

WILTSHIRE POLICE



XXXXXXX
By email

**Force Disclosure Unit
Police Headquarters**
London Road
DEVIZES
Wiltshire
SN10 2DN

Date 7th August 2024

Our Ref FOI 2024-729

Dear XXXXX,

I write in connection with your request for information dated 6th August 2024 concerning illegal hunting Court case.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am **not** obliged to supply the information you have requested.

You wrote:

My questions relate to a case that went to court and then was dropped.

The incident took place on 13/09/21 in Brokenborough, near Malmesbury. Two members of the Beaufort Hunt, [NAME REDACTED] and [NAME REDACTED] were charged with illegal hunting.

Wiltshire Police investigated, and the case was heard in court on 16th May 2022.

However, in December 22, the case was dropped, with the reason given as "no realistic chance of a prosecution".

These are my questions:

- 1) Was the case dropped by Wiltshire Police or by the CPS?
- 2) The reason was given as "no realistic chance of a prosecution". Please confirm that this was the reason, or was it "no realistic chance of a conviction"?
- 3) Please provide some detail concerning this "no realistic chance".
- 4) What evidence did the police receive concerning the crime?

Keeping Wiltshire Safe

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Our response:

This request is exempt under the Freedom of Information Act 2000 (FOIA) by virtue of Section 30(1) – Investigations.

Section 30 is a class based, qualified exemption and therefore requires a Public Interest test to be carried out.

Factors favouring disclosure

Police investigations are publicly funded, and therefore the public have a right to know where this funding and the resources for Wiltshire Police are being spent. In particular, the debate regarding hunting offences is a passionate one in the eyes of the public.

Providing a disclosure would therefore show Wiltshire Police are being open and transparent with the public, which would allow the public to scrutinise the way in which these offences are investigated within our Force area. This would also allow the public to see that all lines of enquiry for these types of investigations are being followed, and this may provide reassurance to the public regarding investigations into hunting matters.

In addition, the particular case mentioned has concluded and therefore there would not be any harm caused to an ongoing investigation.

Factors against disclosure

The integrity of investigations is fundamental to our ability to police and provide our service to the public. Disclosing this information would undermine the process of engaging with other organisations such as the CPS. Maintaining the confidentiality between the Force and CPS is an essential part of the investigatory process, and to disclose information that would undermine this relationship would ultimately hinder our ability to prevent and detect crimes to a high standard.

Openly disclosing to the public the type of evidence that was or was not received in relation to an investigation would undermine the investigatory process. Evidence can be received via different means, with some being provided by confidential sources or individuals that may want to stay anonymous. To disclose the evidence received in an investigation would cause victims / potential victims or witnesses to become reluctant in engaging with the Force. Stating the type of evidence gathered in relation to hunting offences would allow offenders of these crimes to take preventative measures to ensure this type of evidence is not available for the Force to gather. This would seriously undermine our ability to effectively conduct investigations.

Wiltshire Police appreciate there is a public interest regarding matters concerning hunting offences, however, there is a stronger public interest in being able to safeguard any future investigations with similar circumstances. In particular, we need to safeguard those investigations that do not result in criminal action, for both hunting and other offences.

Balance Test

Wiltshire Police are charged with enforcing the law, preventing and detecting crime and protecting the communities that we service. Whilst we agree there is a public interest in being open and transparent with the public regarding investigations - particularly when they are of a topic that is of high importance to the public - and reassuring the public that we are effectively engaging with these matters, there is a higher public interest in maintaining the integrity of our investigations.

For the reasons outlined above, the public interest lies in favour of non-disclosure of the requested information.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

Exemptions applied:

Section 30(1) - Investigations

In accordance with Section 17 of the Act, this letter represents a Refusal Notice for this particular request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN



Keeping Wiltshire Safe

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original Fol request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish to contact them, please visit <https://ico.org.uk/global/contact-us/>

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