



Policing of 'Anti-Fracking' Protests during Onshore Oil and Gas Operations

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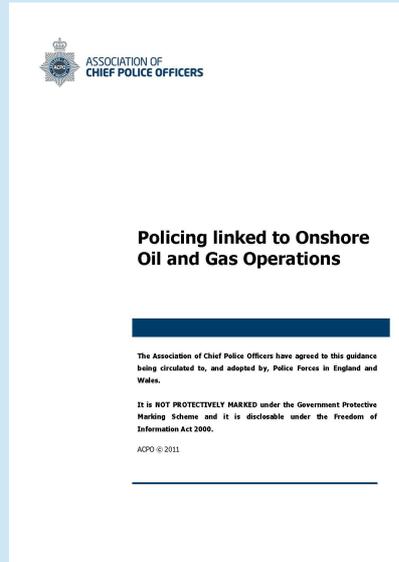
Introduce us both.

KEVIN: Netpol Coordinator

VAL: Member of Netpol steering group and researcher on police surveillance at University of East Anglia



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ACPO / NPCC policy circulated to anti-fracking campaigners by Staffordshire Police in August 2015

Explain background:

In August 2015, NPCC contacted anti-fracking groups about this policy, asking to discuss the document in detail. As policing of protests is not their specialist area, they contacted Netpol for support.



'Policing linked to Onshore Oil and Gas Operations'

A Netpol briefing on the National Police Chief's Council (NPCC) Guidance



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September 2015

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Briefing developed with Frack Off, Reclaim the Power and local anti-fracking groups and shared with NPCC in 2015

In September 2015, after talking to national groups, we produced this briefing, which raises a number of unanswered questions. This was sent to the NPCC lead.

Six months on, neither Netpol nor the anti-fracking groups contacted last summer have had a response.

In the time we have available, we therefore want to run through some of the key areas of concern that we raised.



Scale of anti-fracking policing operations



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Upton: £200,000, 175 officers from three forces to evict a dozen protesters

The Guidance makes clear that 'the vast majority of protest and actions taken by protesters continue to be entirely peaceful'

What campaigners want to know is the justification for extensive (and expensive) policing and intelligence gathering operations, given that the history of anti-fracking protests to date is of predominantly small-scale, peaceful assemblies?

Inevitably some of you will point to the number of arrests, so lets look at that issue



Scale of anti-fracking policing operations

"It seems reasonable to question whether the extent of these policing operations are in any way proportionate to the low levels of criminality involved in anti-fracking protest to date.

For example, despite 126 arrests at protests in Balcombe in Sussex, more than 70% of those charged and subsequently tried were acquitted or had their charges dropped during the court case, well below the Crown Prosecution Service's average conviction rate of 85%."

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Netpol briefing, September 2015

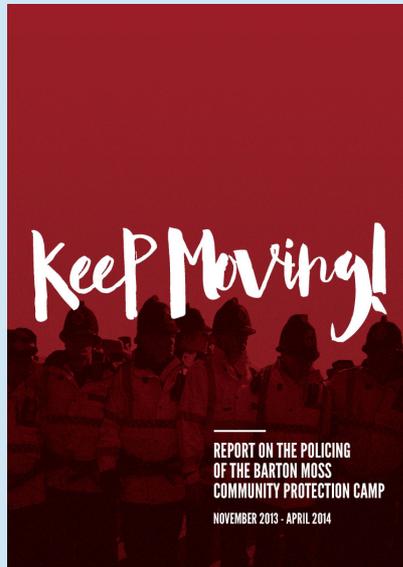
There was a huge acquittal rate for arrests at Balcombe.

70% of those charged and subsequently tried were acquitted or had their charges dropped during the court case.

And that is true not only for Balcombe...



Scale of anti-fracking policing operations



Barton Moss:
Independent
report highlighting
a completely
different
perspective than
the 'official' version
of events

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You should read this report by researchers from the University of York and Liverpool John Moores University.

I have a few spare copies here

It documents testimony from protesters at Barton Moss in Salford and analyses arrest and conviction data.

We see the assumptions and misinformation about Barton Moss – that it was allegedly violent and made up of outsiders – has driven the planning for anti-fracking protests.



Scale of anti-fracking policing operations

At Barton Moss, the overwhelming majority (98%) of arrests of protesters were for non-violent offences and the two-thirds (66%) of those arrested had their cases dropped, dismissed or been found not guilty by the courts.

Keep Moving! research report, University of York

"The majority of people at the site are not there to protest against fracking but are there to disrupt and intimidate the local community and to antagonise police"

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Greater Manchester Police chief superintendent

You will know these statistics: the conviction rate for summary offences is 81%, rising to 96% for public order offences.

At Barton Moss, just like at Balcombe, two-thirds of those arrested had their cases dropped, dismissed or were found not guilty by the courts.

Greater Manchester Police said the overwhelming majority of those arrested were "from outside the Greater Manchester area, mainly from southern England".

In fact over half were from the north west and only 17% from the south.

Yet we know Barton Moss comes up again and again as an example of violent extremists, one that is used to justify not just large numbers of police but also extensive intelligence gathering – the issue we want to address next.



Intelligence gathering

BBC South East report on Balcombe



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PLAY BBC NEWSROOM SOUTH EAST VIDEO



Intelligence gathering

"The British model of policing places a high value on tolerance and winning the consent of the public. Neither value should be underestimated. Consent is not unconditional. Police have won it by convincing people that they can be trusted to uphold the law and to protect the freedom and safety of individuals with impartiality and restraint."

– *HM Inspectorate of Constabulary, 2010*

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In response to previous criticism about the policing of protests, HM inspectorate of Constabulary said that public consent is not unconditional.

Just because some tactics are possible, that doesn't make them appropriate.

Which brings us to the questions we raised last year about intelligence-gathering.



Intelligence gathering

“National and International levels will be covered within the Strategic, Intelligence Requirement provided by the NDEDIU....It is the responsibility of Police Forces to cover Regional and Local levels of intelligence as the greatest added value to intelligence products will be gained at these levels”

– NPCC: Policing linked to Onshore Oil and Gas Operations

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The Guidance advises the application of sophisticated and advanced intelligence gathering tools, although as the level of criminality involved in anti-fracking protest does not appear to justify such intensive surveillance operations

Q: We want some clarity in the role of NDEDIU at fracking protests – perhaps you can provide some?

- Why are they involved in something that is not DE related
- What data will be shared with them about fracking protesters – those charged with offences? Suspected of involvement in criminality? Everyone who is there?
- What role will they have in determining intelligence gathering and public order tactics? Do they run the show?
- Can you assure use that they won't run covert surveillance at anti-fracking protests.



Intelligence gathering

"The [intelligence] role includes identifying demonstrators by using intelligence gathering and photographic teams and obtaining information about participants and future events...If individuals are lawfully exercising their rights to freedom of expression and peaceful assembly, the justification for police gathering this personal information is unclear, and it is not at all obvious under what powers the police are acting in these circumstances."

– HM Inspectorate of Constabulary, 2010

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This lack of clarity was precisely what HMIC warned against in 2010 – and there are real questions about whether this degree of intensive surveillance is lawful.



Intelligence gathering

“Social media is a vital part of any Community Impact Assessment and intelligence picture. Police Forces appear to have differing views on the collection, collation and analysis of social media based intelligence products and, as such, consideration should be given on how to develop best practice.”

– *NPCC: Policing linked to Onshore Oil and Gas Operations*

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And yet...

The Guidance for anti-fracking protests includes a call for best practice in the collection, collation and analysis of social media as an intelligence product.

It asks the question 'What is actually required from social media research?'

And then fails to provide an answer.



Intelligence gathering

“Under normal circumstances, officers should not use BWV as an intelligence-gathering tool and should delete any BWV footage that has no evidential value. Extremely strong justification is likely to be needed to retain such footage, especially where it only shows lawful conduct.”

– College of Policing



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As you will all know, the College of Policing is clear that officers should not use body-worn cameras as an intelligence-gathering tool



Intelligence gathering

"Consideration should be given...to the amount of video footage that may need to be processed...The use of police evidence gathering footage forms only part of this. Many officers now routinely carry and use body worn video systems

– NPCC: Policing linked to Onshore Oil and Gas Operations



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And yet...

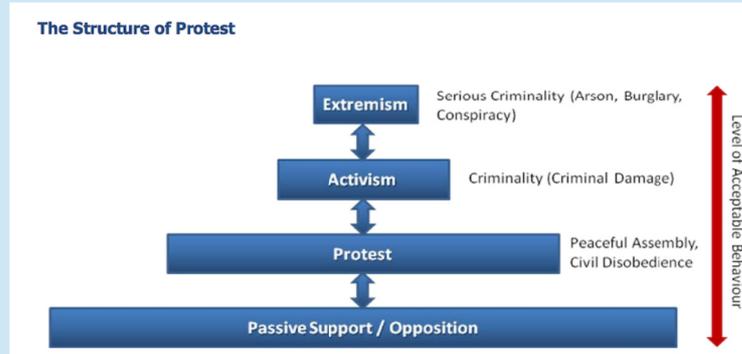
The Guidance makes specific reference to the use of body-worn camera footage for this purpose.

The question we asked last year was:

- Will the NPCC advise against deploying this technology at anti-fracking protests in the interests of developing more positive relationships between protesters and police?
- Can those of you here who will have command roles provide assurance that footage will only be retained where it provides evidence – and then used only for the purposes of prosecution? Or will it be used for intelligence gathering?



Differentiated policing



– NPCC: Policing linked to Onshore Oil and Gas Operations

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Next we turn to what all this intelligence-gathering is for and to talk about the issue of 'differentiated' or preventative policing.

However, the Guidance contains this diagram that draws a vague and indistinct distinction between extremism, 'activism' and protest.

This seems straightforward enough, but how are we defining serious crime here? Definition includes conspiracy – are we talking any conspiracy here? Conspiracy to obstruct the highway?

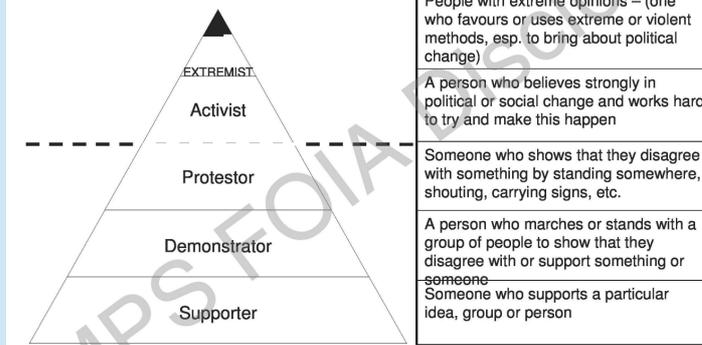
What we appear to have here is an intention to provide a differentiated policing response based on vague and uncertain definitions, and categorisations that are made – by whom? With regard to what criteria?

Crucially – how are you going to interpret an attempt to trespass as civil disobedience? Or as serious criminality?



Differentiated policing

People involved in protest



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– College of Policing: Protester Tactics - An Introduction for Police Liaison Teams

We have of course seen this idea before, of crossing over the line so that anything beyond holding a placard is 'unacceptable', but based on beliefs rather than actions.

Many of you will recognise this from the College of Policing's Introduction for Police Liaison Teams

How are you interpreting the idea of an activist?

Does this idea of an activist being 'above the line' have tangible consequences?

Are they the people who will have their details passed on to the NDEDIU?

Their social media read? Their photographs taken and retained?

And who decides on who these people are?



Differentiated policing

"The use of PLTs in preparation for, and during, protest events should now be seen as routine and fundamental to effective communication and engagement..."

The role and tactics employed by PLTs provide Commanders with an early opportunity to influence a positive tone, style and manner of protest."

– NPCC: *Policing linked to Onshore Oil and Gas Operations*

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This brings us on to the use of Police Liaison Officers, which the Guidance is enthusiastic in supporting.

However, it is evident that 'liaison' extends beyond mere communication, involving an expectation of active 'engagement' from both protesters and police and the routine use of negotiated measures.

We are unclear what this means in practice.

Does it mean trying to intervene split apart those arbitrary distinctions of protester, activist and so-called 'extremist' to encourage some kind of 'self-policing'?

Does it result in a more robust 'tailored response' if protesters are reluctant to engage with PLOs, - something they have no obligation to comply with?



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Differentiated policing

"While engagement and negotiation may ostensibly offer advantages for both police and protesters, many protesters feel that there are also significant disadvantages to 'liaison policing', particularly in terms of their vulnerability to intelligence gathering. **The continued pretence that this is not a key part of Police Liaison Officers' role heightens mistrust...** The Guidance fails to explicitly acknowledge that engagement with Police Liaison Officers is an option, not a mandatory requirement for protest groups."

– Netpol briefing, September 2015

Crucially, Police Liaison Officers are closely associated with intelligence-gathering. This role was confirmed at Balcombe and by Standard Operating Procedures for Metropolitan Police PLOs.

It inevitably leads protesters to treat Police Liaison Officers with considerable caution, especially when coupled with evidence we have received of protest organisers becoming targets for overt and often intrusive surveillance.

Key issue perhaps is whether you are using PLOs as a mandatory or voluntary means of liaison.

You will know the Public Order Act provides no requirement for protesters to notify the police of a static demonstration. PLOs should not be used as a 'back door' method of increasing this requirement.

Are you using PLOs as a resource for those who wish to communicate?

Or as a coercive or public order tactic? Or intelligence gathering opportunity?

Will you withdraw PLOs if requested to do so? If protesters do not want them to be present?



Unanswered questions

Netpol briefing published in September 2015 raised

18 questions for the National Police Chief's Council

- Scale of operations
- Use of counter-terrorism officers and NDEDIU
- Intelligence gathering
- Engagement, liaison and negotiation
- Preventive or 'differentiated' policing
- Transparency

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This has been a fairly broad summary of the issues we raised last year – in total, we asked 18 questions that also cover other topics and none have been answered so far.

More importantly, we know there has been no further attempt to talk directly to anti-fracking groups.

Instead, many of the assumptions about anti-fracking protesters that we have highlighted are now steering the planning for anti-fracking protests.