STRATEGIC REVIEW

OPERATION OASIS
(CAMP FOR CLIMATE CHANGE)

KINGSNORTH POWER STATION, KENT

FINAL REPORT

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Superintendent David Hartley – South Yorkshire Police

South Yorkshire
POLICE

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1 INTRODUCTION

1.1 Purpose of the Report

1.1.1   In April 2008 intelligence was received that a Camp for Climate Change would take place in Kent during late July and August. Between 28th July 2008 and 12th August 2008, a disparate group of individuals, collectively known as the 'Camp for Climate Action', directed their 'pro-environmental' activities towards Kingsnorth Power Station, on the Hoo Peninsula, Kent. The selection of this venue was triggered by the intention of E.ON (power generation company) to construct a coal-fired power station on this site. In addition to lawful protest activity, it became known that some of the group planned to disrupt, and ultimately close the power station.

1.1.2   Kent Police, in response to the intentions of this group, planned and implemented an operation (Oasis), which was designed primarily to ensure public safety and prevent unlawful activity. Operation Oasis involved the deployment of many officers from all over the UK together with interaction with other agencies and organisations.

1.1.3   Following a structured National Police Improvement Agency (NPIA) debrief of the operation, Chief Constable Fuller, in consultation with the National Police Improvement Agency and the Association of Chief Police Officers (ACPO), commissioned a strategic review of Operation Oasis. This was in order that lessons can be learned with a view to improving future police activity in relation to similar incidents from enhanced national best practice. The review identifies areas which could be improved upon, but in addition, highlights good practice.

1.2 TERMS OF REFERENCE

1.2.1   The terms of reference for this review were agreed by CC Fuller, The Kent Police Authority and ACC Holt and are listed at Appendix A

1.3   THE POLICE ADVISORS

1.3.1   The authors of this report are Andy Holt, a Police Assistant Chief Constable and David Hartley, a Police Superintendent, both with the South Yorkshire Police.

1.3.2   ACC Holt is an experienced and accredited Advanced Public Order and Firearms Gold Commander. He has commanded public order incidents throughout his service at all levels and has recently been the Gold Commander for the policing of public disorder and protest in South Yorkshire. He is also the ACPO lead on football and sits on the ACPO Public Order and Public Safety Steering Group.

1.3.3   Superintendent Hartley is an experienced trained and accredited commander:

Gold   –   Critical Incident Command
Silver -   APOC Public Order command
Silver -   Firearms Commander & Firearms Specialist Cadre Commander
Silver -   Critical Incident Command
Silver -   CBRN Command
Hostage Negotiator Coordinator

1.3.4   Superintendent Hartley has commanded several police operations within South Yorkshire relating to the protest groups targeting the motorway widening operation and expansion at Doncaster Airport. Superintendent Hartley commanded the police operation at the island site at the power station - Drax, North Yorkshire over 10 days of Camp for Climate Action in August 2006.

1.3.5   Superintendent Hartley has been an operationally competent commander throughout his service as a PSU Sergeant, PSU Commander, IPOC qualified Bronze commander before becoming an APOC Silver commander. He also supports national firearms Silver command training as the operationally competent Silver commander.

1.3.6   Superintendent Hartley has Silver commanded within the last 12 month period (2008/09): 21 Firearms Incidents, 5 Specialist Cadre Firearms incidents, 16 public order/critical   incidents,   10   Football   matches   and   4   Sieges.

2   EXECUTIVE SUMMARY

2.1   From 28 July 2008 – 12 August 2008, Kent Police were faced with the challenge of policing an environmental protest that targeted the Kingsnorth Power Station on the Hoo Peninsular in Kent. The operation to police the protest was in the main successful, but led to a number of complaints in regard to the tactics employed, particularly in respect of the deployment of stop and search powers.

2.2   In compiling this report, the review team has reached findings based on the documentary/digital evidence made available to them. They have also relied on their own experience in the command of protest/public order operations and the training of command under Conflict Management Model (CMM) structures in conjunction with the National Police improvement Agency (NPIA). The findings address the Terms of Reference set by Chief Constable Fuller. Together with the resultant recommendations they provide organisational learning, for potential changes in practice and policy as well as good practice for dissemination.

2.2   <u>Overall Outcome</u>

Post event summary sees a largely successful outcome, in that the 6 Gold strategic objectives were met:

- The Protection of Life
- The Prevention of Crime and Disorder
- The Facilitation of Lawful Protest
- The Investigation of Criminality, dealing proportionately and fairly with offenders and securing the best evidence for any prosecutions
- To minimise disruption to the local community and to provide reassurance more generally
- To ensure a swift return to normality

The key issue from this operation is the scale and proportionality of the police approach and tactics to achieve the above outcome.

2.3   <u>Summary of Good Practice</u>

- Serving Environmental constraints on protestors

- Models of health and safety risk assessment
- 5 shift pattern for similar scale deployments
- Community Engagement approach
- Officer posted to PNICC at the earliest opportunity
- Overall approach to logistical management
- Portfolio based policies to support (Custody/Crime/Marine)
- Kent mobilisation guidance
- Kent visiting force information pack
- Traffic Management plan to deny use of hire vehicles
- Use of force negotiators to structure protestor liaison
- Table top exercises to test resourcing and contingencies
- Advance familiarisation and site visits
- Multiple Scheduled Intelligence updates per day
- Private security to maintain integrity of RV Point / Forward Holding Area

2.4   How the balance of protecting the public, the prevention of crime and the right to protest was managed & the appropriateness of the use of Police Powers

Kent police achieved the fulfilment of all Gold objectives, no significant incursion to the island site was made (by land or water), no interruption to power supply was experienced, no serious injury or harm was caused to protestor, police or public and the lawful protest by means of march and assembly was permitted and accommodated. The impact of the operation on local communities was minimised, but simply due to the scale of the operation still remained significant.

The wide scale deployment of stop and search tactics was both disproportionate and counter productive. The ineffective translation of Gold Policy with regard to this issue into practical delivery illustrates the risk that stems from an absence of a tactical plan and a demonstrable lack of strategic clarity. The rationale and reasoning for this is explored in detail in 5.2.4

2.5   The proportionality of the police response in relation to the deployment of resources & the use of 'Mutual Aid'.

From the outset this operation was resourced bottom up from an established resource baseline defined by a judgement made in the planning unit not based upon CMM identified threat and risk defining the tactical challenges for mitigation (top down).

Accordingly in the absence of a full CMM assessment made at the time of resourcing to review and comment upon, it is difficult to give an informed view regarding the justification and appropriateness of the scale of resourcing for Operation Oasis. A detailed CMM

assessment would have provided a more accurate forecast of the resources required and may have enabled fewer resources to achieve the same outcomes.

2.6   The quality of decision making within each of the command levels.

For the Gold Commander training to the standard of APOC Gold would undoubtedly best support future strategic management of incidents and remove some of the issues raised in 5.1.3 and 5.2.3. Gold would have been better engaged in proactively endorsing proposed activity rather than reactively supporting action already taken.

With regard to the Silver Commander – An early decision was made to delegate some silver function of tactical plan definition to the Bronzes commanders to allow them freedom to consider threat/risk and associated tactical options.   The consequence of this was detrimental to the whole operation and is explored in 5.1.5 & 5.1.4.1, the consequences being:

- An absence of prioritised overarching threat and risk assessment
- An absence of a silver tactical plan
- A lack of clarity in relation to silver requirements at briefing relating to search

This is not seen as a good practice and command protocols in line with Keeping the Peace guidance are strongly recommended. Essex Police made a thorough and incisive peer assessment in the planning stage raising in advance many of the issues alluded to in this report. It would appear that opportunities have been missed from that assessment.

2.7   The management of both overt and covert intelligence.

Both the overt and covert intelligence feed was managed professionally and effectively to inform Silver. The use of intelligence unit staff to provide updates at each operational briefing is seen as good practice. Scheduled production of intelligence assessment summary is seen as good practice and could be enhanced further by means of this product feeding a similarly scheduled CMM review.

2.8   Interaction with E.ON.

The policy of not aligning relationships with E.ON too closely to ensure that impartiality was not jeopardised caused some problems during the initial planning phase. The review identifies instances where a closer relationship would have been an aid to developing a successful plan and does not hold the view that the impartiality or integrity of the force would be jeopardised by such a relationship.

Recommendations:

1. **NPIA Commission work to capture good practice from Operation Oasis and from Camp for Climate Action (The Met 2007/North Yorks 2006) and compile into a manual of guidance to assist in the policing of similar events**

2. **Kent Police adopt formal CMM assessments to define resources required to mitigate assessed threat under an auditable process for future operations.**

3. **That Kent Police adopts the command protocols outlined in Keeping the Peace, particularly with respect to the use of a Silver Tactical Plan.**

4. **That Kent Police reviews its command training and accreditation, (key focus being to assess if grandparenting rights satisfy the technical knowledge to support IPOC/APOC command function).**

5. **That Kent Police explores the option of CMM becoming the adopted decision recording tool supported by the use of digital recorders by commanders.**

6. **That Kent Police explore the value of viewing an example of an advanced CMM assessment for protest to compare and contrast with those produced internally.**

7. **That consideration be given to exploring the possibility of introducing new legislation that would allow a senior officer, on receipt of intelligence that wide spread acts of criminal damage was likely, to authorise stop and search. This legislation could be broadly similar to that outlined in Section 60 of the Criminal Justice and Public Order Act 1994.**

3.   BACKGROUND (to the event)

3.1   In April 2008 intelligence was received that a Camp for Climate Change would take place in Kent during late July and August. Between 28th July 2008 and 12th August 2008, a disparate group of individuals, collectively known as the 'Camp for Climate Action', directed their 'pro-environmental' activities towards Kingsnorth Power Station, on the Hoo Peninsula, Kent. The selection of this venue was triggered by the intention of E.ON (power generation company) to construct a coal-fired power station on this site. In addition to lawful protest activity, it became known that some of the group planned to disrupt, and ultimately close the power station.

3.2   Camp for Climate Change has become an annual event, and in recent years has seen the camp focus upon Drax Power Station (North Yorkshire 2006) and Heathrow Airport (Metropolitan Police 2007). The event attracts attendees from the local communities and from the protestor communities across Great Britain and Europe. The camp has also become the focus of direct action protest groups.

3.3   Kent Police, in response to the intentions of this group, planned and implemented an operation (Oasis), which was designed primarily to ensure public safety and prevent unlawful activity. Operation Oasis involved the deployment of many officers from all over the UK together with interaction with other agencies and organisations.

4 METHODOLOGY OF THE REVIEW

4.1 A small team of police officers and police staff led by Assistant Chief Constable Holt (South Yorkshire Police) conducted the review. In preparing this report, the review team has been provided comprehensive support and access to documents and staff. All relevant planning and command material was indexed and supplied to the team by Kent and remains available. This material was used to produce a file of key reference material which supported a two day visit to Kent where a visit to Kingsnorth Power station, the camp and forward holding areas was made, followed by focus groups meetings of Gold, Silver, Bronze commanders and staff.

4.2 It is important to state that in reviewing these documents and material the team has had not only the benefit of hindsight but also of repeated viewing and reading of all the available information and material. This combined with the luxury of time to consider, evaluate and draw conclusions on the actions and reactions of police officers, both staff and commanders, during the operation. **The responsibility, however, for the accuracy and content of this strategic review lies entirely with the review team.**

4.3 With a key desire of this review being to identify good practice for national use and also lessons learned to develop the approach for future, it will be seen that good practice is identified and quoted without expending huge energy recounting how that good practice looks (as it stands effective in its own right). More energy is invested in areas where lessons can be learned as the rationale will be of more interest to the reader to establish what happened in practice and what the rationale is to make comment for learning and development in the future. It is important to bear this in mind whist reading this review as it may feel heavily focussed on areas for development, which is a natural consequence of seeking the best learning.
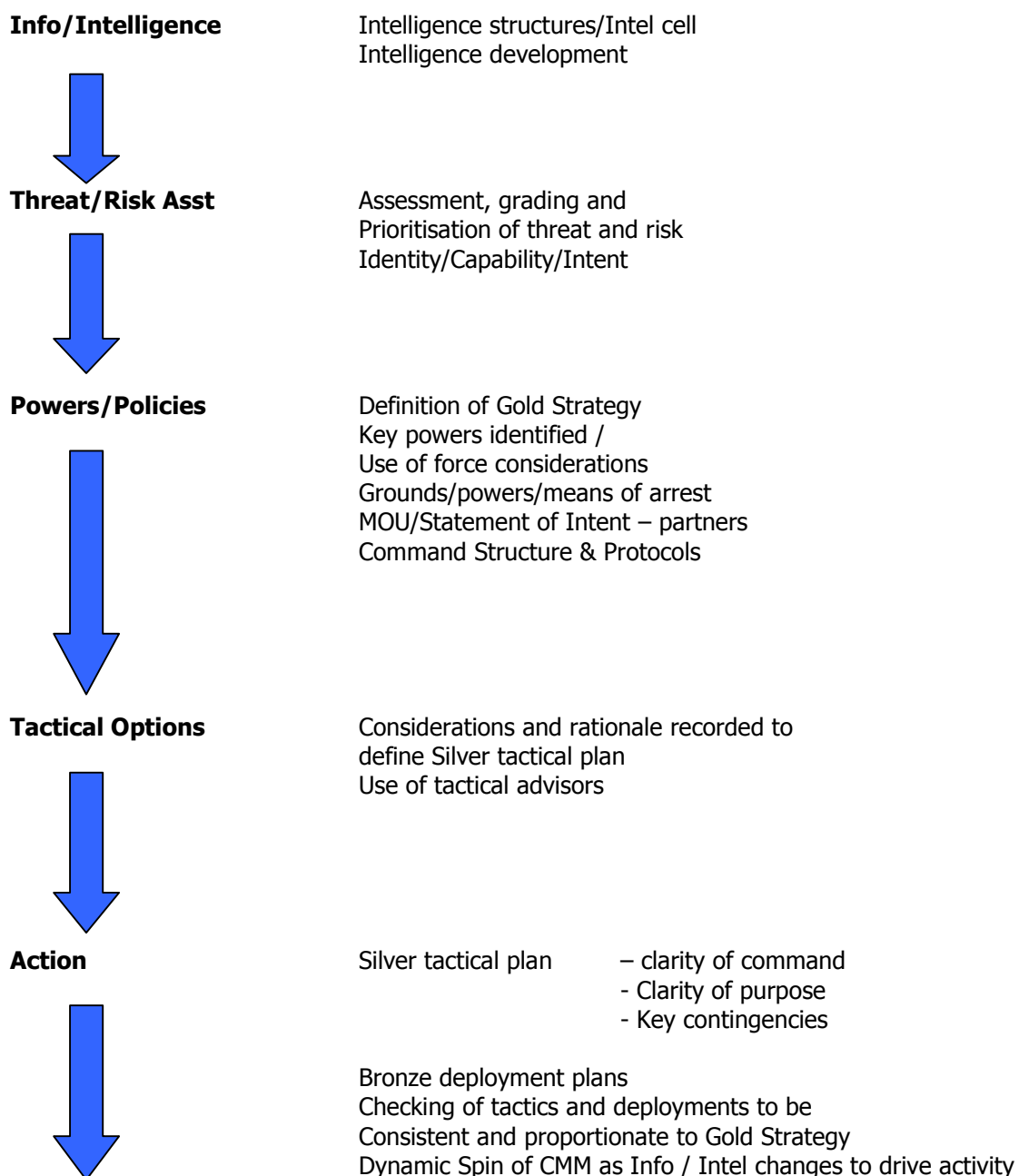
4.4 Review in Phases

The review of Operation Oasis was conducted in three phases:

1. **Pre Protest (Advance planning-Prioritised Risk Assessment – Gold Strategy through to the definition of Silver tactical plan)**
2. **Activation Phase (During Protest – dynamic use of CMM to define proportionate deployments)**
3. **Post Protest (media and return to normality)**

4.5   The Conflict Management Model (CMM) is used as the framework process to test each of the phases, as it is recommended in the ACPO Manual of Guidance "Keeping the Peace":

' The Conflict Management Model can be applied equally to spontaneous or pre-planned events. It is designed to assist with the resolution of conflict, whether by individual officers or through the deployment of large numbers of personnel and resources. The model is also adopted by the ACPO Personal Safety Manual and the ACPO Manual of Guidance on the Police Use of Firearms. Audit trail/Policy documents should include reference to The Strategic Crime and Disorder Model, The Disorder Model and The Conflict Management Model, in order to provide the supporting rationale for any decision made or action taken'

CMM Review:

Info/Intelligence   Intelligence structures/Intel cell
                               Intelligence development

Threat/Risk Asst   Assessment, grading and
                               Prioritisation of threat and risk
                               Identity/Capability/Intent

Powers/Policies   Definition of Gold Strategy
                               Key powers identified /
                               Use of force considerations
                               Grounds/powers/means of arrest
                               MOU/Statement of Intent – partners
                               Command Structure & Protocols

Tactical Options   Considerations and rationale recorded to
                               define Silver tactical plan
                               Use of tactical advisors

Action   Silver tactical plan   – clarity of command
                                                           - Clarity of purpose
                                                           - Key contingencies

                               Bronze deployment plans
                               Checking of tactics and deployments to be
                               Consistent and proportionate to Gold Strategy
                               Dynamic Spin of CMM as Info / Intel changes to drive activity

5 FINDINGS - REVIEW OF PHASES

5.1 Pre Protest (Advance planning) Phase

The following review follows the structure of the Conflict Management Model (CMM) and refers only to activity in the advance planning phase prior to the activation of the operation.

5.1.1 Information/Intelligence

The overall gathering of information and intelligence in the lead up to the activation phase is well resourced and the process appears strong, with demonstrable activity in the following areas:

- Links with protestors
- Scrutiny group
- NPOIU
- NPIA
- Environmental scanning
- Multi-agency interaction
- Community intelligence
- Covert & Overt source use
- Regular up-dates to Silver/Bronze
- Weekly planning meetings refreshing info/intel

Other information is also gleaned from:

- Learning from NPOIU / The Met / North Yorks (Previous Climate Camps)
- Strong liaison with E.ON
- Community work and site surveys (full time team)
- Interaction with HSE
- Officer placement within PNICC

The collation and dissemination of information/Intelligence appears to be strong, being formally tied into weekly Silver/Bronze planning and update meetings.

The scale of this operation and the importance of dynamic, focussed and graded intelligence giving clarity of position between fact and assumption to drive threat assessment and hence tactical considerations are key.

For CMM to be applied effectively to identify the necessary tactics to mitigate recognised threat, a number of stages must be worked through:

1. Information/Intelligence
2. Threat and Risk assessment
3. Policy/Powers
4. Tactical Options
5. Decided action

The first stage is receiving information (with clarity of where it sits between fact and assumption) and also information processed into intelligence and the grade attached to it. The grading and differential of fact and assumption is vital to inform the next stage.

The second stage is to review all the information/intelligence and apply a threat and risk assessment. This will produce a prioritised and detailed breakdown of all elements exposed to some form of threat and the likely risk of that threat being realised.

The third stage is the consideration of policy/powers relevant to the risk identified. This stage will also include the definition of Gold Strategy, which will be based on the outcome of the threat and risk assessment.

It seems clear that this was not fully recognised by the intelligence development team (Intel Cell), as whilst the collation of information is significant, its translation and filtering into key graded and prioritised information and intelligence is not so apparent. Information, when processed into intelligence, is frequently referred to without grading or clarity of where information sits between fact and assumption

Gold strategy appears to be set at the information/intelligence stage; hence prior to any assessment of threat and risk to prioritise policing purpose and focus. As a result it is difficult to recognise a demonstrable link between Gold overarching strategy and the drive of the intelligence requirement to inform tactics to mitigate the threat and risk.

5.1.2 Threat Assessment

Silver makes an early multi-dimensional threat and risk assessment and lists in non-prioritised order the full list of elements exposed to threat. This then translates into broad group headings with high/medium/low grading to give a broad feeling for the risk element of each of the threats.

Accordingly some acknowledgement of the broad threat and risk is made, however final clarity of detailed and prioritised risk, is not presented in a hierarchical order, hence a schedule of prioritised risks for mitigation has not been seen. A list of potential activity, which may mitigate some threats, is listed. This is not precise and cross referenced to the earlier gradings. Its drive of subsequent business is unclear.

The record of the weekly silver/bronze planning meetings shows that threat is considered throughout the planning phase. The meeting records do not show considerations structured under CMM and no clear prioritisation of mitigating risk is seen. The threat assessment produced appears to be driven by portfolio holders (Geographic/functional bronzes or planners) and the threat pertinent to them considered in isolation. No overall prioritisation of threat and risk with detail, refinement and sufficient maturity to drive a tactical plan for mitigation of associated threat has been seen.

This does not finalise sufficient detail to provide a base to begin considering the powers, policies and tactical options for the operation.

5.1.3 Policy / Powers

Gold Strategy is defined prior to any threat or risk assessment.

Gold Strategy throughout the operation remains unchanged as six (almost generic) bullet pointed objectives under a strategic intent narrative. Gold provides a developing rationale in the 12 version updates as a narrative below the strategy. The clarity of strategic command and priority has to be researched and studied through the supporting narrative to seek clarity. Gold raises many valid issues for consideration and highlights that these should be

considered by Silver without clear review or change to Gold strategic objectives. Key changes articulated in narrative review (such as keeping the power station operating 28/7/08) are not translated into the summary bulleted objectives.

Later in the planning phase and activation phase this is seen to translate into some mixed understanding of strategic priority – Silver presents the in Essex peer review that the maintenance of force performance is a critical success factor, on briefing one Bronze commander presents that keeping the power station open is Gold priority, whilst on other briefings the 6 bullet points of protection of life, prevention of crime and disorder..etc are presented as strategic priority without any reference to changes made in the Gold narrative.

Use of APOC Gold principles of narrative specific to each strategic priority are recommended to provide ease of understanding for staff and clarity of command.

Gold strategy is minuted in the Silver/Bronze meeting of 15th May 2008 and comments sought. No subsequent planning meeting features Gold strategy as a driver for business.

The planning meetings show little coordinated consideration of policy/powers, portfolio heads raise powers pertinent to their domain and raise their own strategies to define streams of work.

Silver presents a pack of typed policy decisions relating to a number of areas of business - planning team TOR, Cancellation of rest days, Information Mgt, custody Mgt, Media Mgt and assigns responsibility to functional bronzes. This provides excellent clarity and direction.

The focus does appears to centre upon support areas of business, rather than tactical policy/powers - the tactical overview policy is very brief giving instructions that a time defence and zone defence will be adopted under functional bronze command areas. This does not readily appear to translate into any of the Silver/Bronze planning meetings records. No evidence of Silver tactical priorities and parameters in the planning phase have been seen.

Some thorough and comprehensive portfolio policies and plans are completed – Custody / Investigation / Planning / Logistics. Many should be archived as national good practice support.

Silver adopted a policy decision to remain at arms length from E.ON to remain impartial and located Bronze external to the PowerStation offices, this may have been at the expense of operational advantage of co-locating Bronze island site with E.ON management and immediate access to their command and control.

No evidence of policy/powers reviews directly relating to developing intelligence in the planning phase was seen.

5.1.4   Tactical Options

Tactical options and planning are best viewed in two distinct categories – support (logistical) and operational planning.

5.1.4.1   Support

Many areas of national good practice and learning are apparent.

There is clear evidence of strong planning to ensure that there was a resilient level of assets throughout the Operation. The Planning Team sought advice at a national level, from best practice leaders in the areas of specialist resources and from Forces with similar experiences of protester action.

The activation of resourcing the requirement was made by the planning team via national mobilisation in the early stages of planning. The thought process for setting resource levels is unclear (less than the The Met – Heathrow 2007 but more than North Yorks – Drax 2006 being the basis) but with those levels set, the arrangement and logistical management of those resources was strong and in line with the principles of the Police National Mobilisation

Plan:

- A Planning Team Officer is embedded within PNICC (national good practice)
- Consideration of Military aid (MACP)
- PSU's are divided into BMU's on a five shift system providing flexibility of duty times(national good practice)
- A Briefing system is in place designed to provide a strong first briefing upon reception followed by daily intelligence updates.

- Tactical Holding Area (THA) and Forward Holding Point (FHP) logistics are strong with a fall back site available.
- Private agencies employed to ensure THA and FHP security and integrity.
- Officer welfare and logistical support - strong (food, accommodation, medical)
- Use of a mobilisation guidance document and a visiting force information pack (both national good practice)

The support tactical options highlight many areas of good practice which should be embedded in the national organisational memory.

The outstanding concern amongst this good practice is that the resource levels have not been driven by the requirements of a Silver Tactical Plan but rather the operational tactical options were formulated based on the resources made available.

5.1.4.2   Operational Tactical Options

In the Essex Peer Review Silver defines a command approach to avoid stifling free thinking of Bronze commanders by avoiding early implementation of parameters and detailed direction, rather Bronzes were to consider a range of threats and available tactics. This appears to be in contravention of 'Keeping the Peace' guidance on command protocols and delegates part of the Silver role to Bronze. The benefits of this approach remain unclear.

With this approach the definition of the tactical plans appears to have been delegated to Bronze commanders. There is no apparent evidence in the planning phase of Silver consulting tactical advisors, presenting tactical priorities/tactical taskings or parameters and dismissing/approving tactical options.

Referral is made to a Silver/Bronze 'Lock in' meeting on 24-25/7/08 to resolve outstanding issues raised by peer review. It is clear that Bronze commanders were established and given clear functional/geographic responsibilities. Thirty minute presentations of Bronze tactical plans to Silver were requested over the 21st and 24th July 08. There is no audio record or minuted record of the outcome of these Bronze/Silver tactical plan briefings. Key Bronze commanders did express that they were content with the outcome of those meetings and had clarity in terms of command protocols and plan.

In terms of resource levels - It is clear that tactical options were driven by the resource levels allocated (bottom up) not through Gold strategy defining a Silver tactical plan, Bronzes then defining deployment plans and then accordingly requesting the resource requirement to achieve Silvers tactical plan (Top down) to mitigate prioritised threat and risk. The absence of this approach makes comment relating to the scale of resourcing and proportionality of tactics very difficult as the rationale for resources needed to mitigate threat and risk is not apparent.

Once allocated responsibility as detailed above clear evidence of Bronze commanders seeking appropriate specialist support and tactical advice is evident, and the audit trail to their definition of role specific tactical plans is made.

Within the specialist areas of Bronze planning there are plans which will again inform national good practice, particularly around the Marine unit activity and the excellent proactive defensive use of traffic management.

A clearly defined advance search plan would have been beneficial detailing both offensive and defensive search tactics as advised by a Police Search Advisor (PolSA) encompassing Winthrop techniques for caches and search relating to the camp.

5.1.5 <u>Action</u>

The command briefings, familiarisation events and table top exercises in the lead in to the activation phase are seen as good practice. The absence of a detailed minuted record or audio log makes specific comment of content difficult, although attendee views identified the events as entirely beneficial.

At the point of activation, the Operational Order was produced on 30/7/08 providing detailed command responsibilities, Gold Strategy and narrative reviews, deployment principles and locations and comprehensive functional and administrative clarity. The tactical options element of the Silver tactical plan is missing, referring all elements of the operation to *policing to a level that is in accordance with achieving Gold objectives whilst appropriate to the level of any threat*. The direction is then made to refer to the Bronze tactical attached as an appendix.

The review team see this as a natural consequence of the cascaded responsibility to Bronzes (as 5.1.4.1) there should have been a clearly defined Silver tactical plan detailing under each element of command the specific groups at threat and risk. These being:

- The scale of that threat and risk
- Precise powers and policies linked to the tactical options authorised to mitigate the threat
- Preferred outcomes
- Acceptable outcome and unacceptable outcomes to give practical command clarity and flexibility of the tipping points
- Thresholds
- Contingency tactics available as the operation unfolded.

The review team highlight that any commander or staff attending the operation who had not had opportunity to attend the advance briefing days would not be left with clarity of purpose and deployment from the Operational order alone.

5.1.6 In Summary – Planning Phase

- Much national good practice can be gleaned from the logistical planning and accommodation and management of large numbers of visiting resources.
- Individual functional and geographic tactical plans contain much material for national learning and good practice.
- The absence of CMM forming the foundation of the planning approach leads to fragmentation and lack of clarity of the prioritised threat and risk to be tactically mitigated
- The resourcing is activated bottom up and allocated to commanders, rather than being requested for tactics to deliver a tactical plan to mitigate threat.
- An intentional command drift appears to take place (Bronze into Silver – defining tactics and priorities, and Silver into Gold – approving tactical plans rather than defining them). The outcome seems to be an absence of a clearly articulated overarching Silver tactical plan.
- This absence is then apparent in the Operational Order and subsequent briefings.
- Essex Police make a thorough and incisive peer assessment in the planning phase, raising in advance many issues alluded to in this report. It would appear opportunities have been missed from that assessment.

5.2 Activation (During Protest) Phase

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5.2.1 <u>Information/Intelligence</u>

It is clear a comprehensive and structured intelligence system was adopted. The output from this process was four updates per day in the intelligence and assessment briefing. These were produced at:

- 4 am
- 8.30 am
- 3 pm
- 7pm

This is seen as good practice.

This was then embedded within a daily tasking and coordinating process making it compliant with the national Intelligence Model. CMM was not seen as a key element of this daily info/intelligence tasking. A clear and evidenced use of CMM refreshing the threat and risk from the new information, reviewed against powers and then finally testing the current tactical plan for consistency and ability to achieve the gold strategy, would have been desirable to ensure tactics matched the latest developing intelligence.

Some frustration was aired from staff regarding the length of time to process and turn into briefing product information submitted. The capacity of the intelligence cell was clearly challenged when the scale of PACE/1 form submission became a reality.

5.2.2 <u>Threat Assessment</u>

Silver produced comprehensive policy log entries as circumstances developed and threat and risk became clear. These timed and dated Audit Policy Logs for Silver are all single issue entries and do not form part of an overall and prioritised threat and risk to clearly demonstrate the hierarchy of risk.

As in 5.2.1, a clearly presented threat assessment driven on a daily basis by the new Intelligence briefing document would have been desirable, and grading of intelligence and clarity of fact or assumption would have enhanced the process. It is also anticipated that

such a structure would have complemented dynamic review of thresholds for Sect 60 powers.

The application of search tactics at the camp generated broad hostility which is captured in intelligence, this developing threat cannot be traced to Silver/Gold level and appears not to influence a command review of the tactics. Potentially the threat to officers was increasing.

In light of the delegation of definition of site specific tactical plans to Bronzes (5.1.4.1), in the activation phase it is apparent that Bronze commanders are conducting threat and risk assessments (with tactical advice) and making powers and tactical decisions in isolation. No evidence of formalised and clear Silver approval or endorsement of tactical plans is seen.

5.2.3   Policy / Powers

Silver details a number of policy logs for specific issues, notably:

Return of property post warrant   *Search outside the camp(see 5.2.4.)*
Campsite Location   *Civilian staff attending camp*
Searching the camp   *Long batons*
Access to camp   *Direction from Harbour master*
Sect 60   *March 12 and 14*

In the absence of a clear overview of all threat and risk there is no apparent application of review of policy and powers in a broader sense.

The Silver policy logs are thorough, clear and concise and should be seen as good practice, but would need to be incorporated in a wider review rather than single subject in isolation. This would place the policies (and powers application) in a context of prioritised threat and risk, with direct linkage to the tactical plan to deliver Gold strategy.

Gold strategy appears to be largely reactive providing post event support in the activation phase, rather than giving direction and parameters in advance.

5.2.4 **Tactical Options**

The tactical options are considered, with appropriate tactical advice, at Bronze commander level, with only specific issues being subject of Silver review. Again this is seen as a natural consequence of the delegation of command responsibility downwards. The review team identify that developing issues are subject of due consideration by Bronze, but the linkage and overarching command and control is missing.

The march, assembly and traffic management plans prove to be effective for the facilitation of protest.

Section 1 and Section 60 searching throughout the event clearly frustrates the activists with criminal intent. Most items required to facilitate the illegal entry to the power station (wire cutters), blocking of roads (lock-ons, tripods, dragons or component parts), were seized by Police long before intended day of use.

The review team could not be provided with a breakdown of the search activity leading to recovery of seized items to assess which tactic delivered the best recovery. Informed comment cannot be made to detail whether the proactive search warrant of the site, the PACE/1, Section 60 or open area cache searching was most effective.

The tactical use of proactive PACE/1 searches generated much interest. A comprehensive Silver policy log articulates in great detail the strategic considerations of this power against others. In summary this narrative concludes that this will not be a blanket power and grounds must be formed by individual officers to justify the search. The post event reality shows that a near 'condition of entry' application of the power existed with staff raising concern throughout regarding the clarity of the command desire. The review of briefing gives some indications how this tension arose.

The decision to close Kent Police College and use staff in the bespoke role of briefing is one with much merit. Silver being remote to the briefing process does then highlight a key drawback to this approach. The briefing officers undoubtedly professionally delivered briefing based on the information provided to them. At a point of challenge or query, there were no practitioners with clarity of the Silvers Commander's tactical intentions to expand

and resolve the concern. The void of a clearly defined silver tactical plan (5.1.5 & 5.1.4.1) further contributes to the aggravation of this issue.

In total 8,218 searches were carried out. 1,745 records of these searches were added to the Kent Police Stop and Search database. The remainder of the forms did not have sufficient detail for inclusion on the system (details declined or indecipherable). 3,550 searches were carried out under PACE S1, of these only 842 had recorded details.   The enhanced briefing around search focussed on PACE codes of practice and GOWISELY rather than the specific search tactic and grounds. An understandable dilemma for staff is seen from the review of policy and briefings, in that Silver's direction is that personal grounds must be justified and no blanket power approach is to be taken, followed shortly by the briefing message that the camp is illegal and the intention of the camp is to commit damage, hence the grounds for searching attendees to the camp is made.

It is the review team's opinion that a vicious circle then developed where by the search on entry/exit tactics unified hostility towards the police, moving non-activists closer to resistance and violence on account of tactics they saw hard to accept as justified by the police. With this developing crowd dynamic of hostility; intelligence then presented a worsening picture, which provided more grounds to search camp attendees

This issue is a command matter, not one of staff knowing search codes of practice. If the searching is to be intelligence led and focussing on known activists likely to commit damage only, then the intelligence resources supporting officers at camp entrances/exits should be provided by Silver and tasked by a Bronze to be in place to provide the auditable grounds for officers to stop and search. Alternatively if Silver feels that intelligence available to him/her provides sufficient information to cascade that grounds are formed for all attendees, then that too should be clearly articulated to officers to form their grounds.

The practical reality up to the point of Sect 60 authorisation is that action seemed to fall between the above two approaches. The outcome undoubtedly delivered great disruption to the criminal activists and frustrated their purposes, but the counter productive results of unified crowd hostility and organisational vulnerability through legal challenge should not be overlooked.

Absolute command clarity from policy through to delivery of the defined tactical plan by staff is the preferred approach, the use of CMM is recommended. By unifying and defining the

complete search approach, better anticipation of the property type and quantities could have been made, to define the property handling system required, as the resources allocated for Oasis soon reached capacity.

External searching of geographical areas away from the camp appear to have been fragmented, not being governed by Intelligence or a PolSA directed structure, staff engaged reported crossing other teams making similar searches under separate direction.

The camp was well secured by the Police and movement in and out, and within the area of the Hoo peninsula was well controlled.

Specialist capability was very well resourced, providing sufficient resilience to deal with any intended tactical option or development.

FIT teams were used extensively. Some evidence to suggest they were used to direct Sect 1 and Sect 60 searches, but a clearer role definition and tactical direction would have been to greater advantage. Activists were clearly disrupted by the teams and there was evidence of their effectiveness, which in turn led to them being unpopular with the activists.

The ASU was used to good effect although night time usage angered camp protesters with broadly counter productive results. Again it could not be identified if this was a considered and authorised element of silvers tactical plan, or a self deployment.

Both Gold and Silver directed to police the event using neighbourhood policing style. This engagement was highly effective in the surrounding communities but was somewhat contradicted around the camp with the reality of the search upon entry approach.

Negotiation tactics were successful. Excellent results were gleaned by the use of Camp Liaison Officer and force negotiators supporting the process. This should be recognised and national good practice.

There was good use made of the Marine Unit. Excellent use of specialist officers and legislation, including the links with Met Thames team (seizure of Greenpeace RIB). This should be recognised and national good practice.

BMU and Bronze overlap. Despite Silver articulating in the mobilisation guidance that BMU commanders were below Bronze commanders in command protocols, reality shows that some were properly allocated Bronze roles by Silver and some assumed such a role. This did lead to some confusion over command clarity and this could be countered by detailed direction in written form, or by verbal instruction at the point of briefing.

5.2.5 Action

It should be emphasised that the deployments in the activation phase produced a successful outcome. In that no significant incursion to the island site was made (by land or water), no serious injury or harm was caused to protestor, police or public and the lawful protest by means of march and assembly was permitted and accommodated.

5.2.6 In Summary – Activation Phase

- Scheduled production of intelligence product is seen as good practice and could be enhanced further by means of this product feeding a similarly scheduled CMM review.
- Silver policy logs are seen as good practice, and this could be enhanced further by broadening this approach into a wide CMM based assessment
- Scheduled or event based activation of a comprehensive CMM review would have formally captured change in tension and Impact on threat and risk to drive the tactical plan
- Gold would be better engaged proactively to endorse proposed activity rather than reactively to support action taken.
- The search plan relating to camp entry should have been defined and tasked with absolute clarity of expectations.
- The inappropriate use of Police Stop Search powers is attributable to the absence of a clearly defined silver tactical plan and lack of strategic clarity.
- The search plan in its broadest sense should incorporate offensive and defensive search techniques as advised by a qualified police search advisor (PolSA).
- BMU/Bronze overlap. Further reinforcement at briefing and directly by Silver would have assisted support the written guidance and remove rank based posturing.

5.3   Post Protest Phase

It is a clear that the return to normality took longer than anticipated, but the camp was cleared and left in reasonable condition as had been suggested.

With an operation this scale, the impact on participating resources (command and staff) should not be underestimated and consideration should be made for a bespoke and fresh command / staff to latterly take primacy and manage the return to normality.

Funding issues and claims post event. Due to the rationale for resourcing scale being set outside of any auditable process or CMM (5.1.4.1 & 5.1.4.2) it is difficult to make informed comment on the scale and cost of this operation (see executive summary)

6 CONCLUSIONS AGAINST TERMS OF REFERENCE

6.1 Overall Outcome

The post operation summary sees a largely successful outcome. No significant incursion to the island site was made (by land or water), no interruption to power supply was experienced, no serious injury or harm was caused to protestor, police or public and the lawful protest by means of march and assembly was permitted and accommodated. The impact of the operation was minimised to the local communities, but simply by the scale of the operation remained significant. The 6 Gold strategic objectives were met:

- The Protection of Life
- The Prevention of Crime and Disorder
- The Facilitation of Lawful Protest
- The Investigation of Criminality, dealing proportionately and fairly with offenders and securing the best evidence for any prosecutions
- To minimise disruption to the local community and to provide reassurance more generally
- To ensure a swift return to normality

The key issue from this operation is the scale and proportionality of the police approach and tactics to achieve the above outcome.

6.2 Summary of good Practice

- **Serving Environmental constraints on protestors**
- **Models of health and safety risk assessment**
- **5 shift pattern for similar scale deployments**
- **Community Engagement approach**
- **Officer posted to PNICC at the earliest opportunity**
- **Overall approach to logistical management**
- **Portfolio based policies to support (Custody/Crime/Marine)**
- **Kent mobilisation guidance**
- **Kent visiting force information pack**
- **Traffic Management plan to deny use of hire vehicles**
- **Use of force negotiators to structure protestor liaison**
- **Table top exercises to test resourcing and contingencies**

- **Advance familiarisation and site visits**
- **Multiple Scheduled Intelligence updates per day**
- **Private security to maintain integrity of RVP / FHA**

Recommendation 1: NPIA Commission work to capture good practice from Operation Oasis and from Camp for Climate Action (The Met 2007/North Yorks 2006) and compile into a manual of guidance to assist in the policing of similar events

6.3 How the balance of protecting the public, the prevention of crime and the right to protest was managed & the appropriateness of the use of Police Powers

Kent police achieved the fulfilment of all Gold objectives, no significant incursion to the island site was made (by land or water), no interruption to power supply was experienced, no serious injury or harm was caused to protestor, police or public and the lawful protest by means of march and assembly was permitted and accommodated. The impact of the operation on local communities was minimised, but simply due to the scale of the operation still remained significant.

The widescale deployment of stop and search tactics under the powers provided in Section 1 Police and Criminal Evidence Act 1984 was both disproportionate and counter productive. The ineffective translation of Gold Policy with regard to this issue into practical delivery illustrates the risk that stems from an absence of a tactical plan and a demonstrable a lack of strategic clarity. The use of search powers is now subject of judicial review regarding their proportionality for the prevention of crime; this review recognises that the translation between silver policy log decision to practical delivery was not effective. The rationale and reasoning for that is explored in detail in 5.2.4

6.4 The proportionality of the police response in relation to the deployment of resources & the use of 'Mutual Aid'.

From the outset this operation was resourced bottom up from an established resource baseline defined by a judgement made in the planning unit not based upon CMM threat and risk defining the tactical challenges for mitigation (top down).
Accordingly in the absence of a full CMM assessment made at the time of resourcing to review and comment upon, it is difficult to give an informed view regarding the justification and appropriateness of the scale of resourcing for Operation Oasis. A detailed CMM

assessment would have provided a more accurate forecast of the resources required and may have enabled fewer resources to achieve the same outcomes.

Recommendation 2: Kent Police adopt formal CMM assessments to define resources required to mitigate assessed threat under an auditable process for future operations.

6.5   The quality of decision making within each of the command levels.

Gold – Training to the standard of APOC Gold would undoubtedly best support future strategic management of incidents and remove some of the issues raised in 5.1.3 and 5.2.3

Silver – An early decision was made to delegate some silver function of tactical plan definition to Bronzes commanders to allow them freedom to consider threat/risk and associated tactical options. This naturally had knock on consequences as explored in 5.1.5 & 5.1.4.1, these being in brief:

Absence of prioritised overarching threat and risk
Absence of a silver tactical plan
Lack of clarity in relation to silver requirements at briefings relating to search

This is not seen as a favourable practice and command protocols in line with Keeping the Peace guidance are recommended.

Silver does make comprehensive policy logs which are seen as good practice, and this could be enhanced further by broadening this approach into a wider CMM based assessment. Silver's definition of functional and support policies is seen as good practice and clearly defines requirements and expectations from the broader police family and partners.

Bronze – In line with the responsibility identified above, Bronze makes goods use of tactical advice and use of CMM as a decision audit trail is seen.

Overall – the golden thread through all IPOC/APOC and firearms command is the use of CMM as the very best structure to audit trail tactical decisions (both spontaneously evolving and advance planned) as being proportionate, necessary and justified. This was not seen universally through all tiers of command.

No evidence of the use of digital recorder to record planning meetings and live time decisions and their rationale was found. It is the opinion of the review team that this increases organisational vulnerability by not having the best structured and recorded audit trails throughout the entirety of the operation.

Recommendation 3: That Kent Police adopts the command protocols outlined in Keeping the Peace, particularly with respect to the use of a Silver Tactical Plan.

Recommendation 4: That Kent Police reviews its command training and accreditation, (key focus being to assess if grandparenting rights satisfy the technical knowledge to support IPOC/APOC command function).

Recommendation 5: That Kent Police explores the option of CMM becoming the adopted decision recording tool supported by the use of digital recorders by commanders.

Recommendation 6: That Kent Police explore the value of viewing an example of an advance CMM assessment for protest to compare and contrast to those produced internally.

Recommendation 7: That consideration be given to exploring the possibility of introducing new legislation that would allow a senior officer, on receipt of intelligence that wide spread acts of criminal damage was likely, to authorise stop and search. This legislation could be broadly similar to that outlined in Section 60 of the Criminal Justice and Public Order Act 1994.

6.6   The management of both overt and covert intelligence.

The intelligence feed both overtly and covertly was managed professionally and effectively to inform Silver. The use of intelligence unit staff to provide updates at each operational briefing is seen as good practice. Scheduled production of intelligence assessment summary is seen as good practice and could be enhanced further by means of this product feeding a similarly scheduled CMM review.

6.7   Interaction with E.ON.

Some early assumptions for the Planning Team included that the site would be protected by Eon through the provision of a complete fortified fence line and sufficient security resources.

Late within the planning process it became apparent that these assumptions did not hold true. A further example was seen with the information relating to coal deliveries. The initial assumptions included there being no coal deliveries by water during the entire operation. It was then established there would be one delivery during that period which provided new risks.

As the planning progressed these matters were resolved and a good relationship established within the steer from Silver of not aligning relationships too closely to jeopardise impartiality. This did then have the knock on consequence of losing some opportunities for enhancing information flow and command and control by co-locating Island site Bronze and E.ON management.

Appendix - A

Terms of Reference

Overarching Approach

The review will use, as a bench mark, the 'ACPO Manual of Guidance on Keeping the Peace' (2007), The 'ACPO Manual of Guidance – Public Order Standards, Tactics and Training' (2004), The 'Kent Police Public Order Doctrine and Tactics Manual' (2009[1]) and the use of the Conflict Management Model (CMM).

The review will also take full regard of –
- Human Rights.
- The prevention of crime and disorder.
- Building, keeping and restoring the peace.
- Crowd management.

The review will consider the following issues –

- How the balance of protecting the public, the prevention of crime and the right to protest was managed.
- The quality of decision making within each of the command levels.
- The management of both overt and covert intelligence.
- The proportionality of the police response in relation to the deployment of resources.
- The use of 'Mutual Aid'.
- The appropriateness of the use of Police Powers.
- Interaction with E.ON.

Review in Phases

The review of Operation Oasis will be conducted in three phases:

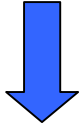4. **Pre Protest (Advance planning-Prioritised Risk Assessment – Gold Strategy through to the definition of Silver tactical plan)**

5. **Activation Phase (During Protest – dynamic use of CMM to define proportionate deployments)**

6. **Post Protest (media and return to normality)**

The Conflict Management Model (CMM) will be used as the framework process to test each of the phases.
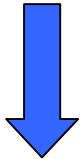
CMM Review:

Info/Intelligence

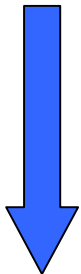Intelligence structures/Intel cell
Intelligence development

↓

Threat/Risk Asst

Assessment, grading and
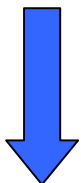Prioritisation of threat and risk
Identity/Capability/Intent

↓

Powers/Policies

Definition of Gold Strategy
Key powers identified /
Use of force considerations
Grounds/powers/means of arrest
MOU/Statement of Intent – partners
Command Structure & Protocols

↓

Tactical Options
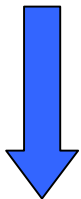
Considerations and rationale recorded to
define Silver tactical plan
Use of tactical advisors

↓

Action

Silver tactical plan   – clarity of command
                          - Clarity of purpose
                          - Key contingencies
Bronze deployment plans
Checking of tactics and deployments to be
consistent and proportionate to Gold Strategy

↓

Dynamic Spin of CMM as Info / Intel changes to drive activity

Specific Elements to be Explored within Phases

Pre-planning Phase

The review will consider the definition of strategy and tactical plan prior to activation. This will specifically include:

- How intelligence was received
- How intelligence was disseminated/processed
- Resourcing, both in terms of personnel and funding.

Activation Phase

The review will particularly take regard of the following –

- The command structure, specifically the activities of Gold, Silver and Bronze.
- The use of and conformity to legislation, and recognised good practice e.g. PACE.
- Intelligence activity, both national and local.
- Arrest policy and activity.
- Search policy and activity.
- Seizure and storage of property.
- Internal communication e.g. briefings etc.
- Communication with protestors.
- Media policy.
- Community Impact.
- Interaction with stakeholders including E.ON.

Post Incident

- Management.
- Debriefing.
- Media policy.
- Funding claims.

These Terms of Reference do not preclude the review team from commenting on any matters they consider relevant.

This review will concentrate on strategic issues and will not consider complaints regarding individual officers.

Methodology

A small team of police officers and police staff led by Assistant Chief Constable Holt (South Yorkshire Police) will undertake the review. In conducting their work, a scrutiny will take place of relevant documentation, which will include electronically held material. Interviews will take place with key members of staff and, if necessary, with managers from outside organisations.

The review will be conducted with a target close date of **31st May 2009.** A report will be prepared and presented to the Chief Constable of Kent. This document will include recommendations for the consumption of both Kent and National policing.