



Protecting the Protectors

MONITORING THE POLICING
OF ANTI-FRACKING PROTESTS
SINCE 2014

CONTENTS

INTRODUCTION	3
ENGAGEMENT WITH CAMPAIGNERS	
Providing campaigners with civil rights information and training based on emerging police strategies	4
THE PLANNING OF POLICING OPERATIONS	
Police forces are actively preparing for anti-fracking protests	5
Protesters can expect continuing uncertainty about the policing operations they may face	6
Protesters may face a 'zero-tolerance' attitude to minor disruption	7
THE OPAQUE RELATIONSHIP BETWEEN THE POLICE AND THE OIL AND GAS INDUSTRY	8
CAMPAIGNERS UNDER SURVEILLANCE	
Surveillance using Police Liaison Officers and body-worn video	9
Targeting of campaigners by regional Counter-Terrorism Units	11
Using undercover officers against anti-fracking protest groups	13
A 'CHILLING EFFECT' ON THE FREEDOM TO PROTEST	14
THE NEXT PHASE OF NETPOL'S WORK	14
RESOURCES	15

Published by



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Earlham Grove
London E7 9AB

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Cover photo: Paul Rookes / Shutterstock.com

Netpol is funded by the Joseph Rowntree Reform Trust Ltd.

Protecting the Protectors

Netpol's campaigning work on the policing of anti-fracking protests since 2014

Netpol was funded by the Joseph Rowntree Reform Trust from 2014 to 2016 to engage with local campaign groups and to assist in the development of a national collective voice on the policing of anti-fracking protests.

Following the aggressive and sometimes unlawful policing observed in 2013 at both Barton Moss in Salford and at Balcombe in Sussex and its effect on both anti-fracking campaigners and their protests, Netpol aimed to

- Provide campaigners with civil rights information and training based on emerging police strategies
- Offer access to legal representation in pursuit of complaints about excessive policing.
- Produce analysis, briefings and reports for the media and decision-makers at a national, regional and local level on the implications of aggressive policing on the democratic rights of local communities opposed to extreme energy extraction.
- Provide new campaigners with information on the use of intrusive and intimidating police surveillance on individuals participating in protest, and on how this can be challenged.

This report summarises Netpol's activities, findings and analysis, in the context of the work we have undertaken on this issue since 2014. Drawing extensively on discussions with anti-fracking campaigners, as well as our own observations at prospective fracking sites, the report covers our

- Engagement with – and development of resources for - anti-fracking campaigners
- Concerns with the policing of anti-fracking demonstrations and camps
- The intrusive surveillance of anti-fracking campaigners; and
- The opaque relationship between the police and the fracking industry .

We argue that the way policing operations are planned for anti-fracking protests, the scale of intrusive surveillance against campaigners and 'zero tolerance' attitudes towards civil disobedience has a cumulative 'chilling effect' on freedoms of assembly and expression. With the imminence of new test drilling and exploration sites around the country, the report also outlines the next phase of our campaigning work between now and September 2018.

ENGAGEMENT WITH CAMPAIGNERS

In 2014 Netpol's priority was to build and strengthen links with local and national groups opposed to fracking and other forms of extreme energy extraction. Initially we focused on the aftermath of the protests at Barton Moss in Salford, which had attracted considerably less national media coverage than the previous year's events in Balcombe in Sussex. We spoke to local campaigners who had attended the Barton Moss camp and who experienced an aggressive policing operation from Greater Manchester Police, along with others including Manchester's Association of Trades Councils, who formally complained about the conduct of the police's specialist public order Tactical Aid Unit.

Netpol has met with anti-fracking groups from across the country at events over the last two years including the Northern Gas Gala near Blackpool in August 2014, and at the Reclaim The Power camps at Didcot in 2015 and in south Wales in 2016. We also met with campaigners who had been part of the eviction of the protest camp at Upton in Cheshire in January 2016 and visited the Horse Hill Protection Camp in Surrey in March 2016, documenting the policing operation and the concerns of the protesters there.

Providing campaigners with civil rights information and training based on emerging police strategies

In September 2014, we launched an online survey aimed at anti-fracking protesters, asking about their experiences of policing. As a result of the feedback received and a subsequent meeting with national anti-fracking organisations including Reclaim the Power and Frack Off, as well as solicitors from the Netpol Lawyers Group, in 2015 Netpol produced comprehensive guidance on a range of legal issues in a series of nine popular fact-sheets (available at netpol.org/resources/anti-frackers-guides) covering:



Anti-Frackers Guides produced by Netpol in April 2015



Protests at Balcombe in 2013.
PHOTO: sheilabythesea on
Flickr (CC BY-NC).

- Organising Online
- Organising Public Events
- Occupying Land
- Private Security
- Civil Trespass and Possession Orders
- Injunctions
- Common Criminal Offences
- Other Offences
- Sentencing on Conviction

Since the summer of 2014 Netpol has also worked with one of our members, Green & Black Cross (greenandblackcross.org), to deliver know-your-rights sessions and training for legal observers in Lancashire, Ellesmere Port (Merseyside), Derbyshire, Hull, West Sussex and Manchester.

THE PLANNING OF POLICING OPERATIONS

Police forces are actively preparing for anti-fracking protests

In December 2014, Netpol first published evidence that police forces around the country were anticipating and preparing for increased protests against fracking.

A reply to a Freedom of Information request submitted to the College of Policing confirmed that training for senior police officers (“Gold Commanders”) on public order strategy was taking place using a fictional anti-fracking protest scenario called ‘Operation Hamilton’. Training was based specifically on anti-fracking protest camps at Balcombe and Barton Moss.

Participants were asked how they would respond to potentially embarrassing media coverage showing police officers using tactics including painful ‘pressure point’ restraint techniques and “unauthorised officer actions/use of force”, as seen at Balcombe. From Barton Moss, the training drew directly on the now notorious ‘Flaregate’ incident, where a flare allegedly fired at a police helicopter provided the pretext for an extensive search of the anti-fracking camp. There remains, however, no evidence that this incident ever took place.

Protesters can expect continuing uncertainty about the policing operations they may face

It is evident that campaigners can expect a different reaction to protests from the police depending on where they live.

In the summer of 2015, the National Police Chiefs Council (NPCC) – the successor to the Association of Chief Police Officers – decided to issue national guidelines on the policing of anti-fracking protests. In response, Netpol published a detailed briefing to the NPCC setting out a series of questions that we felt were raised by this guidance. Almost a year later and after eventually taking our concerns directly to the NPCC Protest Conference in Derby in March 2016, the organisation representing chief constables finally provided some answers. Unfortunately, they offer campaigners little clarity. Instead, the NPCC repeatedly insisted in its response to us that 'commanders on the ground' should make the vast majority of operational decisions.

However, in significant areas – notably intelligence-gathering (see page 9) – regional and national counter-terrorism units have increasing influence on strategic and operational decisions.

As a result, predicting how police will determine the size and scale of local policing operations, whose cost and proportionality were concerns we had raised with the NPCC, remains extremely difficult.

In January 2016, Netpol attended the aftermath of the eviction of an anti-fracking protest camp in Upton in Cheshire, where 175 officers from three forces were deployed to evict a dozen protesters, at a cost of £200,000. Cheshire's Assistant Chief Constable, who led the operation, had previously been the senior Greater Manchester Police officer in charge at Barton Moss. The decision of drilling company IGas to pull out of the site, just weeks after the successful eviction, led to concerns about the cost and demands for the company to reimburse the police for the operation – which it has steadfastly refused to do.

There have been fewer questions, however, about how such a substantial policing operation was ever conducted. There were a relatively small number of



Police gather for eviction of Camp at Upton. PHOTO: Frack Free Dee Coalition



Protesters and police at Horse Hill in Surrey. PHOTO: Netpol

arrests and nine months after the eviction, all defendants who eventually made it to a trial found charges against them dismissed. A number of campaigners were subject during the policing operation to new anti-social behaviour dispersal powers, excluding them from a large area stretching for three miles on the outskirts of Chester. These restrictions were later overturned by solicitors who are part of the Netpol Lawyers Group.

We are currently gathering evidence about the alleged misuse of these dispersal powers against other campaigners in other parts of the country.

Protesters may face a 'zero-tolerance' attitude to minor disruption

In March 2016 Netpol attended a small protest camp near Gatwick Airport, at Horse Hill in Surrey. Campaigners we spoke to complained that the police had apparently decided to treat them all “like criminals”, even though their protest was causing no more than relatively minor inconvenience. They told us protestors had been pushed over by officers and that arrests had been unnecessarily aggressive – one man even had the beads cut from his hair when he was taken to a police station.

One Horse Hill campaigner described how he attempted to negotiate an agreement with police that would allow their protests to continue safely, as the average of five to six lorries arrived and departed throughout the day. However, an inspector told him the camp was not a ‘peaceful protest’ because campaigners had not applied in advance in writing.

Surrey Police seemed intent on completely disrupting any attempt at the kind of “slow-walking” tactics used successfully at other anti-fracking protests. Most arrests were for obstruction of the highway – a minor offence that gives police officers a considerable degree of discretionary power over whether to make an arrest. We witnessed an uncompromising attitude from officers who reacted aggressively as soon as protestors stepped into the road and heard of the uncertainty many felt about what actions might trigger an arrest. We also witnessed officers ignoring reckless driving by lorries entering the road to the



Defendants outside Redhill magistrates court after their acquittal. PHOTO: Netpol

drill site, often at speed. Several protesters said they had been struck by vehicles. When we asked Surrey Police for details of their traffic management plans, they refused to release them because they “also contain police tactics”.

In June 2016, nine defendants, arrested in January for obstructing the highway, were found not-guilty at a magistrates court trial. The district judge, who characterised the Horse Hill protest as “dignified and peaceful”, expressed concerns about the “deteriorating relationship between police and protesters”. He stated that the police “did not reach an accommodation to allow the protests to proceed in a manner that did not require arrests.”

One potential consequence of campaigners believing Surrey Police had absolutely no interest in protecting their right to protest by ‘slow-walking’ was an escalation of the use of direct action. At a subsequent trial, eight defendants who had been arrested in February 2016 were found guilty of locking onto a lorry making a deliver to the site.

THE OPAQUE RELATIONSHIP BETWEEN THE POLICE AND THE OIL AND GAS INDUSTRY

Netpol first raised questions in 2014 about the impartiality of policing operations and the close but increasingly opaque relationship between the police and the oil and gas industry. Details of ‘memoranda of understanding’ released to Netpol, following Freedom of Information requests in relation to protests at Balcombe and Barton Moss, have provided evidence of close collaboration and cooperation. In both instances, the police appeared to place their public relations departments at the disposal of the energy companies, which were allowed to lead on media communications.

However, further Freedom of Information requests have indicated an increasing reluctance by police to enter into formal ‘memoranda of understanding’ with the oil and gas industry. We suspect that one reason for this is a concern about subsequent obligations to publish them.

In 2015 Netpol questioned the National Police Chiefs Council about the extent of



'Police:protecting the profits in Gas pockets', campaigner at Barton Moss. PHOTO: Frack Free Greater Manchester

the industry's access to police operational decision-making, contributions to media strategy and cooperation on intelligence sharing. Once again, the response from the NPCC was evasive, insisting that this was "a matter solely for the commander" in charge of the local operation. It hinted that companies are likely to receive briefings but has avoided clarifying who will sit on the 'operation specific multi-agency communications groups' that were proposed in its 2015 guidance. Whilst the NPCC insists police will not share information with other organisations, there is – as yet – no transparency about how local police forces will make use of and retain intelligence, including video footage gathered by the oil and gas industry itself.

CAMPAIGNERS UNDER SURVEILLANCE

Over the last two years Netpol has highlighted a number of personal stories from anti-fracking campaigners who were targeted for surveillance, including the parents of one 20-year old in Lancashire and even one journalist who was simply covering their campaigns.

In some instances, this intelligence-gathering has involved unannounced and unwelcomed home visits to people identified as 'organisers'. One campaigner told Netpol that he had been visited by two detective constables from Cheshire Police who conducted what he described as an aggressive and intimidating interview in his home, demanding to know about local opposition to fracking and his involvement in it. At the time there was no anti-fracking group in Chester: the campaigner had written to his local paper about plans for an exploratory drill at Upton and attended a public meeting. However, he believed that he had been targeted because he had made several day trips to the Barton Moss protest in Salford, clearly suggesting that details of suspected anti-fracking campaigners are shared between police forces.

Surveillance using Police Liaison Officers and body-worn video

In its national guidelines on the policing of anti-fracking protests, the NPCC provides considerable guidance on surveillance tactics, which make it clear that sophisticated and advanced intelligence-gathering is central to the police's



Lancashire Police Liaison Officers challenged outside Cuadrilla office in Blackpool. PHOTO: Janie Mac

planning. It adds that such protests required “the most comprehensive assessment of threat and risk” – presumably not only of disorder but also of disruption to the oil and gas industry. This assessment includes the potential collection of personal information of a large number of people and tools to build profiles on potential ‘targets’.

Netpol has raised two particular concerns with the NPCC about surveillance tactics at protest camps: the use of body-worn video by an increasing number of officers and the deployment of Police Liaison Officers. Both relate to the privacy of campaigners in the specific circumstances of protest camps that might continue for days or even weeks.

While the deployment of Police Liaison Officers (PLOs) – the officers wearing blue bibs – is ostensibly to liaise with protesters and thus “facilitate protest”, they have a well-documented role in intelligence gathering at protests. This is a particular issue when protesters are living for an extended period at a protest camp. Where PLOs who are present constantly seek to “chat”, ask questions and ‘fish’ for information, they are often in such close proximity that they can overhear conversations between protesters. PLOs are also deployed irrespective of whether protest organisers wish to them to do so and there seems no easy way to ask them to leave.

Police commanders rely heavily on PLOs precisely because of their role as intelligence-gatherers. Since PLOs were introduced in 2011, the police have repeatedly denied this but thanks in large part to Netpol’s research into and exposure of police liaison training, senior officers now publicly accept that while PLOs are “not tasked to gather intelligence by a police commander”, they “may be presented with intelligence during the course of events”.

There are similar concerns over video cameras worn by individual officers, known as body-worn video (BWV), that also raises particular privacy issues for camps where protesters are subject to intensive policing for long periods of time. The technology enables police intelligence-gatherers mingling with



Nottinghamshire Police wearing body-worn video cameras at a protest in 2016
PHOTO: Netpol

protesters to obtain images and record audio in situations that most people would reasonably describe as 'private'. This includes not only any interactions with individual officers, but potentially images of protesters cooking meals, talking to each other, or engaged in other activities that are a routine part of camp life.

This type of surveillance allows police to establish family relationships, friendship groups and identify different people's roles. It also enables the police to monitor the movements of campaigners and visitors to and from a camp or protest site, and record their vehicle details. They will, in all likelihood, photograph children. Images gathered not only document individuals' presence at a camp, but through their retention on facial recognition databases provide even more intelligence data on people undertaking perfectly lawful activities.

In our briefing to the NPCC, Netpol warned that the use of BWV was "unjustified, and a violation of democratic rights in the context of political protest, with the potential to significantly undermine relations between police and protesters". Regrettably the NPCC has refused to even conduct a privacy impact assessment on its deployment, insisting once more that this remains "the decision for the operational policing commander within the force area".

Targeting of campaigners by regional Counter-Terrorism Units

In some cases, however, Netpol has found that surveillance is undertaken by officers who are part of regional Counter Terrorism Units and directly linked to the government's anti-terrorism 'Prevent' strategy. These cases suggest that opposition to fracking is increasingly linked to so-called 'domestic extremism'.

In 2015 we reported on visits by police to the family home of a young anti-fracking activist who took part in protests against Raithlin Energy's shale gas exploration well at Crawberry Hill. On two occasions, 'Prevent Team' officers from Lancashire Police arrived unannounced at his mother's home in Blackburn and tried to question her about whether she had seen or spoken to her son, who no longer lived at the address. When she asked why the police were



Officers from Cheshire Police record number plates of vehicles arriving for a protest in Upton. PHOTO: Netpol

investigating him, she was told they “just wanted to make sure he knew what kind of people he was involved with, as they are extremists”.

We were later contacted by anti-fracking activists from the north-west of England who were angered that they had been unexpectedly labelled as at risk of influence from “non-violent extremism” and had been referred to Prevent's 'counter-radicalisation' programme, known as 'Channel'. In most cases these referrals to the Channel programme appear to have been made by staff in universities or further education colleges because of individuals' involvement in campaigning. All related to adults rather than children or teenagers allegedly 'at risk of radicalisation', which is supposedly Channel's main focus.

Netpol also received an audio recording made by a participant at a Workshop to Raise Awareness of Prevent (WRAP) training event held by police in the north-west region. These sessions are held for staff in public sector bodies who all now have a 'statutory duty' to prevent people from becoming “drawn into terrorism”. The recording provides concrete evidence that counter-terrorism officers in the region were making unfounded allegations linking legitimate campaigning to terrorism and 'domestic extremism'. A police officer can be heard citing anti-fracking as an issue of concern on the basis of alleged incidents of “assaults of workers” (apparently based on a single unfounded accusation at Barton Moss that led to no criminal charges) and of “damaging equipment”. Workshop attendees were encouraged to keep an eye on anti-fracking activists as potential 'extremist' threats.

As a result, Netpol submitted Freedom of Information requests to five police forces in the north-west, asking for the number of referrals to “Channel” and a copy of the training materials used in their WRAP sessions. All five refused to provide this information, on the ground of national security – even though we asked for anonymised data and thousands of people have attended the training. After months seeking internal reviews from the five forces, this matter is now the subject of an ongoing investigation by the Information Commissioner.



Campaigning 'Nanas' from Frack Free Lancashire at a protest in Blackpool.
PHOTO: Netpol

Using undercover officers against anti-fracking protest groups

Netpol's research has shown that alongside local and regional intelligence, the National Counter Terrorism Police Operations Centre (NCTPOC), a nationwide unit concerned with so-called 'domestic extremism', plays an influential role in preparations for policing local opposition to fracking. Our concern is that the NCTPOC is the latest incarnation of the covert policing unit that since 1999 has deployed undercover officers against political, environmental and other protest movements - and is currently the subject of the three-year long independent public inquiry, chaired by Lord Justice Pitchford, into their many abuses.

This history of covert surveillance targeting environmental groups means it is particularly alarming that the NPCC refuses to rule out the deployment of undercover officers against the anti-fracking movement, insisting "any tactic, including covert tactics, is for the policing commander for the operation". The NPCC continues to assert that dedicated counter-terrorism officers are necessary to "better understand events" and to "help prevent lawful protest being undermined". It also describes as "fair" a definition of the 'extremism' used by the NCTPOC (see left) that Netpol considers is so broad and unworkable that a great many campaigners could find themselves a target of surveillance.

"Individuals or groups whose activities go outside the normal democratic process and engage in crime and disorder to further their campaigns".

NPCC definition of 'extremism' in 2016

'Engaging in crime' could potentially apply to any disruption or interference to others by, for example, temporarily blocking a road. "Outside the normal democratic process" could mean setting up a protest camp instead of simply writing to a local MP. The NPCC does not say where the boundaries lie. All it has confirmed is that counter-terrorism officers will report back "any incidents of note or speakers", suggesting that anyone taking a public role in a campaign as an "organiser", or who has had a history of involvement in direct action, could face targeting for further surveillance or even the attention of an undercover officer.

A 'CHILLING EFFECT' ON THE FREEDOM TO PROTEST

On the basis of our research and analysis Netpol believes that large-scale, unpredictable policing operations, involving intrusive surveillance, the threat of covert infiltration and a 'zero tolerance' approach to civil disobedience, poses a significant risk of gradually undermining the right to protest by the nationwide network of local groups opposed to fracking.

Gathering information by routinely filming or photographing individuals, targeting surveillance at prominent campaigners and searching and documenting their online discussions on social media is more hostile and divisive to the "normal democratic process" than any alleged 'extremist threat' and is wholly disproportionate.

When coupled with an unfounded association with serious criminality and 'extremism' and an unwillingness by police to accommodate protests without routinely making arrests, this can start to quickly chip away at campaign groups' support and participation and have a disruptive impact on their effectiveness and activities.

THE NEXT PHASE OF NETPOL'S WORK

Over the past two years, Netpol has documented how current policing tactics have aimed to undermine the right to protest, disrupt and deter campaigners and place them under intensive surveillance.

To continue to challenge this approach to the policing of anti-fracking protests and with further funding from the Joseph Rowntree Reform Trust until 2018, Netpol's new project 'Protecting the Protectors' will enable us to lobby for a new consensus on policing at future protests. We want to see policing operations that are genuinely less intimidating in their size, less aggressive in their tactics and more transparent in their dealings with industry and the media.

As the NPCC insists repeatedly that most strategic decisions must take place at a individual force level, Netpol will work with local anti-fracking groups to encourage them to lobby their elected Police and Crime Commissioners, instead of negotiating directly with the police. The problem with such negotiations, when they take place, is that they rarely influence strategic decisions and invariably focus exclusively on protesters' conduct. There are seldom any commitments from the police on the steps they will take to genuinely protect the right to protest.

Netpol is urging Police and Crime Commissioners to draw up local plans that offer a clear set of minimum standards and expectations about the policing of protests and that cover all the key contentious areas highlighted in this report. They should include the scale of policing operations, policy on the use of force, and on surveillance and intelligence gathering and data sharing, as well as the relationship with fracking companies. Police forces should explain in detail how they will positively protect the right to freedom of assembly and how they will plan to avoid prioritising the interests of the oil and gas industry over the rights of campaigners.

RESOURCES

2016

How transparent is the policing of anti-fracking protests?

<https://netpol.org/2016/09/22/policing-transparency-protests-fracking/>

Is dialogue with Police Liaison Officers really 'voluntary'?

<https://netpol.org/2016/09/06/liaison-voluntary-dialogue/>

Police chiefs reject body-worn video camera privacy concerns

<https://netpol.org/2016/08/22/privacy-body-worn-video/>

Police refuse to rule out using undercover officers at anti-fracking protests

<https://netpol.org/2016/08/17/npsc-extremism-spycops/>

Victory for Horse Hill defendants but no definitive ruling on 'slow-walking' tactic

<https://netpol.org/2016/06/22/horse-hill-verdicts/>

Netpol calls for assurances on protecting right to protest against fracking in North Yorkshire

<https://netpol.org/2016/05/24/north-yorkshire-fracking-protests/>

Police and Crime Commissioners must listen to local anti-fracking campaigners on rights to protest

<https://netpol.org/2016/04/28/police-crime-commissioners/>

Policing anti-fracking protests: what we told police chiefs

<https://netpol.org/2016/03/17/policing-anti-fracking-protests-what-we-told-police-chiefs/>

Anti-fracking activists in battle of nerves with Surrey Police

<https://netpol.org/2016/03/09/horse-hill-anti-fracking/>

Netpol to demand answers on anti-fracking protests at police chiefs' conference

<https://netpol.org/2016/03/04/netpol-to-demand-answers-on-anti-fracking-protests-at-police-chiefs-conference/>

New report recommends public inquiry into policing of Barton Moss protest

<https://netpol.org/2016/02/23/barton-moss-protest-report-2016/>

Ruling raises more questions about conduct of Greater Manchester Police's Tactical Aid Unit

<https://netpol.org/2016/01/26/ruling-raises-more-questions-about-conduct-of-greater-manchester-polices-tactical-aid-unit/>

Cheshire Police issue restrictive dispersal orders to Upton anti-fracking protesters

<https://netpol.org/2016/01/15/section-35-upton-fracking-camp/>

2015

Is Prevent the least transparent public programme in Britain?

<https://netpol.org/2015/12/14/no-transparency-prevent/>

Eighteen urgent questions on policing of anti-fracking protest

<https://netpol.org/2015/09/07/eighteen-questions/>

Police chiefs issue guide to policing anti-fracking protests

<https://netpol.org/2015/08/13/police-chiefs-issue-guide-to-policing-anti-fracking-protests/>

Netpol launches new guides for anti-fracking campaigners on policing and the law

<https://netpol.org/2015/04/30/anti-fracking-guides/>

Why are counter-terrorism police treating fracking opponents as 'extremists'?

<https://netpol.org/2015/04/09/prevent-fracking-extremism/>

2014

Senior public order police commanders train for future anti-fracking protests

<https://netpol.org/2014/12/16/gold-command-training-fracking/>

A guide to asking fracking companies for your personal data

<https://netpol.org/2014/12/09/fracking-private-security-sar/>

Counter-terrorism police visit journalist at home over fracking film

<https://netpol.org/2014/11/10/ninas-story/>

Manchester protest panel report 'a significant missed opportunity'

<https://netpol.org/2014/10/27/gmpcc-protest-panel-report/>

Manchester trade unions call for urgent review of specialist public order unit

<https://netpol.org/2014/08/06/gmatuc-gmp-review-tau/>

Police and fracking companies – in each other's pockets?

<https://netpol.org/2014/08/05/police-fracking-collusion/>

Review reveals Police Liaison Officers played 'pivotal role' in Balcombe protest intelligence gathering

<https://netpol.org/2014/06/17/police-liaison-intelligence-balcombe/>

Policing Balcombe: a test of future police tactics?

<https://netpol.org/2014/05/13/policing-balcombe-part-2/>

Policing Balcombe: was operation designed to deter protesters?

<https://netpol.org/2014/05/13/policing-balcombe-part-1/>

Upton Community Protection Camp prior to its eviction.
PHOTO: Vertigogen on Flickr
(CC BY-NC).



Netpol is a collective of activists, campaigners, lawyers and researchers, working together to challenge disproportionate policing of protests and of communities. We are funded by the Joseph Rowntree Reform Trust to engage with local and national anti-fracking campaign groups to assist in the development of a national collective voice on the policing of protests against fracking.

This report summarises some of the activities we have undertaken between 2014 and 2016, our engagement with campaigners, what we have learnt so far about the policing of anti-fracking protests and the next phase of our campaigning work.