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29 September 2020

E-mail only:

Dear

FOI Request: 30/2020

I write in connection with your request for information received in the Office of the Police and Crime Commissioner for Derbyshire on 23 September 2020, as follows:

*Please read "Counting the Crimes" (see link below) and look at the evidence we have included. **At the end of the report we pose key questions that we would ask the police to answer.***

<https://www.actionagainstfoxhunting.org/counting-the-crimes/>

Questions for the Police to Answer

The questions below are asked with reference to AAF's Counting the Crimes report; most questions directly refer to the NPCC Operational Advice on Responding to Hunting Incidents.

Question 1:

An FOI from AAF to West Mercia Police Force revealed that fewer than 1% of police employees have received training on illegal hunting.

Link 76 – FOI reply

To comply with this policy, it's clear more training on wildlife crime must be offered to police officers and controllers. The League Against Cruel Sports is willing to provide training. Contact MartinSims@league.org.uk.

More training is vital to enable the police to follow the official NPCC Operational Advice, especially in rural areas. How will this be tackled?

Question 2:

Our Counting the Crimes Report contains extensive evidence suggesting illegal hunting is commonplace.

Why are prosecutions for illegal hunting so rare?

Quote from the NPCC Operational Advice: "Section 1 'Introduction': It is accepted that many forces will have good operational working practice in place around hunting"

Quote from the NPCC Operational Advice: "Section 1 'Introduction': The key strand running through is the impartiality of the Police and also the expectation to take positive action when the evidence exists"

Question 3:

With reference to our Counting the Crimes Report, in particular Part Four 'Police Bias Towards the Hunt', it would seem police often act on calls from hunts, but disregard calls from FWGs. There also appears to be a growing trend for false reports being made to the police claiming FWGs are armed, inevitably resulting in an expensive misdirection of police resources.

Will false reports claiming FWGs are armed be fully investigated going forwards and charges of wasting police time be applied where appropriate?

Question 4

Counting the Crimes describes a large number of incidents where hunts have been observed losing control of hounds, not seeking to regain control of them and/or actively encouraging them to hunt.

How often do your officers request details of trails laid and do you agree it would be far easier for the police to detect an intention to hunt illegally if it were required by law for the hunt to provide this information on request?

Quote from the NPCC Operational Advice: "Section 1 'Introduction': The key strand running through is the impartiality of the Police and also the expectation to take positive action when the evidence exists"

Quotes from the NPCC Operational Advice: "Section 3.3 'Accidental Hunting': "Where hounds leave a laid scent and begin to hunt a wild mammal it is unlikely to be immediately illegal but it may become so if little or no effort is made to regain control of the hounds or if they are then encouraged to hunt"

"Section 4.1 'Objectives': "Lawfully gather and develop relevant intelligence & evidence"

"Section 4.4. 'Spontaneous and pre planned incidents - PRE PLANNED: "If trial hunting then request copies of trail maps / layers / scents used (there is no legal obligation on the hunt to provide)"

Question 5:

Our report details disruption and danger being caused by the hounds - followed by the hunt - running out of control through villages, over graveyards, over private gardens, through business premises, through nature reserves, on public roads

(including the A1 and A41) and down railway lines – amongst other incidents. It is clear the objectives above are frequently not being met.

What action will be taken to meet the objectives and stop these incidents occurring going forwards?

Quotes from the NPCC Operational Advice: “Section 4.1 ‘Objectives’: Maximise public safety

Minimise disruption to the different communities we serve

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”

Question 6

The Counting the Crimes Report findings appear to describe a disproportionate use of resources, police concentrating on FWG activity rather than illegal hunting, poor responses to reported crimes and disorganised record keeping, particularly in Part Four ‘Police Bias Towards the Hunt.’ The anger and resentment caused by this is significant.

The College of Policing Code of ethics quotes Memberships of groups or societies, or associations with groups or individuals, must not create an actual or apparent conflict of interest with police work and responsibilities” “The test is whether a reasonably informed member of the public might reasonably believe that your membership or association could adversely affect your ability to discharge your policing duties effectively and impartially” Link 77 - Police Website

In view of the controversy and strength of public opinion surrounding illegal hunting - and with reference to the clip below - AAF is suggesting no police officer who supports or participates in blood sports should be involved in the policing of wildlife crime, including apparent illegal hunting. Do you agree?

Quotes from the NPCC Operational Advice: “Section 1 ‘Introduction’: The key strand running through is the impartiality of the Police and also the expectation to take positive action when the evidence exists”

“Section 4.2 ‘Key considerations’: Be mindful of unconscious bias”

Remain impartial whilst engaging with all parties to facilitate a lawful activity”

Police action should be about preventing or investigating allegations of crime”

Verify accounts on all side, gather details and evidence objectively”

Question 7

Our report details many incidents of disruption and danger being caused by the hounds - followed by the hunt - running out of control through villages, over graveyards, over private gardens, through business premises, through nature reserves, on public roads (including the A1 and A41) and down railway lines – amongst other incidents. It is clear the objectives above are frequently not being met.

What is the outcome when a hunt is assessed to have caused inconvenience, alarm and/or damage to property on several occasions and therefore has a history of creating a negative impact on the community? Are their future activities affected?

Quotes from the NPCC Operational Advice: “Section 1 ‘Introduction’: The key strand running through is the impartiality of the Police and also the expectation to take positive action when the evidence exists”

“Section 4.4. ‘Spontaneous and pre planned incidents - PRE PLANNED: Community Impact Assessment”

Question 8

There are extensive examples of hunts or their supporters violating these laws in our Counting the Crimes Report, in many cases supported by photographic or video evidence. Charges are rare, especially in respect of S137 of the Highways Act 1980. Link 78 - Police Document

Pre 2004, hunting was legal, therefore hunts and hounds spilling onto the road might reasonably have been viewed as acting with authority or excuse. Today hunts are supposed to be trail hunting. There is no excuse for laying a trail close to a busy road.

Why are so few charges or prosecutions made in respect of hunts who repeatedly create a dangerous obstruction on the road? We are not aware of a single example of a hunt being held to account for blocking a busy road with horses and hounds. Quotes from the NPCC Operational Advice: “Section 1 ‘Introduction’: The key strand running through is the impartiality of the Police and also the expectation to take positive action when the evidence exists”

“Section 4.1 ‘Objectives’: Maximise public safety”

“Section 5.2 ‘Other associated legislation: s137 Highways Act 1980 (Obstruction)

s22 Road Traffic Act 1988 (Leaving a vehicle in a dangerous position)

s34 Road Traffic Act (All-Terrain Vehicles (Quad Bikes) – Consider if being driven on Private Land or Public road

s59 Police Reform Act 2002 (vehicle to cause alarm, distress or annoyance)”

Question 9 Surrey and Sussex Police have specific guidelines of their own regarding the policing of hunts: Link 79 – Police Policy

The document states in Procedure 1.2 “Surrey Police and Sussex Police will work with the recognised hunt monitors and hunts that are active within Surrey and Sussex and the surrounding area to ensure the safety of all partaking in lawful activity.”

And in Procedure 1.4 “A Hunt Liaison Officer (HLO) will be appointed for each hunt to act as a liaison officer. Anti-Hunt Liaison officers (AHLO) should be appointed for the recognised monitor groups.”

In view of Surrey and Sussex’s stance, and taking into account the findings of the Counting the Crimes Report, would your police force allow AAF to assist you in finding anti-hunt monitors who are willing and able to work with police Anti-Hunt Liaison officers appointed within your organisation?

This is to inform you that the Office of the Police and Crime Commissioner for Derbyshire does not hold the information you have requested based on the information you have provided.

Derbyshire Constabulary may hold this information and I give below a link to the Force’s website where you can make a FOI request to them direct.

<http://www.derbyshire.police.uk/About-us/Freedom-of-Information/How-to-Obtain.aspx>

If you are not satisfied with our response to your request, under Section 17 of the FOIA of the FOIA you are entitled to ask for an internal review of our decision. Any internal review needs to be submitted within two months of the date of receipt of this response and state why you are unhappy with the response. You can submit an internal review in the following ways:

- emailing the OPCC Inbox – PCCOffice@Derbyshire.PNN.Police.UK or;
- writing to the OPCC at –
The Office of the Police and Crime Commissioner for Derbyshire
Butterley Hall
Ripley
Derbyshire
DE5 3RS

By phone – 0300 122 6000 (as a reasonable adjustment under the Equality Act 2010).

If you are not satisfied with the outcome of the internal review under Section 50 of the FOIA you can apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the internal review procedure provided by the OPCC. You can contact the ICO in the following ways:

- online at the ICO – <https://ico.org.uk/global/contact-us/> or;

- writing to the ICO at –
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marie Romano'. The signature is fluid and cursive, with the first name 'Marie' written in a larger, more prominent script than the last name 'Romano'.

Marie Romano
On behalf of the Police and Crime Commissioner