

Security Classification/FoI 2000	Official – Yes under FoI
FoI Requests on ationale	npcc.request@foi.pnn.police.uk
Author	ACC Sarah Hamlin
Force/organisation	National Protest Working Group
NPCC Coordination Committee	Operations
Telephone number	01953 424213
Date created	3 rd August 2016



To: Mr Kevin Blowe, Coordinator, Network of Police Monitoring (Netpol)

Dear Mr Blowe,

I write to you in my capacity as lead for the National Protest Working Group (NPWG) as part of the National Policing Public Order & Public Safety Working Group (NPPOPS).

I refer to your letter dated the 2nd June 2016 and the corresponding document entitled 'Policing linked to Onshore Oil and Gas Operation; A Netpol briefing on the National Police Chief's Council (NPCC) Guidance' published in September 2015. In your letter and the highlighted document, reference is made to the Association of Chief Police Officers (ACPO) published document 'Policing Linked to Onshore Oil and Gas Operations'. A request has been made to the NPCC via the NPWG to answer 18 questions posed by Netpol with regard to this document.

As you are aware, I became the NPCC national lead for protests in October 2015 and was first made aware of this request on the 21st January 2016 when you emailed me with regard to the National Protest Conference. I apologise for the length of time it has taken to draft a response to these questions as I needed to coordinate this response with various people as you are aware.

I am now in a position to answer the questions posed so please find below the questions raised by Netpol and the NPCC response to each. I hope this clarifies the position and I look forward to hearing from you in due course.

Question 1:

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

NPCC Response

The scale of a policing operation is dependent on several factors and decided upon by the commander with overall responsibility for the event. These include information such as the number of people who are believed to be attending a protest, any intelligence as to the risk of disorder or crime along with any sensitivities of the site although this is not an exhaustive list of factors. Commanders are trained and accredited by the College of Policing and must take into consideration the rights of those attending along with any wider public safety implications. Information and intelligence forms an integral part of the National Decision Model and is therefore a key aspect for commanders to consider pre, during and post any event.

Question 2:

In particular, what is the justification for the involvement of Counter-terrorism officers and the national Domestic Extremism and Disorder Intelligence Unit?

NPCC Response

'National Counter Terrorism Police Operations Centre (NCTPOC) provides support to police forces, their primary aim for policing demonstrations is to assist with the facilitation of lawful protest ensuring public safety. To help achieve this NCTPOC lawfully gathers information from a range of sources in order to have a better understanding of events and to help prevent lawful protest being undermined. As part of this process NCTPOC will report back in general terms on how events pass off, such as the scale, any incidents of note and speakers.'



Question 3:

Will NPCC conduct a privacy impact assessment of the deployment of body worn video (BWV) cameras at anti-fracking protests?

NPCC Response

No, the deployment of Body Worn Video (BWV) cameras at any policing event will be the decision of the policing commander in that force area. It is useful to note that BWV has a dual purpose of providing evidence in any criminal prosecutions and of protecting the rights and freedoms of protesters and officers.

Question 4:

Will the NPCC advise against deploying this technology at such protests in the interests of developing more positive relationships between protesters and police?

NPCC Response

The NPCC cannot advise individual forces against deploying this tactic. The deployment of BWV along with other evidence gathering capabilities is a tactic that can be deployed and therefore remains the decision for the operational policing commander within the force area. It is pertinent to note that BWV has a dual purpose as highlighted above and protesters often film protests with mobile telephones and other devices, for similar reasons.

Question 5:

Will the NPCC publish its policy on extracting information on social media in relation to anti-fracking protesters? In particular, will NPCC provide publically the NPCC Response to the two questions on page 19 of the report [4.7.4] ('What is actually required from social media research?' and 'what format will this product take to make it usable'?)?

NPCC Response

The NPCC does not hold a policy on extracting information from Social Media in relation to anti-fracking protesters. The two questions posed at 4.7.4 are relevant questions for policing commanders to consider when developing a policing response to an event to ensure intelligence collection is necessary, proportionate and legitimate to the circumstances they are facing. The necessity and scope of any intelligence collection plan is a question for the police force planning the policing operation

Question 6:

In spite of the welcome commitment within the guidance to honouring responsibilities under the Freedom of Information Act, the document lacks any indication whether the NPCC (and particularly NDEDIU) have a similar commitment to disclose personal data in a timely manner under the subject access provision of the Data Protection Act 1998. Will the NPCC include this in its guidance?

NPCC Response

The NPCC will appropriately respond to any request pursuant to section 7 of the Data Protection Act 1998, or any other requests, but there is no need for this to be set out in NPCC guidance. The NDEDIU (now NCTPOC) sits under a lead force arrangement with the Metropolitan Police Service (MPS). Any FOI & DP requests will be complied with under the relevant legislation by the MPS.

Question 7:

Bearing in mind the vast majority of protest and actions taken by protesters are entirely peaceful, will the NPCC give an undertaking that police forces have not and will not deploy undercover police officers in the context of anti-fracking?

NPCC Response

No. The operational decision to deploy any tactic, including covert tactics, is for the policing commander for the operation, taking into account the threat, harm and risk which the tactic is designed to meet and its proportionality to that threat, harm and risk.



Question 8:

Will the NPCC provide advice and clarification on the mechanisms by which Police Liaison teams are expected to intervene to encourage 'self-policing' and the 'self-policed' behaviours they are expected to influence?

NPCC Response

Police Liaison Teams are trained to work with organisers and groups before, during and post and event to establish and maintain dialogue in order to reduce any potential tension and the risk of disorder and conflict. It is difficult to list mechanisms of intervention as each event is different in its aims, structure and organisation. In general terms the PLTs are there to build trust and confidence, increase self-regulation with regard to criminal activity and enhance compliance with Human Rights Law.

Question 9:

In the interests of transparency, can the NPCC clarify the intelligence gathering role of the Police Liaison Teams at anti-fracking protests?

NPCC Response

The role of the Police Liaison Team is not to gather intelligence at any protest or event. The legitimacy of the PLT role is built centred on their ability to build trust and confidence, encourage self-regulation and enhance compliance with Human Rights Articles.

Whilst the PLT will not be tasked to gather intelligence by a police commander, they may be presented with intelligence during the course of events not unlike police officers going about their usual duty. On these occasions PLT's will submit intelligence as per their usual force procedure.

Question 10:

Will the NPCC clarify the extent to which they view protester' engagement with liaison policing as a voluntary, rather than a mandatory activity?

NPCC Response

Engagement with liaison policing is entirely voluntary and, in the United Kingdom, members of the police service police by consent. The aim of the Police Liaison Teams is to build trust and confidence, encourage self-regulation and enhance compliance with Human Rights law. The police service encourages dialogue and engagement between liaison teams and protesters to enable the police to meet their obligations. The benefits of early engagement with organisers and groups are clearly defined in the report produced by the Joint Committee in Human Rights and in the HIMC report, 'Adapting to Protests'.

Question 11:

If 'liaison policing' is seen as a voluntary option, how does the NPCC intend to advise police forces on how they accommodate the preference of those who do not wish to engage with Police Liaison Teams, both prior to and during anti-fracking protests?

NPCC Response

The deployment of Police Liaison officers enables the policing commander to understand the dynamics on the ground and provides a partnership approach to assessing the 'mood' at an event. Without this vital information policing commanders have to make operational decision on the use of tactics, based on what is being observed (which can be remotely) and fed back. The partnership approach of PLO and protester/organiser can influence the tactical decisions made by commanders by providing a real assessment of what is happening at an event.

Engagement with police liaison officers entirely voluntary, but I hope that you would encourage those who are reluctant to engage with police liaison officers to do so in the interests of peaceful protest and public safety.

Question 12:

Can the NPCC give positive assurance that any 'Statement on Intent' used by police forces will not attempt to coerce protesters into engagement with 'liaison policing'?

NPCC Response

Engagement with police liaison officers entirely voluntary and protesters will not be coerced into engagement, but I would hope that you would encourage engagement for the reasons set out above.



Question 13:

If protesters decide not to engage with Police Liaison Officers, how does the NPCC intend to ensure that the decision is not considered a trigger to apply differentiated or more 'robust' policing?

NPCC Response

As I have made clear, engagement with police liaison officers is entirely voluntary and there is no coercion. The fact that protesters have chosen not to engage with PLO's is not a trigger to deploy additional or alternative tactics but I would point out that the advantage of continuous partnership liaison means that two-way communication can take place between the policing commander and the people involved in the event. However, even if protesters decide not to engage with PLOs, this does not mean that PLOs are not able to provide important information to commanders about the level of tension within the event. They are therefore likely to be deployed even at events where non-engagement is believed to be likely.

I stress that continued engagement between police, industry and organisers enables a better understanding of the intentions of all those involved, the potential to find acceptable compromises as well as providing a no surprise approach to the event (on the part of police, industry and protesters). I would urge you to encourage engagement for this reason. This enables police to understand what action will be taken by supporters during the event and protesters to know in advance the police tactics that are likely to be used during the event. This is surely to everyone's benefit.

Question 14:

Will the NPCC provide further detail relating to the Guidance on the distinction between protest/activism/extremism and explain how and by whom these decisions will be made? Are, for example, these distinctions made locally, or by the NDEDIU?

NPCC Response

The primary aim in policing demonstrations is to facilitate lawful protest and to ensure public safety. To help achieve this, information is lawfully gathered from a range of sources so as to better understand events and to help prevent lawful protest being undermined.

It is not necessary for the NPCC to provide further guidance on the distinction between protest and activism.

The term 'extremism' has been defined by the Association of Chief Police Officers as 'individuals or groups whose activities go outside of the normal democratic process and engage in crime and disorder to further their campaign'. I am sure that you agree that this definition is fair."

Question 15:

Can the NPCC clarify what is meant by 'tailoring police response towards these different groups' and explain how policing will be differentiated on the basis of the categorisation of protesters?

NPCC Response

The sentence at 2.16 states that identifying and tailoring a police response towards different groups can have a positive effect and influence those at other levels in the model. In essence this statement attempts to highlight that by early engagement and by adopting a partnership process to facilitate an event, there can be a positive impact on minimising tension and the potential risk of disorder. The aim of the police is to facilitate lawful protest, maintain public safety and the human rights of protesters and of others, and to prevent crime and disorder. Those who commit crimes have no legitimate place in an otherwise lawful protest.

Question 16:

Will the NPCC confirm that communications with all protest groups will remain consistent, open and transparent and provide further advice about the mechanisms by which this will be achieved?

NPCC Response

It is the aim of the police service to be as transparent as possible and the development of Police Liaison Teams is a clear intention by the Police Service to work with protest groups in order to ensure our duties Under Article 11 of the European Convention on Human Rights are adhered to. The mechanism by which this is achieved is through the continuous partnership process and open dialogue with the police, self-regulation and the building of trust.



Question 17:

Can the NPCC provide more detail about the scope of recommended publication and an indicative list of documents likely to be published or disclosed under Freedom of Information legislation?

NPCC Response

Please see the NPCC Publication Scheme at <http://www.npcc.police.uk/FreedomofInformation/ACPOpublicationsFoI.aspx> and that of the MPS at <http://www.met.police.uk/foi/>.

Question 18:

Can the NPCC provide further information on the extent to which the oil and gas industry will a) contribute to or be briefed about police operational decision making, b) contribute to multi-agency/police media communications and c) be involved in the collection, dissemination or sharing of police intelligence data?

NPCC Response

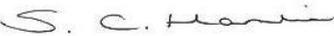
A) It is likely that the company or body affected by an event will be informed of the action. The policing commander will devise a policing response based on the information available to them and decisions on the use of tactics during the event will be a matter solely for the commander based on what they are being presented with by the group/event.

B) Any media and communications plan is a decision for local commanders involved in developing the policing response. It may be that Local Resilience Forums and partners will be involved in joint commutation's such as local authorities, highways agency etc.

C) There are strict regulations controlling the collection, dissemination and sharing of police intelligence data. Unless withholding intelligence would lead to a serious risk to life, police would not share information with other organisations. Any disclosure would be subject to strict controls and oversight.

If you have any queries with regard to the above then please contact my staff officer Chief Inspector Mike Britton by email at brittonm@norfolk.pnn.police.uk.

Yours sincerely,



Sarah Hamlin
Assistant Chief Constable, Norfolk Constabulary
National Public Order Working Group – Protests

Norfolk Constabulary
Jubilee House
Falconers Chase
Wymondham
Norfolk NR18 0WW

