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***“It’s Just Totally Lawless Out Here”*: A rural green criminological exploration of foxhunting, policing, and ‘regulatory capture’**

Abstract

Despite having been banned by the Hunting Act (2004), and widespread public opposition, the practice of fox hunting with hounds still persists on a significant scale (Agerholm, 2019). Nevertheless, fox hunting remains a relatively understudied topic within criminological research, potentially as a result of it being an example of both rural and green crime, each of which have been traditionally marginalised in mainstream criminology (Donnermeyer & DeKeseredy, 2014). In an effort to partially redress this, this paper applies the concept of ‘regulatory capture’ to the case of fox hunting, in order to explore the policing of fox hunting through a rural green criminological lens. Drawing on 43 qualitative interviews and freedom of information requests to police forces, the paper critically examines the policing of fox hunting in rural England and Wales. The concept of ‘regulatory capture’ is useful in identifying “the process through which special interests affects state intervention in any of its forms” (Dal Bo, 2006, p. 203). We examine three related themes that were identified within the data. These are: the influence of industry; offenders as informers; and police who hunt. Whilst further research is needed to confirm it, we argue that regulatory capture might provide one compelling potential explanation for police reluctance to address wildlife crimes like fox hunting.

Keywords:

fox hunting; rural criminology; green criminology; regulatory capture; policing

Introduction

As we approach the 20th anniversary of the 2004 Hunting Act in England and Wales, it seems a perfect time to reflect on the contentious issue of fox hunting with hounds. Despite overwhelming public opposition to the practice (Cowburn, 2017), and a statutory ban on hunting with hounds, fox hunting (disguised as ‘trail hunting’, as we discuss) is perhaps more prevalent than ever (Agerholm, 2019).

Green criminology has been instrumental in pushing beyond the traditional boundaries of mainstream criminology to better understand issues of environmental crime, harm and conflicts (White & Heckenberg, 2014). It examines the complex ways in which criminal justice and other mechanisms are deployed to protect and police the environment, or more frequently, protect the interests of those exploiting it, and police those preventing exploitation (Nurse & Wyatt, 2020). Criminological studies of rural areas remain less common, even though “much of what is defined as environmental crime occurs at rural localities and affects rural people” (Donnermeyer & DeKeseredy, 2014, p. 93). The topic of fox hunting with hounds represents an opportunity for green criminology to ‘go rural’, especially given the ways that the issue cuts across core green criminological questions around crime, harm, policing, and regulation, but also speaks to broader questions of culture, community, and species, which have been persistent topics of interest within the field of study. Furthermore, in doing so, collecting empirical data on the relatively under-researched topic of fox hunting works towards addressing the traditional urban bias of mainstream criminology and speaks to issues that affect rural communities, non-human animals, and ecosystems.

Drawing upon Freedom of Information requests and data from 43 qualitative interviews conducted as part of a mixed-methods doctoral research project on the policing of fox hunting, in this paper we argue that at least some of the inadequacies of the policing of illegal fox hunting with hounds might be explained through the theoretical prism of ‘regulatory capture’, whereby special interests can impact and manipulate the state agencies that are supposed to regulate and control them (Dal Bo, 2006). We demonstrate three key themes that relate to the policing of fox hunting and regulatory capture, specifically: the dynamics of special interests and how they seek to influence the way in which fox hunting is policed (the influence of industry); the way in which police rely on hunters for help in dealing with other ‘higher priority’ issues (offenders as informers); and the problematic connections between rural police often coming from the rural hunt communities that they seek to work within (police who hunt). We begin by presenting background on fox hunting today, before discussing the notion of fox hunting as an industry. We then present our theoretical framework of ‘regulatory capture’, before discussing the methodological approach. We then offer our key findings, discussion, and conclusions arguing

that, whilst more research is needed in this area, regulatory capture provides a useful prism through which to potentially understand the way fox hunting is policed.

Background on Fox Hunting

Fox hunting is a 'sport' where hunters on horseback use a pack of foxhounds to track, chase and kill a fox. Traditionally, the pursuit can cover many miles. Hounds are controlled via voice and horn calls by the huntsman, who directs the pack to find and kill the fox. Foxhounds hunt by scent, therefore they must pick up the scent of a fox to chase and kill it. They are bred for stamina rather than speed. This enables better sport, as hounds can run for long distances rather than quickly outrun and swiftly kill their quarry. It is thought that English fox hunting was first conducted in 1534 by a Norfolk farmer who used his farm dogs (Johnson, 2015). This is understood to have led to the tradition of organised fox hunts led by a Master with a pack of hounds. In 1753, 18-year-old Hugo Meynell, the father of modern fox hunting, began to breed hunting dogs for their speed and stamina (Johnson, 2015; May, 2013). English fox hunting has been described as a "ritual of social class", contributing to mythologies surrounding aristocratic life and rural society (Howe, 1981, p. 278).

Fox hunting is governed by the Master of Foxhounds Association (MFHA) (Osbourne 2021), which represents 170 registered foxhound packs in England and Wales, and eight in Scotland. The Hunting Office is responsible for the running of all associations related to hunting with hounds (The Hunting Office, 2021). The hunting of a wild mammal (fox, stag, hare and mink) was banned under the Hunting Act (2004). However, according to the League Against Cruel Sports (LACS, 2018) and other critics (Casamitjana, 2015), the Hunting Act includes loopholes enabling hunting to continue. S1 of The Hunting Act particularly states "A person commits an offence if he hunts a wild mammal with a dog, unless his hunting is exempt". There are many exemptions and defences, as outlined by the Crown Prosecution Service (CPS). A significant challenge of the Hunting Act is one of proving intent to hunt illegally. Following the Hunting Act, trail hunting was invented, which reports suggest has enabled hunts to evade proof of intent (LACS, 2018). Trail hunting, as an alternative to fox hunting, involves laying a trail of fox urine along a predetermined route, for riders and hounds to follow. This takes place in areas where foxes live. The aim is to replicate traditional quarry hunting as closely as possible (LACS, 2021).

When hounds pick up the scent of a live fox, pursue and kill it, hunts can then claim it was an accident. This is not illegal.

Trail hunting should not be confused with drag or clean boot hunting, which do not involve hunting live animals. Drag hunting follows a non-animal-based scent (drag), or in the case of clean boot hunting, a human runner. Both drag and clean boot hunts are governed by the Masters of Draghounds and Bloodhounds Association (Money-Coutts, 2015). There are no records of wildlife being harmed during a drag or clean boot hunt. LACS estimates 16,000 cases of illegal hunting annually linked to trail hunting (Allen, 2017). The trail hunt myth was highlighted in a 2020 webinar meeting, leaked by the Hunt Saboteurs Association (HSA). These leaked webinars consisted of high-ranking hunt officials from The Hunting Office, the police, government, and the Countryside Alliance (CA) instructing 150 hunt masters on how to continue hunting illegally, and deceive the police, the CPS, and the courts (Fox Hunt Evidence, 2021). Despite compelling evidence regarding the scale of fox hunt-related illegal activities, enforcement and prosecution are at an all-time low (Kirby, 2019). This raises the question as to why this is the case, which we explore in this article. First, though, we make the case for why hunting can be regarded as an industry.

Hunting as an Industry

Whilst fox hunting may make a relatively small contribution to the rural economy, it is important not to dismiss the financial and business benefits. Networks of individuals and businesses do have a specific financial interest in fox hunting, as well as the often cited cultural, social and political arguments for its preservation, and for this reason fox hunting should be understood as an industry in and of itself, albeit a relatively small one in comparison to other rural industries like farming and tourism. Whilst the economic significance of fox hunting has frequently been exaggerated in arguments defending the practice (Ward, 1999), the socio-economic dynamics and industrial and financial interests associated with the practice are important in understanding the complex motivations for hunting.

Prior to the Hunting Act, debates centred on tradition, culture, heritage, economics and animal welfare. The economic case for hunting was emphasised by the British Field Sports Society (BFSS) in 1997 who claimed that any ban on hunting would have “a severe and detrimental impact on rural employment and social and economic rural infrastructure” (cited in Ward, 1999, p. 390). A large banner at a 1997 CA rally claimed that country sports annually contribute £3.8 billion to the economy, though this included economic activity from a wide range of other sporting pursuits (Ward, 1999). Ward (1999) estimated that fewer than 1000 full-time equivalent jobs would be at risk from any ban on hunting with hounds. The Burns Inquiry (2000, para 18), which sought to examine the foxhunting debate, with a specific focus on the potential consequences of any ban on hunting with hounds, estimated that:

Somewhere between 6,000 and 8,000 full-time equivalent jobs presently depend on hunting, although the number of people involved may be significantly higher. About 700 of these jobs (involving some 800 people) result from direct employment by the hunts. Another 1,500 to 3,000 full-time equivalent jobs (perhaps involving some 2,500 to 5,000 people) result from direct employment on hunting-related activities by those who are engaged in hunting. The remaining jobs, in a wide variety of businesses, are indirectly dependent on hunting. Of these, many will be in urban, rather than rural, areas.

Although debatable, the Burns Inquiry’s assertions lent significant weight to economic arguments in favour of preserving fox hunting. It is difficult to estimate the extent to which these predictions came to fruition, partly because hunting with hounds did not stop in rural areas as a result of the ban. By way of example, Agerholm (2019) detailed more than 550 cases of illegal fox hunting reported to LACS in the preceding year; and in 2014 over 250,000 fox hunters are said to have attended the Boxing Day hunts (Murphy, 2019). In an opinion column in *The Telegraph* newspaper, Green (2019, para 3) argued that “hunting – and field sports generally – is one of the chief economic drivers for the countryside and a key social glue that binds remote rural communities”. With a financial impetus for fox hunting, as well as the financial power of organisations like the CA (Anderson, 2006), there is a risk that special interests

surrounding foxhunting could potentially impact on the policing of such an industry, which is why we turn our attention to the concept of ‘regulatory capture’.

Theoretical Framework

With hunting being an industry (rather than a leisure activity or hobby), like other industries then, the government acts as the regulator. Regulation in the context of hunting ensures that hunting and wildlife laws are followed and that wildlife crimes, like baiting, coursing, illegal hunting, and trafficking do not take place. For hunting, which is governed by a complicated web of legislation (Vincent, 2014), most of the regulation falls to police constabularies, although non-governmental organisations like the Royal Society for the Prevention of Cruelty to Animals and Royal Society for the Protection of Birds are also involved (Nurse, 2015). As mentioned, although there is evidence that fox hunt-related crimes are taking place, there are very few arrests, prosecutions and convictions, indicating that such regulation is not happening. According to Nurse (2015), the lack of regulation and enforcement of wildlife crimes by the police stems from the lack of priority placed on wildlife crimes by constabularies and governments. We suggest that in addition to lack of priority, police fail to enforce hunting and wildlife laws because of regulatory capture.

Stigler (1971), an economist, is perhaps the most influential scholar in this realm from his studies on regulatory capture in relation to monopolies. He observed in the case of monopolies that the industry was able to acquire or ‘capture’ the regulation resulting in it being designed and operated in ways that benefited that industry. As Dal Bo (2006) notes in his review of regulatory capture, there are broad and narrow forms. The former is “the process through which special interests affect state intervention in any of its forms” and the latter is “specifically the process through which regulated monopolies end up manipulating the state agencies that are supposed to control them” (Dal Bo, 2006, p. 203). Dal Bo (2006) also identifies that the level of discretion on the part of the regulator has a role to play in regulatory capture, though the exact impact has not been concretely determined. The scholarship on regulatory capture has investigated how it is that regulators can come under the influence of industry. Some argue this occurs through the offer of incentives (e.g. bribes, political contributions, and so forth) by the industry to the regulator (Laffont & Tirole, 1993; Tirole, 1986); others note the influence may stem from the

availability of information about the industry that is needed by the regulator (Calvert, 1985) or the threat to withhold this information (Dal Bo, 2006).

In the more common application of regulatory capture theory, 'revolving doors' are a prominent element of the conflict of interest existing between a regulator and an industry. In these instances, revolving doors are "many regulators come from industry, or end up there, [this] has long been thought to be a source of bias in regulatory decisions" (Dal Bo, 2006, p. 214). Whereas police constables may not go on to management positions in the hunting industry or vice versa, we suggest that there is an equivalent conflict of interest stemming from the number of police who are hunters. In essence, at times, police are tasked with regulating their colleagues when those colleagues are hunting, perhaps leading to a similar bias in regulatory decisions that is seen when public and private actors move between agencies through the revolving door. As Ayres and Braithwaite (1991) have noted, police corruption or capture is more likely to be found where there is regular contact between police and those repeatedly breaking the law over a long-time frame, as is possibly the case with some hunters.

Carpenter's (2004) work on regulatory capture has been significant in expanding understandings of the phenomena. Carpenter (2013, p. 57) advocates a high burden of proof, arguing that regulatory capture is very difficult to evidence, and that the "evidentiary standards of the capture literature are rather low", arguing that authors must take care not to overclaim. He outlines some strategies through which forms of regulatory capture might be evidenced, and within this argues that "empirical studies of capture must have some notion of the public interest in mind as a counterfactual" (Carpenter, 2013, p. 58). As we have outlined above, an overwhelming majority of the British public oppose fox hunting (Cowburn, 2017), and as such, a clear argument can be made that police are not serving the public interest in failing to adequately enforce the hunting ban. Carpenter (2013) also argues that valid capture diagnoses require intent, or, in other words, some evidence of attempts to lobby, bribe or stack the deck of an institutional process, in line with the interests of the group seeking to capture the regulator (in this case, the pro-hunt lobby). This is something we cannot evidence with our data, and so the claims we make around regulatory capture are caveated by an agreement that further research would be necessary to definitively prove it.

We explore the police-hunting relationship in England and Wales in three ways: the regulatory capture regarding the influence of industry lobbying groups (e.g. the CA), who police employ as informers in rural areas, and police as hunters. The methods used to investigate this relationship are first detailed followed by the findings and a discussion.

Methodology

The data were collected as part of a larger doctoral research project. This employed a qualitative mixed-methods ethnographic approach to policing fox hunting. This article draws on data from 43 qualitative interviews, exploring individual's perceptions and experiences of the social and cultural issues that influence fox hunting with hounds. Interviews were conducted with a range of stakeholders categorised in subgroups and coded, as described below. We do not give the location beyond England and Wales to protect participants' identity.

A purposive snowball sampling strategy was used to enlist participants. Sampling involved selecting respondents based upon their knowledge and experience of fox hunting, and willingness to discuss it (Moser & Korstjens, 2018). Participants were anti-hunt activists (such as hunt saboteurs, hunt monitors, hunt investigators and campaign groups), members of rural communities, foxhunters or individuals with a background in hunting, and the police, including rural and wildlife crime officers. Participants were coded with their primary role if they fell into more than one.

Initial recruitment commenced within existing social networks. As the first author (Principal Investigator (PI)) was an insider within the anti-hunt community, this provided credibility and trust in accessing this group. Shared experiences and an understanding of the culture and risks involved facilitated access (Kaufmann & Tzanetakis, 2020). The PI's experience as an anti-hunt activist arguably places this work in the tradition of 'insider' social science research. Insider research, like any approach, has advantages and disadvantages. One such advantage, as discussed by Oliver (2010) is that insiders are already familiar with the field of study, making it easier to formulate an approach, and allowing them to appreciate and capture the subtleties of the field, which an 'outsider' might miss. However, insiders might overlook things that may seem obvious or mundane, that an outsider might catch (Oliver, 2010). This is something that informed the thematic data analysis process, which is discussed below.

Where the PI was an insider in relation to other activists, they were an outsider in relation to the hunt fraternity. This highlights what Merton (1972) has identified as a false dichotomy that can emerge between 'insiders' and 'outsiders' and challenges notions that a 'neutral' position is possible within research. Gatekeepers were used to access additional unknown contacts from all stakeholder groups. These gatekeepers were recruited either through existing networks or they made initial contact through the project website. Respondents from the hunt and police subgroups would have been impossible to access without a gatekeeper.

Thirty per cent of respondents were accessed through existing contacts, 24% via social media or the project website, and 46% through either a gatekeeper or snowball sampling. According to Ritchie et al. (2013), obtaining truth and knowledge in research can be subjective and dependent upon the personal experiences of participants. Therefore, interviewing participants with a range of perspectives enabled multiple viewpoints on the policing of fox hunting to be obtained. Due to Covid guidelines, respondents were interviewed remotely over the phone. According to Novick (2008), telephone interviews do not gather the same richness of data that face-to-face interviews would. However, conducting interviews over the telephone helped enable greater perceived anonymity and privacy (Drabble et al., 2016), which was invaluable in this research. Moreover, it was more convenient, and participants were able to feel more at ease, safe and comfortable opening up in their own environment. As telephone interviews are less intrusive, respondents are afforded a greater degree of power and control over the interview; they were able to negotiate times to suit them (Drabble et al., 2016). Prior to conducting fieldwork, ethical approval was gained from Northumbria University. Participants were given information regarding the study aims as well as anonymity assurances, and they signed consent forms before participating. To preserve anonymity, no names or other identifying characteristics, including location, are included about the participants.¹

The interviews were loosely structured, using an interview guide rather than specific questions. How the interview is structured is reflective of the element of power and control the researcher has (Block & Erskine, 2012). Loosely structured interviews allowed the interviewee greater control over the narrative. Consequently, the interviewer role was more of a facilitator

¹ Respondents are instead each identified by code relating to their role (GK – gamekeeper, H – hunter, HI – hunt investigator, HM – hunt monitor, HS – hunt saboteur, LR – local resident, PO – police officer, RPO – rural police officer, and WO – wildlife officer) and a number.

and a recipient of the participants' story (De Fina & Georgakopoulou, 2015); this enabled unanticipated themes to emerge. This approach empowered individuals to tell their own story, which also ensured that questions did not lead the interviewee towards a particular response. This contributed to safeguarding the narrative from risk of bias.

Additional data were obtained through Freedom of Information (FoI) requests submitted to each constabulary in England and Wales. These provided data on policies and processes, which would not have been obtained through interviews. Both sources of data are presented under the three themes in the findings section. The research adopted a thematic data analysis process to identify themes (Braun & Clarke 2006). This began with the PI transcribing interviews, making notes and becoming familiar with the data, before systematically producing codes relating to each individual transcript and FoI. Then the PI reviewed and consolidated these codes based on the data set as a whole, to produce the themes discussed below. The PI coded and analysed the data, with the co-authors contributing to the development of the argument and to the writing process. Discussions with the wider writing team during this process (as part of a wider PhD project) allowed the PI to 'step back' from the work, and to ensure interesting findings were not being overlooked due to proximity to the topic (Oliver, 2010).

Findings

The Influence of the Hunt Lobby

The influence of the CA and the National Farmers' Union (NFU) in shaping rural and wildlife crime priorities is a concern that was raised during interviews. To some, it appears fox hunting proponents are in powerful positions to influence a strategy that enables them to govern their own members' actions and interests. This concern was raised by a hunt monitor, who said:

Why [sic] hugely powerful pro-hunt lobbying group, are afforded such privilege? We [the anti-hunt supporters] could only dream of their access to the upper echelons of the institution... They [CA] get to get a meeting with the right people and convince them of the right things. (HM40)

This suggests, the hunt lobby holds an influential position, whilst the less powerful are excluded from a seat at the table. However, the CA cannot be excluded from rural initiatives because, as a wildlife officer succinctly put it, the CA “are the mechanism to communicate with their members” (WO26).

The National Rural Crime Network (NRCN) is instrumental in raising awareness of rural crime. However, a former police officer argued it simply exists “to protect wealthy landowners” (PO38). This would indicate rural and wildlife crime strategies focus upon issues that affect wealthy landowners, prioritising their needs, and what impacts them, rather than what is in the public interest. This explains why fox hunting might not be considered a wildlife crime priority. As one participant argued “It [fox hunting] should be, because of the sheer number [of] hunting incidents” (PO38). However, for a former rural police officer any attempt to make fox hunting a wildlife crime priority would receive a “backlash from influential people and the Countryside Alliance” (RPO42). This police officer further discusses how expectations differ between policing hare coursing and fox hunting, stating how:

hare coursing is a massive national police operation, operation Galileo. Because it suits the farmers and suits the hunters – it affects their land, their income crops or their pheasants ... But take illegal hunting, and it’s not in the equation. It’s too political. (RPO42)

This suggests that the CA holds an influential position regarding wildlife crime strategies. This results in discrepancies in how the police respond to wildlife crime, with their response apparently dependent upon the nature of the crime, the informant, and the offender. As one police officer put it: “If a rich landowner says, ‘we’ve had people travelling here with their dogs and sending them off after deer’, we were expected to investigate. This is no different than fox hunting, yet we were expected to deal with it differently” (PO38). An anti-hunt activist discussed how the police had failed to investigate all hunt crimes they reported, and the reasons provided for this. “I’ve had several meetings with them, and they say that they are told not to get evidence on fox hunting offences. They are not allowed. ... I’m confident this is a national thing” (HS3). Without insider access within the police, it is very hard to corroborate these claims, so further research is needed.

The CA, however, is not only instrumental in influencing wildlife crime priorities, they also provide the resources to defend their members. As an experienced hunt investigator claimed,

it is going up against powerful, rich, wealthy people with networks who have good resources. When they are in court it is the Countryside Alliance who supply the finances, the lawyers, the expert witnesses that will help them in court ... They usually have a representative turn up in court. (HI27)

The perception that certain wildlife crime is worthy of investigation, and others are to be ignored is a reflection of the CA's management view. A hunt saboteur discussed this perception stating that, "There's an ethos in hunt communities that wildlife police are there to protect certain wildlife at the detriment of others" (HS39). This is supported by a gamekeeper whose views align with that of the CA: "For every fox I kill or every fox the hunt kills then they are saving all this other wildlife so it's a bonus by saving other wildlife" (GK24). This suggests that some species are more worthy of law enforcement protection than others. Police, therefore, may act robustly when there are "outsiders coming in and stealing the wildlife – killing the animals that the landowner wants to kill" (HI43). The influence of the CA and the hunt lobby's countryside management view over wildlife crime priorities was raised by a significant number of respondents. Parry (2019) has demonstrated the ways that wildlife/countryside management have frequently been deployed as justifications for fox hunting within popular discourse. As a hunt investigator with many years of experience said:

You would expect that they [National Wildlife Crime Unit] would deal with wildlife crime, for wildlife crime is in the title. But they only deal with the wildlife crime that is interpreted as property, or somebody stealing wildlife. They don't deal with hunting at all; they never have done despite it being the number one wildlife crime in the UK. The idea of animal suffering is irrelevant. The only relevant thing for them in terms of policing wildlife is wildlife stolen from the rightful owner who wants to kill it in a way they want. They don't look at it as an animal welfare issue. That's the problem with the legal system, they don't understand that animal protection has to do with the animal suffering not the rights of owners to decide what to do with them. (HI43)

The dominance of the hunt lobby may not be limited to influencing wildlife crime strategies. They are also in a powerful position to influence how the police perceive their lobby members compared to the opponents. As a hunt saboteur put it: “the Countryside Alliance is a ‘PR organisation’. So, their role is to paint any situation in a positive light for hunting and in a negative light for antis” (HS3). They further claimed how “The CA labels anyone who opposes animal cruelty or hunting crimes as extremist”. This CA influence was discussed by one activist recounting how the police referred to “vegans and anti-hunt activists as rural extremists” (HM40). Another participant said, “There is a negative bias [by the police] towards us [anti-hunt] and that bias must stem from somewhere” (HS28). In addition to police activities being influenced by the hunt lobby, the police are also impacted by their reliance on communities where hunting takes place to provide information on wildlife and other forms of crime.

Offenders as Informers

Rural crime often happens in remote isolated locations. Therefore, policing can be dependent on good relationships between the police and the local community (Nurse, 2015). This reliance on farmers and the community to assist with rural crime is evident within the data. As one wildlife officer argued, the police “may be hand-in-hand with landowners and gamekeepers to stop poaching” and other rural crime “but then the next day I may need to speak to them about Hunting Act Offences” (WO16). This supports that rural police are heavily reliant upon the cooperation of landowners and farmers both of whom can be victims, informants, and perpetrators. “They are helping me solve crimes, but they still want to go out and hunt, so it is a balancing act to do what they want” (RPO25). One former rural police officer discussed how he had commonly experienced this particular tension.

It is very common in terms of that transfer of allegiance and interest by the person reporting. In terms of policing, it’s very much an issue because it can be very difficult to do both jobs. I was very careful as to who I told about it or who I took on the job. There is certainly broken allegiances by some. (PO38)

This risks affecting the relationship between police colleagues and also the community, particularly if the rural police are considered to be, as one hunt monitor put it, at the farmers' "beck and call" (HM40). They went on to state how "one day the farmers are reporting thefts of machinery or poachers. However, on a [fox] hunt day, those people who they [the police] are serving as their community become the offenders". This was a common theme and supported by a number of respondents. As one hunt saboteur claimed, "These same farmers are illegally hunting and blocking badger setts" (a badger's active underground dwelling, consisting of numerous entrances and tunnels) (HS28). Another hunt saboteur claimed that "Police who investigate wildlife crime should not have links to those communities because those communities are predominantly the ones committing those crimes ... There is definitely a link in these communities with this crime" (HS39). This role confusion may result in incompatible demands placed upon rural officers due to a conflict in balancing their roles and relationships. This is especially true if police are sympathetic to hunters and farmers, but not to the poachers and coursers considered by some to be 'undesirable outsiders'.

Not all rural communities are supportive of hunting, and this was true within our sample. One member of the community cited the link between farmers and the hunt, and how it affects the community:

The farmers get away with goodness knows what. They're constantly killing and poisoning badgers, which are supposed to be protected ... I mean, it's just totally lawless out here, it really is. They [the farmers] know that and that's another reason they get away with it, because farmers have always got away with it. (LR2)

Limited resources have been revealed as impacting on the policing of hunts. This means rural police may need assistance from the very same farmers who are hunting. According to Nurse (2015), investigating wildlife crime is often impacted by a lack of police resources, knowledge and expertise. A rural police officer stated that because of cuts and lack of resources there were "only two officers covering 100 square miles, so I relied on their (the hunt) support and help with solving crime" (RPO23). This reliance provides the pro-hunt community with power over rural policing. If the police are reliant on the farmers to solve acquisition crimes such as theft and/or priority wildlife crimes, such as poaching and coursing (perhaps committed by people outside the

community), then it may be necessary to turn a blind eye to crimes such as fox hunting (committed by people in the community). One hunt monitor quoted a police officer as saying, “we can’t piss them off too much as we need their help to catch the poachers” (HM40).

Respondents claimed those who go against the hunt are ostracised from the community. One hunt saboteur told a story of how a rural police officer was cold-shouldered by the hunt community due to responding to hunt-related crimes. This is a particular concern for those with businesses that rely on the rural network. Another hunt saboteur cited how locals who voice concerns about the hunt are afraid for their livelihoods. “They just can’t raise their concerns above the parapet because they wouldn’t survive” (HS39). Likewise, a local resident stated how other members of her community are afraid to speak out: “Here, it’s socially unacceptable to challenge the hunting fraternity” (LR2). Their concerns are very real as one resident described how a vulnerable neighbour who spoke out against hunting was evicted from their home by the landlord who hunted. Likewise, local hunt monitors relayed how they had received threats including dead foxes on their doorstep (HM25).

A rural police officer claimed the police are “not provided with the sufficient resources to police fox hunting” (RPO23). We were unable to obtain a figure on fox hunt offences, despite our Freedom of Information requests. A common response was: “Your request is not held in an easily retrievable format as there is no specific category relating to incidents of illegal fox hunting.” There is no obligation on the police to record fox hunting, which results in gaps in knowledge. Without knowing the full scale of the problem, police will continue not to receive the necessary resources with which to combat wildlife crime and will remain reliant on local communities for information.

One hunt saboteur stated how they felt that rural police were only concerned with meeting the needs of the NFU,² arguing how, “It’s all about heritage crime and supporting the farmers. It’s NFU this and NFU that, that’s all they’re interested in” (HS28). Rural crime initiatives, such as “Farm Watch” and “Poacher Watch”, rely on maintaining relationships with landowners and farmers. A respondent expressed how a hunt monitor group applied to initiate “Hunt Watch”, working with the local police to prevent illegal fox hunting. The application was refused

² Whilst the NFU and CA are highly relevant organisations in relation to fox hunting, we did not directly contact either group as a means of enlisting participants. This is something that might be useful in a future study.

by the local police. “What is the difference between a poacher watch and hunt watch?” (PO38). The difference is that Poacher Watch is a network of locals preventing outsiders travelling into the area, whereas, for the most part, hunt crimes are committed by locals and the hunt saboteurs are generally considered outsiders. As one hunt saboteur put it: “there’s definitely an inside / outside thing going on” (HS39).

A rural police officer explained the difficulty in managing the police–community relationship particularly when there is a lack of officers, which makes rural police overly dependent on the cooperation of the hunt community in policing rural crime.

They work with us on all sorts of things to try and stop the undesirables coming from other areas. Then the next day it might be that we may potentially be having to give them an appointment to come to the police station and be interviewed about hunting act crimes, so it’s very difficult to manage. (RPO23)

The respondent explained how poachers often impact on profit-driven industries, which are linked to hunting.

They [farmers] have their shooting grounds, which is a big economic boom to the area. So, they don’t want poachers. But by the same account, they still want to be able to go out and hunt. They have a balancing act as well as to what they want, how they want to work with us. (RPO23)

Police activities in rural areas are affected by the hunt lobby and the rural police themselves must balance enforcing laws and maintaining the trust and cooperation of the community in order to succeed in that enforcement. Policing of fox hunting may be further complicated when the police are themselves hunters.

Police who Hunt

Hunting is often a visible element of tight-knit rural communities. The experience of participants suggests that this affects attitudes and operations of rural police. As one hunt saboteur argued: “You will find that rural police serve their own communities, which results in a conflict of interests” (HS39). As another hunt saboteur said:

“It’s the same rural crime officers that go to ‘Mr McDonald’, when his quads were pinched. Yet, that same person is digging out badgers and foxes at the weekend. There’s that personal link between each other and therefore that’s why I don’t think it’s taken seriously. (HS3)

A close relationship between hunting and the police means the police may be sympathetic to hunters’ views. This risks a bias in favour of hunting. “I grew up in a rural area where it was a tradition on Boxing Day to go down and watch the hunt meet” (RPO23). The positive cultural perception of hunting as a tradition is cited as a contributing factor in lenient policing. As one community member argued: “Here, it’s utterly cultural. It really is. They know they can wiggle around the law where the police won’t attend, they just know it” (LR2). Another member of a different hunt community agreed, arguing: “Rural police have often grown up in the same areas, they know each other, and they went to school together. So there’s probably potential for bias or something more sinister, like corruption” (LR31). This suggests that some police may have already been caught up in a culture that supports hunting, and potentially view opponents as outsiders. As one hunt saboteur shared, “From a very young age, they generally will be shooting or they’ve gone to school with these people so there is a conflict of interest there” (HS39). Police may be seen to be enforcing a law that impacts on the community’s way of life and which has been thrust on them from outsiders. A local resident discussed how hunters consider their right to hunt. “They really, really believe that they still have that power to do it and anyone who tries to stop them is breaking their law” (LR32).

The data also suggest that rural police are often immersed within the hunting and shooting community. Almost all respondents cited an association between the hunt and the police, especially with the police hunting with hounds. For example, the following quotes are from members of the community and hunt saboteurs who have cited the prevalence of police who hunt. “The master of the hunt near here is also Deputy Sheriff” (LR14); “I know a lot of senior police officers ride and the lawyers ride” (LR2); “There are a lot of policemen that actually go out riding with the hunt. So of course, they’re not going to want to see it prosecuted” (HS3); “The sergeant of our rural crime team is very pro-hunt” (HS28); “If there is a police presence, they’re there to protect the hunt; they’re not there to protect the wildlife” (LR3).

In general, from hunting opponents, there was consensus that police officers have individual and institutional links with the hunting and game industries. A hunt saboteur claimed that a particular rural officer is involved in pheasant shooting as well as doing business with the local farmers – “It’s very, very, very corrupt” (HS28). This was also cited by a local hunt monitor, who argued that,

A lot of people who foxhunt also take part in organised shoots, and anybody involved in organised shooting will have keepers setting snares and traps. The same people have been putting down poison bait, killing large birds of prey. So it’s the same people that chase them down with dogs who shoot them with guns. (LR14)

There is the potential for it to affect police judgement and impartiality regarding hunting. A hunt saboteur identified this conflict of interest as a significant contributory factor in a lack of enforcement of wildlife crime when the investigating officer was involved in field sports: “I’d report illegal foxhunting and badger sett interference. The investigating officer was a pheasant shooter and he wasn’t interested” (HS4).

A Freedom of Information request identified that police forces have no policy with regards to hunting with hounds. Nor do police officers need to declare a potential conflict of interest regarding hunting. A police officer claimed how “We’ve still got police officers who follow hunts, which is quite legal because strictly speaking, they should be hunting under the exemption” (PO42). This would be acceptable if it were drag or clean boot hunting. However, overwhelmingly, as mentioned earlier and as a majority of the respondents agreed with, evidence indicates trail hunting is used as a smokescreen for illegal hunting. Interestingly, the only respondents who were of the opinion that hunts may be genuinely trail hunting were rural police officers. Nevertheless, police officers hunting with hounds as part of a supposed trail hunt may be placing themselves in a situation where they are at risk of participating in an illegal activity.

Another dimension to police hunting is at the highest levels of constabularies. A significant number of Police and Crime Commissioners (PCCs) are pro-hunt (Fox Hunt Evidence, 2021). As an established and experienced hunt investigator argued “It’s become more political

because of Police and Crime Commissioners, and for some conservative ones in particular” (HI3). This was supported by a hunt monitor who said:

If you've got a conservative candidate in a PCC role, who is pro-hunt, they're not going to be doing a great job of holding anybody to account in respect of a hunting accident ... The police and institutions have now become very much part of the political machine. So we're looking at basically political policing ... What we have at the moment is a very hostile government in terms of the hunting act and animal welfare, and certainly, in relation to wild animals. So without a shadow of doubt the police are falling into line” (HM40).

Discussion and Conclusion

In applying the concept of regulatory capture to fox hunting, we have contributed to the field of rural green criminology, and in doing so helped to expand the focus of criminology beyond the human, and beyond the urban (Donnermeyer & DeKeseredy, 2014; White & Heckenberg, 2014). The close connections between police and pro-hunt actors, and the impact on the policing of fox hunting evidenced offers potentially useful insight into the ways in which the distinct and often overlooked dynamics of rural life can produce uniquely significant outcomes in relation to wildlife crime. Furthermore, it illustrates the value of shifting the lens towards the rural, revealing complex social dynamics that might otherwise have gone unnoticed.

Those who oppose the Hunting Act – a law designed to protect wildlife – are instrumental in shaping the regulation of rural and wildlife crime. The CA, who are intertwined with The Hunting Office, have knowledge and expertise in rural and wildlife crime, which affords them an advisory position. This enables them to influence the regulation of rural and wildlife crime. Their powerful voice seems to impact upon the lack of policing of illegal fox hunting and directing police resources away from the interests of the hunt fraternity.

In support of Stigler (1971), this dominance of the pro-hunt lobby and the exclusion of alternative interest groups indicate that they hold a monopolistic position. This position has enabled them to influence the policing of their industry, which, we argue, may have resulted in a rural and wildlife crime strategy that is designed to target crimes impacting their members, such

as poaching and hare coursing. At the same time, illegal fox hunting likely committed by members of the pro-hunt lobby appears to be being excluded from policing.

Our data suggest this advantaged position at the macrolevel may be influencing operational policing at the community and individual levels. This result appears to support the claim of Ayres and Braithwaite (1991) that regulatory capture is most likely a result of close and regular contact between the police and those people being regulated, in this case hunters. This suggests that rural police serving their own hunting and shooting communities are at risk of capture. In the case of the offender as an informer, our research suggests rural/wildlife crime officers are accountable for priority rural crimes, such as poaching, but fox hunting is not included. There will then be an incentive to direct enforcement away from illegal fox hunts, towards priority crimes like poaching, which as stated above, seems to target crimes in favour of the interests of the pro-hunt lobby. This is particularly pertinent when policing involves oversight of colleagues who hunt. These data suggest a potential conflict of interest and consequently may lead to bias in enforcement decisions. Moreover, a lack of resources within a rural location means the police are heavily dependent on cooperation from landowners and farmers to provide information on priority rural crimes. Yet, these community members may participate in illegal fox hunting. Therefore, the police may act in a way that benefits the landowners' and farmers' interests to maintain a working relationship to combat certain crime priorities, whilst perhaps overlooking fox hunting as a compromise. As Dal Bo (2006) proposes, information exchange is a possible element of regulatory capture. Since the pro-hunt landowners and farmers often have information crucial to police operations, we suggest this could be another element of the relationship that renders the police at risk of capture.

The relevance of information to regulatory capture is also evident at the macrolevel. The implementation of rural and wildlife crime strategies is purportedly underpinned by facts, figures and statistics. As wildlife crime is not a recordable offence, statistics on the prevalence of fox hunting are not readily available. Despite a majority of the public opposing fox hunting, opponents to hunting appear to be excluded from setting priorities, and the hunt lobby is relied upon to provide data on rural and wildlife crime. Therefore, it is possible that the information related to hunt-related crimes has been intentionally withheld during the process of setting priorities. Thus, police may be overly reliant on information provided by the industry they are

regulating, which as Calvert (1985) suggests, happens when information is not available. Other sources of information – local residents – are silenced by the hunt community or their concerns dismissed by the police.

The exclusion of wildlife crime and fox hunting data from statistics also means there is no accountability in terms of what wildlife crime offences are being handled by which police and how. Police accountability is essential in maintaining trust between the police and the community. Our data contribute to a clearer understanding of the conflict of interest that police may face when investigating wildlife crime in rural areas, and the difficulty in balancing the relationships within rural communities. The hunt lobby are in a powerful position to place pressure on the police to conform to the hunt fraternities' social norms and values. This approach, largely influenced by the CA, means prioritising the protection of wildlife who are considered the property of farmers and landowners. Without transparency about the response of police to wildlife crime and their potential relationship to the hunt lobby, the true extent of possible regulatory capture is unknown.

Although the police do not appear to go on to work for the hunt lobby, there is a similarity in their relationship to that of more traditional conceptualisations of the revolving door between regulators and industry. Rural police officers themselves cited police being hunters as a problem they had encountered, and which had impacted upon their relationship and trust with colleagues. They recognised the difficulty of carrying out their role with impartiality if they were hunters.

The CA argues that it represents the interests of the rural community (Anderson, 2006). PCCs, too, are supposed to represent, and respond to the concerns of, their rural constituents – though critical perspectives on policing challenge this assumption (Neocleous, 2021). Taking this view, rural and wildlife crime priorities could be said to be devised in the public interest. The process of regulation, then, targeting poaching and coursing and not illegal fox hunting, might be argued to be in the interests of the public represented by the CA and the PCCs, disputing the theory of regulatory capture. However, our data suggest that the voice of those opposed to hunting, both activists and community members, has been marginalised and at times silenced. Violations of the Hunting Act are not enforced, and anti-hunt members of the community face threats and intimidation for speaking out.

Given 85% of the British public support a ban on fox hunting (Cowburn, 2017), it can be argued that it is in the public interest to police fox hunting effectively. Yet, rural police priorities are influenced by the hunting lobby, which has a seat at the table, when opposing voices do not. Our data have shown that individual officers may be pressured to conform in order to get information on other crimes (which are more of a priority), and thus maintain their working relationship with their communities. Some of these police, and the PCCs who set the priorities, are themselves hunters, indicating potential conflicts of interest. For these reasons, we suggest the regulatory capture presents a potentially useful explanation for the way in which fox hunting is policed, although further research would be beneficial in supporting this argument, particularly following Carpenter's (2013) view that claims of regulatory capture often rest on unsatisfactory evidence. The process of setting rural and wildlife crime strategies and priorities must be transparent and reworked to ensure that wildlife such as foxes, are truly protected.

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