

# NPCC Operational Advice on Responding to Hunting Incidents

The National Police Chiefs Council with the College of Policing has agreed to these revised guidelines being circulated to, and adopted by, Police Forces in England, Wales & Northern Ireland.

## Document information

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### 1. Introduction

Hunting with hounds is an emotive subject bringing with it support, opposition and commentary from a wide spectrum of society, amplified by social media in this modern policing world.

**Our Response** : The use of the term "emotive subject" is often used to downplay an illegal act. Illegal hunting is illegal "full stop" and this term should not be used to undermine the law. The term "emotive subject" should not even enter into the equation of upholding the law and should be struck out of any operational advice.

It also makes it sound as though opinion is somehow equally divided whereas in reality 85% of people in the UK are against hunting.

It is accepted that many forces will have good operational working practice in place around hunting,

**Our Response** : Highly questionable.

The majority of forces don't have a strategy for dealing with illegal hunting and their directive comes from this inadequate biased operational advice, so how could they have good operational working practice in place? thus this is not intended to replace, but designed to assist. It should be referred to in conjunction with own Force policy, guidelines and working practices.

The key strand running through is the impartiality of the Police and also the expectation to take positive action when the evidence exists.

**Our Response** : Reading through this operational advice, it is plainly obvious that there is a lack of impartiality, although the police seem to be oblivious to this fact.

Police have a duty to seek out evidence, look beyond the lies and smokescreens and not just naively accept what the hunts tell them. Evidence of illegal hunting is not always instantly apparent to the untrained eye especially when police rarely look beyond public disorder.

## 2 History

The Hunting Act 2004 prohibits all hunting of wild mammals with dogs, except where it is carried out in accordance with the conditions of an exemption, and all hare coursing events.

**Our Response** : This is true, so why isn't this operational advice highlighting the need to enforce this.

Registered hunts that were hunting foxes, deer, mink and hares did not disband and concepts such as Trail hunting were introduced in order to continue hunting activities in line with the Act.

**Our Response** : Incorrect, the name "trail hunting" was invented as a guise to cover illegal hunting. Hunts did not/have not changed the way they hunt, they have just developed tactics to disguise their intent. As proved in the webinars videos and hundreds of hunts being prosecuted for illegal hunting.

Thus, the continuation of hunt meets is not in itself illegal, unless the provisions of the Act are being breached.

**Our Response** : This is true, the law/courts fails to see the intent of taking a pack of hounds, trained to hunt & kill, into an area with known foxes, casting them out, with hunters surrounding the area to prevent foxes escaping, terriermen on standby to dig out any foxes gone to ground, as intent to commit a crime.

Substantial evidence gathered over 15 yrs and hundreds of prosecutions suggest that the Act is being breached, therefore this would indicate that police need to look a little deeper, put their investigation skills into action more often to uncover the truth, however this poor operational advice may indicate where the blame lies.

It's possible that such events may result in people who are pro-hunting being present at the same time and in the same location as those who are anti-hunting, thus leading to the possibility of disorder and criminal offences being committed by either party.

**Our Response** : If hunts weren't illegally hunting there would be no disorder. Where there is illegal hunting and animal cruelty, there will always be people who oppose such acts.

Hunts often violently respond to monitors being present as they don't like being caught on camera illegally hunting.

Genuine drag hunts who don't hunt wildlife welcome monitors and the anti-hunt community encourage and support this alternative genuine non kill hunting.

Issues only arise when illegal hunting occurs.

## 3. Hunting Terminology

**Our Response** : Explanation of the roles of hunters, we can agree on.

### 3.2 Exempt Hunting

Provided there is no trespass, certain forms of hunting are exempt. These are very closely defined in Schedule 1, namely:

**Our Response** : Exempt hunting is basically loopholes written into the act that allow hunters to abuse the conditions and whole purpose of the law. To stop hunts continuing to persecute animals, these exemptions need removing as they are rarely policed, regulated or conditions followed. Naive police often just assume or accept that conditions are being followed without any investigation, because hunters just tell them so.

Poor policing enables these exemptions to be abused.

- 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;

**Our Response** : Police are never present to ensure this exemption is followed to the rules. There is no policing strategy in place to regulate this. Therefore terriermen do as they please.

- The flushing of a wild animal with a pack of hounds is illegal, an activity which hunts engage in daily under the guise that they are just searching for an artificial laid scent.
- Police rarely ask to see terriermen's written permission.
- Police rarely ask to see terriermen's or hunts gun licences.
- It is extremely rare police witness this activity to ensure its done legally and most officers wouldn't know what was legal or illegal because of a lack in training and biased directive.
- Terriermen will flush a fox from its den to be chased by a pack of hounds, it is rarely shot. It's very naive to think that terriermen on a hunt would spend hours digging out a fox that has gone to ground (chased foxes) just for the anti-climax of shooting it. They are employed by hunts to ensure they have a good days hunting and dig out any foxes so that the chase may continue.

*Note : In the USA once a fox has gone to ground the huntsman will move on, as they feel the hunted fox has already given them a good chase and deserves the sanctuary of their den. There is no sport in continuing to chase an exhausted animal close to death. Sadly in the UK the attitude is the chase must end in a kill, so terriermen are employed to dig the fox out.*

- Use of not more than one dog at a time below ground in the course of stalking or flushing to protect birds for shooting;

**Our Response** : Failed to mention the presence of terriermen on "so called trail hunts" in areas with no game birds. This is never questioned by police despite terriermen being armed with tools & dogs to engage in the digging out practice, outside of the legal requirements, which is illegal. i.e in areas where no game birds are present, no written permission, no gun licence.

The whole presence of terriermen on a trail hunts is highly questionable. The hunting office have so far only managed to come up with one poor excuse for their presence "they are there to open gates and fix fences". If this was really true, why are they still armed with terrier dogs. The illegal intent is clearly there, but the police and courts ignore this fact.

Section 8 of the Hunting Act sets out the powers of search and seizure. These powers can be used where a constable reasonably suspects that a suspect is committing or has committed an offence under this Act.

In 15 years (as far as I am aware) no person has ever reported witnessing the police stopping and searching hunts or terriermen to ensure they are hunting within the law, apart from a very recent operation by Gloucestershire police, where the hunt was just sent home.

The practice of digging out by terriermen is one of the most brutal and distressing practices around. The hunted quarry will suffer hours of stress and torment while being dug out, a terrier dog is then sent down a hole to fight with the quarry (basically dog fighting underground) the injuries sustained by both quarry and terrier are horrific and is in direct conflict with the Animal Welfare Act 2006.

If this is done to a badger it is illegal and accepted as non-humane, ..... if done to a fox its accepted as humane and legal, the hypocrisy of the law on this matter is shocking.

Where terriermen have been it is highly likely other illegal acts (i.e blocking of badger setts and illegal use of quad bikes) have taken place.

- Hunting rats;
- Hunting rabbits;
- Retrieval of shot hares;
- Flushing a wild mammal from cover in connection with falconry;

**Our Response** : Flushing with falconry is one exemption that is used as a wheeze (*deceptive plan*) by hunts to flush foxes to hounds and then claim an accident.

There are no British birds of prey large enough to instantly dispatch a fox, therefore the fox will suffer in the time period it take for a person to reach the detained animal and dispatch it, this brings it in direct conflict with the Animal Welfare Act 2006. i.e intent to cause an animal suffering.

The use of falconry on trail hunts where they claim they are not hunting foxes, is highly questionable as to its legality.

- Recapture of accidentally escaped wild mammal;

- Rescue of wild mammal believed injured using not more than two dogs and no dog below ground.

**Our Response** : We have included the full conditions below. Chasing a wild mammal with dogs as a means to rescue it, is highly questionable, especially when no evidence is presented that the animal was injured in the first instance. If truly injured, it should be dispatched quickly and humanely by a marksman and not chased that prolongs and increases its suffering. We cannot think of any circumstances where chasing an injured animal could be classed as a rescue attempt. Another loophole that is in direct conflict with the Animal Welfare Act 2006.

This is also a double standard law i.e if Hare coursers were chasing an injured animal it would be classed as illegal, if hunt terriermen were chasing a "so called" injured animal it would be classed as legal.

*Please note : These loopholes were created because at the time of writing the Hunting Act, the Association of Terriermen were given free rein to write their own rules into the Hunting Act.*

- The first condition is that the hunter reasonably believes that the wild mammal is or may be injured.

**Our Response** : Hunters who claim their quarry is injured is highly questionable and sadly law enforcement or courts rarely ask to see proof that the animal was injured. The loophole that allows hunters to abuse this exemption without proof, is the wording of "**Maybe injured**".

- The second condition is that the hunting is undertaken for the purpose of relieving the wild mammal's suffering.

**Our Response** : subjecting an animal who is suffering to further abuse is not relieving its suffering, its adding to it. Hunting with dogs is not a humane way of dispatching an injured animal, hence the whole purpose of the Hunting Act in the first instance.

- The third condition is that the hunting does not involve the use of more than two dogs.

**Our Response** : Being chased by two dogs or a pack of hounds "**is still being chased**".

- The fourth condition is that the hunting does not involve the use of a dog below ground.

- **Observation and study** of a wild mammal, using not more than two dogs and no dog below ground.

**Our Response** : This relates to stag hunting, where a whole pack is used to chase the quarry.

**Quote CPS** : "[Stag hunts do not do trail hunting](#)", instead they use the "observation and study" exemption or accidental chase as a guise and smokescreen. How can hunts accidentally chase a stag for four hours?.

The "observation and study" exemption requires the mammal to be shot as soon as it is flushed out and not chased for hours. How hunts get away with hunting a stag for hours each hunting day is very puzzling, surely the courts don't accept the excuse of an "accidental chase" every time they hunt a stag?

Hunts are not scientists, so it would be good to know what exactly are they claiming to be studying?. Also to legally study animals, a government licence is required.

- The first condition is that the hunting is undertaken for the purpose of or in connection with the observation or study of the wild mammal.

- The second condition is that the hunting does not involve the use of more than two dogs.

- The third condition is that the hunting does not involve the use of a dog below ground.

- The fourth condition is that the hunting takes place on land which belongs to the hunter or he has permission.

**Our response** : If the CPS feel that stag hunts don't do trail hunting, then what exactly are stag hunts with a pack of hounds being given permission to do?.

- The fifth condition is that each dog used in the hunt is kept under sufficiently close control to ensure that it does not injure the wild mammal.

The study of wild animals should require a government licence, however, when stags are hunted under this guise, the police do not ask to see licenses or question why a whole pack of hounds are flushing or chasing a perfectly healthy animal for hours causing suffering and exhaustion.

Courts never ask to see proof of their study material or enquire what they are actually studying.

Hunts claim that although their dogs may indeed have hunted a wild mammal, there has not been proof that they intended their dogs to do so, or that they could have done anything to stop them since they were far away from the dogs when the chase took place.

- The reckless failure to ensure that the animal was shot as soon as it is flushed
- The reckless lack of control of their hounds to prevent a chase in the first instance
- and the fact that if stag hunts don't do trail hunting, what were they doing out with a whole pack of hounds in the first place ..... These facts tend to be ignored by law enforcement and the justice system.

**Police fail to monitor that the "Observation and Study Exemption" is being carried out according to the law.**

**Things to consider :**

- If a dog owner took their dog and let it go in a field of sheep recklessly allowing the dog to chase the sheep with no control, failed to bring the dog under control, would the dog owner be guilty of an offence?
- If a stag hunt took a whole pack of hounds who are trained to chase stags into an area containing stags, with no control of their pack (i.e not staying with-in a controllable distance of their hounds and allowing them to roam freely), should the hunt be found guilty of reckless intent to commit a crime?

**\* Once again the author DCC Paul Netherton has failed to give a transparent, fair, balanced view of both sides and it seems purposely failed to mention all the laws that hunts may break and their tactics. This is highly unbalanced operational advice and double standards.**

### **3.3 Accidental Hunting**

Where trail hunting is being undertaken there is the possibility that a wild mammal might be disturbed and take flight. Should this occur in the vicinity of the hounds there is a substantial risk that they might leave the laid scent and begin to hunt the live mammal. This is referred to by the hunting community as 'accidental hunting'.

**Our Response :** There is no such thing as accidental hunting when hounds have purposely been cast into an area with known quarry or allowed to recklessly hunt wildlife out of sight. Again police rarely go out into the fields to prevent "so called" accidental hunting. Their strategy directive is just to police for public disorder.

**Quote : CPS - Hunting is an intentional activity and there can be no such thing as unintentional hunting.** "Accidental Hunting" is another made up name by the hunting community as a smokescreen for illegal intent and is not ever a reasonable excuse. If the hounds cannot be kept under proper control by the Huntsman, they should not be out as they become a danger, especially on roads, railway lines and in public areas.

*Note : The law states "Dogs must be kept under proper control and also kept under sufficiently close control to ensure that it does not injure the wild mammal."*

N.B. For hunting to be illegal it must be intentional. 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.

**Our Response :** (See explanation above) Intention can easily be hidden and fool the gullible. A good police officer or Judge should be able to spot smokescreen intent.

Hunts should be aware their hounds were pursuing an animal or the scent of a wild animal. Being not aware is a very poor excuse and proves hunts are reckless.

*Note : It is illegal if they made no effort to stop them (or even did something to encourage them) when he had the opportunity to do so. If they really did lay trails, then this wouldn't happen. Genuine drag hunts who do actually lay genuine trails very rarely have a problem with "so called" accidental kills.*

Hunts also use the smokescreen "hang back tactic" where they recklessly allow their hounds to run ahead out of sight and control chasing anything in their path, hunts then claim they were not in the area to prevent the hounds chasing/killing.

Police do very little to stop this and could easily intervene on a number of common law restraints.

If hunts use this as an excuse should the police not then look at dealing with them for having dogs dangerously out of control?

**\* Once again the author DCC Paul Netherton has failed to give a transparent, fair, balanced view of both sides and it seems purposely failed to mention all the laws that hunts may break and their tactics. This is highly unbalanced operational advice and double standards.**

## **4 Police Considerations**

#### 4.1 Objectives

These should be considered in partnership with other agencies and include:

- Maximise public safety;
- Facilitate peaceful protest;
- 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;

**Our response** : Police have often been known to turn up at hunts with armed squad teams to arrest monitors, this extremely disproportionate response is usually on the fake claim hunts make that monitors have a weapon. 100% of the time hunts have no evidence to back up such a claim, they just use this tactic to remove monitors for the day and police willingly oblige. To put this in perspective when monitors have reported hunts attacking their persons or vehicle with weapons i.e hammers and baseball bats, the response from police is very different.

- Preserve public order and take proportionate steps to deal appropriately with offenders if crime is committed;

**Our response** : If a disturbance ever happens, police rarely arrest hunts, 99% of the time monitors are targeted. This tactic is often used to remove monitors so hunts may carry on their illegal hunting undisturbed.

- Lawfully gather and develop relevant intelligence & evidence;

**Our response** : This usually means gather intelligence on hunt monitors.

**Quote from an Ex police officer** : In 30 years of policing I was never asked to gather intelligence on any hunts, only Hunt Saboteurs and Monitors. Up until about 5 years ago, all of this 'intelligence was given to Special Branch Officers to look at. Where does this institutional prejudice fit into the Police Code of Ethics?

- Maintain confidence in the Police Force

**Our response** : If police discriminate and do not act with fairness and impartiality how do they expect to have the trust and support of the public?

#### 4.2 Key Considerations

- When dealing with hunt related activities consideration should be taken from APP (Public Order / Decision Making), NDM and relevant risk assessments in addition to relevant Force Policies and Working Practices.

- Be mindful of unconscious bias.

**Our response** : Good point, so why are many officers biased with a conflict of interest.

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

**Our response** : How can the police ever facilitate or remain impartial in a "so called lawful activity" unless, a) they are 100% sure it is lawful. b) they have a good knowledge of that law. c) can be absolutely sure that the law is being upheld? It seems this operational advice has automatically just assumed that trail hunting is a lawful activity without gaining any evidence, or investigating that the activity is actually lawful in the first instance. Are police using the excuse of being impartial only when it suits and taking this impartial advice as meaning to not investigate illegal hunting.

- Police action should be about preventing or investigating allegations of crime, with due consideration to public safety and rights to protest.

**Our response** : It would be good if police actually took their own advice with regards to preventing illegal hunting. Police have no strategy in preventing illegal hunting. As this operational advice (response section) proves, only to police it for public disorder.

What records do police keep/produce relating to the investigation of hunting crimes?

- Remain aware of the landowner's rights, which include the removal of trespassers & preventing unauthorised access and criminal acts. (see further within Section 68 of the Criminal Justice and Public Order Act 1994 for specific considerations)

**Our response** : When it comes to the matter of trespass, it is often reported when monitors have to trespass to prevent an illegal crime (i.e hunts chasing and killing wildlife), police often conclude its aggravated trespass, however ..... when hunts trespass on people's private property, illegally killing wildlife or domestic pets, police often conclude its just a civil matter. The disproportionate impartiality is outstanding.

I would defy any officer to honestly stand before a magistrate and say that the hunting activity was lawful for the reasons already given.

- Verify accounts on all side, gather details and evidence objectively.
- All decisions and rationale made should be recorded.
- A debrief should be considered for any incident above a routine engagement.

#### **4.3 Questions to consider upon report of a hunt**

**Our response** : DCC Paul Netherton comments may have been removed before publication, or just may have nothing to say on this matter.

#### **4.4 Spontaneous and Pre-planned incidents**

##### **SPONTANEOUS INCIDENTS REPORTED**

As with everything in this advice, the below are for consideration and, depending on the individual circumstances of each incident, might not necessarily be utilised.

Upon initial attendance by Police obtain:

##### **PRE-PLANNED INCIDENTS REPORTED**

- Allocation and deployment of resources considered above
- Establish public rights of way on land
- Visit landowners / organisers of the hunt and obtain meet dates and locations
- If trail hunting then request copies of trail maps / layers / scents used (there is no legal obligation on the hunt to provide)

**Our response** : Asking hunts to provide evidence of any scent trails they claim to have made, the route, distance, layers, where they obtained this scent, methods used, can be extremely important evidence in proving intent in hunting cases. This evidence gathering should be standard when building cases against illegal hunting. Drone evidence of hounds not following the hunts claimed route throughout the day is important. Hunts use many smokescreen tactics and pretence of trail laying.

Police fail to obtain this evidence.

- High visibility patrols to reassure the community and provide further intelligence gathering opportunities
- Community Impact Assessment

##### **POST EVENT / INCIDENT**

#### **5. Legislation**

5.1 The legislation below are considerations to be utilised should the need be required. For more detailed information refer to PNLDB or engage with the relevant specialist resource (Wildlife Crime Officer, PSU Tactics Advisor etc)

#### **5.2 Listings of different Acts for reference.**

#### **5.3 Note on Aggravated Trespass and Trespassers Assemblies**

Incidents of alleged Aggravated Trespass or Trespassers Assemblies may involve well organised direct action protest groups. These groups will probably have researched the issue against which they are protesting, have received legal advice and be well briefed.

The possibility of any incident of trespass occurring, and the intended Police response, should be based on intelligence, including community intelligence. The Senior Police Officer present at any incident of trespassing will need to conduct enquiries into the circumstances before deciding on the appropriate course of action.

It is recommended that any enquiries conducted include the following:

**Our response** : When it comes to the matter of trespass, it is often reported when monitors have to trespass to prevent an illegal crime (i.e hunts chasing and killing wildlife), that police often conclude its aggravated trespass, however ..... when hunts trespass on people's private property, illegally killing wildlife or domestic pets, police often conclude its just a civil matter. \* **The disproportionate impartiality is extremely concerning**

\*

**Quote** : "well organised direct action protest groups". Hunt monitors do not gather in large groups and just stand around in fields on their own protesting, they have better things to do such as doing the job the police should be doing and preventing illegal hunting.

It's a pity police weren't organised with direct action to prevent illegal hunting.

**Our Notes** : Once again the author DCC Paul Netherton has failed to give a transparent, fair, balanced view of both sides and failed to mention all the laws that hunts may break and their tactics. This is highly unbalanced operational advice and double standards which may have contributed to the biased policing we see today.

The author has decided to omit notes on hunt trespass.

#### 5.4 NOTE ON s60AA CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

Changes in the interpretation and actual legislation surrounding s60AA of the Criminal Justice & Public Order Act 1994 have reduced the authority level to that of an Inspector.

This is a stand-alone power to direct the removal of any item used to conceal identity and can be employed independently of s60 of the same Act.

Face coverings / balaclavas have been worn by both pro and anti-hunt groups to intimidate. This piece of legislation enables Police to deal with such activity.

**Our response** : Do police ask masked up terrierman to remove their masks?

Those people who monitor hunts are subjected on a daily basis to violent threats and intimidation by those who support hunting. Their families and jobs threatened. As a precaution some saboteurs choose to wear a face covering to protect their identity from hunt supporting thugs. This is a sensible and safe precaution from the threat of violence and in light of covid-19 regulations.

#### s60AA provides:

A break down of the legislation regarding the removal of facemasks.

**Our Notes** : **Phil Davies** - (Ex-Chief Inspector of Dyfed Powys Police (DPP) and now employed by the Countryside Alliance as a police Liaison Consultant. His main job now is to try and influence police.

#### Webinars Scandal :

Phil Davies talked about creating "smokescreens" that allow hunts to continue hunting illegally, with Davies at one point saying

**Quote** : "I hope no police officers are watching".

He also advised:

**Quote** : "Cam recorders have got a lovely big red button on them or you can have it on the button coming down your sleeve, and you can be selective as to when you turn the video recorder on and video recorder off".

The intent of this advice is to give hunters an option to be selective of what actions they film so as to not incriminate themselves by accidentally catching their own illegal actions on camera.

Was also keen on the idea of a smokescreen saying:

**Quote** : "Now you know more about hunting than the saboteurs or the courts will know but what it will do is create that smokescreen or that element of doubt that we haven't deliberately hunted a fox, so if nothing else you need to record that and it will help us provide a defence for huntsmen".

Davies also addressed a National Police Chiefs Council conference in 2016 and was very eager to push for a wider extension of the use of section 35 anti-social behaviour dispersal powers against monitors. This was then written into the NPCC Operational Advice by DCC Paul Netherton (see 5.5 below)

Phil Davies (Extremely pro hunt and foxhunting advocate) obviously has a lot of influence and the ear of the NPCC.

During Davie's reign as Chief Constable of DPP it has been noted that his officers from DPP had never fined, cautioned, or prosecuted any hunt members.

**It is shocking that pro hunt organisations like the (Countryside Alliance and Hunting Office) who advise their members how to create lies and smoke screens to avoid prosecution, commit perjury, could have such influence on police and close relationship.**

#### 5.5 NOTE ON S35 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This is a flexible power which can be used in a range of situations to disperse anti-social individuals and provide immediate respite to a local community. Authorised by an officer of at least the rank of an inspector the power can be used in any public place and in common areas of private land with the landowner's or occupier's consent.

**Our response** : Sadly this never seems to be used to disperse hunts and their followers.

Two conditions will need to be met for a dispersal order to be given. Firstly, the officer has to have reasonable grounds to suspect that the behaviour of the person has contributed or is likely to contribute to, members of the public in the locality being harassed, alarmed or distressed, or the occurrence of crime or disorder.

Secondly, the officer has to consider that giving a dispersal order to the person is necessary for the purpose of removing or reducing the likelihood of ASB, crime or disorder.

This power has been used successfully when dealing with anti-social behaviour at hunts; both in relation to the Anti and the Pro Hunt individuals, so is certainly worth consideration.

## 6. Other agencies' and landowners' roles and responsibilities

Notes on Private Prosecutions and civil action

## 7. Police Response

**Our response** : This section 7 "Police Response" fails to mention the police's response to illegal activity that hunts engage in and tends to concentrate on what charges monitors can be arrested on.

By not having a section on tactics hunts use to avoid prosecution for illegal hunting, this operational advice now becomes extremely biased policing that simply encourages impartial policing.

This clearly breaches the College of Policing, Code of Ethics.

### 7.1 Tactics used to disrupt hunts

#### HORN BLOWING

Blowing horns similar to the Huntsman to confuse the hounds or make them distrustful of commands or playing the sound of barking hounds or hunting horns over a PA system.

#### Considerations

The simple carrying of a hunting horn is not an offence. Where the person carrying was committing trespass the carriage of such items may be one of the factors in aggravated trespass.

Where the use of such items was used in a manner likely to cause a breach of the peace consideration should be given to take action to prevent that breach of the peace.

**Our response** : Therefore, could huntsmen blowing horns not also be classed as a breach of peace especially when hunts are trespassing?

Similarly if horns were used in a manner that caused the hounds to possibly cause a danger to the public then consideration should be given to dealing with this by way of Common Law Public Nuisance (even if they were on private land at the time as the danger would be on public ground) and seize the items.

**Our response** : The only reason a sab/ monitor would blow a horn to distract the hounds is if the Hunt were illegally hunting to try and call off the hounds from illegally chasing a fox.

Why isn't hounds running riot on major trunk roads, invading public spaces, fouling in public spaces, killing domestic pet, attacking dog walkers, invading peoples private property, trespassing on railway lines, not also be considered under the Common Law Public Nuisance. This happens on a daily bases with hunts. Why have police not intervened under this law?.

Again this document encourages biased policing and cherry picking of laws to only target certain individuals.

**Our Notes** : A popular 'tactic' used by hunts is reporting to police that Sabs / monitors used hunting horns or 'gizmos' which caused the hounds to stray onto a road.

The Ross Harriers claimed this after their lead hound, Arrow, ran onto the A40 in Herefordshire and was struck and killed by an articulated lorry causing substantial damage to the front bodywork and grill. The Dutch lorry driver said that the hound was giving chase to a fox which crossed the road in front of him first. The Hunt then appeared, threw the body of the hound into the back of a pick-up and promptly disappeared without giving any details to the lorry driver. Police spoke to the Master of the Harriers a short time later who initially denied any knowledge of the incident!! The Hunt later acknowledged that the hound did belong to them but then said that the hounds were called onto the road by the 'antis' using horns / gizmos!

#### SPRAYING

Anti-mate and citronella spray may be used by anti-hunt person(s) as a means of upsetting the hounds' extremely sensitive sense of smell.

**Our Response :** "upsetting the hounds" - Firstly, Is there any medical / scientific evidence to back this up? The author uses the word "upsetting" which is extremely inaccurate and misleads any inexperienced officers that there might be grounds to arrest a person based on an incorrect use of a word and assumption.. Citronella causes no harm to the hounds.

The author DCC Paul Netherton is using incorrect information to incite his police colleagues to consider arrests for aggravated trespass based on an assumption with no evidence.

**Our Notes :** *Citronella* oil is an essential natural oil obtained from the leaves and stems of different species of *Cymbopogon* (lemongrass). A few drops are added to water and used in a spray to mask the scent left by a fox that is being chased. (basically it is just a simple watered down natural air freshener).

These can be sprayed across the path of where a fox has run, an area of ground where they suspect a fox has gone to ground, or directly onto the hounds or their path as they run into it.

**Our Response :** Spray is used to cover the scent of a fox that is being illegally hunted in the first instance. The author DCC Paul Netherton, has completely failed to give an accurate and transparent assessment of the whole situation that might arise from the need for spraying ie to prevent an illegal crime taking place. For the author to suggest this spray is used on hounds (without evidence) by people who devote their whole life "to the love of animals" is recklessly misleading. An action that would not serve any purpose.

Use of these methods may put the health and comfort of the animals at risk and, if the circumstances are severe enough might provide grounds for the police to take action.

**Our Response :** Quote "may put" . Once again the author DCC Paul Netherton, is misleading his colleagues into taking action on the possibility of a "maybe" without any evidence to back up his false claim.

If you were to talk about the welfare of hounds I think it's fair to mention and gives a more balanced view to discuss injuries caused to hounds by hunting or dogs used for terrier work.

He later goes on to explain that citronella causes "no harm to the hounds", so why has the author DCC Paul Netherton, tried to put doubt into the minds of inexperienced officers by facilitating inaccurate information.

### Considerations

The simple carrying of citronella or similar is not an offence. Where the person carrying was committing trespass the carriage of such items may be one of the factors in aggravated trespass.

**Our Response :** Aggravated trespass that is connected with hunting is more to do with the interfering of a "so called" legal event. As the chasing of foxes with hounds is illegal and the use of spray is only used in situations where illegal hunting is taking place, his statement and advice is highly questionable.

Where the use of such items was used in a manner likely to cause a breach of the peace action should be taken to prevent that breach of the peace.

Section 7 of the Animal Welfare Act 2006 may not apply here as the person doing it must be responsible for the animal (i.e. owner) or under their temporary control and the substance administered was injurious or poisonous. However if an irritant (Citronella oil based liquid) then Section 4 offence under this Act may apply - causing unnecessary suffering to an animal by an act, if proved the animal was under their temporary control, being not the owner.

The substance used would need to be examined by an expert witness as Citronella, per se, is not believed to cause harm to the hounds.

**Our Response :** Think he may have just answered his whole statement, so why start this section by inciting officers to arrest on questionable charges when he already knew citronella causes no harm to hounds?

Section 7 of the Animal Welfare Act 2006 - Administration of poisons : Is the author DCC Paul Netherton, trying to mislead officers and suggest that monitors administer poisons? especially when he has just confirmed that citronella causes no harm to hounds.

Why is the author DCC Paul Netherton, trying to plant doubt with incorrect information into officers minds?

**Our Response :** 7.1 Tactics used to disrupt hunts. Why hasn't the tactics that hunts use to deliberately conceal the intention of illegal hunting and prevent the course of justice been mentioned?. This section is extremely biased and one sided.

**Our Response :** "Animal Welfare Act 2006" and causing unnecessary suffering to an animal. It may have been more appropriate for DCC Paul Netherton to have researched injuries and suffering caused to hunting horses and hounds and given advice on this.

Instead "once again" the author has chosen to list only a one sided listing that is highly biased.

## LOCKING AND SECURING GATES

D-Locks, plastic ties and chains are used by saboteurs to secure gates and fences blocking the route of the hunt

**Our Response** : Does the author have any evidence to back up his claim of saboteurs locking gates?

This maybe a good place to mention hunts blocking roads and vehicles to prevent monitors gaining video evidence of illegal hunting. Instead "once again" the author DCC Paul Netherton, has chosen to list only a one sided listing that is biased. There are huge amounts of evidence captured on camera of hunts engaging in this practice of obstruction.

- s137 Highways Act 1980 (Obstruction)
- s22 Road Traffic Act 1988 (Leaving a vehicle in a dangerous position)

### Considerations

The hunt will carry cutters to enable them to remove simple locks and ties or if they are unable to remove they tend to find an alternative route.

Legislation such as breach of the peace may be considered and possibly criminal damage if appropriate.

In general the Police should not get involved with the removal of locking devices on private land.

## 7.2 ARRESTS

Arrests under the Hunting Act are to be considered in line with the NDM and evidence / risk presented.

Different Forces have different policies, but a common view is to investigate once an offence is alleged to have occurred rather than acting on a basis that one is about to be or is being committed.

**Our Response** : This above comment generally throws crime prevention out the window and is hypocritically in denial of "**armed disproportionate police responses**" to claims (with no evidence) that hunts have made against monitors. Police response greatly depends on if you are pro or anti hunt.

**Example 1** : A lord once phoned police and claimed that a monitor was spraying acid. Police responded by send **17 police cars** out, police armed with pepper spray to arrest a little old lady who had a bottle of harmless citronella to cover the tracks of a fox being hunted illegally by this Lord.

**Example 2** : A Hunt once phoned police and claimed that a monitor had a weapon. Armed police cars turned up to find out this monitor had a dog lead in her pocket that she hasn't removed from her coat after walking her dog in the morning.

**Example 3** : Hunt thug supporters in three cars, once chased a vehicle containing monitors for miles on roads, trying to ram the vehicle off the road, they eventually blocked, stopped and surrounded the monitors vehicle, then proceeded to jump out armed with weapons to attack and smash the vehicle up while the occupants were still in side. All caught on camera. Police response over phone while this chase was in progress : Told them to make a report.

S1 of The Hunting Act 2004 is a summary offence (thus No Attempt offence) and in proving it, the action must be intentional with that person engaging or participating, not just be watching (see Accidental Hunting above for further considerations).

**Our response** : It seems that the police have concluded that all hunting is legal unless intention can be proved. This is incorrect as hunting can appear legal and lacking intent to the naive, but in reality its highly intentional & criminal.

If police do not even try to prove intent, investigate or even acknowledge deliberate intentional hunting and smokescreen tactics that hunts engage in, then hunting prosecutions will never be secured.

Where hunts use deliberate tactics to conceal their hunting intention ie :

- Smokescreens.
- Fake trail laying.
- Claiming accidental chases/killings.
- Fake flushing and searching tactics.
- Hang back tactics.
- Horns to encourage hounds on while pretending to visually call them back.
- Reckless hunting, allowing hounds to roam ahead.
- Blocking the view of the chase from monitors cameras.
- Blocking roads / deliberate obstruction.
- Talking over evidence recordings so hunting horns cant be heard.
- Stealing of monitors equipment (evidence) when an illegal chase has taken place.

**This are all intentional and deliberate hunting tactics used conceal evidence and pervert the course of justice. I'm sure there are a number of laws against that.**

Its also biased policing that non of these tactics are mentioned in this operational directive advice. People who monitor hunts have known about these tactics for years. Why haven't police been bothered to learn about them and include them in this operational advice to ensure impartial policing and upholding of the law.

**Paul Jelley** (*Master of the Chilmark and Clifton Foot Beagles from 1990 – 2013 and a Police Officer for 30 years*)

Webinars Quote : He then discusses 95% of the police have no knowledge of hunting offences.

Our response : We can certainly agree with this.

Its a pity Police, CPS and Courts have not woken up to all these deliberate intentional tactics that to the naive make hunts appear legal.

Trail hunting lies fooled politicians, police forces, CPS and courts.

Police were gullible and quick to buy into this national lie that hunts were "Hunting within the Law".

### **7.3 Power of Entry**

In relation to evidence gathering by the police, the Act does not itself provide any power of entry. Police Officers should investigate the status of the land which they may need to access to ensure they can lawfully do so (express or implied permission or public place public/common land).

Entry to enable search and seizure is covered within s8 of the Act. This provides that a constable may search without a warrant any suspect, and any "vehicle, animal or other thing" if the constable reasonably believes that evidence of an offence under the Act is likely to be found sections 8 (2) and (3).

In addition officers have the power to detain a "vehicle, animal or other thing" if it may be used as evidence or be the subject of a forfeiture order under section 9 of the Act.

Section 8 (5) provides the power of entry to land, premises other than a dwelling, and a vehicle for the purposes of a search. There is no equivalent power for the purpose of effecting an arrest under the Act.

**Our Response** : We would like to draw the attention to illegal use of quad bikes and horse boxes that are not taxed.

#### **Quad Bikes**

##### **Private and Light Goods vehicle [PLG]**

- 1) It must be registered with DVLA and carry legible number plates at the front and rear of the vehicle.
- 2) Not overloaded - A passenger can be carried but only if the quad bike has been designed and manufactured with two seats and passenger foot rests. *99% of quad bikes, used by terrier men to support hunting, do not meet this standard.*
- 3) The quad bike must be taxed for road use.
- 4) There must be a minimum of third party insurance in effect.

##### **Light Agricultural Vehicle. (LAV)** (Most quads used to support hunts are registered as LAVs)

- 1) To be registered as a Light Agricultural Vehicle, the quad bike must be used **exclusively** for agriculture, horticulture or forestry (Not Hunting).
- 2) It must only have **one** seat.
- 3) Passengers are **not** permitted.
- 4) It must carry legible **front** and **rear** number plates.
- 5) It must carry a minimum of third party insurance.
- 6) It can only be used on the public highway to travel between pieces of land under the same ownership for a maximum of **1.5km**. to allow it to move between fields on the same farm. *(a terrier man following a hunt will travel more than 1.5km from the farm where the quad is registered.)*

Most police turn a blind eye to the illegal use of quad bikes on hunts. It is a rare occasion that police stop and search terriermen. If a regular person rode an illegal quad bike down the street the police's response would be very different.

You would assume that the NPCC operational directive into hunting would have mentioned this very important part of hunting "Use of Quad Bikes". Maybe the author DCC Paul Netherton, just forgot to mention illegal violations hunts and their participants engage in.

The issue of what constitutes evidence of an offence must be determined at the time. Horses, dogs, and other paraphernalia normally associated with hunting do not by themselves constitute evidence of the possible commission of an offence under Sections 1, 3 or 5 of the Act. Therefore, these animals or items should only be seized in exceptional circumstances and even then taking into account facilities to store, welfare and safety considerations in line with a dynamic risk assessment prior to seizure.

However, evidence in the form of may be considered for seizure under the criteria stipulated in Section 8 of the Act. As an alternative to seizure, a Police Officer may consider using the procedures under the Police and Criminal Evidence Act, Codes of Practice – Code B, Paragraph 7.4. This allows a notice to be served on a person so they do not conceal, alter, lose, damage or destroy any property which may be required at a future date for a criminal trial.

**Our Response** : Does this include smokescreens by hunts, evidence stolen from monitors, obstructions to filming and intent to conceal evidence by hunts?.

Section 9 of the Act allows a court to order the forfeiture of any dog or hunting article used in the commission of an offence or in the possession of the person at the time of their arrest, following the conviction of that person for an offence under Sections 1, 3 or 5 of the Act. In addition, a vehicle used in the commission of an offence may also be made subject of a forfeiture order.

There is no power to order the forfeiture of horses. This power to order forfeiture is discretionary, and it is likely courts will consider the proportionality and necessity of making such an order carefully.

#### **7.4 Firearms**

Legal possession of firearms at a hunt is a likely possibility, as they are still required to destroy animals humanely. There could be a number of conditions which relate to this and will be found on the relevant certificate.

**Our response** : Illegal possession of firearms at a hunt is also a likely possibility.

**Terriermen with guns** - Terriermen are required by law to shoot a fox once its been dug out/flushed, therefore for their digging out practice to be lawful and in accordance with conditions, they need a licensed gun.

Police rarely stop and search terriermen on hunts to ensure they have the lawful means to dispatch animals they flush. Terrierman are armed with tools and dogs to engage in the act of digging out (intent), therefore police should be questioning if they have the legal permission/licenses and also conducting their trade in areas specified in the legislation conditions.

**Trail hunts with guns** - If hunts were genuinely just trail hunting as they claim, there would be no need for a firearm. So therefore having a gun on a trail hunt proves intent to hunt wild animals with a pack of hounds.

Either way with or without a gun should raise questions of legality and is rarely questioned by police.

Officers should be aware that although offences under this act are non-recordable, they should be taken into account when assessing an individual's suitability to grant/renew a firearms licence/certificate. Advice should be sought from the relevant Force Licensing Dept.

#### **7.5 Intelligence**

#### **7.6 Community Tactics**

#### **7.7 Investigation**

- Obtain advice from Wildlife Crime Officer / Co-ordinator / SPOC.
- Support from National Wildlife Crime Unit (NWCU).
- Awareness of 6 month prosecution on wildlife offences.
- Awareness of the National Priorities for wildlife crimes.

**Our response** : We are aware that police list illegal fox/stag/hare hunting by hunts as low priority.

- Refer to CPS nominated wildlife prosecutor, when applicable (When dealing with an offence of illegal Hunting, the CPS will offer early investigative advice)
- Media liaison to be considered as the investigation progresses as often crimes of this nature can attract considerable and often disproportionate media attention compared to other news items.
- Consider forfeiture of any dog or hunting article (not horses). Welfare of hounds to be considered if doing this; pack animals, would need appropriate kennelling, transport etc

**Our response** : This is a shocking double standards admission that the police feel that hounds should not be seized in a criminal act because lack of transport and kennelling.

If this was a puppy farm case or any other situation where a member of the public had a pack of dogs engaged in a crime, i'm sure the response would be very different.

- Advise any witnesses or groups not to post anything capable of being used in a trial or prejudicing a fair trial, on social media as per Attorney Generals comments and enquiry.

**Our response** : Did the Attorney General issue this advice after he was caught on camera hosting hunting on his land, which were then later filmed chasing foxes?

- Video evidence should be passed to police – where edited will need to explain gaps and time jumps.
- The Hunt should be requested by OIC to provide any evidence to police of trail laying, names, contact details, videos, photos or any other record of where and when trails were laid, any GPS data, where the records have been kept and continuity of evidence. How was trail laid, by what means and using what substance. Where was this obtained from?

**Our response** : Police only request evidence of trail laying if under investigation and fail to request this as a crime prevention measure.

As the webinars scandal proves, the hunting office encourages hunts to film themselves laying fake smokescreen trails to avoid prosecution and make it appear on camera (when they know they are being filmed by monitors) to be legally hunting. They will then present this lie (smokescreen) to the police and courts (perjury).

### **7.8 Points to prove**

Once an illegal hunt begins, only a person who engages or participates in the pursuit of an 'identified' wild mammal is guilty of an offence. The terms engage or participate mean to take an active and direct part in the hunting of the mammal, thus differentiating it from just observing.

**Our response** : The identified aspect relates to searching. There is a huge difference between searching and pursuit, which the author has failed to grasp. Once a hunt engages in the pursuit of a wild mammal this then becomes illegal if they encourage the chase or do not take reasonable action to stop it.

Police and courts fail to request hunts provide evidence that they took action to stop the chase, they expect members of the public to provide this evidence that hunts didn't take action. Burden of proof.

Which explains why hunts go to such extreme (often violent) lengths to stop or prevent any filming which may incriminate themselves. Monitors have no reason to be violent but will defend themselves if attacked by hunt thugs seeking to steal their evidence or prevent filming.

These cases of violence that hunts engage in (thousands) are well documented and widely available.

There must be some form of evidence adduced to prove that there was an actual pursuit of a wild mammal. This may be obtained and supported by eye-witness accounts of the activity, video evidence or evidence of preparatory activity such as earth stopping; that is the practice of blocking fox, rabbit or badger holes to prevent a fox going to ground. It is not necessary to prove the outcome to the live mammal, i.e. it was killed or escaped.

**Our response** : Its a shame police don't engage in the practice of collecting evidence for themselves, but rely on members of the public to do their job for them and present them with the evidence.

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**Our Summary** : Throughout this whole operational advice document, it is very clear the author DCC Paul Netherton has failed to provide a fair, balanced, and non-impartial advice on operational directive.

It is obviously aimed (in most parts) towards the arrest of those members of the public who monitor hunts and fails to balance this advice with the many illegal activities hunts engage in and all the other associated hunting crimes that take place on a normal hunting day.

His suggestions and questionable facts are clearly biased and present an extremely one sided projection.

DCC Paul Netherton's inability to remain impartial questions if there is a conflict of interest and if he is suitable to lead any investigation relating to hunting or write any operational advice.

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For 15 yrs, hunts have created smokescreen and lies to fool and make a mockery of our law enforcement and the justice system.

This cannot be allowed to continue as it brings our whole justice system into disrepute.

The police also have to hold their hand up to being part of this farce that has enabled illegal hunting to continue.

The NPCC producing this operational advice which is in parts misleading, incorrect, biased and non-impartial does not help to restore faith in police's ability in upholding the law.

This Operational Advice responding to hunting, is extremely badly written and projects a biased one sided view into violations relating to hunting.

We are shocked that it was approved by the NPCC in the first instance.

It fails to list most of the laws which hunts break and all their associated crimes on a normal hunting day.

The lack of unbiased training for police officers in relation to hunting violations, has lead to many misconceptions and failings that need to be addressed.

What training courses police officers are sent on, tend to be presented by the very organisations whose members commit the crimes of illegal hunting and provide the smokescreens. This results in the further enhancement of prejudice, biased and non-impartial policing.

The police's close relationship with the hunting fraternity has to be questioned and needs urgent reviewing.

The police in many cases have been part of the problem, caused by their lack of prevention and enforcement. They have enabled illegal hunting to get out of control and the lies and smokescreens to continue unchallenged.

**We strongly recommend the NPCC review it's operational advice responding to hunting and produce a fair, balanced and unbiased strategy to also include operation strategy in the "Prevention" of illegal hunting.**

People who monitor hunts are guilty of no more than stepping on someone's land (a minor civil offence) to prevent an illegal hunting violation. They do also have the right to defend themselves if attacked i.e Hunts using their horses as a weapon to charge into monitors with intent to cause monitors harm or the ramming of monitor vehicles off the road etc.

The author DCC Paul Netherton, has purposely tried to twist facts to simply make monitors look bad and incite his colleagues to arrest monitors in questionable charges.

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85% of the country are against hunting wild animals with hounds.

The Hunting with Dogs Act 2004 was introduced supposedly to prevent this cruelty.

Sadly, the law was filled with as many holes as a colander, making it hard to police effectively, and illegal hunting has continued ever since under various guises and smokescreens.

Police Chiefs and those in power have been well aware of this but have chosen to set their integrity, honesty and fairness to one side and effectively turned a blind eye to this criminal activity. Even going as far as to buying into the smokescreen lies and enabling illegal hunting to continue unchallenged.

The loopholes in the Hunting Act should not have stopped police enforcing all the other laws (associated crimes) hunts engage in which are not defined by the hunting act legislation.

Fortunately, Hunt Monitors / Sabs / Antis / Campaigners, did not turn a blind eye and have attempted ever since to expose and stop illegal hunting.

What is staggeringly unbelievable is that over the past 15 years or so, since the ban, the policing institute has continued to treat these people, who passionately care for animals, as criminals.

Questions must be raised as to why people who campaign to stop and expose animal cruelty have been treated so badly, while hunts who partake in illegal hunting have been accommodated by police.

It is time for chief police officers to focus heavily on the policing Code of Ethics and to do the right thing in treating illegal hunting seriously and robustly.