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There are attachments to paragraphs:

As well as being posted on the ACPO Intranet this is being sent by e-mail to Public Order Liaison Officers

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17 January 2005

To: ACC Operations

THE HUNTING ACT 2004

National Tactical Considerations

The purpose of this note is to offer some tactical considerations for forces whilst preparing operational orders concerned with the implementation of this Act. It is not intended as a template into which forces should feel obliged to "shoehorn" their individual circumstances. It is apparent that the term "hunting" covers a broad range of activity that is significantly different across the different forces affected by this Act.

This should be seen as complementary to the Strategic Considerations document issued on the ACPO Intranet on 23 December.

In the near future, further interpretation of the Act, its powers and "points to prove" in respect of offences will be issued.

These notes have been prepared after consultation with government and both huntspeople and the legitimate protesters' organisations.

Preparing for the Act

- 1 At present it is advisable to prepare on the basis that the Act will come into force on 18 February. Whilst much is being made of the various legal challenges to the Act, there is no certainty that the Act will be in any way deferred and to fail to prepare would leave us all vulnerable.
- 2 It would help enormously to identify single points of contact in forces which will allow ~~proper exchange of information and communication – both with ACPO centrally (me) and with some of the stakeholders who at national level are keen also to identify single points of contact within their organisations to facilitate better communication with them.~~ I have agreed to make these available and would be grateful if forces could identify them to me – they should be at strategic (ACC Operations/Chief Superintendent Operations Department type) level and tactical (Public Order or wildlife/hunt liaison officer) level.
- 3 Forces should seek to gather intelligence regarding the activity of interested parties to determine as far as possible what hunting groups are intending to do (drag or trail hunting, disband, disobey, dog exercising or whatever); what anti-hunt groups are anticipating doing (continue to monitor activity, change to other animal related protest, etc) and the view of any “independents” (e.g. landowners who have allowed hunting without participating).
- 4 It would be helpful if any public statements (e.g. to police authorities) were to take account of the strategic consideration document (ACPO Intranet 23 December) and to look at the government lines to take where appropriate, the latest of which was dated 17 December and is obtainable from The Cabinet Office.

After the Act is in force

- 1 A possible scenario that police are faced with is the potential of breaches of the peace between people on different sides of the hunting issue feeling either triumphant or frustrated. Forces will need to apply the normal principles of public order policing and the conflict management model on such occasions. Indeed, I would feel that in the immediate aftermath of the implementation of the Act, this is likely to be the greater problem, and certainly has the greatest risk to public safety.

- 2 It is a matter to be determined locally what priority should be given to this, set against other operational priorities.
- 3 It is difficult to envisage a situation in which it will be practicable for police to intercept a hunt and persons in the act of hunting – indeed to do so is likely to present considerable difficulties, both in executing such action and discharging our duty for prisoners' property (including animals). It follows then that an entirely appropriate reaction may well be evidence gathering, either by police or in statement form from members of the public, to identify offences and offenders with a view to subsequent action, whether by summons or arrest.
- 4 I am advised that evidence gathered by overt means by identifiable police officers will not require authorisation under the Regulation of Investigatory Powers Act (RIPA); however, covertly obtained video would. It is suggested that use of helicopters to secure video evidence would be unwise, given the risks to human health caused by frightening horses or hounds with helicopters. Equally, the viability of pursuing hunts on foot, horseback or in suitable vehicles, I would suggest is slim.
- 5 There is the potential for these matters to go across force boundaries, and the good practice that has existed before of inter-force co-operation would continue to be vital in this area.
- 6 It is possible that a tactic of those who support hunting will be to seek to get themselves prosecuted as a way of testing the law if they do not get what they desire from the current judicial processes. This may take the form of mass confessions. It is suggested that such activity should be reported and the matter considered by the local Crown Prosecution Service as to whether it passes both the evidential and public interest tests for prosecution.
- 7 It is worth noting that while offences under the Hunting Act carry a fine of up to £5,000, they are not recordable or notifiable under the national crime recording standards and I am also advised by Home Office lawyers that persons convicted of offences under the Hunting Act will not secure a criminal record and a unique reference number from the National Identification Bureau.
- 8 - It may be felt reasonable and proportionate to warn hunts which we believe to be acting unlawfully, rather than seek to expend the effort in securing a prosecution but

still achieving the goal of legality. A prosecution file would draw attention to this warning were it not heeded.

- 9 Forces should seek to ensure that their communications rooms are supplied with the "line to take" that the force has adopted, given that they are likely to receive allegations of hunting in progress from the public - not least because we can anticipate that people phoning the RSPCA will be redirected to the police.
- 10 It is expected that forces will receive a number of allegations from well-meaning members of the public alleging that hunting is going on in contravention of the ban. We may be better equipped to deal with these if we have been able to establish from hunting groups which intend to convert to legal activity where they are - thus being able to discount well-meaning but inaccurate allegations.
- 11 A number of organisations who have previously campaigned against hunting such as such as Royal Society for Prevention of Cruelty to Animals (RSPCA), International Fund for Animal Welfare (IFAW) or League Against Cruel Sports (LACS), have expressed a desire to help police nationally in policing the implementation of the Act which may well be replicated locally. The RSPCA may chose to seek to act as a prosecuting authority, largely in liaison with the Crown Prosecution Service. Equally, various hunting bodies such as the Masters of Foxhounds Association (MFHA) have engaged in constructive dialogue.
- 12 The Countryside Alliance (CA) and Council for Hunting Associations have published on the CA website a guidance entitled Hunting Handbook 2005 which seeks to identify how hunting can be conducted with the provisions of the Act. Forces may find it advantageous to seek to identify when and where such legal activity is taking place, if only to be able to deal with well-meaning but misguided allegations of instances of contraventions of the law.
- 13 It can be anticipated that groups such as IFAW, who employ hunt monitors, will continue to do so. They are committed at national level to working with police to secure prosecutions relevant to anything they identify. Their hunt monitors may become witnesses, as may others. We should be mindful of their safety as with other persons attending hunts in any capacity.
- 14 Whilst forces may choose to try and obviate the need to seize animals, the RSPCA have declared a willingness to advise and work with forces should it be necessary.

- 15 Where hunting is being conducted legally within the provisions of the Act then offences of aggravated trespass would still be committed by people interfering with such activity.
- 16 Helpful dialogue should be possible with relevant agencies in a locality, including hunts that continue to exist but seek to act legally, legitimate organisations opposed to hunting such as those mentioned above, the Crown Prosecution Service and local landowners' representatives. ~~It is suggested that we be frank with such groups, identifying that the police role is to enforce the law but that the implementation of the Hunting Act must be set against other operational priorities facing the Chief Constable.~~
- 17 It has been suggested and would need local confirmation that some landowners, especially institutions (such as the Forestry Commission) may close to bar all hunting (legal or otherwise) on their land – at least in the short term. Local clarification of such decisions would make sense.
- 18 It would seem good practice for forces to regularly refresh any community impact assessment made after implementation and also should there be any high profile cases.
- 17 In addition to gathering intelligence and information for the purposes of policing this activity, forces may anticipate either them or their police authorities being requested for information as to current activity. Any requests nationally will be handled by the Police National Co-ordination Centre. It is possible that forces will receive requests by letter identifying their stance and seeking explanation of their reaction to the Hunting Act - I have had several already. I would venture to suggest that additional to the points made by government, it is helpful to retain our impartiality by pointing out we will enforce the law in the context of local priorities and set against other demands on police, bearing in mind this has not been afforded high priority in the National Policing Plan, breaches of the Act are not themselves notifiable or recordable offences and not covered by national crime recording standards.

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Assistant Chief Constable

THE HUNTING ACT 2004

NATIONAL STRATEGIC CONSIDERATIONS/PRINCIPLES

The purpose of this document is to seek to establish the strategic principles for the police service in respect of the above Act and reflects a degree of consultation within and without the Service.

~~This is the 'high level' strategic considerations and also the first stage in satisfying the~~ requirement at paragraph 3.51 of the National Policing Plan 2005-8 for ACPO to produce detailed guidance to assist forces in preparing for the implementation of the Act. I anticipate early in the New Year complementing this with tactical considerations and by then hopefully legal 'points to prove' type guidance from the Crown Prosecution Service, with whom we are working closely but respecting their independence as with other government and voluntary agencies on both sides.

The following strategic principles seem relevant to most policing environments as far as the issue of hunting is concerned:

1. The primary responsibility is the prevention of harm to all people involved.
2. The duty of the police is to prevent disorder and if it occurs to minimise its consequences.
3. The police have a duty to prevent the commission of crime and offences.
4. The investigation of offences and the apprehension of offenders is a lower priority ordinarily than the maintenance of order and safety.
5. Police activity should take into account the various calls for service from various groups.
6. Police activity should be led by available intelligence and use where appropriate the National Intelligence Model.
7. An assessment of the likely community impact of police actions (or decision against action) should be made.

- 8 The priority accorded to proactive measures to tackle persons offending against the Hunting act (if any) should be driven by, amongst other influences:
- a) such offences are not notifiable/recordable offences
 - b) resource considerations
 - c) what is practicable – safely
 - d) what is within the powers of the police
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- 9 Similar considerations to 8) may apply to reactive investigations (i.e. those where persons allege breaches of the Hunting Act) – additionally police will need to take account of the possible consequences of frustrations building up if people feel a legitimate (if disproportionate) expectation is not being fulfilled.
- 10 Whilst police have a duty to enforce the law when breaches are apparent and to forestall potential breaches, the priority given to this should be determined locally, taking account of 8 and 9 and the National Police Plan's other priorities. Police are of course not the sole element of law enforcement and partners – public and private – have responsibilities too.
- 11 Operational Commanders may well find that the most proportionate and reasonable response to breaches of the Hunting Act lays in evidence gathering with a view to subsequent prosecution as the Act confers a power to arrest, not a duty. It is a matter that should be decided at the time and location with the appropriate justification being recorded as per individual force practice.
- 12 Police should always be sensitive to the huge passions on both sides of the debate that led to the Act outlawing the hunting of wild mammals with dogs – other than in exempt circumstances.
- 13 The principal responsibility for comment on the Act now rests with Government – particularly the Department for Farming, Food and Rural Affairs - although forces may well choose to pass comment, if asked, on local implementation.