Disproportionate use of powers against anti hunters.

Even when they witness illegal hunting right in front of them, they still do nothing.

The next question asked respondents ‘How often would you say that the police treat all people fairly?’



Figure 9 How often police treat people fairly

The majority of respondents were of the opinion the police never or do not often treat people fairly (57%). The stratified data shows those involved in anti-hunting campaigns (3%) or affected by hunting (19%) were proportionally less likely to believe the police treat people fairly all or most of the time than those involved in hunting (46%).

 Most respondents accounted for their view with reference to the police dealing with in group members more harshly than out group members:

Saboteurs are harassed and at times threatened by pro hunt people and despite video evidence little appears to be done to prosecute or prevent such disorder.

The Police do not treat us the same. If the hunt, make an allegation we get arrested or have the police turn up at our homes.

A theme in the data here, however, was the perception by those involved in anti-hunting campaigns that police were overly familiar and friendly to those involved in hunting:

We will never be treated seriously while hunt members are in positions where they rub shoulders with police.

North Wales Police have an unhealthy relationship with Flint and Denbigh hunt member.

They seem pally with the hunt and some of their more vulgar supporters.

Police treat hunts as mates and opposition as criminals.

The final quantitative question was a summative one that asked ‘How satisfied or dissatisfied are you with the police's performance?’ The breakdown of the results is presented in figure 10:



Figure 10 Satisfaction with police performance

Most respondents (75%) were fairly or very dissatisfied with police performance. The stratified data suggests that whilst 50% of those involved with hunting were very or fairly satisfied with the police’s performance, only 3% of anti-hunt campaigners and 13% of those affected by hunters were similarly minded:

It is a difficult job which they carry out professionally.

They just do not bother gathering evidence from anti hunt.

I have witnessed events where masked protesters were beating up hunt followers... No arrests were made just moved on the perpetrators and told them not to return.

Although things have changed slightly near the end of last season, the police have a lot to do/learn in order to enforce the Hunting Act.

There have been improvements over the last 18months or so, as in the police are not targeting us now. However, when it comes to the Hunting Act the police are rubbish.

## Interviews

For the purposes of analysing the interview data, a coding frame was produced informed by the objectives of the research. Here we focus on themes relevant to objective three.

## Education and training

Police staff in the Joint Communication Centre (JCC) traditionally receive broad training on how to deal with reported incidents. They do not specifically receive training on the provisions of the Hunting Act and were described as largely unsighted on the legislation.

Whilst some respondents referred to officers deployed on Operation Yarder receiving a ‘comprehensive briefing before being deployed’ they were described, by most respondents, as being largely unfamiliar with the Hunting Act and unused to dealing with the complexities of protests.

Many police officers are new to service. In one area we were told 65% of officers have less than three years’ experience. We were told most police officers would find themselves deployed on Operation Yarder only once or twice a year. Thus, officers deployed to Operation Yarder would usually lack experience in engaging with people involved in or campaigning against hunts.

There was some acceptance that the inexperience of officers had, in the past, led to evidential opportunities in relation to breaches of the Hunting Act being missed, or officers behaving in such a way as to make it seem they had allegiances to one side or another e.g., accepting a lift in an off-road vehicle, sharing coffee.

To this end, we were informed, an augmented briefing pack, including video packages had been developed for officers involved in Operation Yarder.

The training, however, remains largely in the form of literature being given to police officers and staff to read:

A lot of it comes down to the officers themselves, their willingness to access the material and learn from it… you can point them in the right direction…but you can’t necessarily, like the horse, make it drink.

We have an issue with training…they are all done online…and people just have to watch a training package…but they’ll be doing a case file on the side...it’s human nature…so we need to get back to face to face training days…with Op Yarder on the list.

More specific training was said to be provided to all officers involved in the Rural Crime team. Some of it involved the League Against Cruel Sports and The Countryside Alliance.

Illegal hunting involves legislation that is both complex and seldom encountered by the majority of police officers and staff. Though there are serious cost implications in terms of training police officers and staff to accurately record incidents with which they may rarely deal, a range of respondents suggested a targeted approach, focussed on JCC staff and as many officers involved in Operation Yarder as possible would be appropriate.

## Perceptions of bias

A perception that the police were biased in favour of those involved in hunting was reported by almost all of those involved in anti-hunting campaigns and affected by hunting.

These beliefs were founded on the following grievances (all of which North Wales Police were cognisant of):

1. Differential use of police powers. Namely the police used their powers more frequently and readily against anti-hunt campaigners.
2. North Wales Police having an overly friendly relationship with individuals involved in hunting and a dismissive relationship with anti-hunt campaigners.
3. Police being uninterested in prosecuting breaches of the Hunting Act.
4. North Wales Police are influenced in their decision making by specific individuals involved in hunting.

## Differential use of police powers

In relation to the first concern, the police themselves perceived they used their powers more frequently against anti-hunt campaigners. Whilst anti-hunt campaigners attributed this to bias, the police attributed this to the fact anti-hunt campaigners were engaged with sabotage/disruption which was often highly visible:

Most of the things we deal with, yeah, are mostly against the sabs, I’ll be perfectly honest about that, the balance there is most likely wrong but the problem with it is if the hunts are saying they’re trail hunting what can we do about it; but if there’s aggravated trespass and footage of it- which tends to be more clear cut and right in front of us, we’ve got to act on it.

Police respondents also suggested that it was in the nature of hunt sabotage for those engaged in it to be the instigators of confrontation. Thereby, it was common for those engaged in hunting to have more defences in relation to their own behaviour (related to it being in reactive rather than proactive).

Be that as it may, anti-hunting campaigners perceived the police were more willing to act on non-hunting related allegations made by hunt supporters against anti-hunt campaigners than the other way around. A common example given was a greater willingness to stop an anti-hunt campaigner’s car for checks, but not a quad bike being ridden furiously.

North Wales Police were clear they dealt with each party objectively. However, the mechanisms whereby this outcome was achieved were not always clear.

Operation Yarder has, as its formal focus, the neutral aim of managing any disorder arising from hunt gatherings whilst facilitating protest and preventing/investigating illegal hunting. However, given the stereotypes that exist around hunt saboteurs (see later), that police officers were deployed only infrequently on Operation Yarder and had minimal training, it was not clear how the likelihood officers assigned to Operation Yarder would understand their role primarily with reference only to ‘troublesome’ ‘protesters’ was avoided.

## Relations with police

In relation to the perception that police were on more friendly terms with individuals involved in hunting, a cross section of respondents reported that there was a likelihood such a perception would take hold and even be true. This was because the Rural Crime Team liaise and maintain regular contact with members of the rural community on a range of crime related issue (of which fox hunting was said to amount to 1% of the team’s work).

Linked to this, albeit they received patchy information from hunting packs as to their trails, most police officers and staff reported relations with hunting groups had historically been good:

I never detected any hatred or anti-police sentiments from pro-hunting groups…they sometimes refused to share information but in general it wasn’t a bad relationship.

We have a good relationship, but I don’t think it’s a problem, no one’s expecting any favours or anything like that.

Conversely, relations between some members of North Wales Police’s Rural Crime Team and individuals campaigning against hunting were described as historically poor. Between 2016 and 2020, whilst the police-maintained lines of communications with those engaged in hunting; the same lines of communication were not frequently open with those campaigning against hunting.

We were told that there was no liaison between North Wales Police and anti-hunt campaigners in the development of Operation Yarder. Anti-hunt campaigners told us they were unaware the operation existed until 2019.

In a video that was widely circulated in 2019 the existence of Operation Yarder (misidentified as ‘Yada’) was denied by a representative of North Wales Police. Whilst there may be good reason not to disclose the existence of some police operations, the context here was the operation was something hunt supporters were caught on camera referring to and so were clearly cognisant of.

The denial of Operation Yarder and the lack of transparency involved in this continues to fuel concerns about police bias amongst anti-hunt campaigners.

Underpinning poor relations between police and anti-hunt campaigners at the time were feelings on both sides that each was being castigated unfairly by the other on social media/ online forums.

## Lack of police interest in prosecuting cases

Albeit officers deployed to hunts under Operation Yarder are expected to engage with the groups involved, no-one from any side considered much interaction went on between those police officers and those in attendance at hunts. Whilst the hunting season being in wintertime was considered one explanation for this, the challenges involved in dealing with two passionate groups were considered another which made maintaining distance or sitting in a parked police vehicle the more attractive option.

Some police argued that in the absence of active engagement with hunts or saboteurs all Operation Yarder amounted to was response-based policing at the cost of officers ‘sitting around’ for quite some time looking disinterested ‘until something happened’.

Many anti-hunt campaigners we spoke with were not cognisant of the legal and prosecutorial challenges associated with policing the hunting ban or the priorities officers deployed at hunts might perceived themselves as having e.g., to manage disorder at hunts (Officers deployed on Operation Yarder), Investigate offences against the Hunting Act (Rural Crime Team) and liaison with groups (Police Liaison Officers):

I’ve seen myself, police in attendance at hunts and ‘there’s no trail, they’re not following a trail there, so they’re obviously hunting”, I’ve said “you need to tell them to pack up and go home”, but nothing’s done, they say its not their responsibility.

If you tell a Yarder officer that there’s a fox hunt going on they just say ring 101, they’re not interested at all in fox hunting.

The review teams’ perception was that an officer deployed on Operation Yarder would be reluctant to take a statement about an allegation of illegal hunting, if doing so drew them away from what they understood their primary concern as being (managing disorder at a hunt). However, rather than reflecting their perception of operational priorities, this lack of interest in illegal hunting could be perceived as bias.

As stated earlier, victims of crime have rights in terms of contact with investigating officers, but the victim in Hunting Act offences is ‘The Crown’ and the same rights are not afforded to witnesses reporting crimes. Lack of follow up contact with witnesses to crimes can leave individuals with the impression the police did not care about what was being reported or did nothing about it**.**

## Influence on police practices

During the review, specific individuals were repeatedly identified as being involved in hunting and having influence in terms of contact with senior officers, setting police priorities and influencing practice:

I know that hunt sabs believe strongly that the police are involved with the hunt or associated with hunts in regards with being a freemason or involved in other such groups, and that has been the problem.

Related to this, the issue of ‘class’ was mentioned by a number of respondents as being relevant.

A lot of people who are wealthy, who are above the law are involved in it and they are in positions of authority and that isn’t right because hunting is a contentious activity.

Whilst some anti-hunt campaigners made conspiratorial claims about these contacts, most respondents were focussed on how knowledge of who was involved in trail hunting could subtly inform police decision making practices.

This subtle, or subconscious influence is not something that is readily amenable to being captured in an evidence-based review.

The review team did not identify any instances of overt influence being brought to bear on police practices. In police interviews that possibility was dismissed, and police officers and staff were clear they dealt with each party objectively. However, as stated previously, the mechanisms whereby this outcome was achieved were not always clear.

As stated, Operation Yarder has as its official focus the three aims of facilitating protest, managing any disorder arising from hunt gatherings and preventing/investigating illegal hunting. However, stereotypes exist around anti-hunting groups and it is likely to be the case that police officers or staff deployed on Operation Yarder are aware that some of those involved in Hunts are influential individuals. It was not clear how performance was monitored to ensure the three main aims of Operation Yarder were given due attention.

## Hunting Groups

Individuals involved in hunting were largely positive about the Police

In relation to the Hunt, generally I cannot fault the Police, either as an institution nor as individual officers. It is greatly appreciated the efforts that they go to, and I find dealing with them for the most part a positive experience.

But it was considered that individual officers did not always fully appreciate the dangers that even lawful protests gave rise to for riders on horseback.

It was also considered that protestors in the countryside were often allowed greater leeway in terms of their protesting behaviour than would be allowed for example in a town or city space:

If they shouted the kind of abuse, they shout at us outside Marks and Spencer they wouldn’t be allowed to get away with it.

Reference was made to saboteurs engaging in a range of disruptive practices that had the potential to cause harm to others- but mostly when the police are not present:

These groups come from Manchester, Liverpool, wherever, they are masked up in balaclavas, tooled up with bike chains balaclavas or whatever and they reap havoc- they are abusive, violent even if there are children and older people, they are very threatening and frightening.

In this context, the presence of police could be reassuring in that it could have a dampening effect on illegal or potentially harmful behaviour:

They always turn up and do so very promptly…and they do take it seriously especially if there’s actual violence.

Individuals involved in hunting referred to a few instances where the service that was received by police had fallen below the usual standard. Most related to reported incidents that were not charged before the six-month time limit has expired. These incidents were not in scope for our incident review and the dissatisfaction was related to the lack of details of why the time limited had been exceeded.

## More recent police relations and practices

Anti-hunt campaigners, some landowners and police perceived that police performance in relation to incidents of fox hunting that were brought to their attention had improved significantly over the last twelve months.

Moreover, relations between the police and anti-hunt campaigners had improved significantly as well.

This was attributed by most to a re-set-in relations following on from a change of leadership in the Rural Crime Team:

There’s been a change of attitude in the RCT to be fair, they’re getting much more involved these days to be fair.

Not unusually, a change in management within the Rural Crime Team had occasioned a review of some practices. We were told that whereas in the past charging decisions about Hunting Act offences were taken by the Rural Crime Team, more recently they are more likely to be discussed with the Crown Prosecution Service.

Moreover, we were also told that the Rural Crime Team are now under a more formalised command structure than they were in the past- located within the Prevention Hub overseen by an Inspector and Chief Inspector and Superintendent.

We perceived more consistent methods of engagement on social media were being applied.

If people have a particular view for example on Twitter, we now leave them to it, we don’t need to engage…we don’t shut people down anymore, we let them have their viewpoint.

As stated, the training needs of officers deployed to Operation Yarder was said to be better met by an augmented briefing pack for them to read prior to deployment.

Relations with hunts were described as less well over the last few months. Information about where hunts were taking place being less likely to be shared with police. Accounts of this focussed on changes in police engagement with hunt saboteurs and prosecutions under the Hunting Act leading to a sense of grievance that police are biased against hunts.

Indicative of change having taken place is that whereas there were only four prosecutions related to hunting in the cases we sampled (see later) between 2018 and 2020, there have been four already in 2022, some related to illegal fox hunting with hounds.

# FINDINGS: OBJECTIVE FOUR

How well North Wales Police comply with National Standards in relation to recording, responding, investigating and prosecuting incidents in connection with hunting.

North Wales Police performance with regards to National Standards were measured in a reported incidents review with reference to key policy and practice documents as described in the methodology section and with reference to North Wales Police operational expectations.

These expectations stipulate that call handlers who work in a force control room (Joint Communications Centre (JCC)) take calls about incidents (999 or 101 calls) and initiate ‘Investigative Assessments’. The call handler’s primary role is to collect sufficient evidence to determine the level of response required. According to North Wales Police, the decision is based on a THRIVE assessment (threat, harm, risk, investigation, vulnerability, and engagement) which broadly speaking considers vulnerability of the victim; severity of the offence; need for an investigation; the most effective use of resources.

In terms of the response P0 designates a call as requiring an emergency response; P1 equates to a response within 60 minutes; P2 equates to a response within 48 hours or contact for a desk based investigation by the Managed Response Unit (MRU); NFA (No Further Action) equates to no further action because evidence of a crime having been committed is not present and/or the incident is transferred to another external agency or service provider, without requiring a police response.

In all cases not leading to an NFA designation, an officer at the scene should be tasked or one should be dispatched (or the Managed Response Unit (MRU) will undertake a follow up phone call) to undertake an ‘Initial Investigation’. This could involve talking to witnesses; assessing the scene of the crime; reviewing CCTV or video footage; gathering other evidence such as forensic samples; searching the intelligence database.

If, following the ‘Initial Investigation’, it is determined that a crime has more than likely been committed and there are lines of enquiry to pursue, then a Full Investigation would take place.

If the incident to be investigated further was related to allegations of illegal hunting it would be flagged for the attention of the Rural Crime Team (where, as a fall back, a key word search of ICAD is conducted every morning to search for relevant cases).

If the incident to be investigated further did not involve an allegation of illegal hunting, it would be investigated by the officer at the scene, or an officer allocated from within the Neighbourhood Policing Team.

In either event the officer assigned to the investigation would act as a single point of contact during this phase of the process, answering questions and keeping victims and witnesses updated as the case progresses. Management of the case would be migrated from ICAD to the Niche/RMS system. The evidence would be formally collected and then the police would decide whether to charge a suspect or the case file would be sent to the CPS for a decision about charging.

The Police and CPS must consider two issues when deciding whether to charge a suspect with a crime: whether a prosecution is in the public interest and whether there is a reasonable prospect of a successful prosecution taking place.

At any point, the case might be screened out by the police. Screening is legitimate and common police practice, its objective being to 'screen' out of the investigative process incidents where the enquiries made indicate that no lines of further enquiry are apparent to take the case forwards towards a successful prosecution priority can then be given to investigation of those crimes where there exists a positive potential for detection or prosecution.

As indicated, initially seventy-seven cases were identified as in scope for the review. As they were processed some were removed for the sample because, for example, they related to incidents that were subsequently managed out of the force area and/or were simply intelligence reports. Fifty-seven incidents met the criteria of having taken place between January 2018 and March 2020 (when lockdown began)

We believe this could be a significant under count of the number of incidents likely to have been brought to police attention. This is because in 2018 a review of how the Hunting Act was being policed in Cheshire identified 321 incidents over a three-year period. Moreover, one informed police respondent told us:

Every week there’s something going on associated with hunting, a report and incident or a complaint-it’s the biggest drain on our resources.

One reason fewer cases might appear in the North Wales database is because frequently, as a result of Operation Yarder, officers are on site at many hunts. Accordingly, they may receive information about an incident directly.

An officer receiving an incident report should take details there and then and contact the JCC to create an incident. But at hunts this could be problematic as the situation is frequently dynamic and claim and counter claims are repeatedly being made.

Only a small number of the cases reviewed by the team were opened as a result of anything other than a 101 call to the police. Accordingly, it seems a less formal approach was adopted when incidents of fox hunting or connected to fox hunting are reported directly to an officer at the scene. The Investigative Assessment’ normally carried out by JCC staff is commenced immediately and ‘on the ground’ and often closed quickly where ‘no crime/evidence of crime was found’ or if the advice given is for a citizen to call 101. Few officers, we were told, would feel it was good use of their time to reverse engineer a record of this activity on ICAD.

Our approach to the reported incidents review was described earlier. Our assessments focussed on: Reporting and Recording of Incidents (Investigative Assessment stage); Responding to the Incident (Immediate Response) Investigating the Incident/Crime (Initial Investigation/Full Investigation stages) and Prosecution. Here the focus is on presenting the findings.

## Reporting and recording of Incidents (Investigative assessment stage)

Extracting relevant evidence of sufficiency in terms of adherence to National Standards from ICAD proved challenging in many cases. This was because whilst actions were noted, frequently the underpinning rationale was not well elaborated. For example, in one case a caller reported an ‘illegal fox hunt’ and the case was closed with” no evidence of a crime”. The action may well have been appropriate but without the underpinning rationale, this was impossible to assess.

As indicated in figure 12 the review team considered that in 64% of cases there was sufficient evidence that National Standards were complied with in terms of initial reporting and recording of incidents.



Figure 11: Summative Assessment: Reporting and Recording

However, in 35% of cases, we adjudged this was not the case.

Insufficiency here related primarily to adherence to NCIS standards when the incident being alleged was illegal foxhunting.

Details about the offence being reported e.g., how many riders; which direction were they going; what vehicles were in pursuit; did the person see a fox etc were, in these cases, was not sought.

Police officers and staff were more focussed and thorough in terms of ‘Investigative Assessments’ where the incidents reported were more familiar to them e.g., assaults or public order related incidents linked to hunting.

In reported incidents of illegal fox hunting the focus of the ‘Investigative Assessment’ was not always on the reported offence but rather on the potential for disorder associated with it.

For example, one caller reported an alleged ‘illegal hunt’ where the hounds were said to be not under control. Details of the road traffic issues caused by the hounds were sought, but there was no similar inquisitorial approach in relation to the allegation of an illegal fox hunt taking place (the caller’s primary concern).

In another call, there was a similar lack of interest in the detail of the alleged ‘illegal hunt’ being reported and the case was closed because with the stated rationale being no suggestion of any disorder.

This focus on particular aspects of incidents surrounding a hunt may well have been appropriate in terms of aspects of THRIVE (Threat; Harm; Risk; Investigation; Vulnerability; Engagement) and for the purposes of determining the correct level of response. But officers were thereby dispatched with only partial information about the nature of the dynamic incident they were attending and aspects of the alleged ‘crimes’ being reported.

Correspondingly the review team considered not enough potential avenues of evidence were considered before some cases were screened out for no further action.

We adjudged two reported incidents of ‘fox hunting’ cases as excellent. In one of these cases further information had been sought from the caller which was specific in relation to the evidence of illegal activity. In another a full assessment was made of the situation and the lack of police response that followed (no evidence of illegal hunting) was carefully explained to the informant in a follow up call.

## Responding to the incident



Figure 12 Summative Assessment: Responding

The police response broadly reflected reporting and recording sufficiencies and insufficiencies.

However, contrary to the perception of some people that the police are reluctant to respond to reported incidents associated with hunting, we perceived a risk averse approach prevailed. Whilst some incidents were graded without sufficient details having been obtained, the tendency was towards dispatching an officer to attend an incident that had been reported even where conclusive evidence of a crime being committed was absent e.g., police were dispatched to a report of two cattle trucks laden with hounds being seen; police were also dispatched to reports of ‘an ongoing hunt’.

Here it is apposite to note that this difference in perception was ascribed by us to witnesses reporting incidents not always being informed of the subsequent police response.

Given the focus of this review, we considered sufficient, cases where the response seemed inflated (police attend even though a clear crime had not been committed) or was not in accordance with the grading ascribed but where a clear rationale was given (officers diverted to a more urgent developing situation involving risk to life)

Conversely, we considered insufficient cases where the rationale for a particular grading and for failing to attend within the timescale was unclear.

We assessed one response as poor because a delayed response led to opportunities to gather evidence being missed.

We assessed as excellent a case where through careful questioning, albeit a 101 call had been made, the potential for risk to life was identified and an expedited response delivered.

## Investigating the incident (Initial and full investigation stages)



Figure 13 Summative Assessment: Investigation

We assessed the investigation as insufficient in 35% of the cases we examined. Insufficiencies arose primarily in relation to reports of illegal fox hunting and related to the absence of an investigative mind set. It was not at all apparent that all potential avenues of evidence were pursued before some cases were screened out for no further action.

Most, but not all, relevant cases were flagged to the Rural Crime Team. But where this was the case, the ICAD incident report was usually closed with no corresponding rationale or description of any subsequent activity/investigation undertaken.

Two investigations we examined was screened out at the 6-month point. In one case the rationale for the closure was clear but the decision could have been made more promptly and communicated more clearly to relevant parties. In the other the case ought to have proceeded further and we assessed this as ‘poor’. Running out of time in this case was ascribed to a procedural oversight. There were no aspects to the case in terms of its nature, person’s involved etc to substantiate any other rationale.

We assessed two cases as excellent. These assessments reflect the tenacity and thoroughness of efforts to engage and take statements from relevant witnesses

Engagement with victims was generally in line with the requirements of the Victim’s Charter. Engagement with witnesses, however, was not in line with the Witness Charter. In only a very few cases was there clear evidence that individuals who reported incidents of illegal fox hunting or related to fox hunting were kept informed of police activity related to their report.

Relevant in explaining this are that the standards in the Witness Charter are not legally binding and primarily focussed on serious offences and when people attend court. A likely consequence in the case of those alleging illegal fox hunting, however, would be that they would perceive their reports had not been taken seriously or acted upon.

In the cases we examined there was a very light touch in terms of supervisory oversight provided.

## Prosecution

The review team examined only 4 cases where a prosecution had taken place. In all of these cases we considered that there was sufficient evidence of national standards being adhered to.

## Recent cases

Mindful of emerging evidence that indicated practices has changed in regard to dealing with allegations of illegal fox hunting, the review team considered a sample of cases from 2022 as an additional element of the review.

In relation to these cases, we found that a more robust investigative mind set had been applied to cases and more assertive investigation of incidents by the Rural Crime Team. Greater attention was being paid to all potential avenues of evidence before a case was screened out for no further action or a decision to charge/not charge was made.

# Discussion

A survey has shown that 93% of people in North Wales have confidence in the way the region is policed. The independent study commissioned by the Force into public confidence also revealed that 80% of respondents believe the region is safer than the rest of the United Kingdom; over 90% agreed the police in North Wales would treat them with respect if they had contact with them for any reason, whilst over 80% agreed that the police treated everyone fairly regardless of who they were. (Opinion Research Services 2020).

Fox hunting is not a national policing priority. Fox hunting was not a priority area for enforcement in the National Wildlife Crime Policing Strategy 2018-2021. Fox hunting with hounds is designated as an emerging risk, but it is not a priority in the 2021-2025 strategy either

Arguably, because of this, the Hunting Act is not a priority for North Wales Police. We were told:

Have we got a priority to detect hunting offences? No we haven’t.

Its just not a priority area for us.

Its not a priority concern for me with the competing priorities I have.

It is not at all clear that this should change. This is because enforcing the Hunting Act is not a priority for police according to the citizens of North Wales either. In the independent telephone survey referred to in 7.1.1. a representative cross section of residents from North Wales indicated that the most important priorities for North Wales Police were to protect children and vulnerable people. Investigating wildlife crime was afforded a similar priority to dealing with minor crimes and anti-social behaviour.

Practically, however, as a result of Operation Yarder eight officers are normally deployed every Tuesday and Saturday during the hunting season across two hunts. So, notwithstanding it not being a police or public priority, a significant level of resource is actually deployed to hunting.

It was not clear how this level of resourcing was reviewed to ensure it met demand.

To an objective eye, North Wales Police practices for enforcing the hunting ban and its resource commitment to managing incidents associated with hunting align well with good practice guides:

* + - There are PLOs in place.
		- Police Officers or staff are deployed to prevent disorder at most meetings.
		- At hunt gatherings, lines of responsibility are clear in that officers from the Rural Crime Team primarily investigate Hunting Act offences whereas officers deployed on Operation Yarder primarily facilitate or police protests. Neighbourhood Policing Teams respond to incidents related to hunting outside of formal hunt gatherings.
		- Operation Yarder has a command structure, and the Gold/Silver commanders review performance and local managers provide oversight in the prosecution decision making process.
		- The Rural Crime Team and PLOs are proactive in trying to obtain advance information about where trails are laid, or protests will be undertaken.
		- Rural Crime Team Officers and officers deployed on Operation Yarder receive some training on enforcing the Hunting Act and policing incidents connected with it.
		- North Wales Police is involved in regional collaboration and learning.
		- We saw several iterations of Operation Yarder indicative of corporate learning, or review of policies and practices taking place.

However, as previously stated, above and beyond making sure the structures and processes for enforcing the Hunting Act and incidents associated with it are in existence, lies the need to ensure the fine detail of the implementation is appropriate; practice is monitored so improvements can be made and that the ethical and values base underpinning practice are aligned with the Police Competency and Values Framework (CVF) which refer to impartiality; integrity; public service and transparency.

North Wales Police officers and staff were assertive in declaring that their approach to enforcing the hunting ban and policing incidents connected with it was impartial. However, the review team were left unsighted as to how precisely this was achieved and monitored.

This was in the context that police are engaging with individuals who are passionate and insistent about their viewpoint; historically anti-hunt campaigners have been stereotyped as ‘violent extremists’ (Tichelar, 2016); individuals involved in hunting are potentially influential; data about the policing of fox hunting to inform review of practices seemed hard to come by; and training for deployment on Operation Yarder was limited.

One police respondent to our study suggested that perceptions of how North Wales Police enforce the hunting ban and incidents associated with it was unlikely to change because “we can’t give either side what they want”. Hunters were said to want to trail hunt with impunity; anti-hunt campaigners wanted all trail hunters arrested.

Countless studies of citizens’ interaction with public bodies, however, show citizens to be much less concerned about the outcome of any particular interaction, than they are with the way they are treated and how well the outcome process is explained to them. Myhill and Bradford (2012) for example found that personal treatment by the police to be more important in driving satisfaction than criminal justice outcomes.

# Recommendations

In the Criminal Justice System, when some official thematic inspections or independent reviews are undertaken it is usually in response to a perception that a problem exist in relation to a particular area of practice.

That being so, it is often the case that in advance of an inspection/review, the organisation concerned has engaged in a process of self-evaluation and already identified strengths and areas for improvement for itself. This is unremarkable and a sign of a mature organisation reflecting on its performance.

 In the 12 months leading up to this review, we found North Wales Police had moved on in terms of its practices associated with enforcing the hunting ban and incidents associated with it.

* Better lines of communication with anti-hunt campaigners and so, potentially, with those reporting incidents.
* Clearer command structure to oversee practice in the Rural Crime Team.
* Better liaison with CPS over prosecution of Hunting Act offences.
* More transparency regarding Operation Yarder.
* Better training for officers deployed on Operation Yarder.
* A less defensive approach to online engagement including responding to Freedom of Information requests.

Our review ends therefore with a commendation for this, and to avoid complacency setting in, recommendations that seek to consolidate and build on the progress made over the last 12-18 months. Here we seek to avoid a ‘wish list’ approach to making recommendations where the resource implications clearly render them unrealistic:

* **Recommendation 1**: Ensure JCC staff are further briefed on taking calls relating to Hunting, of the distinction between trail hunting (legal) and illegal fox hunting and on the information to obtain when an incident is reported.
* **Recommendation 2**: Ensure JCC staff and police officers regularly deployed on Operation Yarder receive training/guidance on the points to prove related to illegal hunting including advice on what questions to ask when an incident is reported; and how to deal with evidence.
* **Recommendation 3**: Ensure JCC staff and police officers record, and close incidents related to hunting with hounds with due reference to the ‘hunting’ context.
* **Recommendation 4**: Notwithstanding the challenges involved in proving cases, all incidents of illegal fox hunting should be approached with an investigative mind set where no pre-conceptions are applied, for example that a statement by a hunt or anti-hunt campaigner will inevitably be of limited evidential value.
* **Recommendation 5:** Ensure all police officers and staff, including Rural Crime Team Officers document their actions and decisions on the RMS or ICAD logs.
* **Recommendation 6**: Linked to the previous recommendation, North Wales Police should ensure JCC supervisors more actively scrutinise hunt related incidents to satisfy themselves that crime-recording follows national standards and that the rationale for the decisions made (especially closing cases when further avenues of investigation exist) are clearly recorded.
* **Recommendation 7**: North Wales Police should continue to have structured constructive conversations with hunt and anti-hunting groups, listening and responding to views and reporting back on key decisions and the effect of changes made when concerns are raised.
* **Recommendation 8**: North Wales Police should review Operation Yarder and engage with hunt and anti-hunt groups to consider the possibility that a more intelligence led approach would better reflect policing priorities and resources*.*
* **Recommendation 9**: North Wales Police/CPS should continue to liaise closely over charging decisions and seek an objective expert witness to review the evidence in relevant cases.
* **Recommendation 10:** North Wales Police should continue to explore ways of using social media appropriately to show the challenges of rural policing as well as to build relationships with the communities they serve

# Bibliography

Action Against Fox Hunting (2020) Counting the Crimes: An evidence-based report detailing the problems and the possible solutions to the difficulties that arise between police and anti-blood sports groups in the ineffective enforcement of the Hunting Act 2004. Available to view at <https://www.actionagainstfoxhunting.org/wp-content/uploads/2020/08/Counting-the-Crimes-Final-310720.pdf>

College of Policing (2014) Code of Ethics A Code of Practice for the Principles and Standards of Professional Behaviour for the Policing Profession of England and Wales July 2014 <https://assets.college.police.uk/s3fs-public/2021-02/code_of_ethics.pdf>

College of Policing (2022) Competency and Values Framework. <https://www.college.police.uk/career-learning/career-development/competency-and-values-framework-cvf>

College of Policing (2022) Investigation. Authorised Professional Practice <https://www.college.police.uk/app/investigation>

College of Policing (2022) Managing Investigations. Authorised Professional Practice https://www.college.police.uk/app/investigation/managing-investigations

Crown Prosecution (2019) Hunting Act, 2004 <https://www.cps.gov.uk/legal-guidance/hunting-act-2004>

Gloucestershire Constabulary Redacted copy available at [Hunting with Dogs Policy V1.6 Redacted gloucestershire.pdf](file:///C%3A%5CUsers%5Cjonesim%5COD%5CDocuments%5CActive%5Cpublications%20and%20ref%20stuff%5CHunting%20reserach%5CHunting%20with%20Dogs%20Policy%20V1.6%20Redacted%20gloucestershire.pdf)

Hansard (2022) Hunting. Volume 712 25/4/22 <https://hansard.parliament.uk/commons/2022-04-25/debates/3B9901EF-11D1-488B-8BF0-B7ECF8991C90/Hunting>

Home Office (2019) [HO-code-tool-principal-offence-2019.xlsx (live.com)](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F938554%2FHO-code-tool-principal-offence-2019.xlsx&wdOrigin=BROWSELINK)

Home Office (2022) Crime Recording general Rules. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1099880/hocr-complete-july-22.pdf>

Jackson, W., Gilmore, J. and Monk, H., (2019) Policing unacceptable protest in England and Wales: A case study of the policing of anti-fracking protests. Critical Social Policy, 39(1), pp.23-43.

Lawlor, J., Thomas, C., Guhin, A.T., Kenyon, K., Lerner, M.D., UCAS Consortium and Drahota, A., 2021. Suspicious and fraudulent online survey participation: Introducing the REAL framework. *Methodological Innovations*, *14*(3)

Ministry of Justice (2013) The Witness Charter: standards of care for witnesses in the criminal justice system <https://www.gov.uk/government/publications/the-witness-charter-standards-of-care-for-witnesses-in-the-criminal-justice-system>

Ministry of Justice (2021) Code of Practice for Victims of Crime in England and Wales (Victim's Code) <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code>

Myhill, A. and Bradford, B. (2012). Can police enhance public confidence by improving quality of service? Results from two surveys in England and Wales. Policing and society, 22(4), pp.397-425.

National Police Chief’s Council (2018) Operational Advice on Responding to Hunting Incidents. <https://www.npcc.police.uk/2019%20FOI/Crime/013%2019%20%20Hunting%20Incidents.pdf>

National Policing Improvement Agency (2011) The National Standard for incident Recording. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/116658/count-nsir11.pdf>

Royal Society for the prevention of Cruelty to Animals and League Against Cruel Sports (2002) Best practices. The Hunting Act for Enforcement Professionals. <https://www.huntingact.org/best-practices/>

Sparrow, A (2009) David Cameron confesses to history of Hunting. The Guardian Tue 6th October 2019. <https://www.theguardian.com/politics/2009/oct/06/david-cameron-fox-hunting-ban>

Tichelar, M., (2016) *The History of Opposition to Blood Sports in Twentieth Century England: Hunting at Bay*. Routledge.