

Independent Review of Fox Hunting Across Cheshire

By Red Snapper Group

On behalf of

The Police and Crime Commissioner for Cheshire

Terms of Reference

- ▶ Do Cheshire Constabulary comply with National Standards in relation to reporting, investigating and prosecuting incidents in connection with fox hunting;
- ▶ By conducting qualitative and quantitative analysis of the systems, processes and procedures how well do Cheshire Constabulary perform in relation to incidents of fox hunting that are brought to their attention; and
- ▶ The challenges for the police and the Crown Prosecution Service arising from an enforcement and prosecutorial perspective due to the current legal position under the Hunting Act 2004.

The Team and Methodology

- ▶ The contract was awarded to the Red Snapper Group, an independent company, able to provide experienced staff to conduct such reviews
- ▶ Team was led by RSG Project Manager with senior police and HMIC background
- ▶ Team comprised of former senior police officers and a prosecutor with experience of dealing with hunting cases, supported by an experienced analyst
- ▶ We spoke to 31 people in face-to-face interviews, focus groups, telephone and Email interviews
- ▶ We reviewed legislation, caselaw and guidance on the Hunting Act
- ▶ We examined 358 cases/crimes/incidents between 2015-2017

The law and guidance – what we found

- ▶ Definition of “hunting” is narrow
- ▶ Offence requires “intent” not “recklessness”
- ▶ Act contains many statutory defences
- ▶ Law does not allow an offence of “attempting to hunt”
- ▶ CPS guidance is comprehensive
- ▶ No national police guidance found
- ▶ League Against Cruel Sports guidance is helpful to investigators

The law and guidance - our conclusions

- ▶ Legislation - Definition of hunting - The key word is 'pursuit' which requires a mammal to have been identified, along with the large number of exemptions to the Act.
- ▶ Evidential - challenges in obtaining sufficient evidence. Hunts take place at speed, often with witnesses some distance away from the activity complained of.
- ▶ However, the Hunting Act has led to successful prosecutions nationally, and 'live quarry' fox-hunting no longer takes place legally.
- ▶ The Act will never prevent people riding in horses in groups, accompanied by dogs, but that is not its legislative purpose.
- ▶ CPS and LACS guidance is good - national police guidance is needed
- ▶ The Hunting Act might not be perfect, and clearly will not satisfy everyone, but it is workable and enforceable, despite the challenges in securing sufficient evidence to secure a conviction.

Stakeholder views - what we found

- ▶ Not all experiences and views were supportive of the police response, and their approach to hunting
- ▶ Businesses, landowners and publicans were generally satisfied with the police response - but would welcome more feedback
- ▶ Hunt monitors were generally positive about the police response, whilst critical of the legislation. Saboteurs were generally satisfied, although some were critical of the police
- ▶ Hunt members were generally positive about police engagement
- ▶ The force lead and wildlife officers were well informed and committed to their roles
- ▶ The role of "terrier/country men" and the use of fox urine for trails generated much comment on all sides

Stakeholder views – our conclusions

- ▶ Stakeholders from all points of view are generally positive about the police, comparing Cheshire favourably to other forces
- ▶ Although relationships have improved with the police and those on both sides of the hunting issue, there is nevertheless room for improvement
- ▶ Pre-hunting season briefings are good practice
- ▶ An end of season debrief should be conducted with feedback shared with interested parties

File examination – what we found

- ▶ Complaints to the PCC were taken seriously by the OPCC
- ▶ Complaints against the police to PSD were limited to 3 incidents
- ▶ 28 crimes were reported arising out of activity related to hunting, by both hunt supporters and opponents
- ▶ Only one evidential file concerning a Hunting Act offence was submitted to the CPS (the Boxing Day incident).
 - ▶ The police file was of a high standard
 - ▶ The decision whether to prosecute was finely balanced
 - ▶ No prosecution took place

File examination - our conclusions

- ▶ Overall investigations were thorough and professional;
- ▶ Investigations were impartial and focussed on the evidence;
- ▶ Improvements - enhanced supervisory oversight, early CPS consultation and case conference
- ▶ Areas of good practice have been introduced by the wildlife officers; and
- ▶ Complaints against the police were taken seriously with appropriate resource allocated to their investigation.
- ▶ Opportunities to investigate and prosecute other criminality relating to fox hunting may have been missed, and should be considered in future

Recommendations (1)

- ▶ 1 - The Cheshire Constabulary Strategic Lead for Wildlife and Rural Crime to ensure that land owners are provided with feedback and made aware of the outcome of any allegations of illegal hunting.
- ▶ 2 - Cheshire Constabulary should ensure that allegations of cyber-crime where Business Websites are targeted are investigated robustly given the impact on the individuals and their businesses.
- ▶ 3 - The Cheshire Constabulary Strategic Lead for Wildlife and Rural Crime to ensure that all agreed plans relating to hunting include prompt response and clear operational guidance are in place prior to the start of the hunting season.
- ▶ 4 - The Cheshire Constabulary Strategic lead for Wildlife and Rural affairs to ensure that staff are familiar with the legitimate role of the Terrier Men.
- ▶ 5 - The Cheshire Constabulary Strategic Lead for Wildlife and Rural Crime should take this opportunity to share this good practice via the NPCC Lead for Rural and Wildlife Crime.

Recommendations (2)

- ▶ 6 - Officers investigating hunting offences should use the appropriate websites to gain an understanding of the operation of hunts.
- ▶ 7 - Officers investigating offences under the Hunting Act should seek the advice of wildlife officers where further guidance is needed.
- ▶ 8 - The Cheshire Constabulary Strategic Lead to ensure a sustained programme of training is delivered across the force utilising IT, force Intranet system providing practical advice for all officers and staff.
- ▶ 9 - An effective communications strategy to be implemented in the lead up and during the hunting season.
- ▶ 10 - The strategy should make reference to other criminal offences that could be committed. This does not need to be prescriptive, but in its current form it only focusses on the Hunting Act.
- ▶ 11 - Cheshire Constabulary to review and reduce the number of incident type descriptions used in relation to hunt related activity.