

**' Assessing the challenge of policing animal rights
extremism in the UK and the changing impact on
community safety and human rights in the period
2004 – 2010 '**

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Abstract.

This thesis explores animal rights activism and associated extremism between the period 2004 – 2010 in the UK and proposes that this post 2004 period witnessed a new era in animal rights extremism comparable to the strategic change seen in 'new terrorism'. It argues that following the successful targeting of major pharmaceutical companies leading up to 2004, by animal rights campaigners deploying a variety of effective tactics based primarily on intimidation and harassment - the government, the police and the targeted industries, robustly responded in a coordinated strategic approach to reduce animal rights crimes. However, the success of this initiative has had far reaching implications for human rights and the ability of people to protest in a democratic society. The operational success has also led to more sophisticated tactics being used by extremists and a displacement abroad to 'softer' targets. This perversely orchestrated even more restrictive laws being passed to curb extremist incidents that were only carried out by a small minority within the animal rights movement. Evidence to support this argument is provided by a balanced quantitative and qualitative approach, utilizing questionnaires sent to dedicated specialists dealing with domestic extremism (of which animal rights extremism is included) in the UK; interviews with key personnel within the police and industry responsible for policing animal rights extremism and providing security; and a comprehensive analysis of incident data. The results show that animal rights activism and linked extremism has been effectively brought under control but collectively 'protest law' has been altered. In some cases the law has been abused and applied disproportionately by the State, thereby fundamentally affecting freedom of assembly and free expression for all UK citizens.

Ultimately by failing to consider an individual's right to protest, the overall cost to the police service has been increased civil litigation against it, failed prosecutions in the courts and the possible exposure of individual officers to misconduct procedures. Most damaging of all though, is the damage to its reputation as a service dedicated to impartially serving the interests of the community it is part of.

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Glossary of Acronyms

ACC: Assistant Chief Constable
 ACPO: Association of Chief Police Officers
 ACSO: Assistant Commissioner Specialist Operations
 ALF: Animal Liberation Front
 ARE: Animal Rights Extremism
 ARM: Animal Rights Militia
 ARNI: Animal Rights National Index
 ARO: Animal Research Organization
 CDSE: Club des Directeurs de Sécurité des Entreprises'
 CHIS: Covert Human Intelligence Resource
 CPS: Crown Prosecution Service
 CTIU: Counter Terrorism Intelligent Unit
 CTU: Counter Terrorism Unit
 DDoS: Distributed Denial of Service
 DE: Domestic Extremism
 DTI: Department of Trade and Industry
 ECHR: European Convention of Human Rights
 ECtHR: European Court of Human Rights
 ELW: Extreme Left Wing
 EPISF: European Pharmaceutical Industry Security Forum
 ERW: Extreme Right Wing
 FIT: Forward Intelligence Team
 HMIC: Her Majesty's Inspectorate of Police
 IPCC: Independent Police Complaints Commission
 JCHR: Joint Commission on Human Rights
 MOPI: Management of Police Information
 NCDE: National Coordinator for Domestic Extremism (note NCDE also used as collective term for NETCU, NPOIU and NDET)
 NaCTSO: National Counter Terrorism Security Office
 NDET: National Domestic Extremism Team
 NDEU: National Domestic Extremism Unit
 NETCU: National Extremism Tactical Coordination Unit
 NIM: National Intelligence Model
 NPOIU: National Public Order Intelligence Unit
 PISF: Pharmaceutical Industry Security Forum
 POPS: Public Order Policing Section
 RDS: Research Defence Society
 SDP: Strategic Development Plan
 SHAC: Stop Huntingdon Animal Cruelty
 SOCA: Serious Organized Crime Agency
 SPEAK - the Voice for Animals
 SPOC: Single Point of Contact
 TACT: Terrorism Act 2000
 UC: Undercover (officer)

Chapter (1) : Introduction

At the beginning of 2004, the UK faced unprecedented levels of protest by animal rights activists towards animal research organisations who carried out experimentation on live animals (vivisection), pharmaceutical companies who contracted the research work out to them and the businesses that resourced and supplied them (BBC Ethics Guide, Mckie,2004, Cortazzi,2004). Some of the protests were carried out by well meaning animal welfare groups who wanted the government to listen to their view that animal experimentation was both ethically and morally wrong in a civilised society. However, within certain groups were individuals who believed that the only way to effect change was through threats, harassment, intimidation; and more serious offences such as blackmail and the use of improvised explosive devices or IEDs (Highfield, 2004). Their actions although carried out essentially for the same reasons as the peaceful protest groups, now constituted directed criminality. They sought to hide their actions under the subterfuge of expressing their human rights of assembly and free expression but this was described by a Judge as ‘a sham’ in later high profile trials resulting from the police operation ‘Forton’ (Kelly, 2009). The small minority that represented this group were termed ‘animal rights extremists’ or AREs (Understanding Animal Research, 2012) and they and other protest groups who committed crime in furtherance of their ideology came under the government inspired labelling of being called ‘domestic extremists’.

Because of the pressure brought to bear on the government in 2004 by the Chief Executive Officers of the major Japanese pharmaceutical companies in the UK, in response to a

directed campaign of harassment and intimidation towards their employees and associated service providers, the government was forced to adopt a 'robust' response by directing the police to impact upon the problem (Blair, 2004). The choice presented to the government by industry was simple - address this growing problem of harassment and intimidation or face the prospect of major companies in the pharmaceutical and bio-tech sector withdrawing their business from the UK, with the obvious financial consequences and loss of reputation that would inevitably follow (Webb, 2004).

The author will argue that these developments in post 2004, evidenced a new era in animal rights activism and associated extremism. It represented an evolution of 'new age animal rights extremism' comparable in strategic and tactical change to that of 'new terrorism' witnessed after 9/11 (Laqueur, 1999). New tactics and targeting strategies were adopted by the animal rights campaign groups that directly activated disproportionate responses by the State (the government and police) that have had far reaching consequences for our civil liberties and community safety values of today. For example, Gilmore (2010) believes that over the past few years there has been a dramatic shift towards an increasingly authoritarian style of protest policing in Britain.

The aim of this thesis is to determine and explore animal rights activism and linked extremism between 2004-2010 in the UK; and the response it generated from industry, the government and the police. In order to achieve this aim a number of objectives have been set that consequently determined the appropriate research methodology to be followed. These objectives include the following:

- To understand the ideological basis of the animal rights movement as a motivation to carrying out acts of direct action leading to extremism. This was achieved by the literature research - looking at both the historical and recent philosophical background to the animal rights movement principally in the UK; and the debate it inspired.
- In order to better understand the language adopted by academics and commentators on the animal rights movement in the UK and abroad, key terms such as 'activist', 'extremist', 'direct action' and 'domestic extremism' were explored and defined. This is important as these terms can easily overlap and are interchangeable within the context of animal rights.
- In order to assess the threat(s) posed by animal rights activists and extremists to the bio-tech industry and the services that supported it within the period of the study in the UK, a comprehensive analysis was made of the prominent campaign group SHAC and the strategy and tactics adopted to target HLS. This assessment was supplemented by incident data provided by a police database to show levels of incidents and linked crime carried out by activists and extremists predominantly within the 2006-2010 period.
- Allied to the above objective, it was important to assess the response to animal rights activism and extremism in the study period from the government, government agencies, industry and the police by looking at the integrated 'partnership' approach they adopted to reduce animal rights crime; and the overall effect this response had on an individual's ability to protest in the UK.

- To improve policing practice in response to protest situations, a decision making model was formulated that will direct the police to consider and evidence principles within an individual's right to protest in the UK, thereby reducing threats to the police service such as litigation and loss of reputation.

- A final objective was to evaluate where the government, industry and the police stand post 2010 in their response to animal rights activity in an age of austerity and reduced resources. Clearly policing priorities both local and national will change and the appointment of locally elected Police and Crime Commissioners (PCCs) may accelerate this change.

These objectives will be effectively explored by analysing both primary and secondary source material throughout the thesis to achieve the thesis aim. Primary source material from interviews with leading police officers and industry representatives, structured questionnaires from specialist domestic extremist police officers throughout the country; and analysis of data on different animal rights activity from a national police database will be utilized. Secondary sources such as literature from books, periodicals and newspapers, will also supplement the thesis and add value to the arguments followed. The author will add a considerable amount of new knowledge and information to an area of the social sciences that remains relatively devoid of meaningful detail or literature.

A range of hypotheses will be investigated within the thesis based upon previous research and the author's own knowledge from working within a national police unit during the study period:

- Up to 2004 the government was seemingly content to allow the targeting of small scale companies such as 'Consort Beagles' and 'Hillgrove Farm' as a form of protest, not realising their significance in supplying live animals for pharmaceutical businesses in the UK. It was only when the large pharmaceutical companies threatened to take their business elsewhere, after a series of home visits on their employees, did they realise the enormity of the problem and the threat to the country's economy and reputation that they positively acted. In this sense it was a discovered 'Cinderella' crime (see pg 141). The success of the overall police and industry response has been to inadvertently redefine the extremist's own tactics to targeting secondary and tertiary targets, especially the financial sector that supports the primary target. 2004 was the beginning of a new form of extremism in the UK, not witnessed before.

- The government and the police cast the activities of Animal Rights Extremism (ARE) under the grouping of 'Domestic Extremism' (DE). The principal targets of ARE in the UK are: contract research organisations, universities, farming, fur shops, establishments selling foie-gras, hunting with dogs and live exports. The expression DE was too broad and the use of the word 'extremism' too synonymous with that of terrorism. This broad definition allowed the police to act ruthlessly towards both animal rights activists and extremists in their main objective of reducing ARE threats to the UK, by proactively using a preventative, intelligence and enforcement strategy. The use of the expression DE had far reaching implications.

- The police sought to control the ARE threat by utilising statute law and were deliberately steered away by the government from charging offences under the Terrorism Act 2000 (TACT). Conventional investigative policing methodology aimed at 'organised crime' was adopted against the campaign groups 'Stop Huntingdon Animal Cruelty' (SHAC) and 'SPEAK - the Voice for the Rights of Animals', even though some activities of the campaign groups could be described as 'terrorist' acts. By treating the groups as organised criminals, it perversely allowed a whole plethora of different laws to be amended and passed as the government sought to strengthen traditional police powers in the face of what they believed were evolving dynamic activist and associated extremist tactics.

- One of the reasons provided for not using TACT has been that animal rights has no central 'ideology' that readily fits within that required for prosecution under the legislation. The author will argue that the animal rights movement have a deep rooted philosophy and ideological basis from which animal rights activists and extremists operate. This will be further explored within the literature research.

- The adoption of the rationale for treating them as 'organised criminals' flew in the face of conventional and accepted definitions of the term which had a financial product at its roots. The author suggests that the definition of organised crime (as practiced by ARE) be re-assessed to include one where it mimics the structure but is not dependent on a financial motive, intention or outcome.

- The police operation(s), as supported by the government, the CPS and industry has been successful in reducing ARE activity in the UK. However, there has been an inconsistent approach by the police service towards the control and reduction of ARE because it has been prepared to use both traditional statute 'protest law' and TACT.
- The success of this reduction in activity has been at a cost to human rights - namely the right to assembly and free expression, as traditional 'protest law' has been amended or introduced to curtail criminality. The application of the law under the broad definition of DE by the police has sometimes been indiscriminate between activism and extremists creating an imbalance that is ultimately unhealthy for our democracy. In some cases the police have acted disproportionately in maintaining community safety in pursuit of extremism - as in the case of utilising under cover officers in protest groups.
- The success of the overall police operation against ARE has been to displace the problem abroad to 'softer targets', particularly to Europe who are currently ill- equipped to deal.
- Ultimately the cost for the police in failing to secure an individual's right to protest has been prosecution cases lost at court; increased civil litigation actions against it; and the exposure of individual officers to misconduct procedures. Overall this failure to consider the human right to protest has been the loss of organisational reputation.

The author will use a number of terms to describe those persons who carry out protests, campaigns or illegal activity leading to extremist actions in furtherance of their objectives.

It is right to re-iterate that the vast majority of the animal rights movement are well meaning lawful citizens who believe strongly that animals should not be experimented on or subjected to research because there are alternative ways to carry out such research, or indeed there is no need for such research in the first place (Mercy for Animals website 2012, Gold 1995; Patterson 2000; DeGrazia 2002; Singer 2005; Grant 2006). The author will use two words comprehensively throughout this thesis, that of ‘activist’ and that of ‘extremist’. It is informative at this point to explore both terms because they are easily interchangeable in the context of animal rights protests - especially directed campaigns. The MacMillan Dictionary defines an activist as – *‘someone who takes part in activities that are intended to achieve political or social change, especially someone who is a member of an organization’* (MacMillan online dictionary, 2012, p1) whilst the Oxford Dictionary states that activism – *‘is a policy of vigorous action in a cause, especially in politics’* (The Concise Oxford Dictionary, 1996, p14). What appears absent from the various definitions is the word ‘violence’. Research questionnaire results¹ provided a consensus that being an activist was best described as someone who was somewhere between a supporter of a campaign and a person who undertook extreme actions on behalf of a campaign. The following responses were typical: *“someone who does something in furtherance of a campaign. Not someone who is a member but only turns up for meetings and/or provides financial support”*; *“a person who is committed to the cause that falls between a supporter and an extremist, who will get involved practically with organising events, protests, street collections etc”*; and - *“an individual willing to be ‘active’ for a cause. Active means willing to give time and effort to the cause. Giving of money alone does not in my view make one an activist, merely a sympathiser. Activists are rarely*

¹ Research questionnaires are explained within Chapter 2 Methodology. Results of research questionnaires are located in Appendix ‘A’.

extremists, but most extremists are recruited from the ranks of activists.” Considering the words of retired Law Lord Hoffman (see chapter 6) in describing the judiciary response to simple protest, the author believes that the word ‘activist’ would normally come within what society and the courts tolerate as a determined protestor for social change, who might engage in acts of civil disobedience which may lead them to commit minor criminal offences (Hoffman, 2009).

In comparison, the word ‘extremism’ or ‘extremist’ carries much stronger connotations as it is commonly associated with those that attempt or carry out acts of extreme violence to achieve their ideological aims, especially witnessed within acts of terrorism. This reinforcement of the link between the two terms was made clear to everybody after the July 7th 2005 bombings in London, when the government published the ‘Preventing Extremism Together’ report, which was primarily aimed at preventing extremism in the Muslim community (Home Office, 2005). The Collins dictionary defines extremism in these terms- *‘if you describe someone as an extremist, you disapprove of them because they try to bring about political change by using violent or extreme methods’* (Collins online dictionary, 2012, p1). On a similar theme the Oxford Dictionary states that an extremist is – *‘a person who holds extreme or fanatical political or religious views and especially resorts to or advocates extreme action’* (Oxford Dictionary, 1996, p478). Milne (2009, p1) believes that because no definition has been given to the term ‘extremism’ in this country, it provides a much broader meaning than terrorism and therefore can be open to abuse by the state – *“how easy it is to play anti-democratic political games once the mantras of terrorism and national security have been invoked. But the net can be thrown far wider under the even*

more meaningless badge of extremism". The research questionnaire results were interesting, contrary to the author's expectation, not one respondent mentioned the word 'violence' in their definition of the term extremism. Responses such as these were typical: *"an individual who is prepared to act as a lone activist or within a group environment to undertake activity in the name of protest which itself is more confrontational than the general expression of speech or protest in respect of a particular issue"*; *"someone who commits criminal activity in furtherance of a protest or campaign – i.e. going to 'extreme' lengths rather than relying on peaceful protest"*; and - *"something more than an activist, who is completely focused on the aims of the group and is prepared to commit criminal acts to achieve the group's aims."* Taking these statements into account, the author believes that an 'extremist,' within the terms of a campaign of protest, is best described as someone who has passed through the stage of activism into knowingly committing acts of more serious crime, either alone or part of a group. This view is supported by Eatwell and Goodwin (2010, p.11), who comment that when studying animal rights campaigners who encourage direct action, extremism is more readily understood in terms of – *"a spectrum of behaviour that implicitly distinguishes between legitimate democratic rights such as peaceful protest, and extreme behaviour such as intimidation of the owners of animal testing laboratories...."*

Some academics have attempted to define the concept known as 'direct action'. For example, Fenwick and Phillipson (2001, p.38) provide a suitable definition of direct action as - *"Direct action protests do not seek to convert or to proselytise but seek by their actions to change or bring an end to some existing socio-economic activity in line with*

their own moral viewpoint". Research questionnaire responses were varied and included: *"Doing something, e.g. protesting, marching, or committing a criminal act in furtherance of a campaign. Not therefore necessarily unlawful – could be lawful and peaceful"*; *"direct action is any action that has an immediate and measurable adverse impact on the legal activities of others. It is invariably but not exclusively illegal"*; and - *"a lawful or unlawful act of civil disobedience. This can range from protests to property destruction, or acts of violence. Direct action participants aim to either: obstruct another from performing some practice to which the activists object or solve perceived problems which traditional societal institutions (corporations, governments, powerful churches or establishment trade unions) are not addressing to the satisfaction of the direct act participants."* Some of the respondents believed that the term would always include an activity that was criminal, for example - *"criminal activity directed toward individuals or companies."* Such a misunderstanding is again worrying as direct action can include both lawful and unlawful actions.

The rise in violence in both the UK and elsewhere prompted law enforcement to adopt new generic definitions in response to extremist actions carried out by single issue groups. A term that appears to be gathering increasing popularity amongst journalists is that of 'Eco-Terrorism'. The author believes that the media appreciate that the liberal use of the word 'terrorism', however misplaced, can increase readership. Liddick describes the term -'Eco-terrorism' as that - *"usually referring to acts of violence or sabotage committed in support of ecological, environmental, or animal rights causes against persons or their property"* (Liddick, 2006, p.9). The FBI describes 'eco-terrorism' as - *"the use or threatened use of*

violence of a criminal nature against innocent victims or property by an environmentally-oriented, sub national group for environmental-political reasons, or aimed at an audience beyond the target, often of a symbolic nature” (FBI glossary, 2012, p1). However eco-terrorism is not a term recognized in UK policing, where the term ‘domestic extremism’ (DE) is used to describe similar acts. Domestic extremism is defined as- *“Domestic extremism and extremists are the terms used for activity, individuals or campaign groups that carry out criminal acts of direct action in furtherance of a campaign. They usually seek to prevent something from happening or to change legislation or domestic policy, but attempt to do so outside of the normal democratic process. Their activity is more criminal in its nature than that of activists but falls short of terrorism”* (NDEU website, p1).

The majority of the research questionnaire respondents (77%) believed the definition of DE, as above, was correct. However amendments were suggested to improve it, such as: *“would possibly change ‘furtherance of a campaign’ to ‘furtherance of a cause’”; “I would not limit the definition to ‘criminal’ acts alone. Domestic Extremism may simply involve peaceful protest for example”; “should amend it to say – ‘due to the ideologies of these groups and their activities they usually seek to prevent something from happening or to change legislation or domestic policy, and attempt to do so outside of the normal democratic process.”* Perhaps more worryingly was the comment from an experienced officer who stated - *“I find this definition acceptable but I know upon speaking to other officers outside Special Branch, there is sometimes confusion as to what it means.”* Within the UK’s definition of DE, five strands of extremism are recognised - animal rights extremism (ARE), extreme left wing (XLW), extreme right wing (XRW), environmental extremism and emerging threats (for example, Fathers For Justice type actions).

The author will argue that the animal rights movement has an established ideological foundation to support their actions. Chapter 2 will consider literature which specifically addresses animal rights philosophy and thus their *raison-d'être*; and then go on to look at the limited body of literature that has reported on animal rights activity in the UK. Such an assessment is essential because if there is a proven ideology behind the animal rights movement and hence an established activist 'right' to carry out direct action, leading sometimes to acts of extremist behaviour, then this may bring it within the realms of terrorism. In contrast to this view, academics such as Sorenson (2009, p.1) have commented that – *"Industry, lobbyists, media, and police present not just specific actions but the ideology of animal rights itself as violent terrorism. However, most activists are non-violent, advocating legal dissent and protest."* Sorenson rejects the deliberate branding of animal rights activists as extremist or terrorist commenting that the invented fears of 'animal rights terrorism' serves to expand state power, erode civil rights, criminalize dissent and justify intensified surveillance. Gaps in the literature research are identified for the formulation of research questions for this thesis.

Following the literature review, chapter 3 discusses the methodology, including the development of the research question and the design and selection of research methods. The methodology includes details of both the quantitative and qualitative methods adopted. The results and discussion of the analysis are utilized throughout the thesis to support or negate the various hypotheses examined. Chapter 4 outlines the threat that the UK faced from animal rights activists and extremist in 2004 and the continued threat up to 2010.

Chapter 5 describes the response from government, the police and industry to that threat. Chapter 6 then assesses the police operation to reduce animal rights extremism between 2004-2010. Chapter 7 reflects on the successes and failures of that plural policing approach and its ramifications for the ability to protest in the UK. Chapter 8 looks to the future of policing animal rights extremism and Chapter 9 presents a conclusion to the thesis in relation to the information presented in the preceding chapters.

Chapter (2) : Literature Research

“The question is not whether we will be extremists, but what kinds of extremists we will be. The nation and the world are in dire need of creative extremists”. – Martin Luther King ,Jr.

The animal rights movement in this country and abroad has a long and significant intellectual heritage which spans both religious and philosophical dimensions (Pythagoras 6th Century BC, Rousseau 1762, Bentham 1843). The concept of animal rights go back many centuries, for example, Pythagoras the Greek philosopher and mathematician urged respect for animals because he believed in the ‘transmigration of souls’ between human and non-human animals - that in killing an animal, we might be killing an ancestor. Religious teachings apart, the literature underlying the concept of animal rights can trace its roots to philosophical writings in the 18th century. One of the earliest such discussions is attributed to Jean-Jacques Rousseau (Rousseau , 2004). Rousseau, more well known for his 1762 publication ‘Du Contrat Sociale’ on the emergence of the nation state, argued in his later work, ‘A Discourse on the Origin and the Foundation of the Inequality among Mankind’, published after his death in 1778, that man himself started out as an animal, but was not one “*devoid of intellect and freedom*”. He argued that animals themselves “*ought to participate in natural right, and that man is subject to some sort of duties toward them*”, specifically “*one (has) the right not to be uselessly mistreated by the other*” (Rousseau, 2004, p.13). In contrast, the philosopher Immanuel Kant maintained that humans have no direct duties toward animals because they cannot reason; nevertheless, he argued that cruelty to animals should be avoided – for the sake of humankind (Kant, 1998).

The utilitarian philosopher Jeremy Bentham (1748), answered Kant with a proposition that has become the underlying ideological premise of the entire animal rights movement – the real question, Bentham said, is not whether animals can reason but whether they have the capacity to suffer. If animals can suffer and feel pain, then people have a responsibility to extend animal's moral consideration; consideration perhaps equal to that extended to humans. Controversially Bentham likened the plight of animals to that of black slaves, a comparison that has been repeated many times as justification for action by the animal rights movement (Best, 2004 and Nocella, 2004). Embodied in the work of Jeremy Bentham and John Stuart Mill, 'utilitarianism' requires that 'right' actions be governed by the maximization of positive outcomes and the minimization of negative outcomes for concerned parties -. a position sometimes described as the 'greatest happiness principle'. Extending moral consideration to non-human animals greatly complicates the formulation of right actions and requires a deep change in how humans think about their relationship to other life forms (Mill & Bentham ,1987).

Probably nothing laid the intellectual foundation for the equal consideration of animals more than Darwin's theory of evolution and the publication of his 'Descent of Man' in 1871. Darwin's submission was that mankind enjoys no special status, or at least none so special as to give carte-blanc authority to exploit nature with no thought of consequences beyond those that concern human welfare. Peter Singer in 1975 commented that after Darwin – “ *Only those who prefer religious faith to beliefs based on reasoning and evidence can still maintain that the human species is the special darling of the entire*

universe, or that other animals were created to provide us with food, or that we have divine authority over them, and divine permission to kill them.” (Singer, 1975, p.206).

In 1891, the Humanitarian League was founded in the UK by Henry Salt. The League was formed in London as part of a wider social pressure group arguing for industrial progress, economic liberalism and prison reform. The League had a primary principal that it was immoral and unjust to inflict pain and suffering of any kind on any sentient being. This included the banning of hunting for sport, and the rearing and killing of animals for food. The League closed in 1920, but during its life time attracted support from distinguished people such as Kier Hardy and George Bernard Shaw (Weinreb, 1994). Salt argued that humane feelings towards animals - *“form a natural tie which cannot be rudely broken without doing violence to many of the finer attitudes of our nature”* (Salt, 1894 cited in Weinreb, 1994, p.96). In 1894, Salt published ‘Animals Rights: Considered in Relation to Social Progress’ opening with the statement – *“Have the lower animals ‘rights’? Undoubtedly - if men have.”* (Salt, 1894, p.1).

The next section reviews the modern day philosophers and authors on animal rights. In 1975 Peter Singer published ‘Animal Liberation’, a book that some animal rights activists see as the bible of the animal rights movement. Adopting utilitarian reasoning, Singer wrote that the benefits of eating animals and using them in biomedical research are minimal compared with the suffering of animals (Singer, 1975). Frey (1980) countered this proposition and its utilitarian stance, with an argument known as the ‘full-personhood’ view by commenting that animals have no expectations, wants, desires, or memories and

therefore no interests or rights. This in turn has been countered by Singer and other philosophers by using the example of 'marginal humans'. Singer stated that if this were true, then people in persistent vegetative states or comas with no hope of recovery also lack such expectations, wants, desires and memories as well as any hope of a conscious self-aware future. As such these humans possessed no rights and this couldn't be correct – in fact, many non-human animals command far greater powers of reasoning and self-awareness. The argument is then continued by the animal rights movement that if sentience is the benchmark to be used for the extension of rights or moral consideration, then to grant this consideration to marginal humans but not to animals amounts to blatant 'speciesism'.

The distinction between the animal welfare/humane movement and animal rights is important and is described by Lawrence and Susan Finsen (1994), who argue that the animal welfare/ humane movement prompted kindness and the elimination of cruelty without challenging the assumption of human superiority or the institutions that reflect that assumption. The animal rights movement, on the other hand, does not seek humane reforms but challenges the assumption of human superiority and demands abolition of institutions it considers exploitive. This view is an important consideration when distinguishing between animal welfare organizations such as the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and campaign organizations such as Stop Huntingdon Animal Cruelty (SHAC).

The notion of animal rights received its fullest articulation in the work of Tom Regan's 1989 publication- 'The Case for Animal Rights'. Going further than Singer's argument of

greater moral consideration for animals, Regan argues that animals have inherent value and are therefore deserving of moral equality. Regan's position is most closely aligned with the modern animal liberation movement which argues against the use of animals for any reason. Regan considers animals as 'subjects-of-a-life', and being so, are automatically bearers of rights like humans, although not necessarily to the same degree. Regan does not extend his view to all living creatures, but merely to those he classifies as being the 'subject of a life' such as mammals and usually vertebrates, to whom humankind has both direct and indirect duties. This belief materialized in 2008, when the Spanish parliament approved human rights for apes. The environmental committee in the Spanish parliament approved resolutions urging the country to comply with the 'Great Apes Project', founded in 1993, which argues that 'non-human hominids' should enjoy the right to life, freedom and not to be tortured (Glendinning, 2008). More recently other arguments have been made to counter Singer and Regan's propositions, for example, Roger Scruton in his 1996 publication - 'Animal Rights or Wrongs', opposed the notion that animals have rights. He acknowledges that the animal rights debate has changed general attitudes to an awareness of animals, but he accuses writers such as Singer 'and his followers' of using arguments that contain '*much casuistry, little ethical philosophy and no serious metaphysics*' (Scruton, 1996, p.123). Scruton contends that we should distinguish between 'moral' and 'non-moral' beings, the former existing in what he terms a 'web of reciprocal rights and obligations created by their dialogue'. He argues that 'moral' beings derive this status from language, discourse and agreement, and that this 'web of rights' cannot be extended to non-moral beings such as animals. Scruton states that animals have no rights, but that we (humans) have duties towards them.

In defending speciesism, Carl Cohen (2001) believes that the concept of rights is a human concern and that the capacity to suffer and experience pain does not grant animals rights. He goes on to explain that people confuse rights and obligations, i.e. a human obligation to treat animals humanely does not mean that animals have rights. Cohen states that obligations involve what we ought to do, while rights are things that others may justly demand that we do. Contrary to this viewpoint, Francione (2000) argues that what he terms 'sentience' is the only valid determinant of moral status, and thus if an animal can be considered as being 'sentient', it by extension has moral status and therefore attracts rights. He contends that the view that animals are property, undermines any rights they may have, and that the first step of any liberationist movement should be to remove this status. Francione describes what he terms the 'moral schizophrenia' surrounding man's attitude to animals - the position where people can regard pets as family members, yet can happily eat other animals for food.

There is evidence that in promoting the concept of 'human rights' within animals, academics have become more radical in their writing, for example, Professor Steven Best has written widely on the issue of animal rights (Best 2004, Best 2009, undated a, undated b, undated c). Best is a somewhat controversial figure advocating the use of direct action and violence in support of animal rights. In this he openly supports the activities of the Animal Liberation Front (ALF) and similar groups prepared to resort to illegal activities to further their demands. For example, he writes in support of 'direct action' by the ALF:

"They uphold rights not covered by law, knowing that the legal structure is defined by and for human supremacists. The goal of the ALF is not simply to liberate individual animals

here and there; it is to free all animals from every form of slavery that binds them to human oppressors” (Best & Nocella, 2004, p.56). In an article he published in 2009 on the animal rights website ‘Tom Paine’s Corner’, Best sought to defend Jerry Vlasak, a surgeon and well known activist from charges that he advocated the murder of animal researchers. Vlasak’s own views were regarded as so controversial, that he was banned from entering the United Kingdom in 2004 (Taylor, 2004). Best wrote: *“When Vlasak urges animal liberation by any means necessary, he is asserting the right of animals to self defense. But since they cannot defend themselves (except for instances such as where elephants or tigers justly kill their trainers), humans must act on their behalf ”* (Best, 2009, p.1).

The philosophical debate over rights for animals will continue in academic circles for decades to come. It is clear however, that in the minds of some radicals and people who hold extremist views on this subject, that a firm enough ideological foundation, based on reason and not simply emotion, has been laid to justify illegal direct actions. It is prudent at this juncture to briefly review the history and development of the animal rights movement in the UK and abroad, and examine some of the literature that have reported on this phenomenon and its consequences. One of the earliest references to the existence of an animal rights movement is the establishment of a ‘First Church for Animal Rights’ in New York in the early 1920s (New York Times, 1921). Very little evidence of the work of this church remains. Following this came anti-hunting groups in the UK such as the ‘League Against Cruel Sports’ (LACS) established in 1924 initially to oppose fox, deer and stag hunts using horses and hounds. Apart from these two examples, there is little evidence of organized activity made in support of animal rights before the 1960s, when the movement

began to grow. Monaghan (1997) claims that the increase in such activity at this time, mirrored the growth of the demand for animal rights at a philosophical level. Poole (2009) argues that dissatisfaction with what was seen as the ineffectiveness of LACS led to the establishment in 1963 of the Hunt Saboteurs Association (HSA), founded by a British journalist John Prestige, a LACS member, as a reaction to seeing a pack of hounds hunt and kill a stag. The tactics of the group were peaceful but disruptive. Rather than using established methods of protest such as organizing demonstrations and marches, holding rallies and lobbying Parliament, hunt saboteurs and activists took their cause to the hunts themselves. Their tactics were in the main lawful but provocative and challenging, involving the use of hunting horns to distract the hounds, the laying of false trails and the surrounding of fox and badger sets by activists to protect them from the hunters (HSA , 2005). The HSA quickly set up groups in other counties in the United Kingdom and abroad, and quickly brought into public focus, what it claimed was the cruelty inflicted upon animals by hunts. Some within the movement however were unsatisfied with the progress being made and wished to undertake unlawful activities such as criminal damage. One of these was Ronnie Lee, a Member of the Bedfordshire HSA who set up the 'Band of Mercy', a group of activists seemingly prepared to undertake illegal activities. Working alongside the HSA, Band of Mercy activists would damage vehicles belonging to hunters, use cars to blockade routes to hunt locations and damage the homes of hunt participants (Molland, 2004). In 1973, activists from the Band of Mercy committed arson at a research laboratory in Buckinghamshire. This caused their disownment by the HSA and led directly to the formation of the Animal Liberation Front (ALF) by Lee and others in the early part

of 1975 after he had been released from prison for committing a second arson at another animal testing laboratory (Molland, 2004).

An interesting contribution to the ideology and tactics of the animal rights movement – ‘*Terrorists or Freedom Fighters? Reflections on the Liberation of Animals*,’ was published in 2004. Edited by Steven Best and Anthony J. Nocella II, it contained an anthology of writings by different authors on the history, ethics, politics and tactics of the ALF. The book featured both academic and activist perspectives and offered a powerful insight into what is now an international organization and its position within the animal rights movement. Various contributors such as the activists Robin Webb, Rod Coronado, Ingrid Newkirk, Paul Watson, and Karen Davis contribute to explore the history of civil disobedience and sabotage, as well as examining the philosophical and cultural meanings of words such as terrorism, democracy and freedom. The book has been cited by its authors as a rational defence of the militant tactics and philosophy of animal rights by ‘putting ethics into action’. According to Best and Nocella, the ALF is a non-hierarchical independent cellular organization which carries out direct actions in accordance with the ALF guidelines, which they reproduce in their book.. These guidelines, for which no source or reference is given, are: to liberate animals from places of abuse, i.e. laboratories, factory farms, fur farms etc, and place them in good homes where they may live out their natural lives, free from suffering; to inflict economic damage to (sic) those who profit from the misery and exploitation of animals; to reveal the horror and atrocities committed against animals behind locked doors, by performing non-violent direct actions and liberations; to take all necessary precautions against harming any animal, human and nonhuman; and any

group of people who are vegetarians or vegans and carry out actions according to ALF guidelines have the right to regard themselves as part of the ALF (Best and Nocella, 2004, p.8).

The animal rights movement grew rapidly in the United Kingdom and elsewhere throughout the 1980s with many local issue specific protest and activist groups emerging. These included several well-established bodies engaged in a peaceful and lawful pursuit of animal rights, such as the British Union of Anti-Vivisectionists, the Doctor Hadwen Trust, Americans for Medical Progress and arguably People for the Ethical Treatment of Animals (PETA), although this latter body has been alleged to have supplied funding for convicted activists, particularly the convicted ARE arsonist Rod Coronado (Liddick 2006).

The later stages of this thesis examine the concept of protest in the UK. It will have been established that some extremists who carry out extremist actions against targets use the vehicle of protest to mask their criminal intent and actions (Crighton, 2009). In reaction to this minority, the UK government has responded by tightening existing laws and introduced new ones that some academics believe have acted against an individual's right to assembly and free expression enshrined within articles 10 and 11 European Convention on Human Rights (ECHR). Grayling (2009) believes that values such as tolerance, free speech, privacy, individual autonomy, democracy, the rule of law and respect for civil liberties are under severe pressure in the West, not only from terrorist threats but also because of government responses to those threats. He concludes that all the major democracies have, in the name of promoting 'security', introduced laws that compromise our civil liberties,

hard won over five centuries. David Mead (2010), principally writing after the G20 protest in April 2009 and other protests in London that year, echoes this suppression of human rights when looking at major protests in the UK. Mead emphasizes the vast overlapping web of laws currently used to curb protest, painting a bleak picture of suppressed rights to protest, alleviated only by the introduction of the Human Rights Act 1998. He underlines that the 'new' law of peaceful protest stems from articles 10 and 11 of the ECHR, protecting expression and assembly, as received into domestic law via the Human Rights Act 1998. Mead describes the ailing state of peaceful protest in this country and concludes that this is mainly because of the impact of policing decisions on the ground, and the low-level decisions in magistrates' courts in which human rights-based arguments have limited leverage. Interestingly, Mead explores the interaction between so called 'public protest' and the private sphere, including the use of private law remedies against protesters by public and private bodies, concluding that the use of injunctions to restrict protest is not healthy for democracy and human rights. Fenwick and Phillipson (2001) comment that there are different types of protest dependent on the modus operandi and intention of the organisers and protestors carrying out the protest. They write that - *"in the UK we can easily see the extremes of each and some academics have attempted to label protests as either 'communicative or persuasive protests,' i.e. these include marches and assemblies that try peacefully to persuade and to demonstrate dissent and direct action or obstructive protests"* (Fenwick and Phillipson, 2001, p.37). Fenwick and Phillipson go on to further sub-divide direct action protest into primarily symbolic and symbolic protest with no minimal disruption on the activity in question; protest that actually physically obstructs or that actually interferes with the activity in question; protest that intimidates those

participating in the activity in question; forceful physical obstruction such as resisting police attempts at removal from a sit-in; and finally violent protest.

The problem for the police in policing protest in the UK can however be hugely problematic, especially when running on limited human resources and protest intelligence. The author believes that when the two extremes of protest are witnessed, such as a small demonstration or a major large scale protest, the police can take the necessary regulatory measures and plan and allocate resources to deal on proven past tactics. It is however the 'grey' areas of protest that cause problems and where resultant over-policing or under-policing can take place. (Della Porta and Reiter, 1998). For example, an animal rights protestor who is holding up a banner displaying their views on vivisection is clearly carrying out a communicative protest. If however this protestor goes beyond this action and carries out some form of direct action from obstructing the highway to being part of a group intent on intimidating a targeted person or company, then it is difficult to discern a clear boundary as communicative protest merges and blurs with obstructive protest. Clearly some extremists use this confusion to 'hijack' legitimate protest groups to carry out criminal actions knowing that the police, because of their resource limitations, will sometimes act against the group rather than the individual. This has the added advantage that if peaceful communicative protestors are stopped, searched or ultimately arrested by the police, then this will draw adverse criticism towards the police from which they can make political gain.

Many books have been published that have added to the continual debate over the treatment of animals in our care (Gold 1995; Patterson 2000; DeGrazia 2002; Singer 2005; Grant 2006; Sunstein 2006; Torres 2007; Francione & Garner 2010; Waldau 2011). Adding to

this literature have been limited publications detailing how animal rights protest have evolved and the tactics they have utilized in the UK, published by animal activists and extremists themselves. They provide useful reference material to give a balanced viewpoint against political and police rhetoric on the subject and should not be discounted. For example, three books that are instructive and describe the concept of direct action promoted by ideology are those by Cynthia O'Neill and Keith Mann; and one written from a critical perspective Lee Hall. 'A Cat in Hell's Chance' (2002) as written by the campaigners, details the history of the campaign against Hill Grove cat farm. It chronicles the story of a ten year campaign to close down Hill Grove cat farm in Oxfordshire that bred cats for vivisection that was orchestrated initially by Cynthia O'Neill. O'Neill was arrested and placed in custody many times over the course of this campaign that became a mass movement protest that eventually succeeded in closing the farm down. It is still held as an example of what animal rights can do if they persist and are united in their cause against establishments that breed and then sell animals for experimentation and vivisection (Animal Aid website, 1999). 'From Dusk til Dawn – an insider's view of the growth of the Animal Liberation Movement,' written by Keith Mann (2007), a long term activist in animal rights, jailed for 11 years in 1994 for orchestrating campaigns of arson and sabotage, provides a powerful insight into the actions of the ALF and the animal liberation movement more generally. As such the book provides a rare insight into the tactics and ideology of an extremist who believes he is carrying out a moral crusade on behalf of animal rights because 'the animals are not in a position to defend themselves'. Written from a different perspective, 'Capers in the Churchyard – Animal Rights Advocacy in the age of Terror' by Lee Hall (2006) - the Friends of Animals' legal director, lays out a clear view of

animal rights, but also analyses current animal advocacy campaigns. The book's title and cover photograph are drawn from a striking event that Hall examines: the six year 'Darley Oaks farm' campaign to stop the farm breeding and selling guinea pigs on for animal experimentation, a campaign that culminated in a grave robbery of Gladys Hammond the deceased mother-in-law of Christopher Hall, the farm's co-owner. Five activists were jailed for using the stolen remains of the relative to blackmail the family-run farm. Hall (2006) examines some of the philosophical quandaries currently facing animal rights activists. He concludes the use of violence not only allows conservative pundits to dismiss activists by labeling them terrorists, but also violates fundamental values of the animal rights movement. The book in effect lays out the ethical animal rights activist's vision of a world without violence and offers a comprehensive critique of the 'eco-terrorism' of recent years. Hall is especially conscious that the fear of terrorism in today's society is a card constantly played by government to obstruct social progress and again echoes the theme of suppressed human rights as provided by other writers such as Grayling (2009) and Mead (2010).

Recent additions to the limited academic knowledge on animal rights activity within the period under study include: Huggett's 2008 paper where he concluded that between 1981 and 2007 two thirds of offences committed by animal rights activists and extremists occurred in the final four years. Huggett went on to comment that between 2006 and 2008 in the USA, almost one third of all offences were against HLS and its pharmaceutical clients, namely Roche, AstraZenica, GlaxoSmithKline, though universities and institutions involved in research were targeted in over one tenth of incidents. Conn and Parker (2008) commenting in 'America Scientist' stated that victims included molecular biologists and

neuro-scientists subjected to bombs, death threats and home demonstrations. Marron (2009) and Ballantyne (2008) added further details to the tactics utilized describing campaigns involving car fire-bombing and home fire-bombing. In the rest of the world, Conn and Rantin (2010) reported on animal rights militants in China, Russia and Brazil, whilst Marris and Simonite (2005) described the rise in extremist activity in Sweden, Switzerland, the Netherlands and Germany claiming 'British expertise' was behind the increased activity. Concentrating on the campaign against British scientists, Hadley (2009) examined the postal campaign aimed at scientists and animal breeders, whilst Illman (2005) specifically concentrated on the SPEAK campaign against Oxford University's new science centre.

From the above, it can be concluded that there is limited published material examining the period under examination and that the philosophical debate over rights for animals will continue in academic circles. It is evidenced throughout this chapter that in the minds of some radicals a firm enough ideological foundation, based not on emotion but reason, has been laid to justify illegal direct actions and this obviously includes acts of extremism. It is therefore flawed to suggest that one reason why extremist acts committed under the mantle of ARE do not come within the scope of the Terrorism Act 2000 because of a lack of proven ideology. In the minds of some, their actions are totally justified and rooted in logic and reason. For them, their cause is true and cannot be diverted. The next chapter will consider the methodology of research that the author adopts to introduce new learning into the subject under examination. This will be achieved through a balanced quantitative and qualitative approach of using interviews with prominent people working within DE from a policing and industrial perspective. The research is supplemented by data analysis and questionnaire response. Where there is a need to expand upon information provided within

the thesis chapters, notes have been inserted in appendices to add further detail to assist the reader's understanding of the subject under discussion.

Chapter 3 : Methodology of Research

This thesis concentrates on the period 2004 – 2010. It was chosen because 2004 represents the period when animal rights campaigns were at their height and the principal targeted Japanese pharmaceutical companies made their representations to the British government to impact upon the problem and the response it promoted. 2010 was the period when the government and police leaders believed they had ARE finally under control.

On 13/8/2010, 121 research questionnaires were sent out attached to a letter of introduction regarding the research project, on an email to all police DE ‘Single Points of Contacts’ (SPOCs), their deputies and DE intelligence officers in all forces in England, Wales and Scotland to gauge opinion and knowledge on animal rights as a category within the wider DE experience. The majority of these SPOCs were Special Branch (SB) officers but some were part of intelligence units, dedicated public order units or uniform officers delegated the role by their Chief Officer. There are forty three forces in England and Wales and seven Scottish forces. There were strengths and limitations to this approach. The obvious strengths were that the questionnaires were sent to operational detectives who were specifically responsible for assessing DE in their respective forces and direct liaison with the national DE agencies. In some cases they had amassed considerable knowledge and skills towards tackling DE - dependent on whether their respective area was a ‘hot spot’ for activism and extremism. For example, the responses showed those officers in Thames Valley, Cambridgeshire, West Mercia, City of London, Metropolitan Police and generally forces in the South East of England had a more informed outlook directly because of the

targeting of pharmaceutical, AROs and the financial sector which were prominently located in these areas, than say those forces in Scotland which had witnessed few DE incidents.

A limitation however, was although the questionnaire was sent to the listed SPOC, this was a fairly dynamic transient community where people were often leaving to pursue other initiatives leaving behind less experienced people with reduced knowledge on the subject. The quality of the returns therefore was dependent on the police area and the experience of the individual receiving the questionnaire. The limitation on the number of responses returned depended also on factors such as to whether they were still in post, or whether a unit had designated an individual within a team or unit to answer on behalf of the group rather than give individual replies. To provide a national outlook, the questionnaire was also sent to national agency representatives of NETCU, NDET and NPOIU who had a unique 'global' view of DE and ARE over the study period. It was also sent to the Crown Prosecution Service (CPS) National Coordinator for Domestic and Violent Extremism. All respondents were offered and accepted anonymity. There were fifty four respondents, i.e. a percentage response rate of 45%. A total of twelve questions were asked. Dependent upon the answer to the primary question, sometimes a follow up secondary question was asked to encourage rationale of decision making or knowledge base to be further explored. All the results are shown in Appendix A.

Qualitatively the study considered and included a variety of secondary sources such as documentary, periodicals and books on animal rights extremism/terrorism published by academics and non-academics such as police officers and government. These sources were

supplemented by open sources such as newspapers, on line facilities, website and other databases. Clearly the advantages of using secondary data from such sources are that it involves less effort and expense compared to the collection of primary data. It was also useful in establishing the wider context in which animal rights extremism was occurring and illustrating the complexity of the various factors involved. The author was aware though of some of the disadvantages involved, particularly in drawing information from media sources. These concerned issues of accuracy. Macdonald and Tipton (1993) have commented that even very reputable media outlets frequently make factual errors in their reports, not to mention unintentional technical errors. Another disadvantage was that of bias. Clearly media reports rarely aim to be entirely neutral on any subject – especially animal rights activities. As a result an element of distortion enters the coverage of any event. This distortion can come from a number of sources including the ‘preferences’ of the proprietor, editor or journalist producing the copy. It can also arise from the source as when a politician is giving his or her account of events, or when the journalist relies on the press release of some public body/organization, or it may arise simply because of the need to compress the story into the available space or meet an editor’s requirement for a punchy headline.

Five key structured interviews with senior figures within the police and industry provided primary source material adding detail and clarity around a number of areas within the study plan. The personnel included the National Coordinator of Domestic Extremism (NCDE) – Anton Setchell, the head of the National Extremism Tactical Coordination Unit (NETCU) – Steve Pearl, the head of the National Domestic Extremism Team (NDET) – Andy Robbins

and two industry security managers (anonymity requested) whose organizations had been effectively targeted by ARE. The head of the National Public Order Intelligence Unit (NPOIU) was approached to take part in an interview but declined. It is prudent to ask, why more interviews were not conducted within the research plan? The author was determined that he wanted to interview only the key policy makers within the DE program study period 2004-2010. Any other contribution from an alternative source would provide unnecessary 'background noise'. Their responses provided new knowledge on the evolution of the police response to ARE as well as the specific areas of prevention, intelligence and enforcement. The two senior security managers were able to speak not only in regard to their response to the targeted campaign directed against HLS and a major financial institution but also speak on behalf of those employees subjected to threats, harassment and intimidation within those companies regarding their fears and reactions. It also represented a 'safer research option' to speak to such representatives as some victims were still fearful of speaking to anybody regarding their personal experiences and the author was conscience of the possible 'abuse' of their psychological state should authority have been given to interview them. As it was, the security managers were reluctant to approach victims because of the organizational security protocol and for fear of betraying confidences possibly leading to increased stress amongst their employees. Silke (2001) recognizes that there are a number of advantages to using personal interviews as a way of gathering data. It is a very flexible method. This flexibility allowed the author to probe for additional information when interesting or unexpected avenues opened up. The interview provided a good level of control, ensuring that full answers were provided to specific questions. The interviews provided a very good response rate – producing a significant degree of extra

information that the author felt was of great value in establishing the wider context.

However the author was also aware of the major disadvantage in conducting personal interviews and therefore to research validity, that being - 'researcher bias'. Some academics such as Johnson (1997, p1) have succinctly qualified this as – *"the problem with qualitative research is that the researchers find what they want to find, and then they write up their results."* The problem of researcher bias can be an issue because qualitative research is open-ended and less structured than quantitative research. This is because qualitative research tends to be exploratory. Researcher bias tends to result from selective observation and selective recording of information, and also from allowing one's personal views and perspectives to affect how data is interpreted and how the research is conducted. In order to understand this and take the necessary action to resist it, the author employed a strategy called 'reflexivity' (Alvesson and Skoldberg, 2009). In other words, the author actively engaged in critical self-reflection about his potential biases and predispositions in an attempt to maintain neutrality throughout the research. The use of a structured interview also reduced the capacity for bias.

It was because the author's reading of the literature on the topic of DE (especially within the study period 2004-2010 in the UK) continued to contribute so little of value to the argument under examination, that the author decided to adopt both a quantitative and qualitative approach research methodology. Miles & Huberman (1994) have identified that there are weaknesses and strengths to adopting either one in isolation of the other, for example: in qualitative research the aim is a complete, detailed description - whereas in quantitative the aim is to classify features, count them, and construct statistical models in an attempt to explain what is observed; and qualitative data is more 'rich', time consuming, and

less able to be generalized - whereas quantitative data is more efficient, able to test hypotheses, but may miss contextual detail, etc. The author decided to use a 'mixed methods research' as advocated by Nau (1995) in order to integrate both qualitative and quantitative research methodologies to focus on their combined relevant strengths. (Nau 1995, p 2) stated that the researcher should aim to achieve the situation where - *"blending qualitative and quantitative methods of research can produce a final product which can highlight the significant contributions of both and where qualitative data can support and explicate the meaning of quantitative research."* A balanced research methodology included taking into consideration previously published facts and opinions, research methodology weaknesses and strengths, capturing perceptions and context. Thus the quantitative approach incorporated an examination of animal rights incidents between 2004 – 2010, exploring patterns of activity between the years and examining why levels of activity have diminished over the time period. In order to do this the author was granted access to a national police agency database to investigate and analyze primary source patterns of activity concerning animal rights incidents. Using selective periods between the period 2004 – 2010, the author was able to identify targeting trends and interpret such findings through graphical representation. Where possible such findings were corroborated by both primary and secondary source material.

The author was conscious of the term 'validity' and its traditional association with the quantitative research tradition. Some researchers such as Smith (1987) have suggested that the traditional quantitative criteria of reliability and validity are not relevant to qualitative research. Smith contends that the basic epistemological and ontological assumptions of quantitative and qualitative research are incompatible, and therefore the concepts of

reliability and validity should be abandoned. The author does not hold with this viewpoint.

There is validity in using a qualitative approach in this research because the author is referring to qualitative research that is plausible, credible, trustworthy, and, therefore, defensible. A variety of strategies have been used to maximize validity in qualitative research, and some of these have been adopted within this thesis: (Kirk & Miller, 1986; LeCompte & Preissle, 1993; Lincoln & Guba, 1985; Maxwell, 1996).

All strategies perceive the role of the researcher as a 'Detective'. This being a metaphor characterizing the qualitative researcher as he or she searches for evidence about causes and effects. The researcher develops an understanding of the data through careful consideration of potential causes and effects and by systematically eliminating rival explanations or hypotheses until the final case is made beyond reasonable doubt. The author acting as a 'Detective', utilized the following strategies: 'Extended fieldwork' - When possible, the author acting as a qualitative researcher, tried to collect data in the field over an extended period of time; 'Low inference descriptors' - Descriptions were used, phrased very close to the participants' accounts and researchers' field notes. The author used verbatims such as direct quotations as a low inference descriptor; 'Triangulation' - Information and conclusions were 'cross-checked' through the use of multiple procedures of sources, realizing that when the different procedures or sources were in agreement, there was corroboration; 'Data triangulation' - Multiple data sources were used to help understand a phenomenon; 'Methods triangulation' - Multiple research methods were used to study a phenomenon; 'Theory triangulation' - Multiple theories and perspectives were used to help interpret and explain the data; 'Participant feedback' - Feedback and discussion of the author's interpretations and conclusions with the actual participants and other members of

the participant community were utilized for verification and insight; 'Peer review' - The author's interpretations and conclusions were discussed with other people. This included a discussion with a "disinterested peer" i.e. another researcher not directly involved. This peer was directed to be skeptical and play the 'devil's advocate,' challenging the author to provide solid evidence for any interpretations or conclusions. This technique provided some useful challenges and insights; 'Reflexivity' - This involved self-awareness and critical self-reflection by the author on his potential biases and predispositions as these may have affected the research process and conclusions (further described below).

In conducting the study, the author acknowledges that having been a police officer for over 30 years, this would have exposed him to a continuing 'police culture' identified by Reiner (2000) and others. Reiner has commented that the police are mainly conservative in politics and morality and their culture is marked by cynicism and pessimism; that their worldview includes a simplistic, de-contextualized understanding of criminality and they are intolerant towards people who challenge the status quo. Such qualities, if accepted, may be seen by some as a barrier to impartial and fair assessment. Clearly membership of the 'police family' was a direct bonus in that it opened doorways to people who would have offered a limited if non-existent response to an independent researcher, however it is acknowledged that there remains a suspicion that objectivity may have suffered accordingly especially when interviews were conducted. The author believes that adoption of 'reflexivity' as discussed above, deflected such bias.

The author was aware of a weakness within this thesis and that was the lack of primary data from animal rights activists and extremists themselves whether in direct interview or

questionnaire. There are problems associated with collecting data directly on a one to one basis with this community as a primary source – most notably distrust and personal security, especially as the author was at the time a serving police officer. Additionally the ‘central characters’ are difficult to access and extremely difficult to access in a systematic manner (Silke, 2004). To provide the necessary academic balance and in order to address this weakness, the author has incorporated records of interviews and views of prominent activists and extremists, however he is aware that in order to improve upon any future research methodology, a strategy involving the collection of such primary data should be considered, however difficult. A safety net of personal experience and knowledge provided by the author effectively oversaw and quality assured the content of the thesis. All sources were properly synthesized and assessed to produce a balanced product. Additionally all sources were aware of the nature of the study and where requested anonymity was guaranteed.

There is a scarcity of knowledge of animal rights activity and associated extremism within this period under research. The difficulties of data collection have already been alluded to however the author believes that the police service and its relationship to academics is part of this problem. Birzer (2002) and lately Fleming (2010) have both advocated that there is a need for collaborative research relationships between the police and academics or ‘partnership arrangements’. Such arrangements would be mutually beneficial for both parties in the pursuit of knowledge of this sensitive subject. Additionally, in order to investigate the threat to the police service in loss of reputation associated with civil compensation claims paid out to individuals/groups involved in protest incidents, the author

sent out a Freedom of Information (FOIA) request to all police forces in England and Wales in late December 2010 and later refined the requests in January 2011. Unfortunately the same request could not have been made in regard to collecting data concerned with officers subject to discipline for failing to support an individual(s) human rights as initial enquires revealed that forces would rely on data protection/confidentiality as a reason for non-disclosure. Results are recorded within Appendix B.

Having considered the literature research in chapter 2 and the methodology of research to explore conceptual matters and patterns of activity in chapter 3, it is necessary in the next chapter to examine the different threats that faced the government, the police and the pharmaceutical/bio-tech industries in 2004 from ARE. The response to this 'new' threat set in motion a chain of events that was to eventually control ARE but have had far reaching implications for policing and community safety issues; human rights and protest; and overseas extremist activity up to 2010 and beyond.

Chapter (4) The threat outlined

“I don't think you'd have to kill -- assassinate -- too many vivisectors, before you would see a marked decrease in the amount of vivisection going on. And I think for 5 lives, 10 lives, 15 human lives, we could save a million, 2 million, 10 million non-human lives” (Vlasak, 2003, p1).

The 9/11 attacks re-focused the world's attention on a new phase of terrorism that some referred to as 'new terrorism' (Laqueur, 1999, Lesser, 1999, Simon and Benjamin, 2000). In 2004, the UK saw a fundamental shift in animal rights tactics as operated by groups such as SHAC and SPEAK. The comprehensive change of strategy and tactics in 2004 is argued by the author to be the equivalent of 'New Animal Rights Extremism', and it has signposted the direction of some animal rights groups tactics from 2004 to the present day. Although the tactics of ARE bare no resemblance to terrorists groups such as al-Qaeda with its emphasis on maximizing civilian casualties, there too was a fundamental change in the strategic tactical direction of these groups who previously targeted major Japanese corporations to a wider range of smaller, mostly UK-based service provider companies. This chapter will explore the concept of a shift in ARE targeting tactics and strategy to achieve its objectives. Such a change in tactics not only brought with it a direct threat to the community safety values both within the bio-tech and pharmaceutical communities, but also to the reputation of the UK government and its efforts to build the country into a centre of excellence, and with it the necessary revenue that accompanies a successful bio-tech business and research/development location. The author will argue that the ARE leadership

demonstrated flexibility and persistence in their targeting strategy in attempting to achieve their major objectives of stopping the Oxford Biomedical build and closing Huntingdon Life Science (HLS). The chapter will examine specific examples of targeting such as the financial sector to further illustrate how ARE tactics have become much more sophisticated and directed in their application. It will also look how the threat has been displaced abroad to Europe, as AREs expand their operational strategy looking for softer targets to hurt their primary targets in their quest to achieve their aims. Other tactics used by AREs demonstrate their willingness to adapt to changes in technology and their appreciation of how similar tactics have worked in the past for other groups. To evidence this, attention will be given to the specific tactics of product contamination, service denial attacks and malicious communications. In trying to control and reduce ARE the police were faced with new technological advancements within the internet that facilitated instant faceless communication between both activists and extremists that assisted both planning and organization of direct actions, but also allowed for a program of radicalization and recruitment (Travis, 2012). Within the chapter, the effect of social media sites such as 'Indymedia' and 'Biteback' are explored and analyzed to emphasize how they have become vital conduits of communication for ARE. Finally a case study of the campaign group SHAC is considered in order to identify common themes of ARE and tease out information to promote new learning in this subject.

The situation that the government and police faced in 2004 was that of being under pressure. So effective had the animal rights movement become in the early 2000's in the targeting of animal research organizations, the people they employed and some of the

services that supported them, that by March 2004 the problem had reached epidemic proportions. In England and Wales, for example, home visits by activists were recorded as up to 50 in that month alone and the threat to community safety amongst this population was severe (Lait, 2004). Such was the level of concern amongst the pharmaceutical industry in the UK, that a conglomerate of the major company's CEOs made an ultimatum to the then Chancellor of the Exchequer Gordon Brown, that whilst ARE was allowed to go unchecked in the UK, a recommendation would be made not to further invest in research. At the time the UK biotech sector was the largest in Europe and second only to the USA globally. The potential impact of ARE on the UK economy in 2004, in view of this threat to withdraw, was enormous (Interview Anton Setchell, 2010). Figures provided by the former Department of Trade and Industry (DTI) to the National Domestic Extremism Unit (NDET) in 2006, indicated that in 2003 the combined pharmaceutical and biotechnology sectors consisted of 455 companies employing nearly one million personnel, created 224 new drugs that were either in clinical development stage or awaiting approval and raised £392 million of equity. It was estimated that inward investment by the pharmaceutical sector was worth £3.5 billion per year. As a result related exports were estimated at around £13 billion. It was concluded that if the pharmaceutical industry withdrew its investment from the UK, it would likely to cost £18.5 billion (or 25.9 billion Euros) to replace this market (NDET problem profile 2004). The realisation of what the pharmaceutical industry was providing to the UK's government in revenue, employment and prestige initiated a number of actions that were ultimately responsible for bringing the animal rights problem under control. Analysis of the available data on home visits and secondary targeting in 2004 reveal how ARE adapted their tactics of targeting in the face of mounting resistance by industry to

protect their business, premises and employees. There was a sea change in the strategic tactical direction of these groups who previously targeted major Japanese corporations such as Yamanouchi Pharma Ltd to a wider range of smaller, mostly UK-based companies. On the SHAC website these organizations were referred to as 'suppliers'. SHAC was careful to encourage activists only to target companies using lawful means such as polite letters, telephone calls and demonstrations at company premises. In 2003 and 2004 however, criminal activity against these target companies and their staff through home visits reached crisis proportions. Home visits with criminal activity normally consisted of criminal acts such as arson, criminal damage to homes or vehicles, threatening animal rights graffiti etc. The cumulative affect of this tactic was extremely intimidating to the target individual and their families. The change in strategic emphasis is best illustrated by examination of data relating to home visits and criminal damage collected by NETCU in that period. Home visits were an extremely successful tactic used by animal rights activists/extremists. A comparison of the two graphs, Figure (1) and Figure (2) shows that as home visits against Japanese employees decreased, they increased against those 'supplier' type organizations suggesting a strategic change in redirection of targeting. The author believes this reflects a decision within the leadership of the SHAC campaign to divert attention away from the large Japanese corporations to the smaller companies that supply services to HLS. A possible reason for this change in tactics was in response to the civil injunctions obtained under section 3 Protection from Harassment Act 1997, that had been granted to seven of the Japanese organizations in 2004, including HLS itself in 2003. SHAC realized that in order to carry out its business, a number of key businesses supplied key commodities to HLS that it would find difficult being sourced elsewhere. There was also the realization that these

companies were much smaller and were ‘softer targets’ in as much as they did not have the financial resources of larger companies and could not fund the acquisition of expensive injunctions through the court. This targeting of secondary and tertiary targets linked to the primary target was very effective. On Monday 13th December 2004, the SHAC website – ‘www.shac.net’ reported that 100 supply companies had terminated contracts with HLS since the beginning of that year which was a stated goal of the campaign. SHAC employed ‘pop-up’ demonstration teams that would often move on from their initial target to another before the police could sufficiently respond. In February 2004, all 19 home visits with criminal damage occurred against only 3 Japanese pharmaceutical companies. In Sept 2004, 13 were perpetrated against employees of 7 totally unrelated very different type of company, i.e. a wider range of target companies. Alluding to the change to secondary and tertiary targeting, Greg Avery, one of SHACs leaders stated – *“Even an elephant can be brought down by a fly infected by disease, you just have to know where to bite and be patient”* (Boggan, 2006, p1).

Figure (1): Home visits to Japanese and related companies employees 2004 UK

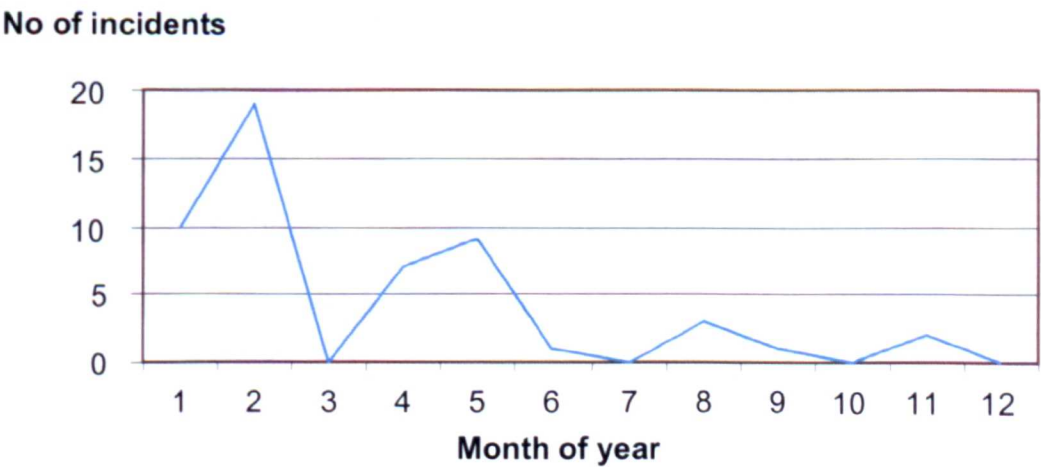
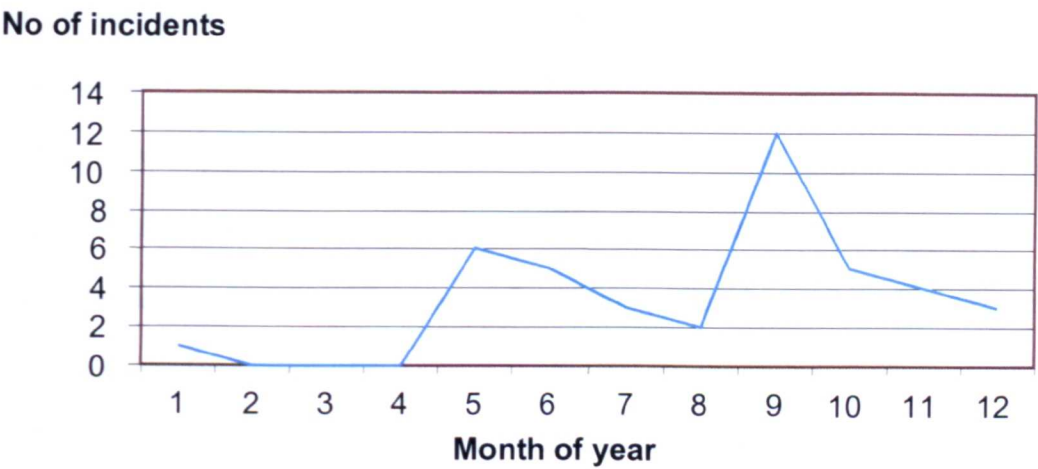


Figure (2): Home visits to Japanese ‘supply companies’ 2004 UK



An in-depth study of the strategy used in the SHAC targeting of the finance and investment industry in the UK to undermine HLS is revealing. It evidences flexibility of approach and a defined tactical and strategic direction that is typical of this new age of ARE. Analysis of the 2006 – 2009 event time line showed that there tended to be a break of 8 months between each of the campaigns. Each new campaign returned with a renewed vigour and a switch of focus on to a new target. The noticeable change in the type of criminal activity throughout each of the campaigns demonstrates that SHAC has some ability to influence and effect a general change of direction within the group. There was a shift away from the sending of malicious mail to criminal damage. The author believes that these facts indicate some form of hierarchical or organised structure within the group. In this period, the so called leaders of SHAC were remanded in custody awaiting trial following operation Forton/Achilles (see chapter 5). The author believes that such was their individual and collective influence, that such events were being orchestrated from their prison bases and

trusted lieutenants carried out their commands. Of note as well, was a change in typical target locations away from the City of London to the South East of the UK in particular. This again might indicate that the policing in the City was beginning to become more effective, especially as more companies were taking out injunctions against SHAC under the Protection from Harassment Act 1997. It might also indicate that there was a distinct cell within SHAC that wished to make a more public and local statement of their objections. There was also a movement away from more personal targeting of employees in the UK towards the later stages of this period to physical attacks against property. Again this might infer a number of things especially in the light of the main leadership team and their research capability being in prison on remand. On analysis the author believes that there was a reduction in the group's research capacity at this time and the change reflected an increase in vigilance and security measures by potential targets. Overall though it reflected the success of the police operations against SHAC and the reluctance to risk detection in the pursuit of home attacks due to the awaiting Operation Forton/Achilles trial. Consideration of the data indicated that in each campaign, one specific company tended to be the target of the majority of activity. However it was also evident that a range of other different companies were targeted just once or twice in that campaign period. Sometimes this might simply be down to convenience - as in a mobile demonstration when targets are within an accessible locality. Other reasons may have been that other independent or inter-related factor(s) may have influenced this pattern of targeting such as: the group may have wished to expand the range and regularity of targets but lacked the members to facilitate this; the group may have found the company or area of target to be hostile for some reason; or ultimately the group did not consider the company as helpful to their cause as others.

Overall within the 2006-2009 period, there were a total of 287 incidents recorded affecting 41 finance companies – the majority of which were based in London. The majority of incidents occurred in 2007 when regular monthly targeting of AXA insurance, Goldman Sachs and Euronext Liffe commenced. The three main campaigns were: (1) SHAC's fortnightly campaign in early 2006; (2) SHAC's AXA campaign during 2007; and (3) SHAC's Barclay campaign in the second half of 2008. The author grouped the incidents into these campaigns based largely on the occurrence of peaks in the volume of activity and where sustained and focused targeting of one company appears to have occurred. In SHAC's fortnightly campaign, for the first 4 months of 2006, SHAC targeted 10 companies, 8 of which were subjected to mobile demonstrations every other Friday within the City of London. Generally on each occasion, they visited between 2 and 5 financial companies. During this time, aside from the demonstrations, 3 companies also received a letter. This campaign did not escalate into criminality. Of the 10 targets within this campaign, the New York Stock Exchange was the only company that was consistently targeted and features in each of the 3 campaigns. In SHAC's AXA campaign in 2007 there were 111 incidents, targeting 20 financial companies. Overall AXA was the subject of sustained and focused targeting during this campaign. Other companies were also the focus of targeting but to a lesser extent, these included: from January to May - the New York Stock Exchange and Euronext Liffe; from June to July - Deutsche Bank; and from the end of July to November – AXA Insurance. During this campaign, 6 letters were sent, 3 of which were sent to employee's home addresses. There was also a malicious phone call, a visit to a company premises and an incident of some emails being sent to employees. A vehicle belonging to the director of Euronext Liffe was damaged but it was unconfirmed if

this was related to animal rights as it was not claimed. In SHAC's Barclay Campaign there were 98 incidents within the period, targeting 11 financial companies. The majority were demonstrations occurring in the London region, however demonstrations also occurred in Greater Manchester, Humberside, Hampshire, Sussex and Thames Valley. Demonstrations for this campaign focused on Barclays Bank but also included companies such as AXA Insurance and Euronext Liffe who were the focus of the previous campaign. The criminality associated with this campaign included 7 incidents of criminal damage to Barclay's banks in Hampshire, Sussex and Humberside. A malicious letter was sent to the company Collins Stewart Tullett. The campaign took a sinister turn when the Barclays Bank Chairman's daughter was directly targeted (France, 2009).

Table (1) : Table to show the most targeted companies for each campaign and the proportion of incidents affecting those companies

Campaign	Most Targeted Company	% of incidents targeting this company
(1) Fortnightly Campaign	Penson Financial Services	19%
(2) AXA Campaign	AXA Insurance	34%
(3) Barclays Campaign	Barclays Bank	62%

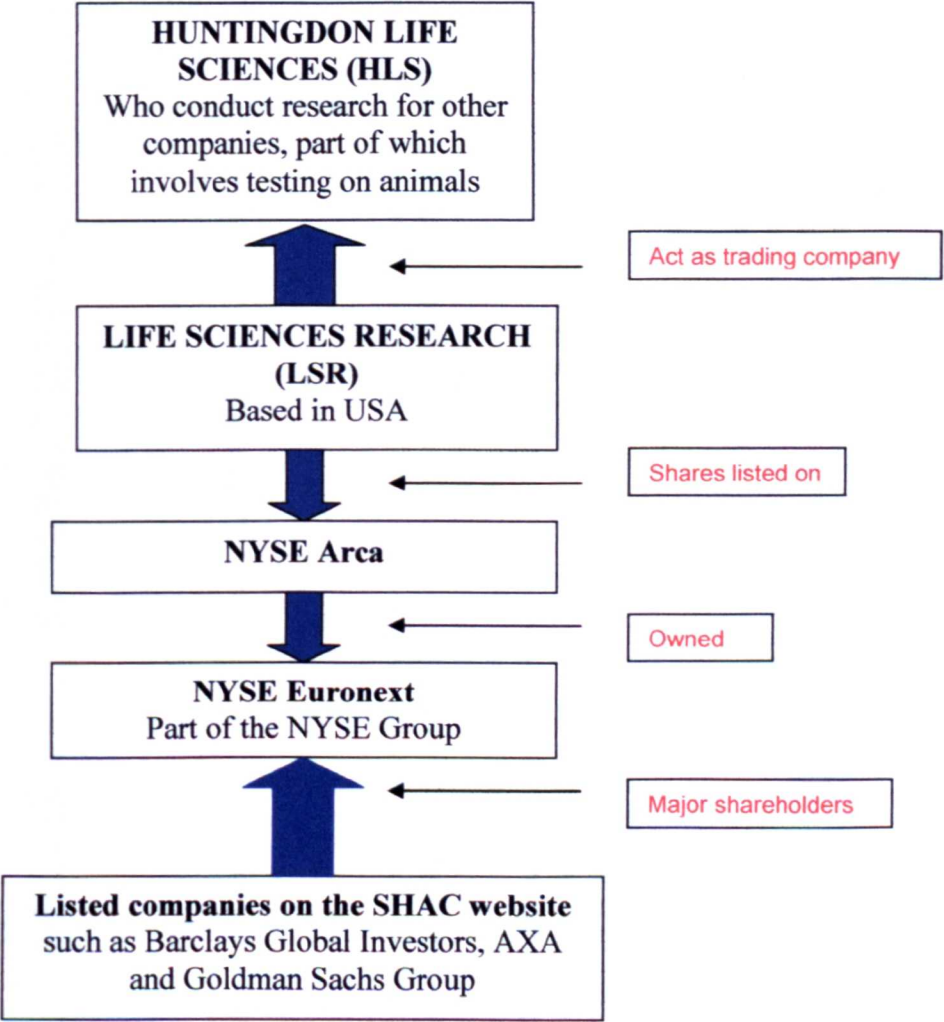
Table (2) : Table showing companies that have been targeted in more than one SHAC campaign

Organisation	(1) Fortnightly Campaign	(2) AXA Campaign	(3) Barclays Campaign
Barclays Bank	0	1	61
AXA Insurance	0	38	9
NYSE/Euronext Liffe	1	27	5
Goldman Sachs	0	12	3
Collins Stewart Tulett	6	0	1
JP Morgan	0	2	1

There were 27 incidents that fell outside of the identified breaks between campaigns. In the first break between the fortnightly campaign and the AXA campaign of 8 months there were 5 incidents of varied location, nature and motivation. On the surface these appeared to be isolated incidents unconnected to any sustained campaign. In the second 8 month break between the AXA campaign and the Barclays campaign there were 22 incidents, the majority of which were demonstrations by SHAC in the City of London targeting some of the companies featured in the AXA and Barclay's campaign. On analysis, the volume of incidents across this time period was not considered sufficient to constitute a main campaign.

The targeting and trading links for the campaigns against the Financial Industry are represented in Figure (3). The diagram clearly demonstrates that secondary targeting and tertiary targeting eventually lead back to the primary target of HLS. Figure (4) shows the monthly targeting campaign over the 2006 to 2008 timeline and demonstrates the change in targeting tactics that on analysis can be separated into three different campaigns against financial organisations that are all linked to HLS.

Figure (3) : HLS targeting and trading links



In 2010, SHAC increased its pressure on financial companies that allegedly backed HLS.

For example, an email posted on the 'RiseUp' network announced that 'Fortress Investment Group' were looking for a \$440 million loan to bail it out after it had got into financial difficulty. The explanation for the continued targeting of the Fortress Investment Group is that SHAC believes that it secretly loaned \$70 million to HLS in 2006 after another investment company, Stephens Inc, pulled out of their financial support to the company after mounting pressure from SHAC. The RiseUp email was a typical 'call for arms' and necessary response from supporters that had been used on countless times before when SHAC had announced a target. This email stated- *"As part of the 'global focus' week of action against HLS' lifeline lender Fortress Investment Group. Today we are focusing on Fortress' four proposed lenders – Barclays, Bank of America, Wells Fargo and Citigroup. Dear supporters, please take time to email Fortress lenders about their dealings with Fortress Investment Group and HLS. Email alerts can be very effective if many people do them. Thank you for your continued support. Until all are free."* (RiseUp, 2010, p1).

The email then includes numerous email addresses of personnel working within the target groups. The supporters are encouraged to cut and paste to send the message in blocks. On this occasion the supporter is expected to compose their own letter of protest. Frequently on other messages the letter is already written and attached. The rhetoric that accompanies the above is interesting and provides an excellent example of why financial targeting is so favoured by the SHAC membership. It is effective and works. Although there is a 'legal caveat' in conducting its protest against the company, it remains a call for action for SHAC activists against the intended target. The final line is ominous - *"It is our mission to remove this financial support by targeting Fortress by any legal avenue possible, even if it means*

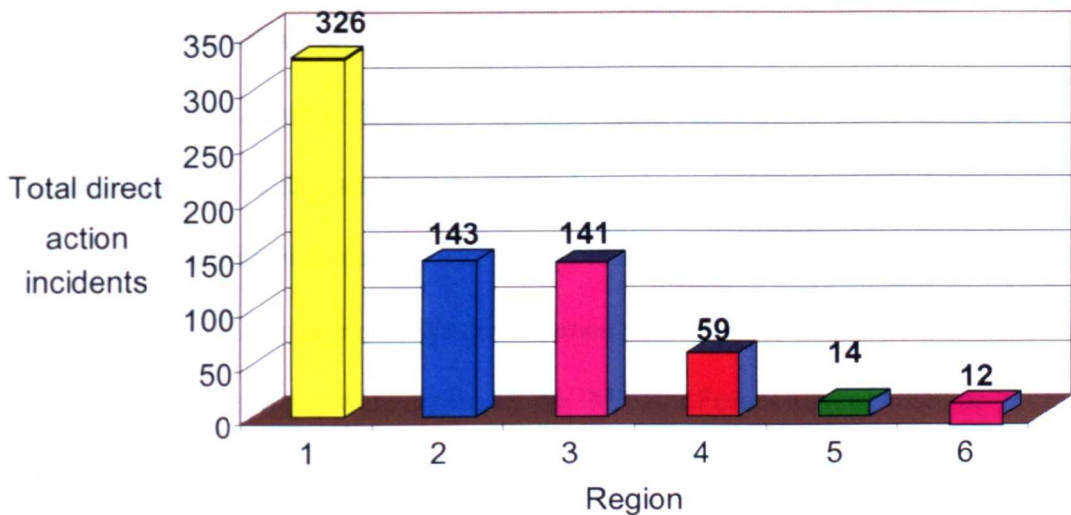
disrupting their \$440 million loan re-financing. Any company that helps Fortress are likely to be a target for the campaign." (RiseUp, 2010, p1). Such was the level of targeting against Fortress and its associated companies that in October 2010, it obtained an injunction against SHAC and its supporters under the Protection from Harassment Act 1997.

A major success of the SHAC campaign however has been that it has become a rallying point for animal rights activists across the world and the movement claims today to be the first genuinely international campaign against animal exploitation (SHAC,2009). In part this has been down to an effective promotion strategy and a flexible focused leadership approach. Demonstrations against target companies have taken place in the US, South America, Russia, Scandinavia and several European countries, including France, Germany, the Netherlands and Spain, giving the impression that the movement is growing and becoming worldwide (SHAC,2009). Like most developed countries, Western Europe experiences activism from all manner of social justice groups, not just ARE. Tolerance of social justice activism varies from country to country, and citizens of Western European countries are generally more accepting of dissent and social justice activism than other countries. Leading up to the end of 2010, there has been a noticeable transfer of animal rights related activism and extremism from the UK to Western Europe. This displacement of incidents abroad because of the success of enforcement agencies at home was first described as a phenomenon by Barr and Pease in 1990 in their seminal work '*Crime Placement and Deflection.*' The operation Forton/Achilles arrests of UK AREs in 2007, for example, may have resulted in the transfer of activist and extremist activity from the UK to

the Netherlands. After several incidents of dangerous direct action attacks in early 2009 and criticism from the medical research community, the Dutch government was forced to make more aggressive efforts to curb what it called radical activism in that country (Peachey, 2012). Western Europe features a strong extreme animal rights contingent, including radical grassroots animal rights groups such as the 'Anti Dierproeven Coalitie' (the anti-tests coalition) based in the Netherlands, and 'Contre Vivisection' (against vivisection) in France. Both groups are similar in structure, tactics, and goals. Because borders in Western Europe are fairly fluid, these groups draw activists from surrounding countries and engage in protest activities throughout the region. Like SHAC, both groups are involved in anti-research campaigns. The increase in animal rights related direct action attacks in Western Europe has so far specifically included France, Germany, Belgium and Switzerland. Direct actions in this region have sometimes been serious in nature – many involving the use of incendiary devices and arson. Most of the attacks have been aimed toward targets of the SHAC campaign and were perpetrated against executives. Looking at May alone in 2009, there were numerous ARE attacks: In Switzerland in May 2009 alone, three incendiary devices were placed under three vehicles belonging to a director of Novartis – claimed by the 'Animal Liberation Brigade'; incendiary devices were placed under two vehicles belonging to another Novartis director in Germany - claimed by the Militant Forces Against HLS (MFAH); a Novartis building was totally destroyed by fire in France - claimed by the MFAH; and a car was blown up by a petrol bomb belonging to a director of Schering Plough - claimed by MFAH. This is in addition to the other numerous incidents of vandalism carried and claimed either by ALF or MFAH. It is of note that in its targeting of Novartis, extremists desecrated the grave of the deceased mother of Novartis' CEO Daniel

Vasella in the summer of 2009 and burned a property he owned in Austria (Edwards, 2009). Because of this he went on the offensive, recruiting retired police officers, analysts and press officers to form an intelligence gathering capability. Open source reporting indicates he then sent letters to activists condemning violence in the name of animal liberation. He denounced the use of terror tactics as a substitute for meaningful and productive dialogue. He also granted a significant number of interviews to major news outlets, increasing the reach and scope of information available to the general public describing the heinous crimes committed against him in support of an animal rights campaign. Analysis of comments in the public news sources indicated readers supported and had empathy for Vasella and condemned the ARE. The publicity the incidents generated negatively impacted the public's perception of animal rights campaigners. The Western Europe region tends to exhibit the highest prevalence of SHAC activism internationally. Looking at the Biteback claims for the whole of 2008, the UK was the highest contributor of SHAC action within Western European countries and comprised nearly half all SHAC activity worldwide. SHAC activity in North America (U.S and Canada) trailed Western Europe with the second highest level of reported SHAC activities for 2008. Figure (5) demonstrates that Western Europe far exceeds any other region in animal rights related direct action incidents. Most direct action committed in Western Europe is against SHAC targets, universities, and the fur and hunting industries.

Figure (5) : 2008 Total Direct Action by Region



Region 1 = Western Europe 326; Region 2 = Central and South America 143; Region 3 = Nordic 141; Region 4 = North America 59; Region 5 = Eastern Europe 14; Region 6 = Australia & New Zealand = 12.

The author believes there are a number of possible reasons for such increased activity in Western Europe at this time. This could include, for example - efforts by the SHAC campaign to make a statement about the campaign not being crippled by the convictions of key leaders; efforts from the SHAC campaign to re-focus attention on HLS customers and bankers; the presence of ample offices and executive homes of SHAC related targets in Western Europe; a small but motivated group of activists in the area complicit with the SHAC campaign; and activists exploiting the fact that law enforcement does not communicate well across different national borders. This last point will be better mitigated in time by the effective establishment of 'Europol' which has a mandate to obtain, collate

and analyse information and intelligence; and to facilitate information exchanges between the member states (Gregory, 1998). The author also believes it is possible that some of the most serious incidents have been committed by one or more small group of activists or cell(s) moving across Europe. These cells are difficult to identify and penetrate by law enforcement agencies as they tend not to speak about their activities outside the group. Analysis of the Biteback website incident claims, reveal commonalities among nearly all of the attacks against SHAC targets in Western Europe over 2008. For example, most of the reports against SHAC targets were signed by the 'Militant Forces against HLS' or 'ALF'; personal information of SHAC target executives, including name, title, residential address, and family names have appeared in many of the Biteback reports; the actions claimed in the reports are serious in nature, including arson and the use of incendiary devices - this was true for nearly all actions perpetrated against targets of the SHAC campaign committed in Western Europe; personal threats against individual targets of the direct actions were also included in text of most of the reports against SHAC targets, including threats to return and/or threats against the safety of the target and their family; and a 'target' and 'action' format for several of the reports signed by Militant Forces against HLS appeared.

A case study: the emergence of Stop Huntingdon Animal Cruelty (SHAC)

In the 1990s, prominent amongst the UK animal rights activist groups were the 'Animal Liberation Leagues', an umbrella organization for regional bodies such as the 'Central Animal Liberation League', the 'Northern Animal Liberation League' and the 'Eastern Animal Liberation League'. These groups infiltrated research laboratories and uncovered evidence of the mistreatment of animals. Some of their evidence was used in the subsequent prosecution of researchers for animal cruelty (Henshaw 1989). One influential

member of the Northern Animal Liberation League was Gregg Avery. Avery was a committed activist and claimed that like many animal rights activists, his activism started having seen a documentary made in 1997 by Zoë Broughton, an undercover PETA researcher. The documentary, called 'It's A Dog's Life' was broadcast in the UK on Channel 4 on 26th March 1997 (Doward & Townsend 2004). The film showed HLS staff beating the beagles in their care. By the showing of the film, PETA effectively initiated what has become an international and sometimes violent campaign against HLS that has lasted until this present date. When HLS threatened legal action, PETA was forced to retreat from the campaign fearing crippling costs. However the PETA investigation led to HLS' license being revoked in April 1997 for six months. At the time, the company's share price stood at £1.13 – within 3 years they were worth 2.5 pence (Alleyne, 2001).

SHAC was formed in 1999 to take up the campaign. Interestingly SHAC were not the first campaign set up against HLS. An interview with a security manager from HLS reported that – “ *From 1996 there was a 'Huntingdon Death Sciences Campaign' orchestrated by the old rump of the ALF.... a very physical campaign, in your face, but lacking the sophistication of the later SHAC campaign*” (Interview, security manager, 2011).

It is instructive to explore where the main organizers of SHAC emerged from. Their background was steeped in animal rights activism and having honed their activist skills elsewhere, they were now ready to take on a big animal research organization such as HLS (Malle *et al* 2002). In 1997, Avery joined the 'Consort Beagle Campaign', an activist movement aimed at closing a beagle breeding farm which provided animals for research laboratories (Boggan 2006). In what was to become a tactic later developed for the SHAC

campaign, Consort Beagles was subjected to lawful protests during the day by the public facing Consort Beagle Campaign, and unlawful attacks such as criminal damage, arson and assaults by night, actions attributed to the Animal Liberation Front. Consort Beagles, a small family run company, was ill-equipped to resist and the business closed after 10 months of campaigning after 'unknown elements tied the owner's wife to a tree with a bag over her head' (Boggan 2006). Buoyed by this success, Avery and his group moved on to form the campaign to 'Save the Hill Grove Cats' intended to close Hill Grove Farm in Oxfordshire in late 1997. It was one of the few businesses in the UK breeding cats for use in the animal research industry. The original campaign had been started by Cynthia O'Neill in 1991 when her cat had been stolen and she believed sold on to vivisectors at Oxford University. O'Neill eventually handed over the running of the campaign to Heather James (alias for Heather Nicholson and former wife of Greg Avery) and Greg Jennings (alias for Greg Avery) - "*Cynthia was pleased to see new strength being generated Heather and Greg brought a new focus and almost 'professional' organizing abilities to the campaign*" (Malle *et al*, 2002, p80). The campaign against Hill Grove Farm was marked by increased criminality including the sending of letter bombs in which the owner of the farm was injured, arson and criminal damage. Interestingly in January 1999, the owner of the Hill Grove Farm in a desperate act, offered to sell the cats to the campaign for £200,000. The campaign turned the offer down describing it as 'blood money.' Greg Avery stated that the campaign would not - "*give in to blackmail*" and accused the owner of using "*hostage tactics*" (Malle *et al*, 2002, p.173). Ironically Avery and others were later imprisoned for conspiracy to blackmail in 2009 as a result of the police operation Forton/Aries (see chapter

5). As with the Consort Beagle campaign, Hill Grove Farm was forced to close in late 1999, after a reinforced campaign masterminded by Avery and others (Boggan, 2006).

Having refined his tactics, Avery and others moved on to their next target in November 1999 - Huntingdon Life Sciences in Cambridgeshire, said to be Europe's largest animal testing laboratory (Alleyne, 2001). With his wife and about ten other activists he formed the 'Stop Huntingdon Animal Cruelty' campaign group in 1999. SHAC's stated aim was to close HLS and its premises at Huntingdon in Cambridgeshire, Occold in Suffolk, and New Jersey in USA within three years. It immediately began a series of lawful protests during the day, which as before were accompanied by unlawful activities at night. These included fire-bombing cars and homes and posting letters booby-trapped with razor blades contaminated with rat poison. The blades were taped into envelopes so that anyone opening them by hand would slice open their fingers (Harris, 2001). These actions were invariably attributed to the Animal Liberation Front (ALF) to raise the level of community fear (Bowcott, 2009). However the campaign against HLS did not meet the rapid success of the earlier campaigns, and became increasingly vitriolic and aggressive- *"From physical protests and protest camps outside the premises and in adjoining land, we started to see a change in tactics when SHAC asserted themselves, from plastic barrels full of concrete for protestors to lock-on to the gates and vehicles, to organized demonstrations on a national basis with people coming from different regions in the UK as opposed to the local protestors we had previously witnessed. We also saw our first secondary action when Shell at Elsmere Port was protested at. I calculate that between 2000 – 2002 there were some 850 demonstrations over the two sites at Cambridgeshire and Suffolk which varied from 2*

or 4 people to over a thousand .protestors on any single day. Present and ex- shareholders were researched to reveal people with addresses, and some of these were employees, and that's when the malicious communications and home visits started" (Interview, security manager, 2011). In 2001, Dr Brian Cass, the CEO of HLS, was attacked and injured by men wielding baseball bats outside his home, an assault which resulted in prison sentences for two activists (Harris, 2001). In 2000, SHAC's strategy changed with a clear aim to strangle the company's financial resources and support – its first move being to publish a list of the principle shareholders of HLS on its website. This list included the names of 'beneficiaries'; anonymous individuals and companies who bought shares in the name of a third party. These included the British Labour Party pension funds, Rover cars and the London Borough of Camden. The list was passed to the Sunday Telegraph and several beneficiaries quickly disposed of their shares. An interview with Gregg Avery conducted with the Guardian newspaper on 1st June 2006, details the research methodology for targeting. *"We looked at the Huntingdon share price," says Avery. "The company was already in a financial mess - the share price was down to 17p. It was Europe's largest vivisection laboratory, a public company that was bigger than anything else we had taken on. It would be difficult, but we knew our best chance was to hit it financially.....We decided on what we called a multi-faceted 3-D campaign, and that is what it has become"..... "HLS is in the middle of nowhere; we could go there and shout at people, but they just don't care. We decided most of the damage could be done from hundreds of miles away if we did our homework. We had to target the shareholders"* (Boggan, 2006,p1). Avery began studying the financial information provided by companies such as Bloomberg and Reuters. Reuters provided a service called 'Citywatch', which offered information on

shareholders. Avery commented - *"I posed as a potential customer - the service cost £200 a month - and asked what information they could give me. I said I might be interested in investing in Huntingdon Life Sciences and asked for an example of the information they could provide. I was emailed a list of the main HLS shareholders, and we got a big shock. Not only were we shown who the nominees were - big investment bankers like Phillips and Drew - but also the beneficiaries, the people they were investing for, usually big pension funds. They included the Labour party pension fund, and those of Camden Council, Hammersmith and Fulham Council, Rolls-Royce and Rover"* (Boggan, 2006, p1). They also included other institutions such as the Bank of New York, the Bank of Scotland Branch Nominees Ltd, ASCO Nominees Ltd, Barclays Stockbrokers Ltd, Barclayshore Nominees Ltd, Equitable Life Assurance Society, and Lloyds Bank Nominees. The campaign asked activists to 'adopt a director' and many shareholders received direct threats of violence to themselves and their families if they did not sell their shares. A victim reported that - *"they call at all hours, sometimes after midnight and up to eight times a day. This is a form of terrorism and it's very frightening. It should not be happening in a democracy"* (Harrison and Foggo, 2000). The Labour party quickly ordered its shares to be sold and following demonstrations outside the homes of the directors of fund managers, two weeks later, an equity stake of 32 million shares was placed on the London Stock Exchange for one penny each, financially embarrassing the organization (Boggan, 2006). At the same time the number of demonstrations SHAC organized, stepped up dramatically. Many individuals received by post large quantities of unsolicited goods, and nine were subjected to arson attacks, mainly the burning of vehicles (Harrison and Foggo 2000). With the share price being below market capitalization levels, this forced the company to de-list from both the

London and New York Stock Exchanges. The company's banker, the Royal Bank of Scotland, which had provided a £25 million loan to HLS, was also targeted by extremists, and withdrew HLS' banking and overdraft facilities. This put HLS in grave danger of closing (McKerron and Harrison, 2001). The campaign against HLS required the Bank of England, the only bank prepared to do so, to offer banking facilities to HLS. In fact, so effective had the SHAC targeting campaign become against HLS, that in 2002 the company moved to the United States, to Maryland, amongst other reasons to benefit from legislation guaranteeing the anonymity of shareholders, and it set about rebuilding its business (Tryhorn, 2008). Effectively placing assets in the name of a 'Maryland Corporations and Limited Liability Company' provided a cloak of privacy between the company and those contemplating legal action against it. This privacy was enhanced when representative 'nominee' managers were listed in the public records. Overall control however was maintained by the principal shareholders who remained anonymous in the background (Maryland LLC, 2012).

So successfully had the company rebuilt itself, that by 2005 it was ready to re-float on the stock market. In September 2005, Dr Cass and other directors of HLS were in Wall Street to take part in the NYSE's opening bell ceremony to publicize their flotation. However unbeknown to HLS directors, SHAC had mobilised its campaign to the USA to target New York Stock Exchange directors and senior officials. For example, a number of them received home visits where protests ensued. Other more direct action was taken at the Manhasset Yacht Club where a number of the director's boats were vandalised and daubed with the letters 'ALF' to increase the level of intimidation. Just a few moments

before the floatation, the NYSE cancelled the listing (Liddick 2006, and Tomlinson, 2005). HLS sued the NYSE and after negotiation, HLS was listed in 2006 under the ticker tape name of 'Life Sciences Research' (LSR) on an electronic trading platform run by the NYSE, called 'NYSE-ARCA'. This made tracing share purchasers more difficult (Tryhorn, 2008). HLS or rather its parent company Life Sciences Research Inc, de-listed from the NYSE in November 2009 following a privatization merger. This made targeting the company's finances in theory even more difficult. This private company is now effectively owned by Andrew Baker, the CEO (Mansell, 2009).

It is important at this juncture to emphasise the importance of 'new media' on the animal rights movement in the 21st century - particularly websites such as Indymedia and Biteback. 'New media' is a term meant to encompass the emergence of digital, computerised, or networked information and communication technologies in the later part of the 20th century, i.e. interactive digital media, such as the Internet, as opposed to traditional media such as print and television (Thompson, 1995). The rise of 'new media' has increased communication between people all over the world. It has allowed people to express themselves through blogs, websites, pictures, and other user-generated media. Andrew Shapiro (1999, cited in Croteau and Hoynes 2003, p.322) argues that the *"emergence of new, digital technologies signals a potentially radical shift of who is in control of information, experience and resources"*. According to Neuman (1991, cited in Croteau and Hoynes, 2003, p. 340) - *"we are witnessing the evolution of a universal interconnected network of audio, video, and electronic text communications that will blur the distinction between interpersonal and mass communication and between public and private communication"*. Neuman argues that 'new media' will alter the meaning of geographic

distance, allow for a huge increase in the volume of communication, provide the possibility of increasing the speed of communication, provide opportunities for interactive communication and allow forms of communication that were previously separate to overlap and interconnect. Flew (2005) concluded that as a result of the evolution of new media technologies, 'globalisation' occurs. Flew explained that globalisation is generally stated as more than expansion of activities beyond the boundaries of particular nation states. In other words globalisation shortens the distance between people all over the world by electronic communication. *"New media radically breaks the connection between physical place and social place, making physical location much less significant for our social relationships"* (Croteau and Hoynes, 2003, p.311).

Jewkes and Yar (2010), confirm that this new media has also found a use within social movements such as animal rights issues – effectively using websites, blogs, and online videos to demonstrate the effectiveness of the movement itself. Emphasising this point Wall (2007, pg 6) states - *"the use of mass-mediated communication for nefarious purposes is as long established as the media themselves.... We are beginning to experience a new generation of automated cybercrimes, which are almost completely mediated by networked technologies that are themselves converging."* Gauntlett (2004) develops this assessment when he confirms that the Internet has expanded beyond its original platform of fixed-location computers and has now migrated across multiple platforms including mobile communication devices such as telephones, personal digital assistants (PDAs) and ultra-portable 'netbooks'. Users have moved from being recipients of mediated content to being active producers of self-generated content. All this is now witnessed by the emergence and popularity of social networking sites, wikis and twittering. This all translates to increased

communication conduits amongst animal rights activists and extremists, for example, the use of high volume blogs has allowed numerous views and practices to become more widespread and gain more public attention. The emergence of twitter has allowed instant communication for groups to follow directions to protest locations or meeting points, or simply adjust their operational tactical strategy. Upton (2012, pg 238) comments on this tactic when he writes that – *“economic sabotage should be seen as a selective, well-calculated strategy practiced by empowered activists... this sabotage has been facilitated by the proliferation and use of ICT (internet, email and mobile telephony)”*.

The ‘Independent Media Center’ (IMC or Indymedia) is a global participatory network of journalists that report on political and social issues. It originated during the anti-world trade organisation protests in 1999 as an alternative media source and remains closely associated with the ‘global justice movement.’ It followed a successful introduction in 1999, reporting the events of the ‘Carnival Against Capitalism’ in London where software and unmediated reports were used by the media team from protest participants at the scene (Haas, 2007). Indymedia was founded as an alternative to government and corporate media, and seeks to enable people to publish their media as directly as possible by using an open publishing process that allows anybody to contribute. According to the Indymedia homepage- *“Indymedia is a collective of independent media organisations and hundreds of journalists offering grassroots, non-corporate coverage. Indymedia is a democratic media outlet for the creation of radical, accurate, and passionate tellings of truth”* (Indymedia UK, 2012, p1). After 1999, the idea and network spread rapidly. By 2002, there were 89 Indymedia websites covering 31 countries, growing to over 150 by January 2006 (Haas,2007). Indymedia websites publish throughout the world in a number of languages, including

English, Spanish, German, Italian, Portuguese, French, Russian, Arabic and Hebrew.

Indymedia's volunteers distribute print, audio, photo and video media, but are more known for their open publishing newswire sites where anyone with internet access can publish news from their own perspective. The content of an IMC is determined by its participants, both the users who post content, and members of the local Indymedia collective who administer the site. Indymedias worldwide are run autonomously and differ according to the concerns of their users. The sites run on a number of free software platforms, many developed especially for the purpose. As a global communication system it was ideal for the animal rights groups to discuss their campaigns and tactics. It was also convenient for them to publish new targets and announce capitulations of companies concerned with their campaign (Upton, 2010).

Indymedia has its critics, for example, Platon and Deuze (2003) believe that it is unlikely that mainstream news media will adopt the methods of Indymedia's journalism in any detailed way. They believe the principles of professional journalism are just too robust. Dismissively they comment – *“Must the use of the principles and practices of alternative journalism be reduced either to the recuperation of radical models for short-term gain, or to an incoherent babble of voices that destroys journalistic norms rather than critiquing them?”* (Platon and Deuze ,2003, p5). In contrast, other academics (Rojecki, 2002, Robinson et al, 2006, Thurman, 2008) have argued that Indymedia is a viable or preferable alternative to corporate media. Its operations are conducted by activists around the world, who, though they may be lacking in journalistic training and corporate funding, tend to make up for this with enthusiasm for reporting issues of social justice and unique related events, which in their view, the corporate media under-reports or censors. The author

believes that the danger of this ‘citizen journalism’ is that since anyone with access to a computer can publish on Indymedia, with little to no editorial process, unsubstantiated allegations and conspiracy theories can be made against targeted individuals and the companies they work for by animal rights activists and extremists. These are often published as fact along with inaccurate articles and content that can offend and collectively intimidate.

The ‘Biteback’ website is an activist website that is maintained by Nicolas Atwood, a US animal rights activist based in West Palm Beach, Florida. He directly maintains the Malaysia-registered Biteback direct-action website, which has direct associations with the Animal Liberation Front (Liddick, 2006). Although a source of great agitation to police authorities worldwide, the site cannot be closed down because it is protected by the US First Amendment. The site is effectively used by world wide activists and extremists to announce various actions they have carried out in furtherance of their ideologies. Atwood has been associated with both the SHAC and ‘SPEAK the voice for animals’ campaigns in the UK. The site has been used to ‘post’ details of those customers and services supporting primary targets such as HLS and the Oxford University Biomedical laboratory. For example, the site published email addresses naming Oxford academics who were targets of the animal rights movement, including Prof Colin Blakemore, former head of the British Medical Research Council (Walsh and Calvert, 2006). The power of the site to raise fear and alarm, is an effective one. It is clear however, that although claims of direct action are broadcast on sites such as Biteback, they differ with degrees of accuracy and truth, and considering the amount of bias from the reporter, their content material should be viewed

with suspicion as being a mixture of primary and secondary sources. However, it is also within the author's knowledge that the national agencies between 2004 – 2010 paid great attention to the Biteback site as a source of open source reporting to supplement the 'intelligence picture' regarding animal rights because some forces were poor in reporting animal rights related incidents. Industry was also slow or reluctant to report incidents concerned with their employees or premises. Overall the police had not set up clear lines of traditional intelligence exchange and this was why there was a reliance on open source material.

In perpetrating the incidents, animal rights protestors employed a wide variety of tactics, spanning the spectrum, from annoying to disruptive and dangerous (Munro, 2005, Koenig, 1999, Monaghan, 1999). Over the years they have practiced and refined their tactics, at the same time building up excellent levels of knowledge of 'protest law' and good practice which they willingly share with others as evidenced by protest law websites such as the 'freeB.E.A.G.L.E.S.' legal resource centre website for UK political campaigners. This knowledge of the law has been used effectively to challenge police methodology and tactics on the ground, often to the detriment of the credibility of individual officers who are not as well informed as some of the protestors and may act outside the law through ignorance and frustration. It is not uncommon for activists to then post their video encounter on 'YouTube' to the embarrassment of the police and to announce their success (Hills, 2012). The main features of extremist campaigns in the UK have been intimidation and property damage. Extremists have had many opportunities to intentionally assault individuals, but only very rarely do so. When they do occur, in almost all cases they resulted from an

individual attempting to stop an extremist in the course of damaging property - the exception to this statement being the assault on Brian Cass, CEO of HLS in 2001 (Kelso, 2001 and Alseron , 2009). Activists are likely to know which of their tactics are legal or illegal, where the grey areas lie and how best to exploit them. The following is a list of the prominent tactics used by ARE. The list is by no means complete and it is often the case that a particular target will be exposed to one or more different tactics at the same time. The intention is common amongst all of them – that is to stop or deter someone from doing something that they have a lawful right to do or not to do, they include:

demonstrations/public order; use of lock-ons to obstruct and delay; service denial attacks; gluing locks or damaging property under cover of darkness; wearing of intimidatory masks such as the ‘scream masks’ at protest sites; graffiti, for example - ‘ALF’; infiltration for undercover reporting and internal assessment for targeting; improvised incendiary devices (IED); cutting cables /pipes; liberating animals from cages; sending paedophile letters to target’s neighbours; malicious letters/phone calls; and claims of product contamination.

It is not the purpose of this chapter to closely examine the methodology and effectiveness of all the tactics employed, however it will be instructive to analyse some of the recent ones utilised in order to demonstrate flexibility of approach and innovation. Consideration has already been given to the effectiveness of focused protest at either primary, secondary or tertiary targets linked by a common denominator victim such as HLS. Extremists have often hidden behind legitimate peaceful protest carried out by other groups or individuals to carry out extremist acts of intimidation or harassment. This form of intimidation and harassment is at its most acute when carried out at the victim’s home. Analysis of the

results of the research questionnaire carried out also supports this assertion as to the effectiveness of home visits. Of the number of research questionnaires returned from DE experts 'in the field,' 26.5% of them indicated they would rate this tactic at the top of their effectiveness list for ARE tactics. Not surprisingly 37% of the experts placed the threat or use of IEDs at their top of their effectiveness list (see Appendix A). Three of the most interesting and successful tactics employed have been product contamination claims, malicious communications and service denial attacks. A brief examination of all three will help to demonstrate their effectiveness when used independently or part of a group of tactics employed by AREs.

Making anonymous public claims of 'product contamination' is a tactic that has been used infrequently in the UK and abroad throughout the last 30 years. For example, in 1984 extremists believed that the Mars Company in the UK were performing tooth decay experiments on test animals. The media were contacted by the Animal Rights Militia (ARM) and told that some of the Mars bars had been poisoned. The company immediately instructed shops to withdraw the sweet bars from the shelves and in so doing so incurred huge financial losses. ARM later acknowledged that the poisoning was a hoax but the threat had been enough for Mars to announce that they were no longer testing on animals- *"I have today received the following information from the Commissioner of Police of the Metropolis. At 3.10 pm on Saturday, 17th November, New Scotland Yard received a telephone call from the Sunday Mirror informing the police that he had just received a telephone call from the Animal Liberation Front stating that Mars bars throughout the country had been injected with rat poison. That telephone call was followed by the receipt*

at the Sunday Mirror of a Mars bar and a letter from the ALF, in which the ALF claimed to have adulterated Mars bars in London, Leeds, York, Southampton and Coventry. The Mars bar and letter were handed to the Metropolitan police” (Mellor, 1986). The success of this action demonstrates that economic sabotage is a powerful, effective tool for AREs.

Anytime a company has its product tampered with, the potential injury to its customers is too important to ignore. By understanding this fact, the AREs, in this case the Animal Rights Militia, have capitalized on this fear. The tactic was repeated in Canada in 1994. On 23rd December 1994, AREs claimed to have injected turkey bodies with rat poison while randomly placing them in various Safeway and Save-On-Food outlets in the lower Mainland area. Samples were sent to the media but when tested by police were found to be uncontaminated. An estimated \$1 million worth of turkeys were removed from the shelves and Health Canada spent many weeks after the claim, testing for any poisoning. The claim was another hoax – the supermarkets selling the turkeys and the Turkey Producers Co-op suffered financially (Akron Beacon Journal, 1994).

In the UK in 2007 and early 2008, a number of claims of contamination appeared on the Biteback site. These claims were made in relation to products of major pharmaceutical companies and key HLS customers – Novartis and GlaxoSmithKline (GSK). Some of the claims were relayed anonymously to local newspapers and radio stations to maximize the threat. On 28th August 2007, there were claims against Novartis that ‘Solo Aqua Care’ and ‘Savlon’ products had been contaminated in the UK and France; on 4th October 2007 claims that Voltaren had been contaminated in Spain; and on 8th October 2007 claims that Savlon and Lypsyl products had been contaminated in the UK. On 10th December 2007,

there were similar claims that Lucozade products had been contaminated in the UK; and on 22nd January 2008 there was a claim that Odo, Parodontax, Dr Best and Sensodyne products had been contaminated in Austria. It is instructive to consider the content of some of the claims that have appeared on Biteback- (1) *“Over the last 5 days over 250 tubes and bottles of Novartis’s Anti-Septic product Savlon have been tampered with in the North of England in stores such as Superdrug, Boots and other well known stores. We don’t want to kill living beings like Novartis but the side effects and the inevitable hospital stay will give people an idea of what Novartis pays for inside Huntingdon Life sciences. The message is clear and uncompromising Vasella, you must stop killing animals inside Huntingdon Life Sciences or this will be only the beginning of our campaign. Animal Rights Militia”* (Beckford,2007, p1). (2) *“On August 25-27, 85 bottles of ‘Solo Care, Aqua’ made at Novartis were infected across France. We infected in: Vision Originale, Atol, Krys, Optical Center and Optique Jardin. Each bottle was added hydrogen peroxide with small needle. CIBA Vision and Novartis must feel the pain of the animals they kill at HLS until they break contracts. Animal Rights Militia”* (Batty, 2007, p1). (3) *“It seems that Novartis were all too quick to remove the tampered with Savlon from the store shelves, however we are the Animal Rights Militia and were prepared for such an eventuality, this original action was only a precursor to a more sophisticated attack. Over the past three months members of our cell have been inserted into various positions throughout the operations of numerous high street stores and supermarkets such as Superdrug and Tesco. These agents have once again tampered with bottles and tubes of Savlon. This time the tubes of Savlon were infected with sodium hydroxide that had been mixed with a large amount of Savlon in advance... Animal Rights Militia”* (Biteback, 2007, p1).

The claims all transpired to be false but this was not ascertained until after stores like Boots and Superdrug had taken immediate action on 29th August 2007 and removed Novartis products from their store shelves and the losses were in their millions. The tactics are a form of ‘economic terrorism’ whereby they are designed to directly financially hurt the pharmaceutical company by targeting one of their niche products. ‘Savlon’ is a well regarded brand and utilized by the young and old. Clearly the choice to the company is either to remove the product from its shelves to protect their asset and suffer associated financial losses; or let the product remain on the shelves with the prospect that if one or more is found contaminated or even worse a member of the public suffers injury or illness. Commercially it would be devastating and civil litigation would inevitably follow. The threats carry with it the intended malice. The first two were issued almost at the same time whilst the third appeared a few weeks after. The third claim contains an obvious terrorist threat as it refers to – “members of our cell”. It is used to intimidate and provide credibility to the group by using terrorist terminology. The tactic is undoubtedly effective. It provides the perpetrator (s) of such claims complete anonymity and the police have little chance of identifying suspects unless they are privy to other forms of intelligence gathering.

Malicious communications are a simple tactic but again very effective, and usually involves the sending of malicious communications to targeted personnel within primary, secondary and tertiary targets, whether by email or letter. A more sophisticated version of this tactic was that of sending letters to the neighbours of targets announcing that the targeted individual was a paedophile. This allegation is particularly corrosive and damaging. The letter was framed in the following words- *“The man named above (photo and address at top of paper) is a convicted paedophile. Please keep your children safe from him. I believe*

people should know where these monsters live so that is why I am sending a letter to everyone who lives within a 20 mile radius of him. He is also currently under investigation for downloading sickening pictures of children from the internet. Please pass this info on to anyone you think needs to know" (Melling, 2004, p1). That the extremists are aware of the successful initiatives of other groups, including major terrorist organisations, is demonstrated by the fact this tactic is one borrowed from the IRA. It is designed to destroy the reputation and credibility in the community of the individual targeted. It is particularly devastating because of the stigma associated with being an alleged child protection threat and is designed to affect an individual's quality of life. Where this tactic has been initiated the police have made personal calls on neighbours to reassure them that the allegation is false and has been made vindictively. *"They studied the structures of the IRA and also held regular training sessions at safe houses, where they were told how to spot undercover officers and ensure they weren't being followed, says Andy Robins....The strategy was straightforward: any businesses with any connection to Huntingdon, including even sandwich delivery men and cleaning firms, were warned in telephone calls to sever all ties. If the warnings went unheeded, anonymous letters were sent to the neighbours of these ordinary businessmen and women, warning that they were convicted paedophiles and could pose a threat to children"* (Malone, 2010).

Service Denial Attacks (DDoS) have become more popular and sophisticated as the tactic has evolved. It holds a great attraction to both activists and extremists involved in a campaign because of the perception that it can hurt a company at a distance and provide the activists with absolute anonymity. It was first seen in December 2008 when Indymedia

announced an 'electronic sit-in' for 15th December 2008 against Rotenburg, Meril, Soloman, Bertiger and Guttilla (RMSBG). RMSBG is a New Jersey USA based accounting firm used by HLS allegedly as their auditor. The event was probably advertised as an 'electronic sit-in' as opposed to what it actually was – a denial of service attack or 'Distributed Denial of Service' attack (DDoS), to maximize public participation to achieve its objective. DDoS is an offence under the Computer Misuse Act 1990 as amended by sections 35 to 38 Police and Justice Act 2006. The attack against RMSBG was only partially successful. The website did become disrupted for the duration of the attack but because the website was used solely for advertising rather than product sales, the company did not suffer any direct financial loss of sales. On Tuesday 29th January 2009, Indymedia again announced an electronic sit-in. The targets were again RMSBG and included Bayer which was an HLS customer. The Indymedia website gave detailed instructions on the aim of the attack and how it was to be carried out. The clear aim of the attack was to bring down both the RMSBG and Bayer website. The author believes that if successful this could have led to a number of consequences namely: loss of business; financial costs in countering the attack and any future attacks; damage to the image of the company; question the ability of the company to keep other client and intellectual property rights secure and allow the perpetrators to 'glory' in their success. The item on Indymedia dated 19th January 2009, stated- *'Online Sit In: Monday, January 26, you are invited to join us on an Electronic Sit In against HLS collaborators. We will be targeting the website of HLS's auditors RMSBG and since on the 26th it is the day of action against HLS customer, Bayer, we are targeting the website of one of their biggest products, asprin.com. This is the way it works. You set your browser to a certain page that continuously loads images on the target*

website. Our hope is if enough people do this, we will effectively deny legitimate users access to the website by tying up the website's bandwidth..... Oh, also use a public computer, so in the rare case this action is investigated, you can't be traced back'

(Indymedia , 19th January 2009,p1). Further detail of the attack methodology evidences areas of extremist expertise and learning concerned with cyber crime. Indymedia instructed followers to go to five free file sharing websites, for example – 'JustFreeSpace.com'. The file sharing website companies were unaware that their sites were being used to house software intended to be used in a criminal manner. To ensure that their followers went to the right page within the file sharing site, Indymedia provided active hyper-links on their instruction page. Upon clicking on one of these links the relevant page on the file sharing website was displayed, with an icon to click to download 39.1 Mb of specially written software. Upon use, this software immediately opened Explorer or Firefox, or whatever the computer had as a web browser. It then established a link with the target web sites and continually hit these websites requesting the largest files, which were normally photographic images. Most company servers only have a limited supply capacity. Each image because of its byte size takes up a reasonable amount of broadband width. The software used by each activist to hit the target website was set up to request twelve images at once, six from each target site. Only company IT staff know how many images a company server can supply before all the bandwidth leaving a server is full. They are designed to cope with a normal level of hits plus a considerable amount of spare capacity. A denial of service attack looks to use up all of the spare capacity and request information beyond the ability of the server to supply it and the ability of the bandwidth to transport it down the wire. They are called DDoS attacks because the attacks come from machines

distributed around the world. This is the power of Indymedia as a social networking site – its reach is global. During the day of action each activist was encouraged to leave the software operating as long as possible. As different activists come on line and use the software to target the company, they overlap. Numbers rise and the organizers hope that if sufficient numbers of activists use the software all at once, the target company servers will be unable to meet all the requests. The broadband width will not be sufficient for all the traffic to travel along and it becomes blocked. Legitimate users of the website will be denied access and consequently the services that they are looking to find on the website – hence the term, denial of service attack.

Further threats are materializing as this area of cyber crime becomes even more sophisticated. Activists have started utilizing ‘Tor’ software. Tor is free software and an open network that helps users ‘defend’ against a form of network surveillance known as ‘traffic analysis’. In other words, Tor allows clients the offer of hidden services, e.g. a web server, without revealing an Internet Provider or IP address. This makes it more difficult for the police to carry out their work and track back. Perhaps a bigger threat is the emergence of the ‘botnet’ or bot. A bot is a malicious program with the purpose of fraudulent use of a computer. Translated this means that a bot is normally an ordinary household computer that unbeknown to their owner has been taken over and can be controlled remotely via the internet to target a website. If there were, for example, thousands of bots available to a determined activist, it would allow him or her to group them and be controlled by one operator via the internet. Its attraction is that it does not need the participation of supporters – it can be organized and implemented by just one individual. Since 2008 there have been

many service denial attacks on companies by animal rights activist intent on disrupting business operations and thereby compelling the companies to divest or cease business with HLS. Some have been more successful than others. For example, a so called 'Zombie attack' amounting to service denial was successful in making the US HLS website inoperable (Federal Indictment US of America v SHAC, 2008).

SHAC as an organisation has undoubtedly been effective in its tactics to hurt HLS, however its overall mission statement to close it down has not yet materialised. Analysis of the chapter has shown however how desperately close it has come to achieving that objective. If it wasn't for the UK government support in providing a banking and insurance arrangement, it would have gone the way of other animal rights targets such as Concert Beagles, Darley Oaks Farm or Hillgrove Farm. There is one important distinction between these targets and HLS and it is a distinction that the SHAC leadership failed to fully comprehend in pronouncing they would close it within 3 years. HLS is strongly linked to the pharmaceutical industry in the UK and abroad; and initially had strong financial backing. The government recognised the threat that closure would bring to domestic GDP and its need to promote the bio-tech and pharmaceutical services to build upon that monetary income. Moreover it could not allow an animal rights activist organisation such as SHAC to bring a high profile target such as HLS down and to embarrass it in the eyes of the world. It is a battle that on the surface SHAC cannot win, however the campaign group has provided a tactical blueprint for how to take on major companies through its targeting of secondary and tertiary targeting of the supply lines into HLS; and this includes strangling its financial sources. The success is now mirrored in the rest of the world where

these tactics of peaceful protest mixed with criminal actions such as intimidation and harassment have been copied especially within Europe where 'softer' targets allied to HLS are located. Interestingly Gregg Avery when being interviewed in 2006 on BBC Radio 4 stated – *"You don't pick a company unless you can close it down because otherwise you just make those companies stronger. So when they are chosen – they are finished"* (BBC Radio 4, 2006). HLS is still open to business but whether it is stronger is very much subject to debate.

The next chapter will examine the police response to this threat in 2004 - in particular how the government and police formulated their strategy in policy and the organization of specific national police groups to tackle the problem of ARE directly. Its response was robust but some would claim disproportionate to what was required.

Chapter (5) : Genesis of a police response

'All men can see these tactics whereby I conquer, but what none can see is the strategy out of which victory is evolved'. - Sun Tzu (6th Century)

At the beginning of 2004, the police and the government were faced with both old and new challenges. On the one hand, new challenges in relation to emerging well directed DE groups with an on-line presence, on the other, traditional poor practice of failure to collate, assess and share intelligence accurately (Sheptycki, 2007). In response to these emerging threats, they had to redraft the intelligence architecture and realign the policing, policy and private sectors to grapple with the issues. What then evolved was a model of plural policing (Stenning, 2009) that defined its success by the direct reduction of animal rights incidents and crimes. This chapter will examine how parts of the criminal justice system consisting of the government, the police and the CPS collaborated together to tackle a problem that was threatening an industry that was seen as essential to the economic future of the UK. This collaboration was evidenced by increased preventative and security literature aimed at private industry, increased intelligence gathering and effective enforcement. New groups and units were formed both within the government and the police to tackle ARE directly and from these newly formed groups came directed policy aims and objectives to impact upon the problem. Crucially a national coordinator was appointed to coordinate the police response to DE and with that ARE. He reported both to a higher policing group - Association of Chief Police Officers – Terrorism and Allied Matters or ACPO(TAM), and the government. Industry also began to increasingly communicate security and preventative

good practice amongst itself by the formation of groups such as the 'Pharmaceutical Industry Security Forum' (PISF). This chapter will go on to explore whether ARE should be correctly classified as acts of terrorism or be seen as part of organized crime. The description is vital as each promotes a dedicated reaction and response. There have been problems though, for example, in their efforts to collect intelligence the police have been criticized for acting disproportionately against protestors in their appreciation and application of the law, and this chapter will briefly analyze where such mistakes have been made.

That the government was beginning to take the issue of the animal rights issue seriously at the turn of the century, is evidenced by the announcement by Prime Minister Tony Blair in Parliament on 28th March 2001, that a new Ministerial Committee to tackle ARE had been established- *"On 28th March the Government announced a range of measures to prevent the intimidation of people who work in, or are connected with, legitimate animal research establishments in our Consultation Paper Animal Rights Extremism: Government Strategy, which was published that day. A new Ministerial Committee has now been formed with the task of taking forward, and wherever possible adding to these initiatives, with the overall aim of reassuring people involved in legitimate research upon animals, whether as scientific workers, managers or investors, that criminal intimidation will not be allowed to succeed"* (Hansard, 2001,p401). The terms of reference for the Committee were - 'to co-ordinate policy to protect those who work in, or are connected with, legitimate animal research establishments against intimidation by extremist groups'. The membership was across the government and included various Secretaries and Under Secretaries of State

ranging from the Home Office to that of Agriculture and Trade / Industry. The Chief Scientific Adviser would also be invited to attend meetings of the group and other outside experts when necessary. The initial name given to the new committee was – ‘The Ministerial Committee on Animal Rights Activists’. Abbreviated it was commonly known as ‘MISC 13.’ In 2006 it was changed by Tony Blair to the ‘Ministerial Committee on Animal Rights Extremism to ‘reflect more closely the Committees’ terms of reference’ (Blair, 2006). The author believes that this change acknowledged that the government was uniquely aware of the sensitivity of the two words – ‘activist’ and ‘extremist’. Chaired by the Home Secretary, it had the necessary political clout to direct changes in response to the increased activity now being directed against HLS and the Oxford biomedical building by AREs.

That there was a need for industry to take measures to protect itself in the face of a new brand of terrorism witnessed after the al-Qaeda 9/11 attacks in the USA, is evidenced by a think tank report (Foreign Policy Centre, 2002) which called on the UK government to involve Business in contingency planning and information sharing. The report reported on a widespread fatalism amongst the business community that it could do nothing about the risk of terrorism and consequently were not taking the correct precautions that could save lives and their business in the event of an attack. Assistant Commissioner David Veness, a leading expert on anti-terrorism, reported that this new threshold of terrorism demanded action from both ‘likely’ and ‘unlikely’ counter-terrorists. The ‘likely’ counter-terrorists were state actors such as the police, military, security services and the military. Equally important however were the ‘unlikely’ counter-terrorists who were the potential victims of

terrorism, and these included business, commerce and local communities. As such their individual and collective endeavours to prevent and reduce harm were critical to the new counter-terrorism strategy. Commenting on the importance of government being responsible for creating a framework in which businesses could operate, such as in participating in scenario training and the transfer of intelligence with the police, Veness commented - *“These sessions help to sustain a new level of partnership activity within and between public and private sectors. The public sector can contribute unique knowledge and the private sector can focus this information into relevant and sustainable defences”* (Veness,2002, p.58).

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Building on initiatives such as this and in response to increased animal rights extremism, the government began a proactive preventative strategy towards industry that witnessed various publications being produced in collaboration with police agencies. In 2006, the Home Office issued a guide – ‘Extremism: Protecting People and Property’ for security managers of companies who may be targeted by animal rights extremists to help ensure their employees’ safety. The book’s main messages included asking management to: assess the likelihood of extremist activity directed at their organization and employees, and to plan security measures accordingly; choose the mix of protective measures that best suited their premises that will deter or detect extremist activity; prepare their staff for the possibility of extremist activity; encourage their staff to protect themselves and their customers and visitors through vigilance and good housekeeping; test their plans regularly; and evaluate the response, and plan for demonstrations, intimidation, intrusion and assaults. This booklet was later re-written and refined by the National Counter Terrorism Security Office

(NaCTSO) in 2009. It was re-titled: 'Beyond Lawful Protest - Protecting Against Domestic Extremism' and amongst its contributory acknowledgements were the Home Office, Department for Business, Enterprise and Regulatory Reform (BERR), Centre for the Protection of National Infrastructure (CPNI) and NETCU. The security service MI5 also published an advisory booklet for industry in 2005, called 'Protecting Against Terrorism'. This booklet was also aimed at those responsible for the safety of others in businesses and other organisations. It contained protective security advice for those that owned and operated key assets, services and systems which formed part of the UK's critical national infrastructure. As such it was widely distributed to those organisations targeted by ARE and is another indication of how important the government saw the future of the pharmaceutical and bio-science industry within the UK at this time. Other preventative measures were put in place by the government and police agencies providing advice and reassurance. Contact details of police agencies such as NETCU was readily distributed. Policing good practice in dealing with ARE was tasked to the National Crime and Operations Faculty (NCOF) at the Central Police Training and Development Authority (or Centrex), and they published the 'Policing Animal Rights Extremism: A good practice guide' in 2004. It was seen then as the definitive national good practice guidance and disseminated to all forces to prepare for and operate against extremist activity. The scientific community also started to produce advisory publications themselves to inform and reassure not only the scientific community, but the public at large that what they were doing with animals, was properly licensed, regulated and was saving lives. For example, the Research Defence Society (RDS) in 2006 published 'Understanding animal research in

medicine' and later in 2007 a 'Communications Handbook' which was essentially a guide to help research institutions develop communication plans for animal research.

Within the pharmaceutical industry, targeted companies began to respond to increased activism by forming the 'Pharmaceutical Industry Security Forum' (PISF) and the 'European Pharmaceutical Industry Security Forum' (EPISF). Related to this are similar industry specific security bodies, such as the City of London based Sister Banks Group which provides an informal security network for the financial industry and the Paris based 'Club des Directeurs de Sécurité des Entreprises' (CDSE) which brings together the security managers of France's major companies. Very little information is available about these private bodies in the public domain, but they are informal industry-led associations aimed at harmonizing security responses across the pharmaceutical, banking and industrial sectors. They also provide a representative body with government, police and prosecutors. That industry was beginning to build resilience to animal rights targeting is evidenced by an interview with a financial industry security manager who on conducting his own internal research with other security managers affected by ARE, stated that – *"The crucial role was that of the security manager. If the security manager had good contacts with security bodies and specialist police teams, and a good awareness of the animal rights movement especially its structure, tactics and aims, the better position he or she would be in to advise and reassure senior managers and colleagues....If the security manager lacked an understanding of the animal rights movement the company was far more likely to give in to activist demands"* (Interview with financial security manager, 2011).

As part of its enforcement strategy against ARE and in order to ensure a coordinated response from the criminal justice system, the government established a 'National Forum on policing and prosecution of animal rights cases' to pull together the individual areas of expertise within the police, Crown Prosecution Service (CPS) and the courts in order to create a national strategic approach in dealing with AREs. The Forum was tasked to look at police performance based on monthly reports of arrest and prosecution data (supplied by NETCU) in order to identify problem areas and to respond accordingly. This Forum was later adjusted to make it a ministerial led delivery group² chaired by the Attorney General, looking at progress against a delivery plan; consideration of police data on arrest; updates on cases progressing through the system – including barriers to prosecution; and specific agenda items drawn from an agreed work program which featured the internet usage by extremists, court data and the evolving use of injunctions against extremists. As part of this new 'joined up' approach to counter ARE, the CPS organized a prosecutors' seminar to establish a national network of prosecutors and to raise awareness among all the CPS areas of the impact of ARE on victims. The police and the CPS were encouraged to adopt the policy of obtaining 'victim impact statements' to inform the courts at any sentencing of the impact ARE had on the victim, ensuring sentencing took such factors into consideration.

In 2004, the government response to ARE was essentially to: work with the police to identify the most effective policing approach; to keep performance under review and to fund new initiatives; ensure that existing legislation was properly enforced and to improve the consistency of policing and prosecution across the country; raise awareness of the

² The distinction between roles of the delivery group and MISC 13 was that MISC 13 would take regular reports from the delivery group and remit operational issues to it as appropriate. As the formal Government decision making body, MISC 13 would also continue to consider wider policy and legislative issues.

methods of extremists among all the criminal justice agencies; get the Government's key messages on animal research and ARE through to target audiences and opinion formers; and identify legislative changes which may be necessary to catch the activities of extremists. This basic strategic approach was later changed into an inter agency 'strategic delivery plan' or SDP, consisting of five main elements: (1) Law enforcement - prosecuting extremists; (2) Disruption: denial of money and use of internet; (3) Increasing industry resilience; (4) Better communications - winning public support; (5) International action - working with our partners. The overall aim of such a plan was to 'achieve a state of business as normal'. The SDP drove the tactics employed by the national agencies in concert with local forces. The research questionnaire asking the respondents to list the most successful police tactics employed against ARE not surprisingly showed that 52% of the respondents had placed 'prosecution of offenders' at the top of their list. 33% of the respondents placed 'effective intelligence gathering' at the top of their list. Clearly positive enforcement and good intelligence will always feature high amongst police officers who are versed in traditional policing methodology.

That the government was committed to retaining its biotech industries and the advantages that it brought to the country, was emphasised by Tony Blair on 17th November 2004, when he set out a 5 year plan for the DTI which primarily focused on investment in scientific research and development. Crucially the Prime Minister underlined the determination of the government and the police to impact upon ARE when he stated – *"If we are to achieve this vision we must redouble our efforts to tackle Animal Rights Extremism"* (Blair, 2004, p1).

What the UK government felt inclined to protect, was the evidence that indicated the upscale in global investment in the pharmaceutical and biotechnology sectors between 2001 – 2006 had increased by nearly £20 million in comparison to other research sectors which remained static over this time. This demonstrated undoubted international commitment to these sectors as a growth industry, and the UK government was not going to miss out on this productive market. The increase in animal rights activity was a distinct danger to the UK gaining the most out of this initiative. By 2004, animal rights activities were on the increase in the UK and the government believed it had to act swiftly otherwise it would loose the bio-tech businesses it had proactively attracted over the years. A number of campaigns carried out by animal rights groups had led to this situation at this particular time. Assistant Chief Constable (ACC) Anton Setchell, the National Coordinator for Domestic Extremism, describes the situation he inherited in 2004 as – *“Pretty atrocious. You had SHAC who were at their peak of blackmailing companies to sever links with HLS. The ‘Gateway To Hell’ campaign was targeting all and any commercial business interests to Mauritius, as that’s where the monkeys were coming from. Mauritian travel, holidays, sugar – anything representing or coming out of Mauritius was getting targeted. BOC which was supplying HLS, was getting heavily targeted. Concrete companies were being targeted at quarries etc and stuff being destroyed because they were supplying liquid concrete core to the footings or foundations. of new buildings The SPEAK campaign had contributed successfully to Cambridge University not building its research lab 6 month earlier and then Oxford announced its development and they focused on Oxford University. SPEAK got the list of all shareholders of the building consortium group Montpellier. They wrote to them all and said that unless they sell their shares within seven days, look on this website to see*

what was going to happen to them and there were pictures of burnt out cars and stuff. All the stuff was going on BiteBack and we were suffering between 40 and 60 home visits per month nationally. People were having cars burnt and paint stripper applied, bomb threats, paedophile letters, graffiti on the houses. You also had at the same time the Save the New Church Guinea Pig Campaign and Darley Oaks” (Interview Anton Setchell, 2010).

Setchell described the situation at the start of 2004 as being in crisis, with the prospect of major pharmaceutical companies threatening to leave the UK because of animal rights extremism – *“In 2004, you can see that animal rights people were dishing out major threats, blackmail, damage and IEDs in the posts, all sorts, fairly serious crime across the country. There was no coordination across it, intelligence picture was scrappy, industry was queuing up to leave the UK, very significant. There were lots of international companies here but had their headquarters abroad. The Japanese and Americans for example, who had a foot print in the UK at that time, withdrew some of their operations and research here, four or five major Japanese pharmaceuticals left the UK, they disinvested and the major businesses that were based here said to the government – look we’ll go unless you get a grip, we can’t continue working here. We will leave our investment in the UK and we will reinvest in the far east where there is a major economy emerging – tell us why we should stay, so that’s why it was in crisis” (Interview Anton Setchell, 2010).*

In the early part of 2004, the National Extremism Tactical Coordination Unit (NETCU) was set up by ACPO. It was initially located in Cambridgeshire police headquarters but later

moved to different secure location. Under the leadership of Superintendent Steve Pearl, a Cambridgeshire police officer, the small unit relied heavily on the experience gained by Cambridgeshire Police in its policing of SHAC, and the industry contacts it had amassed as part of its strategy to control the problem of extremist activity aimed at HLS in Huntingdon, Cambridgeshire. The Cambridgeshire operation was called 'Operation Saddle' and Superintendent Pearl had led the local police response since SHAC was first formed in 1999. According to Superintendent Pearl, NETCU was set up as a direct result of industry pressure, both from the pharmaceutical and banking industries who complained 'they were not able to go about their lawful business because of the extreme criminal behaviour of some people within the animal rights movement' (Evans, Lewis and Taylor, 2009). In an interview with Steve Pearl, head of NETCU, he said- *"I had a remit to provide advice and guidance, and to ACPO (TAM), National Coordinator for Domestic Extremism, on all aspects of managing the threat from animal rights and other domestic extremists. I had a remit to develop strategic partnerships with industries, industries across the different sectors with groups that could represent industry and could work with the police in a partnership approach to building resilience, confidence to manage the treat from these extremist groups. It was principally animal rights when I started. I was head of what was called special operations in Cambridgeshire police at the time from 2001 and at that time it was predominantly animal rights, SHAC – Stop Huntingdon Animal Cruelty, of course who were targeting Huntingdon Life Sciences who were based in predominantly Cambridgeshire"* (Interview Steve Pearl, 2010).

Reporting on the level of support the SHAC campaign was attracting in Cambridgeshire, and the assistance that industry and constabularies needed to reduce this extremism, Pearl commented that- *“Everyday we were having coach loads of activists who were committing criminal acts almost on a day by day basis and we were getting between 35-45 criminal acts every month specifically from animal rights activists within the county, and industry clearly didn’t have a voice. The police were being accused of systemic failure to deal with animal rights extremism, The police service nationally and Cambridgeshire police, with one or two other forces who were having problems were struggling to provide an effective response to that. That was my remit – basically working with industry, developing them, advising police forces on good practice”* (Interview Steve Pearl, 2010).

NETCU’s website set out its objectives as: support the police service in the delivery of a professional, effective and proportionate response to domestic extremism; to prevent, reduce and wherever possible, remove the threat, criminality and public disorder that arises from domestic extremism in England and Wales; support industry and other organizations in building their resilience when targeted by domestic extremism campaigns; support our partners in the wider police service, criminal justice system and HM Government departments; and communicate the work of the police service in respect of domestic extremism to our stakeholders and the general public (NETCU , 2009). According to ACPO, the main focus of NETCU was to- *‘promote a joined up, consistent and effective response to local police forces dealing with single issue extremism of any character including animal rights extremism. NETCU also provides a central support and liaison service to animal research and related industries’* (ACPO website, 2005, p1). ACPO

believed that NETCU would ensure that all forces would have available to them a range of tactical options to enable them to respond to animal rights incidents in a coherent, consistent and coordinated way. It was also hoped that in time, NETCU would evolve to facilitate a greater cooperation between forces particularly around forensic evidence. This role however was eventually passed to the National Domestic Extremism Unit (NDET). Importantly ACPO, in response to this crisis, appointed for the first time a National Coordinator for Domestic Extremism (NCDE). The concept of national coordinator for specific strategic policing leads was already established in British policing, for example National Coordinator Ports or Special Branch. In July 2004, ACC Anton Setchell from Thames Valley Police took up this role having been encouraged by the then president of ACPO Ken Jones- *“My boss Peter Neyroud said there was a job I want you to do because I think you can do it and for three months starting on Monday, go to London, go to a meeting which Lord Sainsbury was chairing - its to do with animal rights. There is a real problem and you can have a strategic look at the police service and write a product which describes the animal rights problem and what we need to do about it”* (Interview Anton Setchell,2010).

Setchell described the role as national coordinator as one of ensuring the police service was coordinated in its response to domestic extremism particularly animal rights. This coordination included the functions of policing that required the gathering and development of intelligence, investigations, crime prevention, harm reduction strategies, as well as all the media issues associated with this. In addition he became the single identifiable voice for the police service and ACPO on DE matters. He described himself as the vital interface

between all other law enforcement units, intelligence, government and industry, where they needed someone to act as spokesperson to represent the service (Interview Anton Setchell, 2010). Having had time to assess the problem of ARE properly, ACC Setchell then defined the problem, formulated the possible solutions to it, and finally presented his findings to a ministerial committee meeting chaired by Home Secretary Charles Clarke. Having been told initially that there was no money to fund the response initiative by the Home Office, this decision was reversed on production of the business case and a definitive plan agreed in consultation with the Home Office and the DTI. In December 2004, there was overall agreement to the strategy proposed that become known as the 'Strategic Delivery Plan'. Ten million pounds a year was bid for and approved according to a funding model which gave ACC Setchell two million directly and allowed him to introduce an investigation unit called the 'National Domestic Extremism Team' and other restructuring initiatives. The other eight million was used for funding operations nationally on a force business case bidding system, i.e. the different forces bid for the money direct from the Home Office, so NCDE did not own the operations - these were still operationally owned by the force. This allowed the NCDE to stay at arms length and avoid interfering with local policing decisions of the autonomous Chief Constables. However on agreeing to extending his secondment as NCDE, there were acute problems to overcome before the coordination response could become fully realised. Having set up NDET and attracted other staff, ACC Setchell immediately drew on the experience and knowledge of NETCU, especially their links to industry. What was missing was the intelligence link to feed NDET and NETCU - the intelligence and information upon which to make their strategic decisions and promote their operational effectiveness. The National Public Order Intelligence Unit (NPOIU) was the

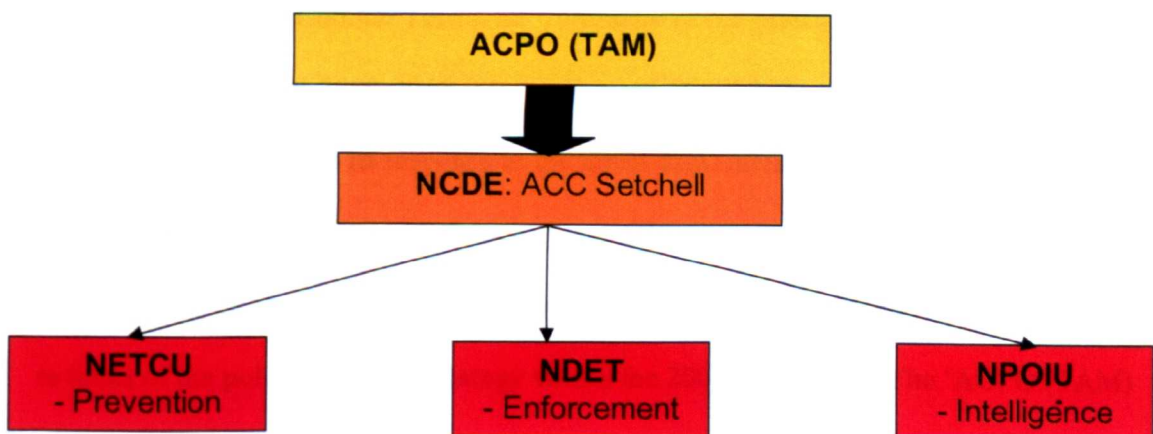
unit that was to provide this vital contribution. The problem being that it was an 'old fashioned' Special Branch (SB) unit under the Met's SO12 department. At this stage ACC Setchell was not the unit head. Indeed he didn't become the unit head until two years later after his appointment as NCDE. The difficulty was that if you were not an SB officer or unit, then the NPOIU would not pass on their intelligence because of their intelligence protocol, hence the immediate response to fighting animal rights extremism was structurally flawed. *"They [NPOIU] wouldn't give me anything - to tell me anything. They refused to acknowledge there was an animal rights problem and as the operations set up in forces were not SB operations and those people were not in SB, the NPOIU wouldn't give them anything even though they were investigating major serious crime"* (Interview Anton Setchell, 2010). At that time SB in the UK was going through a review conducted by the National Coordinator SB- Brian Bell. This individual was acutely aware of the intelligence protocols that made it difficult for SB units around the country to pass their intelligence on to a non SB officer or unit to inform their investigations. The situation had created much consternation within the police service and was seen as hampering the effective investigation of serious crime including DE and CT operations. It was primarily this reason that the Metropolitan Police, in an effort to break down the barriers of intelligence blockages, eventually did away with SO12 and SO13 and merged them together into one unit as SO15. In an effort to get over the initial problems of no intelligence flow, NDET starting developing their own intelligence cell to assist in the management of investigations and promote harm reduction development from ARE nationally. Adhering to the established tradition that good intelligence was the life blood of any successful police operation to counter terrorism and extremism, as advocated by English (2009, p 143) –

"Intelligence is the most vital element in successful counter-terrorism and should be invested in and improved", ACC Setchell was quick to point this problem with NPOIU out to ACPO(TAM) and Brian Bell. Eventually his concerns were acted upon when Assistant Commissioner Specialist Operations (ACSO) Andy Hayman decided that the leadership of the NPOIU was to pass to ACC Setchell, realising the situation was hampering the strategic plan against ARE. Within an hour of ACC Setchell being appointed head of the NPOIU, the SB head resigned from the post. However for 2 years NCDE operated without an approved intelligence cell. Despite this fact however ARE was tackled and was reduced dramatically from previous levels.

In 2006, ACC Setchell was responsible for the three units: NPOIU, NECTU, NDET. Each had three separate functions of intelligence, prevention and enforcement. NPOIU and NDET were both based in London. The NPOIU's task was to act as an intelligence gathering and coordination body for all aspects of public order, including ARE. Its role was - 'to gather, assess, analyze and disseminate intelligence and information relating to criminal activities in the United Kingdom where there was a threat of crime or to public order which arises from domestic extremism or protest activity' (Evans, Lewis and Taylor 2009). Its methodology was based on the premise that domestic extremists don't work within police force boundaries. Each force submitted their intelligence to NPOIU who then fed it into a database after sanitizing the content. The intelligence was then analyzed with a view to identifying linked incidents across the country. The information was then fed back to the police forces concerned, to allow them to see the bigger, national picture and join up their investigations if appropriate.

The role of NDET was to work closely with the Crown Prosecution Service in ensuring the efficiency of police investigations into extremist activities throughout the United Kingdom (ACPO, 2005). The team provided strategic support and direction to police forces across the country dealing with DE investigations and single issue campaigning. It was responsible for coordinating police operations and investigations against domestic campaigns and extremists, as well as also identifying possible linked crimes across the country. Again acting upon the premise that domestic extremists don't work within police force boundaries NDET would help support police investigations, joining up forces and ensuring a consistent approach to a national or regional investigation as well as working with individual forces on large-scale investigations. NDET's principle aim was to reduce harm and criminality and the impact this can have on the community. By mid 2006 under the leadership and command of the NCDE the following policing structure had evolved in response to domestic extremism which at the time was primarily aimed at animal rights extremism:

Figure (6) Organizational structure of NCDE units



The collective units of NCDE – NPOIU, NETCU and NDET, worked under the direction and control of ACPO(TAM). This organisation has responsibility for devising and driving a national counter-terrorism and domestic extremism strategic policy, and reports to ACPO and the government. Its members include ACPO officers, senior representatives of government departments and other agencies, including the Security Service. According to the ACPO website, ACPO (TAM)s purpose is reported as being: ‘In partnership, stopping terrorism and domestic extremism. Leading and coordinating the direction and development of the capability and supporting infrastructure within the police service to reduce the risk to the UK, and its interests overseas, from the threat of terrorism and domestic extremism.’ Amongst its aims which mirror the CONTEST objectives of prevent, pursue, protect and prepare, is the aim to reduce the crime, disorder and fear arising from domestic extremism. Under building capability, there is a commitment to build and maintain the key enabling capabilities for countering terrorism and domestic extremism. To support these aims, the Chair of ACPO (TAM) is supported by four Vice Chairs who are the Chief Constables in whose force area the Counter Terrorism Unit ‘CTU’ resides. A full-time Deputy Chief Constable is in post as Chief Executive of the Business Area and six Chief Officers of Commander and ACC rank lead and coordinate activity. Close links are maintained with the Counter Terrorism Command of the Metropolitan Police. The ACPO (TAM) Strategic Plan 2009-2010 sets out how ACPO (TAM), with partners, intends to lead the UK police service in its response to the threat from international terrorism, Irish related terrorism and DE. Interestingly an awareness of the terrorist threat emanating from the staging of the 2012 Olympic and Paralympics Games is also maintained (see Appendix C) re focus of the police domestic strategy within the 2009/2010 plan). The ‘ACPO (TAM)

Strategic Plan 2009-2010' is the successor to the 'ACPO(TAM) Three Year Plan (2006-2009)' from which it originates and was developed from the ACPO(TAM) annual review in April 2008. The Plan was drafted to ensure consistency with the existing wider strategic framework particularly, the 'National Security Strategy', the 'National Community Safety Plan 2008-11' and the 'Home Secretary's Strategic Policing Priorities 2009-10.'

The 'National Community Safety Plan' makes it clear that communities and local partnerships have an essential role to play in countering terrorism and DE. It sets out the government's specific objectives in relation to terrorism and these reflect the CONTEST strategic objectives. Within the National Community Safety Plan the Home Secretary outlined a number of key actions for the police service; these again support the CONTEST objectives and provide greater clarity as to the police role. The 2009/10 policing priorities included amongst others: working with police forces and other agencies such as the Serious Organised Crime Agency (SOCA) to ensure that the capability and capacity exists across England and Wales to deliver effective protective services, including tackling serious and organised crime; and working with and through partners and local communities to tackle terrorism and violent extremism in line with the counter terrorism strategy and 'public service agreement 26' (i.e. reduce the risk to the UK and its interests overseas from international terrorism).

Within 'CONTEST', the UK government claims to have one of the most comprehensive and wide-ranging approaches to tackling terrorism anywhere in the world. The strategy focuses on the most significant security threat to the people of the UK today – the threat

from international terrorism. The aim of 'CONTEST' is 'to reduce the risk to the UK and its interests overseas from international terrorism, so that people can go about their lives freely and with confidence' (Home Office ,2009). 'CONTEST', as introduced in 2003, was revised and the updated strategy published in March 2009. The updated strategy takes into account the changing threat and everything that has been learned about tackling it. The strategy is a key component of how the police built upon best practice and regionalized specialist assets so that wherever an incident might be anticipated or occur, effective and planned support could be available. These specialist units – the Counter Terrorism Units (CTUs) and Counter Terrorism Intelligence Units (CTIUs) now link into the new MI5 regional offices and their efforts are coordinated by a central coordinating and tasking group based at New Scotland Yard (Eatwell and Goodwin, 2010). This includes consideration of assets to assist DE operations. However, the author believes that ARE does not sit comfortably within CONTEST. The principle UK strategy for defeating terrorism does not share the same benefits of funding seen by the counter-terrorism response in the UK. Many senior officers do not recognize the seriousness of ARE in comparison to counter-terrorism (CT) and although CTUs and CTIUs are tasked with looking at domestic extremism (DE) as well as counter-terrorism, it is an obvious ill-fitting poor relation. Indeed it is within the author's knowledge that some designated DE officers within the CTU/CTIUs have been taken from their defined dedicated roles and responsibilities to assist CT operations despite being sponsored by the NCDE to liaise and report DE incidents, thereby hampering the national DE response. DE intelligence development does not mesh well within CT units where some heads treat it with disdain and an unnecessary hindrance to their work on more dangerous matters within CT work. Clearly this tension

will have to be resolved to enable a more balanced appreciation of the two disciplines and promote DE intelligence gathering and enforcement. The CONTEST philosophy has in part been adopted by the three NCDE units. NETCU provided preventative advice to industry and logged DE activity which included animal rights. NDET investigated DE crime and prepared packages for local forces to adopt and NPOIU received intelligence and added value to that intelligence before disseminating it out to other agencies and forces.

Later the prosecuting authority - the CPS, also adopted a much more strategic viewpoint of domestic extremism (DE). In July 2010, the CPS produced their 'Guidance on Dealing With Domestic Extremism' setting out the approach of the CPS to those involved in committing acts of domestic extremism or who by their words or conduct, encourage or incite others to commit DE or related extremism related offences. The purpose of the document was to promote a coordinated, consistent and effective approach to dealing with DE across the CPS. It set out the strategy to deal with DE at a national and an area level. It points to good practice to be followed in reviewing cases involving DE and identifies other ways of dealing with the efforts of extremists to indoctrinate and/or intimidate others. Within its appendix, the guidance identified the current legislative provisions that might form the basis of criminal proceedings of those engaging in DE. Interestingly it described the leadership and strategic direction that the CPS are to follow and evidences the prosecuting structure in place to tackle DE in the UK. For example, the CPS now had its own equivalent National Coordinator or 'NCDE'. This role allowed for a strategic lead in relation to national, European and international policy and casework within DE, to coordinate the strategic approach to operations and to support the Head of Division who is

the 'Domestic Extremism Champion' and CPS lead on such issues. Primarily the National Coordinator is responsible for providing early advice to the police, CPS areas and interested bodies to ensure that the CPS provides an effective and consistent response to the challenges of DE. Furthermore each of the CPS areas would have an 'area coordinator or single point of contact' for DE. This was in recognition that although there may be 'hot-spots' of activity in certain areas, DE is a national and not a localised problem and as such all CPS areas should be ready to confront the issue whenever it arises. Less serious cases such as minor public order and aggravated trespass would be dealt at the local level however more serious incidents required the referral up to the CPS Counter Terrorism Division for consideration of the National Coordinator to decide on the appropriate handling strategy. Interestingly the CPS document provides advice on sentencing of domestic extremists in that following any conviction it promotes the good practice of obtaining victim impact statements; providing an up to date Police National Computer printout and offender history acknowledging that some individuals are usually prolific demonstrators and persistent offenders; the need to apply for forfeiture of items used in committing crime such as vehicles etc; and the need for consideration of an Anti Social Behaviour Order or ASBO on conviction. It also acknowledges that serious consideration be given to seeking conditions attached to bail taking into account the likelihood that the subject may continue activity at the same or related locations, which may be in another area. If such activity is likely to be unlawful this should, where appropriate, be prevented. The author believes that such a strategy especially on bail could be open to abuse by the police if it wished to disrupt protest as any minor infringement of the broad 'protest laws'

elsewhere in the country, could be used as a basis for imposing restrictive bail conditions on an individual including prevention from attending an area of a proposed lawful protest.

The term 'terrorism' is a contested concept in the study of contemporary international politics (Boaz, 2002, Dedeoglu, 2003, Tilly, 2004). Sinai (2007) notes that defining terrorism is one of the weakest components in terrorism studies with no consensual definition of terrorism that encompasses attacks, whether against civilian noncombatants or armed military. The term has often been abused for the purpose of 'political guilt-attribution' and many different interpretations co-exist. The US Department of State, for example, uses a broad definition of terrorism as something that is 'premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents, usually intended to influence an audience' (US Dept of State, 2003). The National Research Council formulated its own working definition which includes the components of 'the illegal use or threatened use of force or violence with an intent to coerce societies or governments by inducing fear in their populations typically with political and/or ideological motives and justifications and an extra-societal element, either outside society in the case of domestic terrorism or foreign in the case of international terrorism', National Research Council (2008, cited in Sinai 2008).

It is not the purpose of this chapter to debate the academic arguments regarding the definition, however it is helpful to consider general characteristics of terrorism and look to consensual agreement as to what the term broadly means in order to examine whether some animal rights groups fit those parameters. The question then naturally arises that if the

activities of AREs do fit the UK definition of terrorism why then are none charged with these serious offences, especially as it has been established in chapter 1 that the animal rights movement has an established ideology. Scholars of all disciplines who have studied political violence have generally accepted terrorism to be a unique form of political violence. Crenshaw (1992) believes terrorism is not a philosophy like Marxism or a political movement like anarchism. It is the systematic use of violence and intimidation in order to achieve political aims. More recently this view is supported by Wilkinson (2006, p15) when he states – *“Terrorism is the systematic use of coercive intimidation, usually to service political ends. It is used to create and exploit a climate of fear among a wider target group than the immediate victims of the violence and to publicize a cause as well as to coerce a target to acceding to the terrorist’s aims.”* Clearly AREs could fall within such a definition. Academic scholars such as Hoffman (2006) believe there are five common characteristics of terrorism: terrorism consists of premeditated acts; acts of terrorism are planned in advance and aim to create a climate of extreme fear or terror; terrorism targets a wider audience - terrorism aims to affect one or several audiences beyond the immediate victims of violence; terrorism involves indiscriminate attacks - terrorism involves attacks on random or symbolic civilian or non-combatant targets; and terrorism crosses limits set by society – society sees terrorist attacks as extra-normal that is beyond what one can accept as normal behaviour. In general terrorist attacks cause a sense of outrage in society and aims at influencing political behaviour, for example, acts of terrorism may be used to provoke an over reaction or provide publicity to a political cause. Hoffman(2006) believes that the definition provided by the (Oxford English Dictionary, 1996, p1440) assists in the understanding of what a terrorist is when it defines it as – *“ Anyone who attempts to further*

his views by a system of coercive intimidation” because it introduces the notion of terrorism as a ‘political’ concept. Terrorism is a planned, calculated, systematic act. Wilkinson (2006) echoes these characteristics and adds value to them when he concludes that terrorism can be conceptually and empirically distinguished from other modes of violence and conflict by characteristics such as: (1) It is premeditated and designed to create a climate of extreme fear; (2) It is directed at a wider target than the immediate victims; (3) It inherently involves attacks on random or symbolic targets, including civilians; (4) It is considered by the society in which it occurs as ‘extra-normal’, that is in the liberal sense that it violates the norms regulating disputes, protest and dissent; and (5) It is used primarily, though not exclusively, to influence the political behaviour of governments, communities or specific social groups.

If then we accept its political foundations, it follows that terrorism is about power, the pursuit of power, the acquisition of power, and the use of power to achieve political change. Hoffman (2006, p.40) concludes that – *“terrorism is the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change. All terrorist acts involve violence or the threat of violence. It is specifically designed to have far-reaching psychological effects beyond the immediate victim(s) or object of the terrorist attack. It is meant to instill fear within and thereby intimidate a wider audience”*. The author suggests that this wider audience might in the case of ARE include scientists, suppliers, employees etc. Obviously an agreed definition on a national or indeed international basis is of real practical importance. It triggers many powers, procedures, as well as contributing to the description of offences. For example, it enables the UK

authorities to take action in relation to suspected breaches of section 1, Terrorism Act 2006, which makes it an offence to publish a statement intended indirectly to encourage acts of terrorism; to proscribe organizations under the Terrorism Act 2000 section 3 ; to deal with terrorist property; to cordon areas; to arrest a person reasonably suspected of being a terrorist without warrant, pursuant to section 41; and to stop and search without suspicion under section 44 (now changed to the use of sec 47 because of civil liberties actions against the misuse of this power by the police).

Using political motivation as a basis, terrorists can be classified into the following categories: National terrorists (including ethnic and separatist); ideological terrorists (left and right-wing); religio-political terrorists (including fundamentalist and millenarian); state-sponsored and state supported terrorists; and single issue terrorists - or those concerned only with one problem (Hoffman, 2006). AREs are commonly listed as single-issue terrorists because they have an aim to change or block a specific policy or practice within their target society. Their aim is not a full scale political revolution. Within the extreme element of animal rights , there are those that have a clear *raison-d'être* and operational philosophy: For example as early as 1991, Vivian Smith speaking on behalf of ALF was quoted in 'USA Today' as stating - *"I would be overjoyed when the first scientist is killed by a liberation activist"*, Smith (1991, cited in Conn, 2008, p184). Robin Webb, speaking for the ALF, is reported at a SHAC rally in New Jersey 2002 as stating - *"Animal liberation is not a campaign. It is not a struggle. It is war! It is an all-out bloody war"* Webb (2004, cited in Best and Nocella, 2004, p75). The confusing issue for the police and one where AREs are aware and take full advantage of, is that they often combine terrorist

tactics with less violent forms of protest. Legitimate animal protest groups and activists have sometimes had their lawful protest movements hijacked by those who have radical ideologies of what animal rights should be and are prepared to undertake violent direct action to do so. AREs are content to cloud their violent activities under the umbrella of a majority of peaceful protestors, in the knowledge that if the police take action against the group as a whole, then they will be roundly criticized for collectively suppressing their human rights of assembly and free expression - fundamental rights in a healthy democratic society.

The author believes that the police and the government adopt a 'flexible' approach in describing AREs as terrorists and extremists. Despite overwhelming evidence that certain serious crimes, for example, such as the sending or placement of improvised explosive devices to their targets, fulfill the criteria of charging under TACT, both have resisted charging or promoting the prosecution of individuals under this legislation relying on the sufficient powers and sentencing of ordinary statute law. Yet both are sometimes quick to condemn the actions of AREs as acts of terrorism, thus creating confusion as to the correct approach. For example, in November 2004, Patricia Hewitt, the trade and industry secretary, reported that the - *"single biggest threat to our position as number two in the world on biotechnology is the threat of animal rights extremists, animal rights terrorists"* (Eaglesham. and Firn., 2004, p1). The criminal justice system also adds to the confusion by the common use of the term terrorism. For example, at the SHAC trial on 20th January 2009, the presiding judge referred to those found guilty as - 'urban terrorists'. *"A judge branded seven animal rights extremists 'urban terrorists' yesterday as he jailed them for a*

total of 50 years for a ruthless campaign of intimidation. Mr Justice Butterfield said the Stop Huntingdon Animal Cruelty activists made life a 'living hell' for thousands of men, women and children by subjecting them to a 'relentless, sustained and merciless persecution' (Kelly, 2009,p1). The media also add to the confusion by using the word liberally, realizing its emotive usage is a good way to sell papers. Reporting on the SHAC trial in January 2009 and the self-styled leader Greg Avery, the Daily Mail reported – *“For many years Greg Avery has run a string of brutally effective terror campaigns against animal testing firms around the country”*. The paper further endorsed the word terror by specifically comparing the tactics used by the animal rights group to those used by the IRA- *“He targeted shareholders and also went after HLS' 'supply lines' by intimidating staff at companies that provided them with materials and services - a tactic favored by the IRA”* (Kelly, 2009).

The police although reluctant to charge offences under TACT against AREs, are however flexible in the use of terrorist legislation to gain intelligence when required. Schedule 7 of the Terrorism Act 2000 has occasionally been used by ports officers against well known animal rights activists who pass through the UK's borders on entry or exit. Schedule 7 of the Terrorism Act 2000 provides officers with unique powers to ‘examine’ people who pass through such borders. It is seen as a key tool in the government's counter-terrorism strategy (CONTEST). The legislation applies to those officers working at airports, seaports and international railway stations. Schedule 7 provides powers to establish whether people traveling through ports are, or have been, concerned in the commission, preparation or instigation of acts of terrorism. Schedule 7 provides powers to stop, question, search and if

necessary, to detain people without suspicion. There is a legal obligation placed on the person concerned to cooperate with the exercise of these powers. The NPIA publication 'Practical Advice on Schedule 7 of the Terrorism Act 2000' page 7, specifically states that *"Schedule 7 powers should only be used to counter terrorism and may not be used for any other purpose"* (see End Note 2). Speaking on Indymedia 1st July 2009, Lynn Sawyer, an established animal rights activist, reported that on her return with colleagues to the UK, passing through Birmingham airport from Oslo where she had attended a meeting, that she and another were detained under this legislation – *"The detained person commits an offence under this Act if she/he refuses to answer any questions the questions included asking about my parents details, if I had any children, work, colleagues, friends, if I had a partner, any drug addictions, religious beliefs, all in all far beyond the remit of preventing terrorism and well into the realms of a gigantic fishing expedition coupled with threats of prolonged incarceration"* (Sawyer, 2009, p1). Likewise the use of section 43 and section 44 Terrorism Act 2000, involving powers to stop and search individuals for evidence of them being a terrorist or where they suspect an individual is a terrorist, have also been used against animal rights activists and other single issue campaign groups. Following a European Court of Human Rights ruling in 2010, that section 44 (which does not need the officer to have reasonable grounds that an individual subject to stop and search is a terrorist) is in contravention of the European Convention, this power has now been suspended. Liberty (2010) claim that before section 44, the police could only stop and search individuals if they had reasonable grounds for suspicion and certain criteria were met. Section 44 powers have been used against a variety of protestors. The author notes that it should only be used when there is evidence of a specific terrorist threat. Liberty reported

that in 2008 there was a three fold increase in the use of the power but fewer than 0.1% of those stopped were arrested for terrorism offences let alone charged or convicted. Liberty commented that even more worrying is that the statistics reveal that if you are black or Asian, you are around four times more likely to be stopped than if you are white. Clearly there was great capacity for the misuse of the power by the police. On 12th January 2010, Liberty won a landmark legal case on section 44 in the European Court of Human Rights. They ruled in *Gillan and Quinton v the United Kingdom*, that section 44 violates the right to respect for private life guaranteed by Article 8 of the Convention on Human Rights. This is because the power is so broad that it fails to provide safeguards against abuse.

Some AREs are aware that their branding of being ‘terrorists’ can create a climate of fear to assist them in their criminal undertakings. Using the names of the Animal Liberation Front (ALF) or the Animal Rights Militia (ARM) in correspondence to targets or by daubing graffiti on a target’s property, their known association with violence is sometimes enough for the organization to capitulate and stop whatever service or resource it was lawfully providing to the primary target. Similarly words associated with terrorism are sometimes used to enforce threats or intimidation. For example, as in the Savlon contamination threat by the ARM in October 2007 aimed at Novartis (chapter 3), one of the claims specifically mentioned ‘members of our cell’. The use of this word is deliberate and is linked to the language of terrorism.

The UK’s definition of DE has been criticised as being too broad and capable of catching low level protest or activists who carry out minor criminality, and in some cases elevating

them to acts of terrorism which carry a greater disproportional response level from the police. For example, Sorenson (2011) believes that animal rights advocacy is frequently presented as being linked with terrorism. Sorenson questions that linkage, suggesting that accusations of violence are greatly exaggerated and argues that the terrorist threat is the product of corporate propaganda. A discussion of how certain types of protest activity might well fall under the wide definition of terrorism in section 1 of the Terrorism Act 2000 is carried out in further in this chapter. Clearly the continued use of the expression ‘domestic extremism’ is being seen as problematic. For example, a recent report by Her Majesty’s Inspectorate of Constabulary (HMIC) following the enquiry by the Independent Police Complaints Commission (IPCC) into the collapse of the ‘Ratcliffe on Soar’ trial in 2011, where numerous environmental activists were arrested planning to enter a coal burning power station in a protest over global warming and pollution, concluded that there – *“needs to be a clearer definition of domestic extremism (which reflects the severity of crimes that might warrant this title) because this would help in judging whether an undercover deployment is an appropriate tactic to use”* (HMIC, 2012, p.1). The report follows the Inspectorate’s probe into the work of the ‘National Public Order Intelligence Unit’ (NPOIU) and its use of undercover officers in protest groups.

Another example of the problematic use of the word ‘extremism’ and the sensitivity of its association to terrorism, was the adoption of the word within national police units such as the ‘National Extremism Tactical Coordination Unit’ (NETCU). NETCU’s public facing website featured a link to access current injunctions that industry had obtained against individuals and protest groups, as part of the national unit’s preventative strategy. In 2008,

one such injunction featured the name of Dr Peter Harbour, a 69 year old retired physicist and university lecturer, who worked on the nuclear fusion reactor run by European governments at Culham in Oxfordshire. This individual had no criminal convictions. He was one of a group of people who campaigned to save a local beauty spot – Thrupp Lake, between the Oxfordshire villages of Radley and Abingdon. RWE npower, which owned Didcot power station, wanted to empty the lake and fill it with pulverized fly ash. A peaceful protest was mounted against the power company including acts of minor disruption. Using the Protection from Harassment Act 1997, the power company obtained an injunction against the protestors. The injunction restricted them from ‘coming to, remaining on, trespassing or conducting any demonstrations or protesting or other activities’ on land near the lake. Breach of the injunction was a criminal offence and carried with it a possible custodial sentence. More shocking to Dr Harbour was the fact that the injunction featuring his name was now featured on the NETCU website which was dedicated to providing preventative advice to counter DE. Dr Harbour believed that the list of injunctions was placed on the website because they related to DE campaigns as evidenced by the HLS injunction against SHAC being on the same list. Clearly Dr Harbour was not an extremist and the naming of this individual was disproportionate. NETCU believed they were simply carrying out their role and they produced all injunctions on their website regardless of context. Dr Harbour wrote to the head of NETCU, Superintendent Pearl, to ask for his name to be removed from the site. Superintendent Pearl refused. Monbiot (2008, pg 1) commented that- *“Just as the misleading claims of the security services were used to launch an illegal and unnecessary war against Iraq, NETCU’s exaggerations will be used to justify the heavy-handed treatment of peaceful protesters. In*

both cases police and spies are distracted from dealing with genuine threats of terrorism and violence at what point do we decide that this country is beginning to look like a police state?"

In the USA a bill was passed that acknowledged the threat of terrorism that AREs posed. The 'Animal Enterprise Terrorism Act' (AETA) is a United States federal law that 'prohibits any person from using force, violence, or threats for the purpose of damaging or interfering with the operations of an animal enterprise'. The bill's intention was to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror. It was introduced in November 2006.

The question remains why the UK criminal justice system is so far content to avoid the use of TACT when dealing with AREs? From the research questionnaire answers, a number of possible reasons can be put forward: *"they are content to use normal statute law to tackle such groups and individuals"; "they do not wish to treat animal rights extremists as terrorists as this may give them additional publicity and enable them to claim 'political motivation' for their crimes"; and - "that the use of the Terrorism Act 2000 is incorrect in law to apply to this form of extremist behaviour"*. This last reason explains the response provided to the author when he asked the Crown Advocate - Counter Terrorism Division, CPS HQ - why AREs were not charged under the TACT? The individual replied that- *"The CPS will take on Terrorism charges where it is easy to prove what the ideology is. Perversely this is why a disproportionate number of Muslims get charged under this Act. Put simply with animal rights extremists - it is hard to prove the necessary motive that must accompany such a charge"*. An important component within TACT, states that the use or threat is made for the purpose of advancing a political, religious or ideological cause. The

attitude of the CPS is somewhat strange then in the face of decades of animal rights activism, direct action and extremism where they have followed clear lines of advancing a political ideal or ideological cause as explored within Chapter 2.

If then the title of 'terrorist' or 'terrorist organization' is the wrong way to describe AREs and the groups they belong to, as maintained by Munro (2005), should they then be best described as 'organized criminals' or 'organized criminal groups'? At this juncture it is useful to consider whether there is justification in describing AREs as organized criminals or not. Again the benefits of being attributed such a description would place them within a category for which established policy and strategy is targeted towards them. Like the term terrorism, the term 'organized crime' can also cause problems for the police simply because there are so many competing definitions of what is actually meant by 'organized' (Hobbs 1994, Armao 2003, Wright 2005). There is no real guidance on what specific crimes are sufficient to fulfill the criterion. Levi (1998, p335) comments that – *"It has become commonplace to observe that the term 'organized crime' is frequently used but difficult to define"*. Levi believes that it is generally applied to describe a group of people who act together on a long term basis to commit crimes for gain. To further complicate matters a new term 'serious organized crime' has now been introduced without similar definitive offence guidance. Schelling (1984) believes that organized crime is more than just 'crime that is organized'. He argues that to fulfill the necessary conditions to be truly organized, the people carrying out the crimes must organize themselves in such a way that their criminal behaviour is contained within an operating framework.

In 2006, the Serious Organized Crime Agency or SOCA came into existence. Its remit was to tackle 'level 3' crime including national/international organized crime threats to the UK. To understand this term it is helpful to describe the three levels of response to criminality adopted by the police service as contained within the 'national intelligence model' or NIM. 'Level 1' describes local issues, usually crime, criminals, anti-social behaviour, and a concomitant need for reassurance, that can be managed within a 'Basic Command Unit' or BCU. 'Level 2' describes cross-border issues, usually the actions of organized criminality, major incidents and events affecting more than one BCU and potentially across boundaries into neighbouring forces. This can also include issues of wider public disquiet, not withstanding that the original incident might otherwise be categorized as 'Level 3'.

Level 3 incidents include serious and organized crime, terrorism, or other extremist activity operating on a national or international level. This can also include major incidents, events, and other issues of widespread national concern, often with national media coverage, that can seriously undermine confidence on a wider scale (HMIC, 2005). Local constabularies are primarily focused on the response to Levels 1 and 2. ARE can however operate at all three levels of criminality. Throughout this thesis there is evidence that it can operate locally, regionally and nationally especially within Europe. Considering the restricted budgets that all forces are now operating under as a result of the freeze in public service spending (Comprehensive Spending Review, 2007), it is not surprising to witness local constabularies unwillingness to investigate level 2 animal rights activity. The danger of this is highlighted by writers such as Gilmour (2008) when he describes the phenomenon as the 'level 2 gap' – there being a lack of attention in the 'centre ground'. Between 2004 – 2010 this centre ground for ARE prevention, intelligence and enforcement was taken up by

the NETCU, NPOIU and NDET units working in collaboration with the local police and in some cases SOCA. It remains unknown whether this same degree of service to bridge this gap will be achieved by the new National Domestic Extremism Unit (NDEU) or whether CTUs operating in concert with CITUs will be directed to make more of an impact on ARE (this is further explored in chapter 8) .

The use of the term ‘organized crime’ in its application to AREs can be problematic in the public eye. The term immediately conjures up notions of ‘mafia style’ criminal networks (Woodiwiss, 2000). Schelling(1984) believes this view can be unhelpful to a police force structured to deal with local problems of crime and disorder because it depicts the large-scale underworld governance of crime and society; and does not adequately reflect the much more prosaic range of crime that is organized that is also of interest to a constabulary. Wright (2005) believes it is the ability to create de-centralized teams that makes organizing criminals such a problem. They build resilience through diffusion and maintain it through fear. Clearly they do not have to be on the same scale as the mafia to succeed, or to cause significant and enduring problems in the community. SOCA define serious organized criminals as – ‘ Those involved on a continuing basis, normally working with others, in committing crimes for substantial profit or gain, for which a person aged 21 or over on first conviction could expect to be imprisoned for three years or more’ (SOCA,2006). The activities of AREs would not fall easily within this definition because in carrying out their criminal actions according to a determined ideology, they are not doing so for substantial profit or gain. This definition of organized crime does not account for a single issue campaign group comprised of a small group of individuals determined to carry out serious

crime in this country or abroad. As such, a valuable organization such as SOCA with all its resources are not fully engaged in countering ARE activity. Clearly on a practical level it would be more valuable to have a more quantitative definition. Siegel (2006) highlights that there have been many attempts to do so. The following characteristics as proposed by van der Heijden (1996), are a good example in identifying organized crime according to a quantitative criteria, these include: (a) Collaboration of more than two people; (b) Each having their own appointed tasks; (c) For a prolonged or indefinite period of time; (d) Using some form of discipline and control; (e) Suspected of the commission of serious criminal offences; (f) Operating across borders; (g) Using violence or other means suitable for intimidation; (h) Using commercial or businesslike structures; (i) Engaged in money laundering; (j) Exerting influence on politics, the media, public administration, judicial authorities, or economy; and (k) Determined by the pursuit of profit and/or power.

According to van der Heijden at least six of the aforementioned characteristics must be present, three of which must be those marked a, e, and k, for any crime or criminal group to be classified as organized crime. ARE would cover the majority of these characteristics. If it is accepted that their strategy is to change government policy and individual industry practice towards animal experimentation by threats, harassment, intimidation and other tactics - then it might also be argued that they are determined by the pursuit of power.

Abadinsky (2009) agrees that there is no generally accepted definition of organized crime but eight attributes help distinguish it from terrorists and groups of conventional criminals, these are: (1) Has no political goals, (2) Hierarchical, (3) Has a limited or exclusive membership, (4) Constitutes a unique structure, (5) Perpetuates itself, (6) Exhibits a willingness to use illegal violence and bribery, (7) Monopolistic, and (8) Governed by

explicit rules and regulations. Some senior police officers see animal extremist groups such as SHAC as more organized crime groups than terrorist groups. Of the interviews conducted with ACC Anton Setchell (NCDE), Superintendent Steve Pearl (Head of NETCU) and Detective Chief Inspector Andy Robbins (Head of NDET), all agreed they were better classified as organized criminals. Anton Setchell in responding to a question how he would describe the SHAC and SPEAK organizations, stated he believed them to be organized groups- *“I would say they are organized crime groups with a distinction. Most organized crime groups in the traditional sense are usually looking for financial profit gain and reward through selling drugs or armed robberies or people trafficking or gun trafficking or whatever, that’s typically what we mean by an organized crime group, but this lot are organized, collaborative conspiratorial in committing crimes to achieve their particular end and their end is to try and put organizations like HLS out of business and they say so. By using criminal coercion to achieve their aims, they are all charged with conspiracy to blackmail and the like, that makes them an organized crime group in my view”* (Interview Anton Setchell, 2010).

From 2004, a new strategic direction towards tackling DE, and with it ARE, emerged in the UK. The establishment of a National Coordinator for DE with sufficient funds and the backing of government, was pivotal to the success of this objective. The establishment of a strategic delivery plan was the catalyst to a range of initiatives that were introduced between 2004 – 2010 that crafted the UK’s response initially to ARE but then to other aspects of DE; and help radically reduce crime and fear associated with high profile animal rights campaigns. Evidence of the evolution of strategy through policy and practice are

clearly seen through the ACPO (TAM) Strategic Plan 2009-2010 and the CPS guidance on dealing with DE. However, in addition, the police also adapted and honed their own specific tactics to DE which included ARE. Some of these tactics were later exposed as 'disproportionate' and widely criticised. Two examples demonstrate this statement and are worthy of examination-

Firstly, the Metropolitan Police Service was responsible for introducing an initiative known as 'Forward Intelligence Teams (FIT). One of the duties of these teams was to directly engage protestors and where required, take photographs which in some cases would be reduced to an intelligence database. Sometimes working within the provisions of section 60AA (7) Criminal Justice and Public Order Act 1994 (the power to require the removal of disguises), the strategic aim was to remove the anonymity factor that some activists hid behind and therefore discourage them from possibly committing a crime and assert control; as well as obtaining evidence of presence and association. Naturally this proactive tactic has the capacity for being intimidating, especially to those individuals intent on carrying out peaceful protest. The NPOIU has a specialist unit known as the 'Public Order Policing Section' (POPSs) who are all public order tactical advisors who readily utilize this tactic to gather intelligence. Andrew Wood was a media coordinator of a UK protest organization known as the 'Campaign against Arms Trade' (CAAT). He had never been arrested and had no previous criminal convictions. As a shareholder, he had attended the annual general meeting of a company whose subsidiary organized a trade fair for the arms industry. He asked a question at the meeting and then left once formal business was over. As he left, Wood was photographed outside by the police. He and other members of CAAT were

spoken to by the police. Wood declined to identify himself or answer any questions about the meeting. The police took the photographs in order to be able to identify possible offenders at the AGM or the trade fair, in case offences had been or would be committed. Wood's image was not in fact added to the intelligence database. Wood took the case against the Metropolitan Police to the Court of Appeal, arguing that the police in taking photographs of an individual in a public space (and retaining those photographs) breached that individual's right to privacy under article 8(1) of ECHR, which states that every person has the right to respect for their private and family life, their home and their correspondence. The Court held for him in a case that became symbolic to activists on the surveillance of protests and the right to privacy. The police submitted that article 8(1) of the ECHR was not engaged by the mere taking and retention of the photographs, because the circumstances did not elevate the case to the necessary level of seriousness. They submitted that the photographs had been taken in a public street where people could have taken photographs at any time, which meant that there was no expectation that Wood would not be photographed. However, Wood submitted that article 8(1) was engaged and that the police action was not in accordance with the law for the purposes of article 8(2), because any legal justification the police offered was not sufficiently clear or precise, and the police's actions were disproportionate to their aim. The Court noted that the bare act of taking a photograph in a public place was not of itself generally capable of engaging article 8(1) of the ECHR. However, taking the photograph had to be considered in the particular context. Here, the police action in taking photographs with no explanation carried with it the implication that the images would be kept and used. This amounted to a sufficient intrusion by the state into the individual's own space and integrity to amount to a *prima*

facie violation of article 8(1) of the ECHR. The appellant enjoyed a reasonable expectation that his privacy would not be invaded in the way it was. Even though the police's actions were in the pursuit of a legitimate aim (for the prevention of crime and in the interests of public safety), the interference could not be justified under article 8(2). The police's justification for retaining the photographs for more than a few days after the AGM did not bear scrutiny. Once it had become clear that Wood had not committed any offence at the AGM, there was no reasonable basis for fearing that, if he went to the trade fair, he might commit an offence there. It was for the police to justify as proportionate their interference with Wood's article 8 rights, and they had failed to do so. Therefore it was not necessary to decide whether the interference was in accordance with the law, as it was not proportionate in any event. Lord Justice Laws dissented on the issue of proportionality. In contrast to the other judges, his Lordship believed that the police's actions were legitimate and proportionate. His Lordship believed it was impossible to categorize what was done as outside the margin of operational discretion the police possess in such circumstances.

In April 2010, an NCDE micro site was established within the ACPO website. A list of frequently asked questions was placed within the micro site in an effort to be more transparent, aware of the mounting criticism levelled at it for being secretive and unaccountable. Answers to the following questions demonstrate the police response and rationale behind the intelligence gathering initiative - How many people are on the NPOIU database? - *"At the most recent count, there are only 1,822 photos held by NPOIU. Considering this is a national police intelligence database and there are many hundreds of protest events every year, some attracting tens or hundreds of thousands of people, this*

very small number should provide context for anyone who has any concerns about the scale of photograph retention. Many are only retained for a very short period, some we need to retain for several years; each one is individually assessed and reviewed regularly. Before a photo or any information or intelligence can be entered onto the database, it has to be individually assessed against a set of 'Management of Police Information' (MOPI) and ECHR compliant criteria and be given a review date; the system automatically prompts this review when it is due. In addition to having a duty to facilitate lawful protest, the police service has a responsibility to secure public safety and needs good quality, relevant information and intelligence to do all this. Good intelligence protects not only the public and democracy, but suspects and offenders too" (ACPO website, 2010). What action did the unit take following the ruling of *Wood v Commissioner of the Metropolis* 2009? -

"The outcome of the Wood v Commissioner of the Metropolis case was welcomed by NCDE, in particular NPOIU as it brought clarity to an area that had not previously been tested in the courts. The three national Domestic Extremism units work hard to ensure that all they do is necessary, justified and proportionate and this applies to the management of any information or intelligence, including any photographs. In this respect, the Wood judgement did not change anything for NPOIU and the photos it holds – it cemented existing practice" (ACPO website, 2010). The NCDE Anton Setchell, added further, that it was possible that protesters with no criminal record were on the database but police would have to justify their inclusion - *"Just because you have no criminal record does not mean that you are not of interest to the police. Everyone who has got a criminal record did not have one once"* (Lewis & Taylor, 2009, p1).

The second example jettisoned the previous anonymous workings of the NPOIU into the media spot light. A section within the NPOIU - the 'Confidential Intelligence Unit', which controlled assets such as covert human intelligence sources (CHISs) had failed to properly manage a police undercover officer (UC) Mark Kennedy, who had been placed within an environmental activist group planning to carry out an incursion into Ratcliffe On Soar Power Station. The group had an intention of carrying out a direct action protest to close it down. As a result of intelligence supplied by the officer, the police carried out a pre-emptive arrest strategy arresting 114 people in a school near to the power station the evening before they planned their incursion. The police charged a group of the protestors with conspiracy to commit aggravated trespass. As a result of evidential irregularities on disclosure, the trial collapsed amid bitter criticism of police tactics suppressing protest rights. Her Majesty's Inspectorate of Constabulary (HMIC) subsequently investigated the matter and the report published in February 2012, clearly demonstrated weaknesses in management concluding that the officer had 'on occasions' gone against codes of practice and his supervisors had not identified problems quickly enough. This translated to the officer not being adequately supervised. HMIC recommended that there needed to be a stronger system of pre-authorization for undercover deployments where extremist threats were concerned as well as a better risk management process throughout operations. They also suggested that there should be a clearer definition of DE to determine whether an undercover deployment was the most appropriate tactic. In addition, HMIC stressed that there needed to be a 'clear separation' between units collecting intelligence on public order issues and those associated with countering extremism. HM Chief Inspector of Constabulary, Sir Denis O'Connor, stressed that undercover operations had been

successfully used in the name of public protection. He added – *“These operations are inherently risky and must only be used when they are necessary and proportionate. NPOIU operations were not adequately controlled in this regard.”* (HMIC, 2012, p 4). The incident attracted criticism from a former director of public prosecutions, Lord Macdonald, who said the handling of undercover officers appeared to be ‘alarming’ and ‘opaque’ - *“There should be published guidelines. It is particularly important that the public understands what the principles and what the rules are. The fact this operation is so opaque, nobody knows how it was run, what the objectives were, why it ran for so long, I think that's quite alarming”* (Lewis & Evan, 2011, p1). Finally the solicitor Mike Schwarz, representing some of the campaigners arrested and charged, speaking outside Nottingham Crown Court after the collapse of the trial said - *“Serious questions must be asked relating to the whole policing of this protest, from the use of undercover police officers, to the use of expensive and legally questionable mass pre-emptive arrests, to the use of pre-charge unaccountable bail conditions, to the seemingly arbitrary nature by which the 114 initially arrested were reduced to the final 26 who were eventually charged”... My clients were not guilty. They did not agree to join in any plan to occupy the power station. The evidence of PC Kennedy presumably confirmed this”* (BBC News, 2011, p1). It should be noted that before the trial it emerged that the UC officer Kennedy had offered to give evidence on the campaigners’ behalf, the prosecution then offered no evidence before the trial was due to get under way... *“Yet that evidence, had it been kept secret, could have led to a miscarriage of justice”* (BBC News, 2011, p1).

As the police refined its tactics and as industry reacted to ARE, so too have the extremists changed their approach in an effort to maintain pressure on targeted organisations and

industry to achieve their aims. As we have examined in chapter (3), one consequence of the success of the UK's response has been the displacement of DE – predominantly ARE abroad. The interview with the financial security manager confirmed this trend when he reported that a colleague based in France had conducted his own research and spoken to French Police in the intelligence gathering and analysis section of the 'Police Nationale'. This individual reported that since the arrests of animal rights activists in the UK in May 2007 (see Chapter 6), France had noted a significant increase in ARE some of which they felt was initiated by British activists traveling abroad. The trouble was that France and other states were unprepared for this level of extremism aimed at individuals and their companies. They would have to go through the same strategic evolution as the UK in order to effectively respond.

There remains then a continued debate as to what classification AREs should fall under. Are they terrorists or organized criminals; or a hybrid of both? The classification is important as definitions dictate the level of resources national units and local police forces receive to reduce the threat. It is also important because it will dictate the strategic and tactical response. At this time senior police officers do not believe these acts of DE carried out by AREs should qualify as acts of terrorism. If this is the case then they should advise its rank and file not to utilize terrorism legislation in its attempts to impact upon ARE as evidenced in their use of stop and search powers. The author believes that continued misuse of such powers will dilute the seriousness and credibility of TACT and expose the police service to charges of oppressive and disproportionate enforcement behaviour.

In the UK, there is a clear dichotomy of views as to who should assume primacy regarding the DE response. Should it pass to the CTUs and CTIUs or remain with the national agency(s)? Traditionally it has fallen to the NCDE units to be proactive within this area. Clearly from the research carried out, some senior police leaders believe that AREs are best described as 'organized criminals'. Investigative methodology aimed at the hierarchy of campaign groups such as SHAC has certainly included tried and tested organized crime strategies. It is submitted however that if AREs are to be labeled 'organized criminals' there will be a need to recognize that there exists no primary monetary or financial motive behind their activities. That they demonstrate all the hall marks of adopting organized criminal tactics is beyond dispute and structurally they should be grouped accordingly. Perhaps the time has come to recognize the distinct place they then assume by changing any definition describing organized crime to include their activities.

The next chapter will assess the police operation to reduce ARE between 2004 – 2010. The chapter will add new detail to a previously unexplored research area by using data provided from a national police database to demonstrate that the police strategy and tactics used have been very successful in controlling ARE. One consequence of this robust response however has been the 'collateral damage' phenomenon where all protest has been reduced - not just ARE but general activism as well. It is submitted that this is not healthy for our democracy. An example of a 'successful' police operation to impact upon ARE is provided by looking at the police operation Forton/Achilles against SHAC operatives.

Chapter (6) : An assessment of the police operation to reduce ARE 2004-2010

In 2004, the police were directly tasked to reduce the problem of ARE within the UK. Up to that point, collection of animal rights data was collected from SB units by the NPOIU, who having taken over the Animal Rights National Index (ARNI) in 1999, received their information and intelligence on a standard intelligence form sent through on a secure communication service called 'cluster'. This intelligence was analysed, added to and on occasions re-distributed back to forces to ensure a national perspective had been placed on it. The data collected depended upon incidents being correctly recorded, analysed and linked to other related animal rights incidents locally. However the system was flawed. It is within the author's knowledge that some incidents were not reported because they were simply not recognised or linked as animal rights incidents by officers on the ground or control staff who failed to classify them or tag them for the attention of SB on the force command and control system. This intelligence weakness originated essentially at the first response level. For example, unless the reporting or investigating officer was aware of what constituted a 'domestic extremism incident,' he or she would not report it as such. Crimes which had no suspect or claimant, such as criminal damage to a car or a private home, would not be linked to any ARE crime series which was essential for detectives to be aware of when investigating cross border incidents. Sometimes this was simply down to the officer not asking the complainant the right questions, such as – who do you work for or why do you believe you have been targeted like this? This failure to properly investigate, was exacerbated by the pressure of handling general response calls within an operational time frame and a lack of police experience / knowledge.

From 2004, NETCU recorded data concerned with home visits and other overt acts in collaboration with the NPOIU but there was a later realisation in 2006, that there was a need to correctly collect all animal rights ‘incidents’ from low level incidents to more serious incidents in order to gain a holistic picture of what truly was happening in the country in regard to animal rights. This was especially so, as SHAC and SPEAK were adopting a targeting strategy of secondary and tertiary targeting on suppliers, to achieve its main aim of closing down HLS and the Oxford University biomedical lab. *“The NPOIU which already existed was the repository for all intelligence but we weren’t getting anywhere near the whole picture about what was going on - just getting bits and pieces of intelligence around animal rights and other areas of DE of course. The government and the police service didn’t see the full picture and one of the tasks was to set up a system of gathering that information so that we know what was going on wherever it was going on across the UK and I initially used PNIC (Police National Information Centre) to achieve this”* (Interview Steve Pearl, 2010).

This chapter assesses the period 2006 – 2010, by using data derived from a national police database. There was a need to capture all data from animal rights activity in order to see the ‘total’ picture, which until then was not available to both the government and the police. From 2006, NETCU eventually established reporting mechanisms that ensured progress towards this goal. The statistics demonstrate that since the establishment of the national NCDE units; and the collaboration between government and other agencies such as the CPS, there has been a progressive downward trend of all animal rights incidents and animal rights crimes nationally. This downward trend owed much to the robust investigative and

enforcement policy directed by the police and the CPS towards the leadership of both SHAC and SPEAK. The author believes that the much publicised success of such operations as Forton and Achilles, not only removed the established campaign leadership from organisational, planning and directional decision making but deterred other activists and extremists from carrying out supportive actions. Significantly however, it also deterred those protestors who wished to carry out lawful protests. The chapter concludes by looking at Operation Forton and Achilles from a policing perspective, to assess their overall success.

Initially NETCU used the Police National Information Centre (PNIC) as a collection point of receiving information by email from all forces in the UK. From this data they produced weekly reports describing the national picture, but there was a need for a more structured response in obtaining both qualitative and quantitative information if they were to assist in evidencing that campaigns were carried out nationally and were being effectively orchestrated. Therefore in 2006, NETCU introduced a national animal rights incident reporting form that when completed by different force areas reporting an incident, was sent to its own analysts for interpretation and recording. Clearly the need for up to date 'complete' data was recognised as a pre-cursor to effective decision making and resource allocation by both the government and the police service in response to this threat. Moreover it was essential if the police were to reduce ARE because it provided the foundation base of any conspiratorial investigation. The purpose of the initial system was to provide both qualitative and quantitative information about animal rights occurrences to update police leaders and the government. With the broadening scope and general shift

within DE witnessed by protest activity moving away from animal rights and towards environmentalism, XRW and XLW issues, the system was later modified again in 2008 to capture data from all areas of DE and protest activity - not only from police reports but from industry and open source sources too (Pharma Times, 2007). From industry who had set up 'information sharing agreements' (ISAs) within the protocol of the 'management of police information' (MOPI) and information gleaned from open source monitoring and evaluation. The primary aim of the evolved database was to deliver a clear understanding of current activity and to present a basic assessment of potential future threat. Neither the old database nor the new one captured personal information about individuals, addresses or vehicles. This was not within its remit. It was not therefore an intelligence database which would have brought with it additional safeguards under data protection.

In recording information within the newly developed database, an 'incident' was a distinct single event always deemed as lawful which occurred in connection with or related to protest or campaign activity and related to one of the DE themes of AR, environmentalism, XRW, XLW or other issues. There were different incident types. A demonstration for example, was defined as 'a public display of an individual's or group's view or opinion (usually of a political nature) over a period of time in a fixed location. 'Demonstration' was further sub-divided down to – '*Mobile demonstration*': more than one public display of an individual's or group's view or opinion (usually of a political nature) held concurrently over a period of time in more than one location involving more than one target site; '*Police notified demonstration*': a public display of an individual's or group's view or opinion (usually of a political nature) over a period of time in a fixed location, where the individual

or group responsible notified the appropriate police force in advance (usually 24 hours) in accordance with legislation or relevant high court injunction; '*Spontaneous demonstration*': included a public display of an individual's or group's view or opinion (usually of a political nature) over a period of time in a fixed location, where the individual or group responsible did not notify the appropriate police force in advance (usually 24 hours) in accordance with legislation or relevant high court injunction; and '*Regular*' which could be applied to the previous categories and included a public display of an individual's or group's view or opinion (usually of a political nature) which occurred on a regular basis (i.e. same day of week or month etc). Only those demonstrations that occurred for a period of 3 months or longer were termed 'regular'.

A 'crime' classification within the database included a specific act committed in violation of the law which occurred in connection with or related to protest or campaign activity and related to a DE theme. This included crimes such as - aggravated trespass, arson, assault, burglary, criminal damage, explosives, harassment, malicious communication, public order, obstruction of the highway and theft. The basic principle of counting rules on the system was that events reported as 'incidents' were recognised as lawful protest activity and events reported as crimes were recognised as unlawful DE. In the case where an event involved both an incident and a crime, the created record showed that both an incident and a crime had occurred. It was important to count as distinct those events involving incidents and crimes because in some cases the incident was the main lawful one with other isolated minor crimes attached to it. This approach helped ascertain the 'seriousness' level when required. Other counting rules engaged included those for 'linked series incidents and

crimes' and 'mobile demonstrations'. For example, in the case of mass targeting of individuals, company or industries in one exercise or event, then this would be counted as one incident or crime. So one polite email communication sent to more than one target on the same day around the same time, was counted as one incident with various targets. In the case of a mobile demonstration, this was recorded as one incident involving a number of targets and locations; and possibly forces (NETCU: *counting rules for problem profiles*). It is important to explain how the database was populated as the diagrams and charts within this chapter have adopted their figures. The new recording standards clearly demonstrate that both the police service and the government were becoming much more analytical and thorough in their charting of animal rights incidents / crimes to prove major crimes such as conspiracy to blackmail and interference with contractual arrangements in their desire to reduce ARE in the UK.

In early 2004, the government then 'awoke' to respond to an escalating problem in animal rights activity and linked extremism that had forced the major pharmaceutical companies to exert pressure on the Blair government, by providing an ultimatum to do something about the problem or suffer the withdrawal of their business. It could be argued that this was a 'Cinderella crime' in so much as the government awoke to the problem and made a necessary response to reduce the threat. A worthwhile definition of a Cinderella Crime is – "*one that unexpectedly achieves recognition or success after a period of obscurity and neglect*" (Free Dictionary website, 2012, p1). Through the collaborative strategy and policies adopted between the government, police, industry and other agencies, animal rights activity was drastically reduced in the UK. This led to a senior police officer announcing in

2006 that half of AREs were in jail (Alseron, 2006). This reduction can be evidenced by Figure (7), showing that animal rights 'incidents' show a steady decline from 2006 to 2010. This downward trend is mirrored in both the number of animal rights 'crimes' recorded (Figure 7) and also the number of 'home visit incidents' reported (Figure 12). Figure (8) demonstrates this downward trend by looking at the data on a year on year basis with the number of animal rights incidents being the highest in 2006 and the lowest records in 2010. Clearly some of these animal rights incidents would have been criminal but the majority would have included lawful protest activity. The strategy adopted was definitely helping to directly reduce criminal activity but the author believes that the ramifications were that peaceful lawful protest by animal rights activists was also being affected. The results of a successful reduction strategy was at the expense of freedom of expression and the right to assembly, as people were frightened of the consequences of protesting under the animal rights banner - fearing the published success of the police in prosecuting those that were taking direct action involving criminal offences in the name of animal rights. Indeed such was the level of reduction in 2007, it prompted Dr Simon Festing of the 'Research Defence Society' and Tom Holder of the pro-research group 'Pro-test' to comment – *"What has been very noticeable is quite a sudden and very marked decline in targeting individual researchers around the country in a personal way....This has really struck me because it has been a major feature of animal rights extremism for 30 years since the Animal Liberation Front was founded in 1976. At any one time there would be many researchers around the country who were being actively targeted and now it has just gone"* (Festing 2007, cited in Randerson, 2007, p1).

"I think the small number of violent people have seen their funding disappear because the average person is less likely to put money in a little box somewhere...They have seen approval disappear. They have got away with it for years because people haven't been prepared to stand up and say no" (Holder 2007, cited in Randersdon, 2007, p1).

It is an important observation to note that the majority of animal rights 'incidents' were crimes 'motivated' by animal research. For example, analysis of 2009 UK incident figures show that 61% of incidents were motivated by animal research and this year was no exception to any other in the years 2006 to 2010. Figure (9) supports this assertion. It is for this reason that whenever possible analysis of animal rights incidents in the UK will be directly compared against statistics where either crimes or incidents are motivated by animal research. Figure (10) follows on from Figure (9) and demonstrates in a different way that the majority of all animal rights incidents 2006 – 2010 are made up of those connected to animal research. Figure (11) displays the downward trend of crimes linked to animal research over 2006 – 2010, with a high of 87 crimes in the fourth quarter of 2006 and a low of 10 crimes in the first quarter of 2010. Figure (12) reveals how AREs changed and adapted their targeting tactics of home visits in the face of mounting resistance by industry to protect their business, premises and employees – principally by the use of injunctions under section 3 of the Protection from Harassment Act 1997 and by the police use of section 42/42A Criminal Justice and Police Act 2001. In 2006 there were in excess of 145 incidents recorded as home visits, however by 2010 this number had dwindled to below 5 incidents.

Figure (7): All animal rights 'incidents' 2006 – 2010 UK

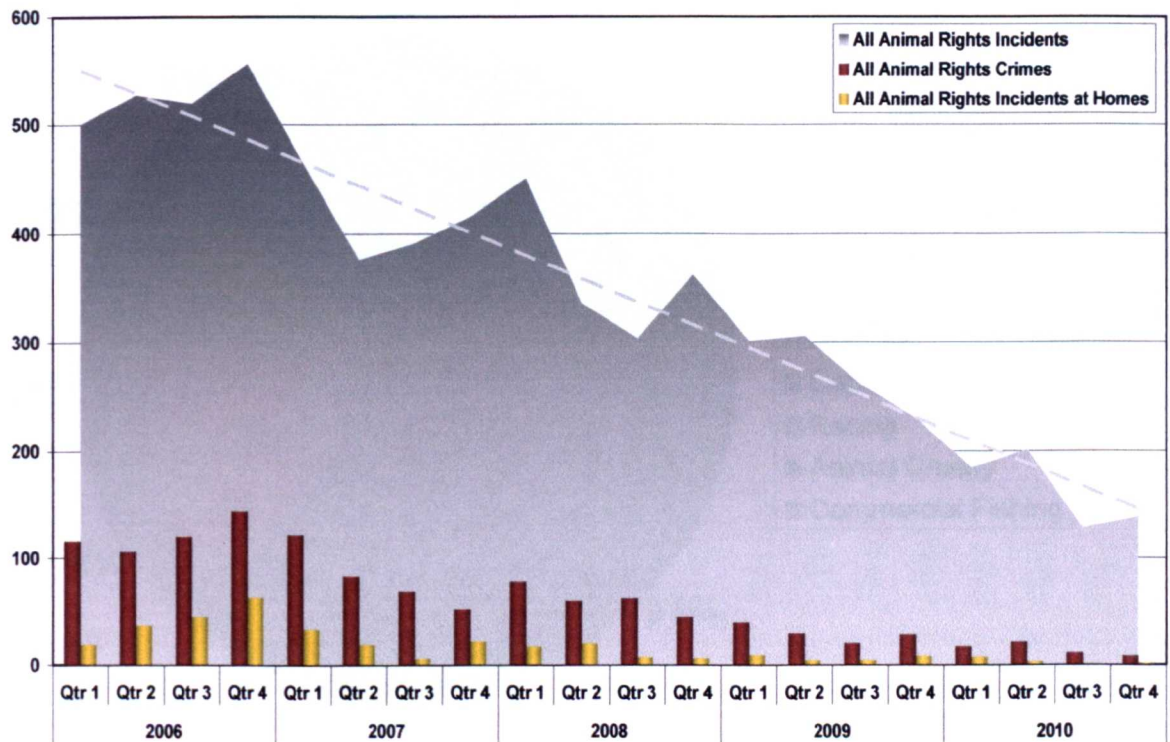


Figure (8): All animal rights incidents (year on year) 2006 – 2010 UK

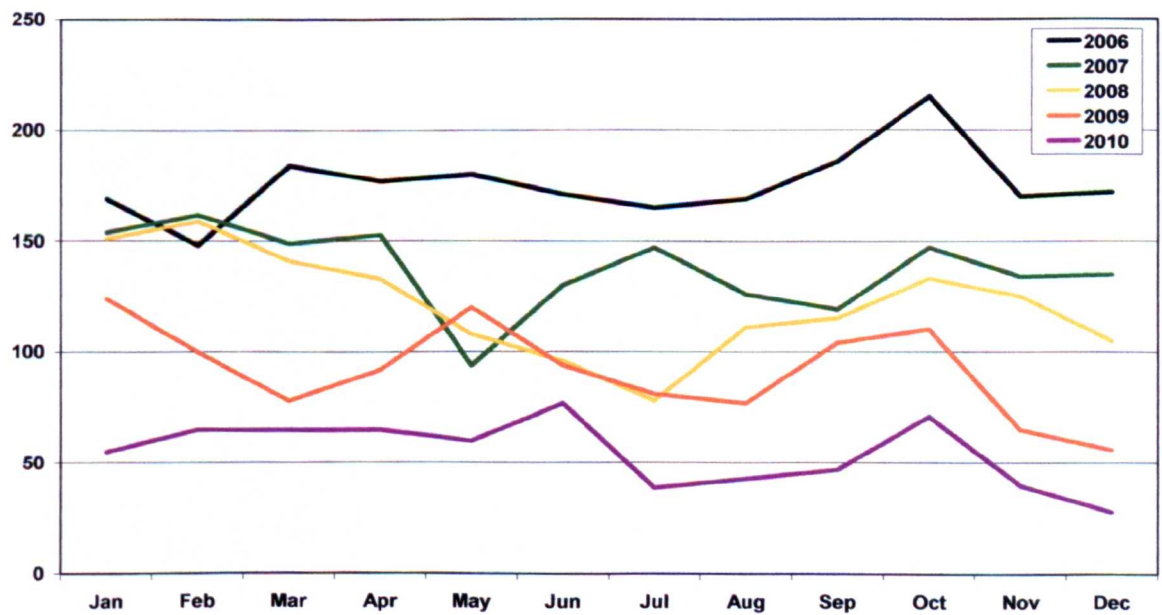


Figure (9): Motivation for animal rights incidents in 2009 UK

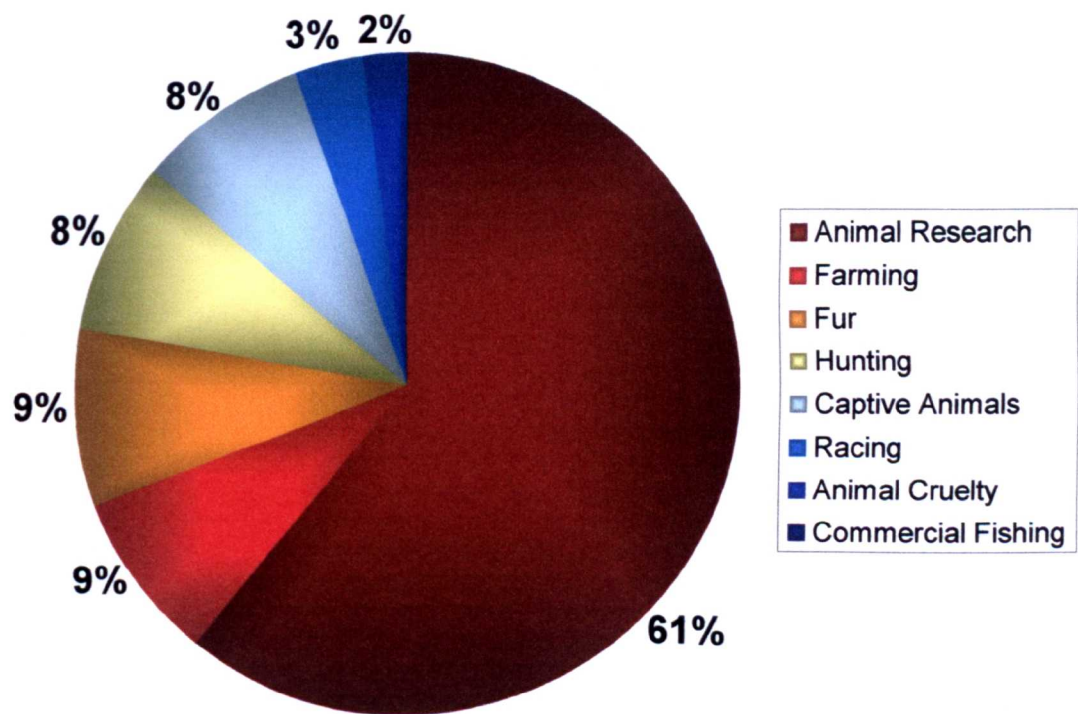


Figure (10): All ‘animal research incidents’ 2006 – 2010

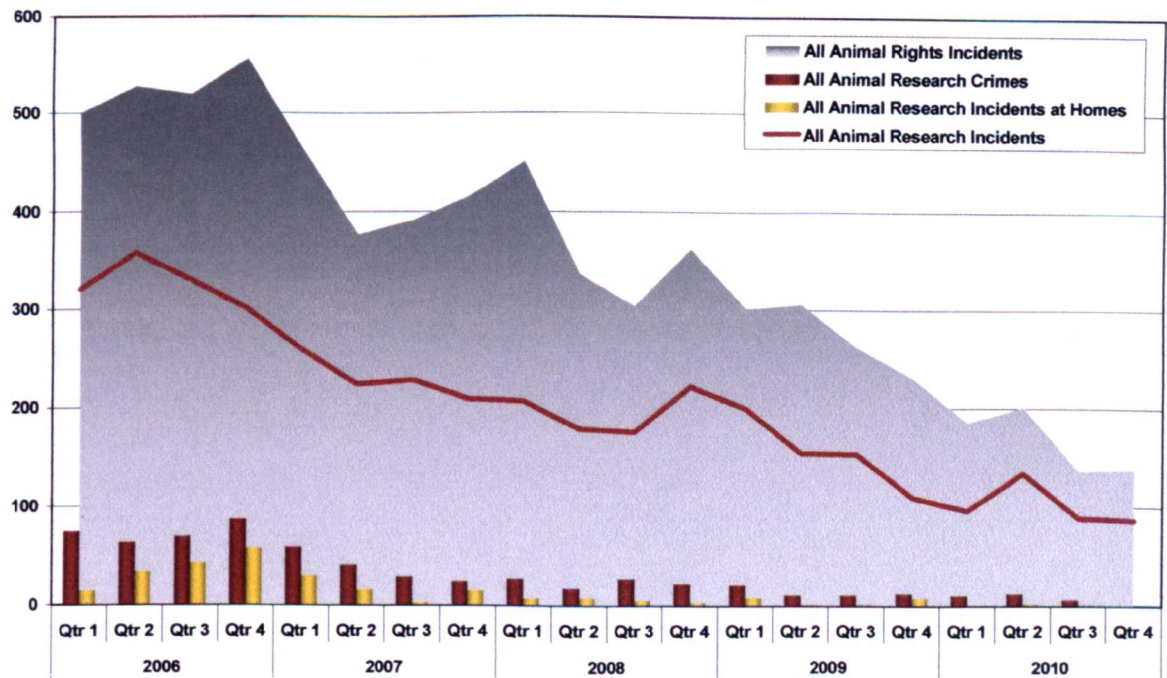


Figure (11): Crimes motivated by animal research 2006 - 2010

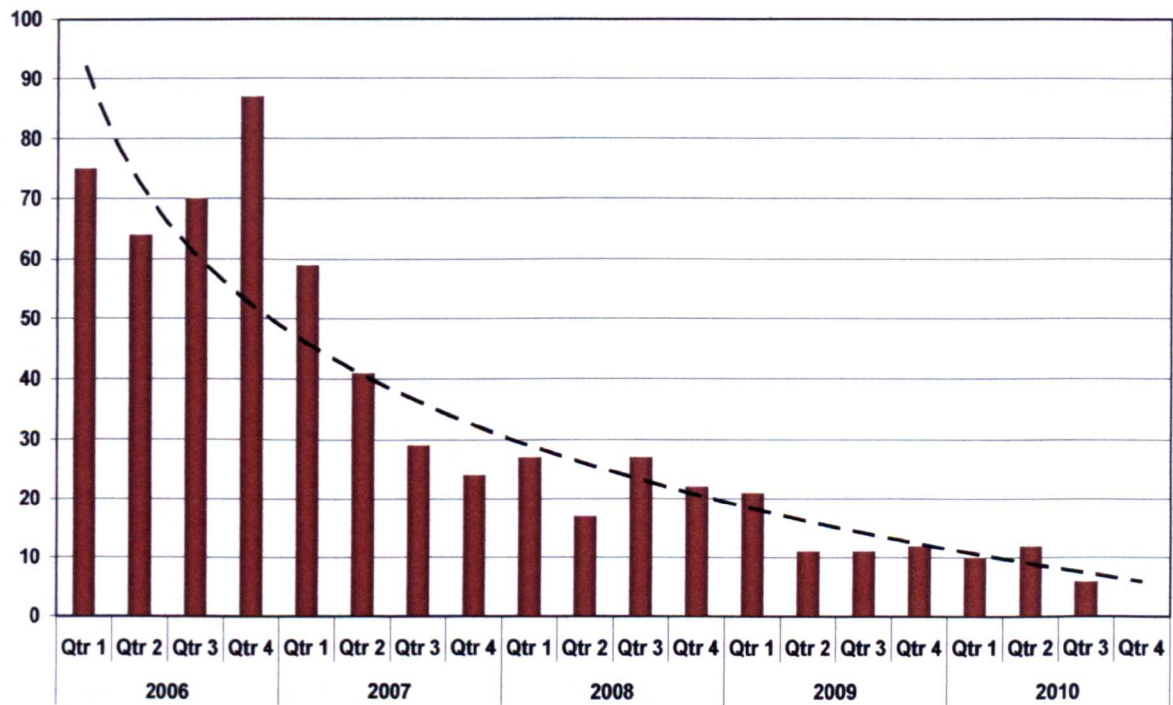
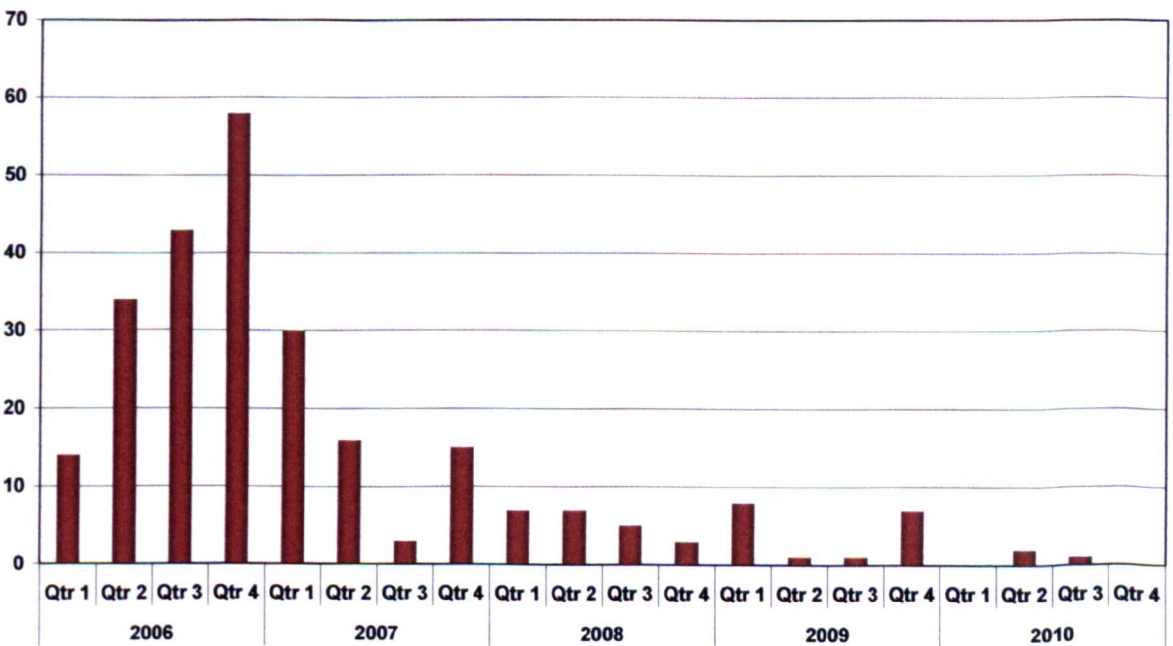


Figure (12): All animal research ‘incidents’ at homes 2006 – 2010



It is instructive to analyse the different type of animal rights incident in order to demonstrate the level of animal rights activity throughout the country. Tables (3) and (4) are provided to show the sustained fall in incidents in the period 2009 -2010. Table (3) shows that most categories of incident showed a decrease over the previous year and reflect the overall pattern of reduction of incidents throughout the study period 2004 – 2010. The amount of demonstrations, for example, show a fall of 38% between 2009 and 2010. Overall the percentage decrease of animal rights incidents between 2009 – 2010 is also 38%.

Table (3): Types of animal rights ‘incidents’ in 2010 compared to 2009 UK

Type of Incident	2009	2010
Demonstration *	872	542
Polite Communication	76	58
Malicious Communication	20	20
Suspicious Activity	37	17
Criminal Damage	45	16
Arson	4	3
Campsite	1	3
Assault	3	2
Public Order	3	1
Bomb Threat	0	1
Burglary/Theft	6	1

Red = Lawful incident

Blue = Unlawful incident

Note: * 3% of demonstrations in 2010 included a criminal aspect

Table (4) which specifically looks at the types of incident in respect of animal research for 2009 – 2010 reveals a not surprising similar pattern. Remarkably the percentage decrease in

the number of demonstrations linked to animal research again shows a 38% decrease and the overall percentage decrease in incidents linked to animal research is 37%.

Table (4):Types of incidents for ‘animal research’ in 2010 compared to 2009 UK

Type of Incident	2009	2010
Demonstration*	530	328
Polite Communication	56	48
Malicious Communication	15	12
Suspicious Activity	15	8
Criminal Damage	16	6
Arson	3	2
Public Order	3	1
Burglary/Theft	1	1
Campsite	1	0
Assault	1	0

Red = Lawful incident

Blue = Unlawful incident

Note: * 2% of demonstrations in 2010 included a criminal aspect

Figure (13) shows the regional geographical spread of animal rights incidents across England, Wales and Scotland in 2010. Analysis shows that the majority of incidents have happened in the Midlands, London, the South and South East. The author believes this geographical imbalance is part explained by the predominance of pharmaceutical companies, animal research organisations and their suppliers being located in these areas. The evidence behind this statement provided by the constabularies that made up the Operation Forton/Achilles/Aries initiative, that is: Sussex, Hampshire, Surrey, Kent and Thames Valley. These operations will be further discussed within this chapter.

Figure (13): Geographical spread of ‘all’ animal rights incidents in 2010

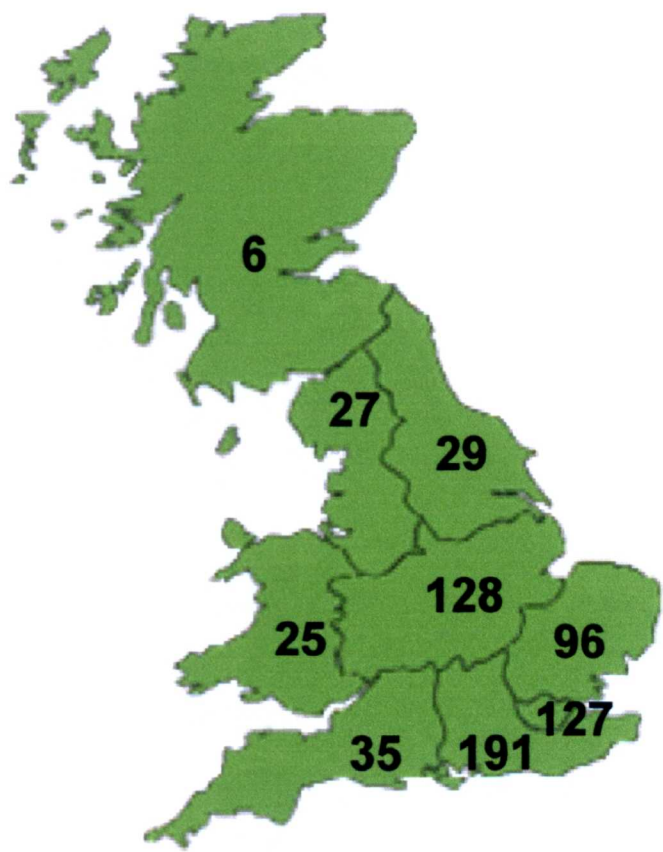
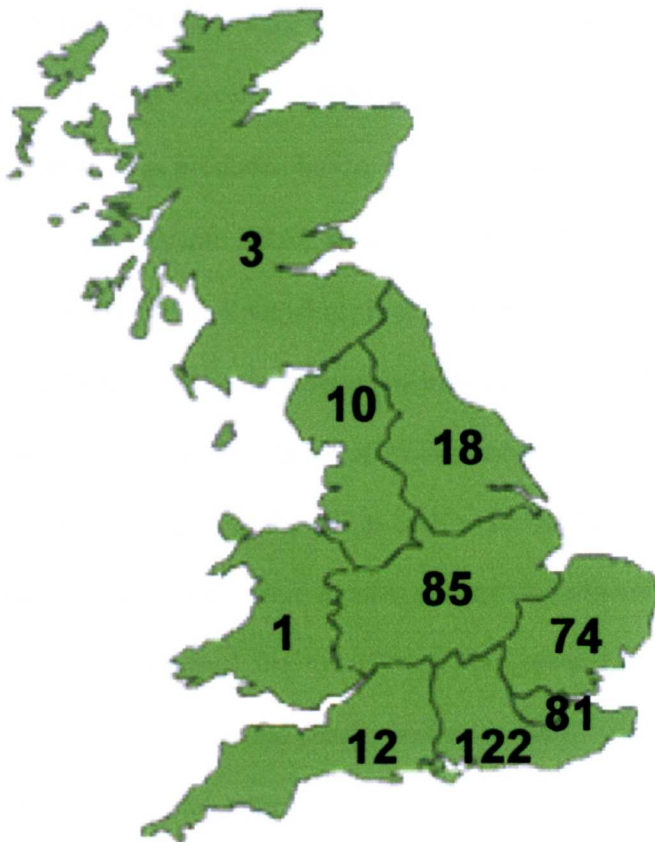


Figure (14) reflects those incidents motivated by animal research in 2010 and clearly demonstrates that these organisations and their suppliers who are targeted, again assume a large proportion of the total number of animal rights incidents in the country. The geographical distribution of incidents motivated by animal research is predominantly based in the south east of the UK indicating the location of the predominant pharmaceutical

companies such as Novartis, GSK and Sanofi Aventis, animal research organisations and their suppliers.

Figure (14): Geographical spread of incidents in 2010 ‘motivated’ by animal research



In 2004 - 2009, a major police investigation was conducted into the criminal activities linked to SHAC, led by five south-eastern police forces where ARE crime was highest, these included Sussex, Hampshire, Surrey, Kent and Thames Valley. The operation was called ‘Operation Forton’ and the later arrest phase became known as ‘Operation Achilles.’ ‘Operation Aries’ was the mop-up operation on outstanding suspects that had not been dealt with under Forton. It is instructive to consider aspects of the investigation and the

subsequent trial to understand further the SHAC organization and its operation. Specialist support to the operation(s) was provided by the SOCA re suspects traveling abroad and the City of London Police's Economic Crime Unit regarding aspects of financial investigation of assets. The following information has been provided by DCI Robbins, senior investigating officer for Operation Forton/Achilles/Aries within his 2011 interview. This evidence was produced before the court in the trial of the SHAC leadership. During their investigations into SHAC targeting and the disproportionate animal rights related criminality in the South-East in 2004 (more than 580 such crimes alone in London and the South-East), police found evidence that those involved in running the SHAC campaign were in fact responsible for planning, coordinating and in some instances, carrying out criminal acts both in the UK as well as across Europe. Evidence was also uncovered which showed that SHAC were posting anonymous reports of crimes, badged as the ALF, directly to the Biteback website. On 1st May 2007, police mounted a coordinated action to arrest members of SHAC and search numerous addresses in the UK, the Netherlands and Belgium. In total some 34 addresses were searched, with 32 people being arrested, including the Averys. More than 700 police officers were involved in this phase of the operation. Amongst those arrested was Diane Jamieson, 63, a former company secretary from Preston, who had been responsible for sending anonymous threatening letters to the homes of employees of companies on the SHAC target list. The letters contained threats such as - "*You don't want your relatives dug up do you?*" a reference to the Yoxhall grave desecration in the 'Save the Newchurch Guinea Pig Campaign' in 2004. Jamieson was amongst the first people to be charged under the new SOCPA legislation specifically aimed at protecting individuals from AREs. Jamieson received a suspended sentence after

pleading guilty in early 2008 (The Citizen, 2008). Also charged were Suzanne Jagers, 37, a former Department of Works and Pensions employee, who was subsequently convicted of blackmail after sending a threatening email to the owner of a kennels in Cheshire (Wright (2007); and Graham Berry, 35, a worker at Heathrow Airport who had intercepted a parcel posted by HLS and sent copies of documentation to SHAC. Berry pleaded guilty to theft and was sentenced to carry out community service (CPS Press Office, 2008). Additionally Phillip Malkin, 35, from Leeds pleaded guilty to a SOCPA offence for sending threatening emails to a company near his home and received an 80 hour community order (Jack, 2008). The enquiry culminated in the trial of eight defendants at Winchester Crown Court before Lord Justice Butterfield (Kelly, 2009). Three defendants: Gregg Avery, Natasha Avery and Daniel Amos had pleaded guilty to conspiracy to blackmail at a previous hearing in July 2008. The trial of the remaining defendants commenced on 29th September 2008. Evidence from representatives of 32 companies highlighted the targeting that they and their employees had suffered during a period spanning several years. The evidence provided described persistent and relentless targeting which ranged from aggressive behaviour to intimidation and threats received both at their work places and their homes. Many victim companies were targeted by SHAC after deceptive tactics were used by SHAC activists to identify them. During the trial an example was given of the subterfuge and deception used by Natasha Avery. She went to the Bracknell Leisure Centre, a location well away from the SHAC office and used unregistered mobile phones to contact companies claiming to be an HLS employee, asking them to verify that they were awaiting invoices for work conducted with HLS. Companies identified in this way were subsequently exposed on the SHAC website and were then subjected to the full range of targeting activity, which included

violent office incursions and a wide range of intimidation tactics and property damage at the victim's home addresses. As a result of the searches carried out on the 1st May 2007, more than 20,000 items of property were seized, resulting in some 11,000 items being exhibited. Amongst the items seized were masks similar to those depicted in the film 'Scream', balaclavas, placards, more than 150 mobile telephones, 60 computers and a large quantity of paperwork, literature and financial documentation. Also seized were hours of video footage shot by the activists themselves, many showing aggressive behaviour and incursions into offices and company premises. A document recovered set out the targeting strategy of SHAC stating- *"you are the ALF, the ALF is just a name you use when you carry out direct actions"*.

Throughout the investigation the SHAC, Biteback and RiseUp websites were monitored and pages captured that were subsequently tendered as evidence in the trial(s). The pages showed that the SHAC activists were responsible for updating the SHAC website, as well as the criminal reports on Biteback and RiseUP, which were posted as 'anonymous communiques' from the ALF or the ARM. Forensic analysis of various computers and other data storage devices seized during searches yielded documents and spreadsheets indicating the degree of control and direction by SHAC's leaders over criminal activity. Despite the use of encryption and data wiping software, experts were still able to piece together fragments of deleted and encrypted material which showed home addresses, together with information derived from their surveillance relating to security arrangements and associated movements of targets. Documents relating to 3 monthly reviews by SHAC of previous activity included lists of criminal attacks on property. These were said to have

been circulated at regular meetings of the SHAC hierarchy. Other documents showed the use of code names for activists involved in criminal activity, and detailed covert meetings between SHAC leaders and others to pass on details of names and addresses of victims. Of the mobile phones and SIM cards recovered, all were forensically examined to provide further evidence amounting to a conspiracy. In the course of the investigation it also became apparent that a number of those subject to the enquiry were regularly traveling abroad. Some of the trips were publicized on the SHAC website as protests at companies with premises in Europe, with members of the public invited to join the activists and travel by minibus to protest alongside them. However behind the legitimate protests, unpublicized visits were also made to countries including Sweden, Germany, Switzerland and France, by Heather Nicholson, Gregg Avery, Daniel Wadham, Daniel Amos and Gerrah Selby. Often traveling by air, or by international bus routes and using hired cars, the activists made contact with sympathizers in other countries and engaged in criminal attacks on property at night, as well as aggressive and violent incursions into offices and displayed aggressive behaviour at company premises. Video footage recovered from the arrest phase shows the activists screaming abuse through loudhailers, calling them "Scum", "Murders", "Puppy Killers" and at the premises of a pharmaceutical company in Paris – "Vous êtes mort" (you are dead) at the employees as they arrived for work. Graffiti in English is photographed daubed on the house of employees in Germany and Switzerland, with the letters ALF prominently displayed. In the investigation more than 100 witnesses provided statements from various countries in Europe. As part of the operation(s) enforcement action was taken against illegal street collections, a major source of SHAC funding. Public donations made in good faith were in some cases being used to fund criminal activity and to maintain the

lifestyles of the main SHAC leaders. Unfortunately by donating to ordinary street collections organized by members of SHAC, the public were unwittingly contributing to this conspiracy. Of the 32 activists arrested during the investigation, almost all of those arrested exercised their right to decline to answer questions during police interview (Laville, 2007). Statistics provided to the press regarding the enquiry reveal that 3,772 written statements were taken; 5,764 other documents registered; 234 interviews conducted, and 11,990 exhibits produced. The total cost of the investigation was approximately £4 million. On the 23rd December 2008 following a 3 month trial, Heather Shirley Nicholson, Gavin Matthew Medd-Hall, Daniel James Wadham and Gerrah Kym Selby were all convicted of conspiring to blackmail companies and individuals whom they believed to be associated with HLS. Gregg Harrison Avery and Natasha Constance Avery (nee Delemagne) had pleaded guilty to this charge at an earlier hearing. On 19th January 2009 at Winchester Court they were sentenced to a combined total of 50 years imprisonment (Bowcott, 2009). See Appendix E for sentencing.

'Operation Aries' was the mop up operation regarding the investigation and subsequent prosecution of those other members of SHAC originally arrested as part of Operation Achilles. On 21st October 2010 at Winchester Crown Court, three further individuals involved in the leadership of SHAC were convicted of their involvement in the same criminal conspiracy as those convicted in January 2009, and three other individuals were convicted of conspiracy to commit offences under Sec 145 SOCPA. The author believes that the police will look at the success of this operation as a model for future actions against animal rights groups that demonstrate extremist tendencies. Tactically some academics

have argued that in looking at how terrorism campaigns end actually may provide an answer to avoiding prior mistakes, conserving resources and facing their adversaries with a broader strategic perspective in order to win that battle, believing that there are recurrent patterns, common elements and crucial points leading to their demise (Cronin ,2009). Such an outlook may benefit the police dealing with DE campaigns whether they be treated as elements of organized crime , terrorism or other hybrid, especially as Cronin (2009, p 17) concludes that- *"Capturing a leader, putting him or her on trial, profiles leaders as criminals, and demonstrates the appropriate application of justice. All else, being equal, it is much better to arrest and jail a terrorist leader so that his fate will be demonstrated to the public"* After the arrests and incarceration of the SHAC leadership, there was a marked down drop in animal rights incidents in the UK in the month that followed. The sentencing remarks of the two Judges are worth considering as well as the post sentencing press conference of the senior investigating officer - DCI Robbins (see Appendix D). As reported in chapter 5, the SHAC leadership was effectively branded as 'urban terrorists' (Kelly, 2009).

The next chapter will look at the consequences of the government and police efforts to reduce ARE in the UK between 2004 - 2010 in terms of human rights and the general capacity to protest. The author believes its overall effect has been dramatic and at an overall cost to civil liberties in this country.

Chapter (7) : Success – but at what cost ?

“Rights worth having are unruly things. Demonstrations and protests are liable to be a nuisance. They are liable to be inconvenient and tiresome, or at least perceived as such by others who are out of sympathy with them.”

(Laws LJ in *Tabernacle v Secretary of State for Defence* [2009] EWCA Civ 23 at [43])

The rights of individuals to protest in the UK are fundamentally enshrined within articles 10 and 11 of the European Convention of Human Rights (ECHR). However the European Court of Human Rights (ECtHR) has been initially slow and in some cases indifferent towards supporting these rights (Fenwick, 2007). The court has been dismissively labelled by some writers as a ‘cranks paradise’ (Raab, 2012). In an effort to control AREs, the police have positively utilised existing laws and when thought insufficient, have successfully provided the necessary evidence to government in order to pass new laws to reduce ARE crime, for example, in introducing Section 145 and 146 SOCPA (Interviews Setchell and Pearl , 2010). However the fine balance between the right to peacefully protest and the police duty to prevent crime and prosecute offenders has been offset, leading many to question whether civil liberties are directly under attack in the UK. Mead (2010) has strongly argued that existing legislation has failed to respect the need to balance any competing rights or, in the case of protest, balance the right under article 11(1) with wider social interests in article 11(2) (see Appendix F).

Despite a collection of judicial references, no explicit 'right to protest' can be said to exist in UK law. Prior to the Human Rights Act (HRA) 1998, public protest was only legally sanctioned in so much as 'citizens could do anything the law did not forbid' (Phillipson and Fenwick, 2000). In the case of *Hubbard v Pitt* (1975), Lord Denning made reference to the 'right to demonstrate and the right to protest on matters of public concern'. In *Huntingdon Life Sciences and Another v Curtin* (1997), Mr Justice Eady suggested that the 'rights of political protest and public demonstration are so much part of our democratic tradition'. More recently Lord Hoffmann, retired Law Lord, argued on BBC radio that there has always been a convention that acknowledges that protest will inevitably involve a certain amount of illegal behaviour such as trespass, daubing slogans and chaining to railings. In response, the legal justice system treats such offences leniently. He went on to comment that he is concerned that the police, in the interests of maintaining order, may be breaking that convention, over using their powers, particularly when they take pre-emptive action to prevent demonstrations taking place; fearing that this may sometimes happen simply to save the cost and trouble of policing a protest (BBC Radio 4, 2009). This chapter will briefly look at how the ECtHR influences UK domestic courts in upholding an individual's right to protest. It will assess key legal considerations that the ECtHR now address in its decision making rationale on cases brought before it. The author will detail how the court is constantly evolving as a 'living instrument' and although it was initially slow to support rights to protest, it has changed now to a position of greater acceptance of incidentally disruptive protests. However, it does not support intentionally obstructive and deliberately disruptive protest actions. The chapter will go on to consider how the government have amended current law and introduced new law to assist the policing of ARE. Crucially how

the law was executed by the police has led some commentators to believe there are now clear and obvious dangers to civil liberties of an over reactive state. An assessment is made of where the police currently stand in their appreciation of human rights and what practical policing agenda is needed to improve the policing of protest in the UK.

It is important to note at the beginning of any review of the 'right to protest' that the incorporation of the 'European Convention on Human Rights' (ECHR) into UK law through the Human Rights Act 1998 (HRA), has created 'positive rights' relating to public protest. No explicit right to protest can be found under the Convention, rather the right can be inferred through articles 10 and 11 dealing with freedom of expression and freedom of assembly (see End Note 1). In *Steel v UK* (1999) the ECtHR considered how protest might be considered under these provisions and concluded that all forms of protest that can be interpreted as the expression of opinion, potentially will fall within the protection of article 10. Furthermore any restriction placed on a peaceful public gathering for any purpose will require a court to consider the demands of article 11. Hence looking at the joint and separate applications of these two provisions, it can be inferred that there is now an 'implicit' rather than an 'explicit' right to protest in UK law. Considering that section 6(1) HRA 1998, directs that public authorities must not act in a way which is incompatible with a convention right, it is a reasonable assumption that the guarantees provided by article 10 and 11 now mean that the UK government cannot just tolerate public protest – it now has to ensure its free allowance. It follows then that such a right to protest is now in theory directly enforceable in a domestic court of law. This translates to the fact that activists can now rely on articles 10 and 11 to challenge public order provisions in criminal proceedings

or seek judicial review of decisions made by the police or local authorities affecting the nature and scope of protest. Simplistically put, this means that the domestic courts now have to interpret public order legislation in a way that is compatible with convention rights which include articles 10 and 11. Section 2 HRA provides overall governance in that it directs that domestic courts are obliged to have regard to the jurisprudence of the ECtHR in Strasbourg regarding the application of any Convention right. Overall this means that European case law is now a persuasive authority in proceedings before any UK court and will continue to do so as more cases regarding protest are brought before it.

The author believes however that in the UK judicial system, there appear to be two major flaws for anyone who carries out a protest. In the UK, the majority of protestors are arrested for relatively minor offences such as section 5 Public Order Act (POA) 1986 which often do not get to court, especially if the person is given a penalty notice for disorder or subjected to the cautioning protocol. In other words it is rare for them to be dealt with in a Higher Court - it is therefore extremely difficult for specific pieces of legislation that adversely affect the right to protest to be declared incompatible with the ECHR. This is because the Magistrates and Crown Courts (or lower courts) do not have the power to issue such a declaration and the cost implications of pursuing a matter to a higher court can be significant. In practice therefore, there is little opportunity for pieces of 'bad protest law' or law that is perhaps distorted or abused by the government or police to be referred back to Parliament because it is non-compliant with Convention rights (Donnelly, 2002). The second major flaw is that following the above, enforcing the right to protest therefore becomes the preserve of those individuals who challenge specific violations through

'judicial review proceedings'. If this procedure is activated, it will force the public authority normally to rely upon the qualifications for limitation under articles 10 and 11 ECHR. The courts will decide each matter on the facts presented to it. Historically such challenges to the 'system' have an up-hill struggle to succeed, and this is down to what Freeman (2011) believes is the inherent conservative nature of judicial reasoning and an interpretation by some decision makers, that public authorities should not have their ability for discretion become too restricted.

The rights to freedom of expression and assembly however are not absolute but are rather 'qualified' rights. Articles 10 and 11 are each limited by the exceptions stated in their second paragraphs. These are not identical but allow for interference that is prescribed by law and is necessary in a democratic society in the interests of national security, public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This provides for a three-fold test for any public authority wishing to restrict a right to protest. Once a court has decided there has been a *prima facie* breach of article 10 and 11, it must ask itself whether the breach can be justified on the parameters of: is the interference 'prescribed by law'; does it serve a legitimate aim; and is the interference necessary in a democratic society? (Hoffman and Reeve, 2009). The terminology of the law here is important and it is necessary to expand upon their meanings in order to understand how the ECtHR apply their reasoning and decision making in cases brought before it. The principle of 'prescribed by law' or 'in accordance with the law' directs that restrictions on rights must comply with the rule of law by satisfying the requirements of legal certainty and clarity. Donnelly (2002) states that

following the case of *Sunday Times v UK* (1979), the ECtHR has introduced a further three-fold test for determining whether an interference with a convention right is 'prescribed by law'. It must be established that: (1) The interference has some basis in domestic law either as a rule of common law or one created by statute. The case of *Malone v UK* (1984) however established that although a law exists, it does not necessarily mean that it can be relied upon by the State authorities without question. The court stated the phrase 'in accordance with the law' does not merely refer back to domestic law but also relates to the quality of the law, requiring it to be compatible with the rule of law. This means that the phrase implies that there must be a measure of legal protection in domestic law against arbitrary interferences by public authorities. Clayton and Tomlinson (2000, p323) have commented that - "*interfering measures must be accompanied by adequate and effective safeguards in the domestic law to protect against arbitrary interferences by authorities with the rights' now guaranteed under the HRA 1998*". (2) The law must be 'accessible'. In the *Sunday Times v UK* (1979) the ECtHR stated that - 'the law must be adequately accessible; the citizen must have an indication which is adequate in the circumstances of the legal rules which are applicable to the given case'. (3) The law must be formulated in such a way that the individual can foresee, to a degree that is reasonable in the circumstances, the consequences that a given action will entail. In *Sunday Times v UK* (1979) the court stated that the requirement of 'foresee ability' was not designed to secure that the law had to be absolutely certain, but however a degree of clarity was required. To this judgement, *Malone v UK* (1984) added that - 'the law must indicate the scope of any such discretion conferred on the competent authorities and the manner of its exercise with sufficient clarity, having regard to the legitimate aim of the measure in question, to give the

individual adequate protection against arbitrary interference'. The ECtHR have adopted a case by case approach in regards to public protest on the concept of foresee ability which sometimes produces varying results when discussing pieces of the same law. For example, in *Steel and Others v UK*, the court considered the imposition of a requirement to be bound over to keep the peace on protestors found guilty of breach of the peace. The court held that the binding over provision was sufficiently clear, despite being couched in vague and general terms - 'as it would be clear to the individual that they could not breach the law in a similar way over the length of time of the bond.' This case however appears in direct contradiction to the case of *Hashman v UK* (1996) where the applicants were hunt saboteurs and had been bound over by the Magistrates to keep the peace and be of 'good behaviour'. The applicants claimed that this interfered with their right to freedom of expression under article 10. The court judged in this instance that the law was indeed too vague to meet the requirements of predictability of application and thus violated article 10. The examples demonstrate the degree of flexibility of the ECtHR and that its decision making is on a 'case by case' basis and not necessarily held or directed by precedent. In effect the court acts as a 'living instrument' (Clapham, 2007).

The expression - 'pursuant to a legitimate aim,' translates to once a court is satisfied that the restriction to a right has a sufficient legal basis, the court will then consider whether the interference is pursuant to a 'legitimate aim'. These restrictions have already been set out in paragraphs 2 of articles 10 and 11 ECHR. Fenwick (2002) believes that the exceptions made available to the government and police are so wide ranging and broad that they are easy to invoke, for example as in the 'prevention of disorder or crime'. What is meant by

disorder here and does crime include minor crime or major crime? The author believes that this means in practice that the 'legitimate aim' requirement can be readily satisfied as the grounds for interference are so wide.

Finally, 'necessary in a democratic society,' means that any restriction to either articles 10 and 11 must be in response to a 'pressing social need' and the interference with the right should be no greater than is necessary to respond to that social need. This is known as the 'proportionality test' whereby the court must balance the needs of the individual against the importance of the public interest. In *Silver v UK* (1983, para 97), the ECtHR set out the test to justify the requirement of 'necessary in a democratic society' as follows- *"The adjective 'necessary' is not synonymous with 'indispensable', neither has it the flexibility of such expressions as 'admissible', 'ordinary', 'useful', 'reasonable' or 'desirable'. The contracting states enjoy a certain but not unlimited margin of appreciation in the matter of the imposition of restrictions, but it is for the Court to give the final ruling on whether they are compatible with the Convention. The phrase 'necessary in a democratic society' means that, to be compatible with the Convention, the interference must, inter alia, correspond to a 'pressing social need' and be 'proportionate to the legitimate aim pursued'. Those paragraphs of Articles of the Convention which provide for an exception to a right guaranteed are to be narrowly interpreted."*

The concept of a 'margin of appreciation' is an acknowledgement that the domestic court is often in a better position to balance the rights of all involved by paying attention to the surrounding domestic circumstances. As Fenwick (2002) comments, the margin of

appreciation that the ECtHR has afforded to domestic courts in cases involving interferences with rights to protest under articles 10 and 11 by public order law has been particularly broad. The Court has only found breaches of article 11 in a very limited number of protest cases and the margin of appreciation seems to be heavily tipped in favour of leaving measures taken to prevent public disorder within the domain of the domestic courts. This assertion is supported by Mead (2010) and Hoffman and Reeve (2009).

At this juncture, the author believes it is instructive to analyse where we presently stand at the European level and our own domestic level in respect of the right to peaceful protest. Fenwick, Phillipson et al (2011) believe at the European level two things are clear – intentionally obstructive and deliberately disruptive action protest has almost no chance of being protected. They argue that cases decided so far, show that restrictions, whether by way of arrests, administrative regulation or by measures taken in advance, are without exception so far seen as proportionate, given the need to prevent disorder and protect the rights of others. However, set against this has been a general trend over the past 7 years of a much greater acceptance by the ECtHR of incidentally disruptive protests. This new view, as evidenced by Lord Hoffman at the start of this chapter, is underpinned by an acceptance of the wider socio-political function served by the ability to protest freely, i.e. an ideal that advocates protest as something of benefit to us all in the longer term. Even though the results of protest are sometimes delay and a minor disturbance to us all, the ECtHR appears to have assumed this it is sometimes for the greater good for democracy. For this reason it has begun to disjoin disruption from disorder in its case reasoning. For example in *Aya Otaman v Turkey* the court asserted that – ‘ where demonstrators do not engage in acts of

violence, it is important for public authorities to show a certain degree of tolerance towards peaceful gatherings if article 11 is not to be deprived of all substance.' At this point in time then, it can be asserted that on the domestic front any form of direct action that is intentional and deliberate obstruction, disruption or intimidation, aimed at a commercial target or at an activity to ensure it stops, is rejected as a legitimate campaigning tool, just as it is by the ECtHR. Slowly however, over the past few years, peaceful, persuasive protest, seeking to communicate an idea or change a viewpoint has been looked on more favourably – but not consistently so.

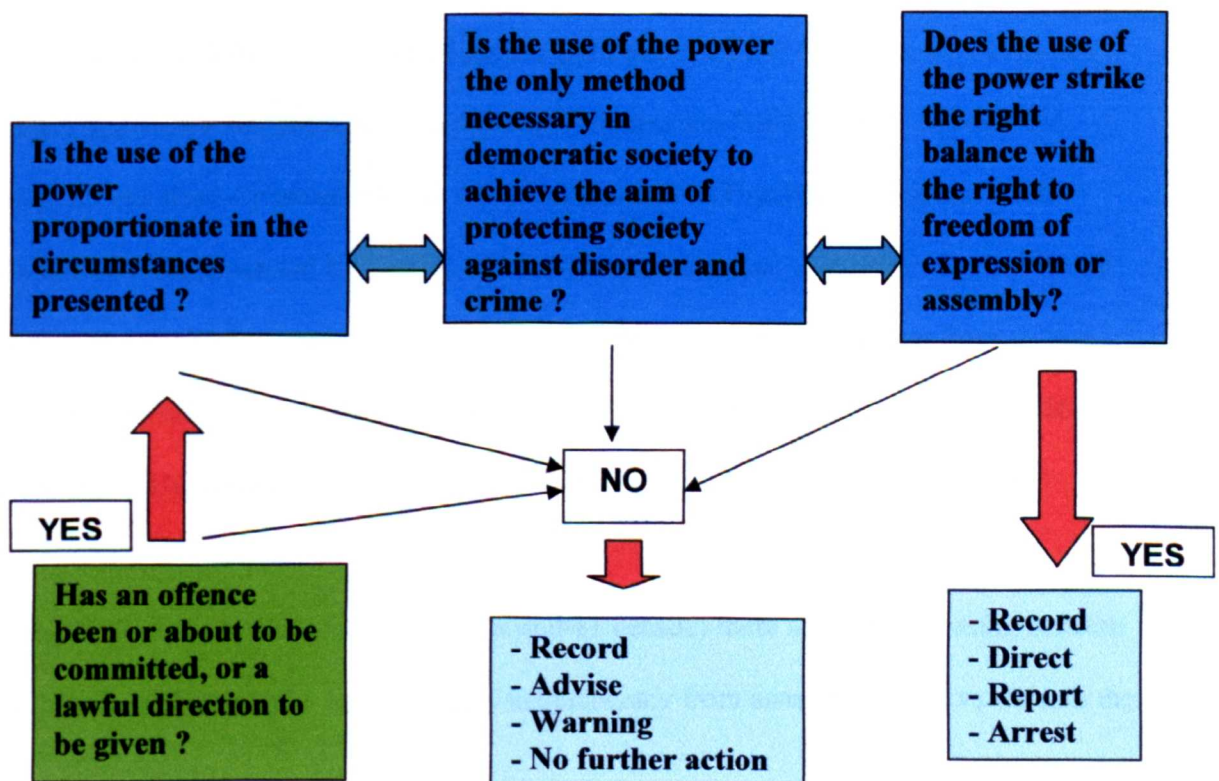
Recently examination of police tactics and understanding of the right to protest has been subject to a number of reviews by both Her Majesty's Inspectorate of Constabulary (HMIC) and the government through the Parliamentary Committee on Human Rights (JCHR) and its Home Affairs Select Committee. Both examinations have highlighted flaws in the way police officers understand protest and operationally police it. Both followed the policing of the G20 protests in London where the police were heavily criticised for tactics employed against protestors demonstrating against capitalism. A number of academics (Tozer 2009, Travis 2009, Lewis 2009, BBC News 2011, Evans, *et al* 2009) have also raised concerns that the police have effectively re-branded lawful protest as DE. The House of Lords - House of Commons joint Committee on Human Rights made the following recommendations with regard to the right to protest- *"Whilst protests may be disruptive or inconvenient, the presumption should be in favour of protests taking place without state interference, unless compelling evidence can be provided of legitimate reasons for any restrictions and those restrictions go no further than is strictly necessary to achieve their*

aim" (JCHR, 2009, p15).....*"The regulatory authority has a duty to strike a proper balance between the important freedom of peaceful assembly and the competing rights of those who live, work, shop, trade, and carry on business in the locality affected by an assembly. Mere disruption, or even opposition to an assembly, is not therefore, of itself, a reason to impose prior restrictions on it. Given the need for tolerance in a democratic society, a high threshold will need to be overcome before it can be established that a public assembly will unreasonably infringe the rights and freedoms of others"* (JCHR., 2009, p11). This underlines the rationale that in terms of facilitating protest (in consideration of ECHR), mere disruption or even opposition to an assembly, is not of itself, a reason to impose prior restrictions on it. Importantly the report made a recommendation as to the training of the practical application of human rights considerations that forces must take seriously to avoid loss of public confidence and increasing civil litigation claims. At the same time this report was published, HMIC published the first of two reports on their assessment of the policing of the G20 conference called 'Adapting to Protest 1 & 2.' They again referred to inferior police training towards human rights associated with protest - *"Officers at all levels need to be supported in carrying out their legal and professional duties. Training is vital to ensuring this happens. We recommend that human rights should be integrated into other training, rather than provided as a discreet component, and that it should be regular, relevant and up to date"* (HMIC, 2009, p 5). The later HMIC report revisited the subject area of police training and human rights and made the following observations and recommendations - *"Out of date training and guidance. More practical mechanisms of disseminating accurate up to date knowledge needs to be developed, e.g. human rights compliant decision-making flow diagrams"* (HMIC, 2009, p 5).....

“Inadequate training in the law, including human rights and police public order powers” (HMIC, 2009, p 6)..... *“It is vital that police officers of all ranks properly understand the existing legal framework of police public order powers and duties. Large manuals of guidance are not helpful on a hot afternoon”* (HMIC, 2009, p 6).

It is clearly evident for improved policing practice, that a new ‘decision making model’ for the police has to be urgently considered to avoid reputational damage, loss of cases at court and civil litigation directed against it for false detention and arrest. The author devised the decision making model (Figure 15) below as a means of providing sufficient evidence of human rights considerations to reduce such threats especially when policing protest situations:

Figure (15) Theoretical decision making model incorporating human rights considerations



Police officers must ask themselves these fundamental questions (shown in the blue boxes above) when determining whether to restrict article 10 or 11 ECHR rights. Although there may be evidence that an offence has been committed, the primary question is - does the use of the power in these circumstances meet the human rights considerations? This will in turn define any subsequent action. Moreover, should a decision be taken to restrict such human rights, individual thinking rationale should be recorded comprehensively as it may later be subject to scrutiny in a court of law.

The police have utilised a number of pieces of legislation when seeking to operationally police protest situations (Parliament website, 2009). The major pieces of legislation utilised against animal rights protestors include the following but this list is in no way exhaustive (see End Note 2). The legislation includes: Section 4 and 5 Public Order Act 1984; Section 12 and 14 Public Order Act 1984; Section 60AA Criminal Justice and Public Order Act 1994; Section 42 Criminal Justice and Police Act 2001; Section 42A Criminal Justice and Police Act 2001; Section 50 Police Reform Act 2002; Section 145 and 146 Serious Organized Crime and Police Act 2005; Section 68 Criminal Justice and Public Order Act 1994 (amended by Section 59 Anti-Social Behaviour Act 2003); Sec 1 Offence of Harassment: Protection from Harassment Act 1997; Section 3 Protection from Harassment Act 1997; Section 5 Police Factories (Miscellaneous Provisions) Act 1916; Section 137 Highways Act 1980; and common law breach of the peace.

Since 2007 (i.e. - the second half of the post 9/11 decade) there appears increasing concern by a number of authors as to the dangers to democracy from an over responsive state, in the

face of 'terrorism' or 'extremism'. Although clearly written in regard to a terrorist threat, these academics' thoughts crystallize the author's own fears that these responses are being mirrored in response to acts of ARE in the UK. Hadden (2007, cited in Berriew 2007) reasons that the legal response to the outbreak of terrorist activity should be limited to measures that will enable the security agencies and the police to intervene to prevent terrorist attacks and to bring criminal charges against those involved with as few derogations from ordinary criminal procedures as possible. Jenkins (2009, page 261, cited in Treverton, 2009) supports this assertion when he states that - *"The terrorist threat we confront today will continue for many years. We are still closer to the beginning than the end of what is likely to be a very long campaign.... America will be judged not just by what we say but by what we do. We cannot claim to be a nation of laws, a champion of democracy, when we too easily accept a disturbing pattern of ignoring inconvenient rules, justifying our actions by extraordinary circumstances, readily resorting to extra-judicial action based upon broad assertions of unlimited executive authority, and espousing public arguments against any constraints on how we treat those in our custody"*. Jenkins concludes that the defence of democracy requires the defence of democracy's ideals. Treverton (2009) argues that the civil-liberties costs are usually argued in terms of individual cases and those are provocative. However, any system will make mistakes, and while it is a shame that those errors will fall disproportionately on one set of people, that shame does not eliminate the need to assess carefully the overall costs. In echoing fears of the state over reacting to incidents that threaten its security, Treverton (2009, p262) concludes - *"I do not fear the terrorists. I do sometimes fear us"*. (Hobsbawm, 2007, p152) assesses that - *"Terrorism requires special efforts, but it is important not to lose our heads*

over it..... in practice the real danger of terrorism lies not in the actual danger from anonymous handfuls of fanatics but from the unreasonable fear their activities provoke, and which today both media and unwise governments encourage. This is one of the major dangers of our time, certainly a greater one than small terrorist groups." Grayling (2009, p57) comments further on the way civil liberties have been fundamentally undermined both in the UK and the USA as a matter of policy - *"the governments of both countries claim to be promoting 'security' in reaction to the threat of terrorism, and in the UK the additional reason, somewhat haphazardly given, is the same laws increasing the powers of the authorities will help in the fight against crime and illegal immigration. As this implies, boosting the surveillance, arrest and detention powers of security services, and reducing the rights of suspected persons, serve the interests of authority in ways that conveniently go well beyond the interests of security against terrorist attack"*. Grayling argues that terrorism can be combated within existing regimes of law, without having to diminish long fought for and hard won civil liberties. He emphasises however, that the US and the UK chip away at their own civil liberties, apparently indifferent to the consequences. Grayling comments that Britain should now have a written constitution as it would allow carefully circumscribed provisions, targeted at terrorist suspects only and under a scrupulous definition of what is a 'terrorist' - always with proper judicial overview as a safeguard. Clearly such a consideration would be forced to consider whether acts of extremism as carried out by AREs are in some cases, to be labelled acts of terrorism.

It is true that the UK is seen as having a liberal way of life and some have argued that this fact has made it vulnerable to terrorist and extremist acts. Makarenko (2007 p.38, cited in

Wilkinson 2007) believes that Britain's liberal democracy has attracted both criminal and terrorist groups where they have taken advantage of constitutional freedoms and rights, diaspora communities, sophisticated communications and financial systems. As such British rights and freedoms have been manipulated. The author believes that this charge could be levied at AREs who have manipulated the laws of protest and human rights to cover their real aim of intimidation and harassment against their intended targets. The author also believes that in response to this, the government and police have in some cases deliberately set out to thwart protest and prevent it; however the dangers in doing so are obvious. The danger in seeking to outlaw and to limit direct action, is that the response of the law has been to cast too wide a net and in doing so, whether by design or by oversight, has captured far more political activity than is appropriate and balanced in our democracy. This can be evidenced by the amount of legislation introduced, amended by government and rigorously applied by the police in order to control protest. It is worth looking further in detail at specific examples of the law used to control protest to demonstrate this point. Three of the most contentious pieces of law utilised have been the 'Protection from Harassment Act 1997' (PFHA), the 'Criminal Justice and Police Act 2001' (CJPA) and the 'Serious Organised Crime Police Act 2005' (SOCPA) (see Appendix G).

Section 3 Protection from Harassment Act 1997 provides a civil remedy which enables a victim of harassment to seek a County Court or High Court injunction. There is no need for a person to have been convicted of harassment in order for an injunction to be granted against them. If a court is satisfied harassment has taken place or is anticipated, then it may grant the injunction. Section 3A Protection from Harassment Act 1997 which was inserted

by section 125 Serious Organized Crime and Police Act 2005, provides a civil remedy in relation to the harassment of two or more persons in section 1(1A) Protection from Harassment Act 1997. Either the victim of harassment, or any person at whom the persuasion not to do or do something is aimed, can apply for an injunction. Importantly under sec 3(6) a criminal offence is committed when, without reasonable excuse, the defendant does anything which he or she is prohibited from doing by the injunction. Crucially therefore we have a situation where an injunction is obtained through the civil route on a 'balance of probabilities' but a breach of the injunction is a criminal offence. An anti-harassment injunction can be obtained on the lower civil standard of proof with hearsay evidence much more the norm. Effectively it makes it much easier to criminalize a protestor in the future for a single repeat occurrence. The injunction may have been granted against 'persons unknown' who will be bound provided they are given notice of its terms (sometimes achieved by posting it on the fence outside the targeted premises), and it will almost certainly have been granted without the majority of the protestors being given notice of the hearing. This raises fairness considerations for those subjected to proceedings under article 6 ECHR of the right to a fair trial (Monbiot, 2008). Mead (2010) raises a concern that the police, in a time of monetary cutbacks and reduced resources, may well encourage this 'privatization' and enforcement of protest in replacement of using their statutory powers, for example under the Public Order Act 1986. The author is aware that the injunction obtained by HLS under the Protection from Harassment Act 1997 against the protests towards its establishments in the UK, reduced the annual operational costs to Cambridgeshire Police from millions to thousands of pounds (Broughton, 2006).

More draconian in its application, is that of section 145 and 146 of SOCPA. Within this piece of legislation is the deliberate mixing again of the civil law and the criminal law. (Wainwright and Morris et al, 2012) For example, section 145 creates the offence of 'interference with contractual relationships so as to harm animal research organizations'. An offence is committed by doing or threatening to commit a crime or a tort causing loss or damage, that is intended or likely to cause a company or other commercial undertaking to break off commercial links with another person, or not establish commercial links where they had been contemplating doing so, provided that the unlawful act is done or threat made with the intention of harming an organisation engaged in animal research (ARO). For example, an extremist (A) attacks with paint-stripper a car belonging to an employee of a property company (B) which leases offices to a supplier of photocopiers (C) to a licensed ARO. The paint message states that the action taken is in retaliation for that individual supporting animal abusers with the intention of frightening (B) into stopping its business relations with (C) thereby harming the licensed ARO. Section 146 creates an offence of 'threatening someone that they will be the victim of a crime or tortuous act causing loss or damage, because they are linked to an animal research organisation'. For example, an animal rights supporter sends the Director of the Dairy Milk Company a letter saying: "unless your company stops delivering milk to Brown's Bank Ltd which supplies banking services to animal abusers (named ARO), we will spread an internet allegation that your Finance Director is a paedophile." This is the threat of a tort, i.e. libel. Here 'tortuous act' means an act wrong in civil law but not a criminal offence. The effect of the new legislation is to make tortuous acts committed with the necessary intention and which causes loss or damage, a criminal offence. Example of torts include - defamation (slander and libel),

nuisance, trespass and unlawful interference with trade. 'Commercial links' do not have to be formal signed contracts, for example, the use of a milkman to deliver milk or a taxi company to collect employees. 'Harm' means - hindering in any way the operations of such an organisation. However, no offence is committed if the only relevant tortious act is an 'inducement to breach a contract'. This ensures no offence is committed by those peacefully advocating or representing the case that one person should cease trading with another, on the basis of that other's connection to an ARO; this is regarded as a right to free expression. The expression - 'persons linked to an ARO' is however alarmingly wide in application. The legislation sets out persons who are connected to AROs and this includes employees, suppliers, customers, owners (and others with a financial interest), funders of AROs, and people related to or known to those people. In turn, those who supply, buy from, are employed by, have a financial interest in or fund the first set of connected persons, or are related to or known personally to them, are also included. Theoretically this means that Mrs X who runs a tea shop in Stow on the Wold and who is a second cousin removed to a gardener in an ARO would be classed as a 'person connected'.

Section 42 CJPOA 2001 demonstrates how harassing someone in the vicinity of their home has been regulated. Originally under section 42, the power was limited to directing someone to leave. It was activated if a protestor was present outside someone's home and two triggers were met: (1) they intended to persuade their victim not to do something they were entitled to do or to do something they were not obliged to do and (2) their presence was likely to cause alarm or distress towards the victim or to harass them. However in 2005 SOCPA extended this provision two ways. First section 42A created the free-standing

offence of harassing someone in the vicinity of their home. Secondly under section 42 as amended, protestors can now also be directed to leave and not to return within three months. Having been ordered to leave, they will commit an offence if they return within three months with the purpose of persuading their victim not to do something they are permitted to do or to do something they were not obliged to do. There is no further requirement, as there is with the original power of directing someone to leave, that they return and harass, alarm or distress someone as part of their persuasive tactics. It is enough if protestors, having been warned not to return, do so within three months merely to engage in peaceful communicative persuasive protest including persuasion directed at a wholly new activity of the householder (Wainwright and Morris *et al*, 2012).

The author would conclude that the examples provided have created an unnecessary restriction on the rights of peaceful protest by being overly broad. Other legislation utilized by the police would confirm how broad general 'protest law' has become, for example, aggravated trespass under section 68 Criminal Justice and Public Order Act 1994 was amended by section 59 Anti-Social Behaviour Act 2003 to include buildings as well as land - where trespass was previously covered by civil law; in 2003 the minimum number of protestors needed before police could impose conditions on an assembly was changed from twenty to two; and section 50 Police Reform Act 2002, which provides the power for police to demand a name and address from anyone who they have reasonable grounds to believe has been acting or is acting in an anti-social manner. The definition of anti-social behaviour is provided by section 1 Crime and Disorder Act 1998 as - 'behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more other

persons not of the same household as the person'. Section 50 has been used indiscriminately by the police at protest venues and raises the question - is someone who is participating in a protest thereby committing an act of anti-social behaviour? The author believes there appears to be a huge conflict here in the law - what justification is there is for substantiating a criminal offence of failing to give a name and address when stopped on mere suspicion of committing a non-criminal act, when it is not a criminal offence to fail to give a name and address in respect of suspicion of a criminal offence?

The comments on police training and the application of human rights considerations within public order situations as raised by the JCHR and HMIC are highly relevant. It is within the author's knowledge that this area of training for the police has been seriously lacking. Consequently this failure to address and evidence human rights considerations has led to court cases involving protest being lost at court; the possibility of police officers facing misconduct allegations; police forces being sued successfully for associated damages for false detention and arrest; and ultimately a threat to the reputation of the police service. The police service has been very slow to appreciate the consequences of the introduction of the Human Rights Act 1998 with regard to specifically policing protest. Considering it is more than 14 years old, it is clear that immediate action on a number of fronts must be taken to address a threatening situation. Bullock and Johnson (2011, p1) expand on this by stating- *"whilst the fundamental aim of the Human Rights Act is to protect and enhance citizens' rights and freedoms, we argue that there is little evidence to suggest that it has promoted a greater awareness of, and respect for, human rights amongst police officers. Rather, the HRA has become institutionalized by the police service into a series of bureaucratic*

processes that, although requiring conformity by officers, do not encourage active consideration of human rights issues."

The next chapter will consider the future of policing domestic extremism and ARE beyond 2010 in the form of the new National Domestic Extremism Unit (NDEU), which has absorbed the old NCDE units. An examination will be made of its remit and the need to be more transparent in order to build confidence within the protest community that lawful protest will be facilitated by the police. The growth of the pharmaceutical and bio-tech industry will also be briefly considered as its connection to vivisection is well evidenced and remains a primary target for both domestic and global ARE initiatives.

Chapter (8) : To the future

" And like the Aum Shinrikyo cult (the terrorists who deployed sarin gas and killed eleven people in the Tokyo subway in 1995), there undoubtedly exists a handful of radical environmental and animal liberation activists who would not hesitate to destroy humankind in order to save the planet and its non-human inhabitants" Liddick (2006, p115).

Considering the radical and extremist rhetoric communicated by animal rights activists such as Vlasak and others, for example: *"If people refuse to desist from exploiting animals, then they should be stopped by whatever means necessary"* Vlasak (2005 cited in Liddick , 2006, p37), it continues to be of great concern to the police, those in the biomedical industry where animals are experimented upon and the companies that service and support them, whether there are AREs who might wish to actually carry out such a threat. This is one of the primary reasons for the existence of specialist unit(s) to counter this possibility. The author believes that despite the unpopularity of the DE units in the eyes of the protest community, the existence of a specialised body skilled in dealing with single issue groups such as ARE is essential, particularly if this responsibility is not to be taken up primarily by other units such as the CTUs. However the author believes that such a body must learn by its past mistakes and adopt 'knowledge based policing' as advocated by Williamson (2008) in order to promote strategic leadership through cooperation and partnership working, developing knowledge of crime through effective analysis and then using that knowledge to initiate action. This chapter will look at the new NDEU unit which effectively absorbed the old NCDE units in 2011, and assess its responsibilities and direction, whilst building on the

strengths and negating the deficiencies of the old units. The direction towards more effective intelligence gathering and enforcement strategies will create a vacuum in prevention that will impact upon the smaller organisations targeted by ARE. That there is a need to be more transparent and sensitive to people's rights to protest without individuals being marginalised as extremists is also discussed. The author believes that ARE is a cyclical phenomenon dependent on the degree of organisation and leadership of the campaign group and their ability to operate at any one time. Clearly when the leaders are imprisoned, as in the SHAC campaign, their ability to influence and plan is reduced; and therefore associated incidents and crimes committed will fluctuate. The majority of the SHAC leadership imprisoned in 2008 have now been released. Their strong ideology will not change. Their tactical appreciation on how to redirect their campaign will have been reassessed in prison because the trial would have 'educated' them how the police operate and collected their evidence. Simply put - they will try to avoid making the same mistakes again. That they will have a continuing target base is evidenced by an assessment of the future of the pharmaceutical and allied research capability in the UK and abroad which indicates the industry will grow.

In January 2011, the Chief Constables' Council, the senior decision-making body for the Association of Chief Police Officers (ACPO), ratified the decision for the Metropolitan Police Service (MPS) to become the lead force for the new National Domestic Extremism Unit (NDEU). The NDEU remains a national policing unit, under lead force governance arrangements and sits under the Specialist Operations business group of the Metropolitan Police (ACPO website, 2011). Effectively NETCU, NDET and NPOIU ceased to exist as separate national police units in May 2011. The National Domestic Extremism Unit

(NDEU) combined the assets of all three units into one. Essentially this change was brought about by internal reviews, budgetary cutbacks and change of lead force to the MPS. There was also a realisation amongst the police hierarchy that units like NETCU had run their course and that now that they had helped industry through a difficult time in response to ARE, it was time that industry took responsibility for its own destiny. *"It was time to stop providing a free spoon-fed service and let them carry out their own security prevention and reassurance"* (Interview Robbins, 2011). The new NDEU unit would provide a reduced service in this respect concentrating more on intelligence assessment and enforcement initiatives. The author believes that the weakness of this argument was that although the major pharmaceutical and animal research organisations had the security staff and expertise to carry on with a 'reduced service', the smaller companies who depended on advice and reassurance, especially when directly targeted, would be more exposed to the threat. It is also probably true that this change in strategic direction was also in response to the oncoming Olympics in the UK in 2012 and its increasing intelligence demands around security.

The relationship that NETCU enjoyed with industry (mainly the pharmaceutical companies, animal research organisations and various service industries) was always a contentious issue with activist groups who maintained that the police should be independent of private industry; otherwise it would expose itself to allegations of collusion and damage its impartiality standing. Common complaints were posted as to this 'sinister alliance' by the website 'NETCU Watch' edited by a prominent animal rights activist Lynn Sawyer - *"The police are blatantly supporting the vivisection industry beyond their remit of upholding the law.....The police who are supposed to be impartial have no right to promote*

animal experimentation in this way. Whatever their personal beliefs are, using public resources in order to promote their political agenda is inexcusable and deeply sinister” (NETCU Watch, 2006, p1). That certain sections of industry - especially smaller companies, who have not the resources for security management of the larger pharmaceuticals and AROs, will miss some of the services provided by the preventative strategy delivered by NETCU is undeniable. For example, some of the products produced by NETCU up to the date of its closure included: DE News - a round up of press cuttings related to single issue campaigns; NETCU website - closed in December 2011 but up to that point it was a public site with information about the three NCDE units and their response to DE and preventative advice (in 2010, statistics show there were over 200,000 visitors to the website); NCDE micro site – this was created to enhance an open and transparent image of NCDE units describing further the roles of the units and a ‘contact us’ section so questions could be answered; good practice guides such as ‘reducing company vulnerability’ aimed at police and industry; media service for newspapers, radio and TV; open source summary for police, government and industry, to enable the audience to be kept informed of any activity that could potentially cause a threat to industry or an individual; weekly overview of DE to police and government; quarterly regional report to police and government providing strategic look at DE activity over three months period; open source monitoring for police; production of pocket legislation guide on policing protest to standardise professional approach to operational police officers; assistance with risk assessments for industry to help build industry reassurance; general advice and guidance documents; and advice on protective security for industry.

The NCDE units have always maintained their impartiality in policing DE. NETCU's response to the allegation that they were too closely associated with industry was rejected by the head of NETCU Steve Pearl, when he stated that one of the prime roles of the unit was – *“supporting industry, academia and other organisations that have been or could be targeted by extremists, by raising awareness and building resilience through security advice, risk assessments and information that can help minimise disruption and keep their employees safe. This was their role as laid down by ACPO and supported by government”* (Interview Steve Pearl, 2010). Interestingly because NETCU has been the open face of the NCDE units – particularly with its public website, it has born the brunt of the protest community who have primarily blamed it alone for its role in allegedly reducing the right to free expression and assembly. The NPOIU and NDET have been content to remain anonymous and in the background to maintain their operational effectiveness leaving NETCU to assume total responsibility for collective actions against DE. This was a strategic decision made early on when the new NCDE was appointed: *“Orcs (police officers) led by Gollum (Steve Pearl) guard the gates of Mordor (companies which torture and kill animals, including humans)..... we suspect that he wants to cover the land in darkness and initiate a police state where people are rounded up and imprisoned for political beliefs”* (NETCUWatch, 2006, p1).

It is prudent to consider whether the NDEU unit, will alter its operating strategy because of its conglomeration and change of lead force to the MPS. The business strategy 2010-2013 for the new unit continues to include the traditional values and strategic aims of the old units, however its approach must change in the light of past criticisms. The NDEU's overall

vision is to - 'reduce and whenever possible, remove the threat, criminality and public disorder that arises from DE that affects the UK.' (NDEU Business Plan) Within its business plan, its stated mission is to provide the strategic DE lead by: providing the national DE intelligence lead; co-ordinating and initiating DE enforcement and prosecutions; advising and supporting police services in respect of DE related public order; building resilience of industry and others targeted by DE campaigns; supporting and engaging with partners in the wider police service, criminal justice system and government; and to ensure its workforce is well trained and supported, reflecting the national nature of the unit. Within its strategic aims, the unit aims to prepare for the challenges and threats the Olympics and G8 meeting will bring, merge and enhance the national units of NETCU, NDET and NPOIU to become a centre of excellence; enhance information management to gather and disseminate high quality information and intelligence wherever it is needed; work collaboratively at a force level and with the counter-terrorism network to achieve better outcomes for the public; ensure transparency and accountability in all that they do to enhance public confidence; and finally to maximise the use of available technology.

As part of the NIM process the NDEU has to set an annual control strategy which is reviewed twice a year. There is a 14 point action plan to implement this. NDEU operates a threat and risk matrix to prioritise DE campaigns. Of interest in the control strategy are the following: to identify, prevent and pursue extremists engaging in unlawful animal rights activity aimed at animal research and associated and supporting industries; and ensure NCDE units are ready for the 2012 London Olympics. Under-pinning the new unit's *raison-d'être* are values that state it will respect and protect human rights – balancing the

rights to free expression, assembly and protest with the right to privacy, family life and protection from harassment; building trust by listening and responding to its diverse stakeholders; displaying integrity and transparency in everything it does; and finally to learn from experience – always seeking to improve. The reference to respecting and protecting human rights and displaying integrity and transparency are acknowledgements that on self-reflection and in the face of mounting criticism that its approach in the past has been problematic, as evidenced by the experience of Dr Peter Harbour (see p.121), the use of FIT teams (see p.128), and the operational use of the UC officer Kennedy (see p.132). Interestingly within its business strategy the NDEU, speaking on the separate national units, states that – ‘The national units have a duty to forces to provide intelligence and advice regarding public order matters with a national aspect. This leads the units to gather information and intelligence on groups and individuals who are not domestic extremists but may present a challenge to the Police Service’s duty to maintain the public peace’. The author believes that on analysis this duty is capable of having a wide and broad application - especially in regard to its stated aim of gathering information and intelligence. The question remains how do the police determine who is and who is not a domestic extremist, and more importantly how does it select those individuals and groups for intelligence development who it believes may someday develop into the extremist category? At the moment, as has been shown by the Wood and Harbour examples, there are individuals and groups who ‘will be looked at’ simply because they are asserting their democratic right to protest. The author believes on the evidence provided that the national agency response operated beyond its operational and ethical remit. There is a thin line between a police service determined to uphold Sir Richard Mayne’s definition of policing written in 1829

and that of an intrusive police state - *"The primary object of an efficient police is the prevention of crime: the next that of detection and punishment of offenders if crime is committed. To these ends all the efforts of police must be directed. The protection of life and property, the preservation of public tranquility, and the absence of crime, will alone prove whether those efforts have been successful and whether the objects for which the police were appointed have been attained"* (Richard Mayne, 1829,p1).

It is imperative that in attaining these objectives, much depends on the approval and co-operation of the public, and these have always been determined by the degree of esteem and respect in which the police are held. One of the key principles of modern policing in Britain is that the police seek to work with the community and be part of the community they serve. Should the police operate 'outside of the rules' or act in an illegal way then their position inside the accepted community will come under threat. It simply will not be trusted to deliver the ideals that it maintains are so precious to its existence and its operation. This danger is alluded to by Omand (2010, p2) when he writes - *"When political institutions fail to balance justice, liberty, privacy, and civic harmony in the pursuit of security, they jeopardize the very trust and confidence they hope to inspire – while public security is necessary for good government, the erosion of civil liberties, however slight, tips the balance in favor of bad government and ultimately creates an insecure state."*

The oath that all police officers take before assuming the role of Constable cement the police to this requirement 'not to cross the line' in pursuit of their collective community safety obligation. The obvious difficulty that some officers now experience is the inability to appreciate the differentiation and inter-relationship between 'upholding fundamental

human rights' (and these include the right to free expression and assembly) and the explicit aim of 'causing the peace to be kept and preserved;' and 'preventing offences against people and property' (see Appendix H).

The author believes that during the 2004 – 2010 period, there has been a deliberate strategy by the government towards the privatized regulation of protest through the deliberate use of injunctions obtained through the Protection from Harassment Act 1997. Although private industry obtain such injunctions, the police can play an active role in producing records of past protest incidents and those individuals who took part, if legally requested to do so, under Data Protection legislation. Occasionally this has meant that senior police officers such as Steve Pearl from NETCU have provided evidence under oath at the High Court in support of an injunction. This could represent a worrying trend as it is imperative that the police act, and are seen to act, with independence away from private interests. The present day paradox of policing protest, and this includes those that protest for animal rights both lawfully and unlawfully, is how do police forces in the UK balance the need to facilitate peaceful protest against reduced resources and other priorities? At a time of great change for the police service, the ACPO Lead on Workforce Development: Chief Constable Peter Fahy believes that – *“Police forces cannot ignore the potential of outsourcing services to the private sector if they are to weather the current financial crisis.... Forces must make sure that the maximum amount of budget is spent on protecting the public and not on back office activities that could be done more effectively by other people”* (Fahy, 2012, p1). This raises the question whether the policing of protest and all that it entails might at some future point be taken on privately as the police service attempts to prioritize what their responsibilities are in the face of an uncertain future. In this resource reduced environment,

it may lead some also to suspect that police commanders who might want to save the money of policing protest, may well be tempted to provide information to support injunction applications rather than bare the costs of actually policing it.

It is important at this point to make some assessment of the future of the pharmaceutical and bio-tech industry in the UK and abroad, in order to gauge the likelihood of animal rights campaigns continuing against them. That the pharmaceutical and bio-tech markets are growing at a rapid rate in some parts of the world is evidenced by the 'IMAP Health care report: Pharmaceuticals and Biotech Industry Global Report 2011.' The report states that - *"Global pharmaceutical sales are expected to grow 5–7 percent in 2011 and the market is to reach \$880 billion USD in 2011 The global pharmaceutical market is expected to expand to \$1.1 trillion USD by 2014"* (Pharma Report 8, 2011,p1). Analysis of the report indicates that much of the growth will come from the 17 'pharmerging' markets, where sales are forecast to grow at 15–17 percent to \$170–180 billion USD, boosted by greater government spending on healthcare. Pharmerging markets are emerging markets targeted by pharmaceutical companies. The pharmerging countries such as Brazil, Russia, India and China are expected to grow by 13-16 percent over the next five years. A great majority of the expansion is driven by explosive growth in China, the world's third-largest market for pharmaceutical sales. China's pharmaceutical market is expected to continue to grow at a pace of more than 20 percent annually. The US continues to remain the single largest pharmaceutical market.

By their use of experimental animals, it remains certain then that the animal research industry will continue to be the focus of ARE group activity in the UK and abroad.

Universities such as Leicester, Oxford and Leeds are all expanding their research facilities. Work on the 'Francis Crick Institute' (formerly the UK Centre for Medical Research and Innovation or UKCMRI) began in July 2011 with a completion date set for 2015. A small element of the institute will house animals, mainly mice, for experimentation. Interestingly the government had already pledged money to the initiative before planning permission had even been granted. The government's October 2010 'Spending Review Statement' stated that – "*We will also invest £220 million in the UK Centre for Medical Research and Innovation at St Pancras*" (Parliament, 2010, p1). The project is a £500 million joint initiative of Cancer Research UK, MRC, UCL and the Wellcome Trust. In April 2011, Imperial College London and King's College London signaled their intention to join the partnership behind the institute. Cancer Research UK has committed £160 million towards the creation of the institute. It will house scientists from their London Research Institute alongside those from other partners. Occupying 3.6 acres of former disused land in Brill Place, situated just behind the British Library, the Institute will eventually house 1,250 leading scientists working on cures for killer diseases. The assessment however for this thesis is that it has the potential for becoming a 'cause - celebre' for the animal rights protest movement, perhaps on the same scale as the Oxford biomedical build.

There continues to be a displacement of ARE abroad. 2010 saw a reduction in animal rights criminality in line with the previous six years within the UK, however the cost of the UK's preventative, intelligence led enforcement policy as contained within the 'Strategic Delivery Plan' saw the displacement of activity and associated acts of extremism move overseas especially in continental Europe. 2010 witnessed an increase in ARE on the

continent with extremists utilising tactics which had previously been seen in the UK. Appendix I list some of the claims that were made on the Biteback website and other related activist sites regarding claims as to direct action carried out against targets in 2010. Analysis of the incidents reveals that HLS' UK target list has been merely moved further away to countries that have not yet developed the same strategic response as the UK to ARE. They are therefore seen as softer targets and capable of hurting HLS from a distance with a reduced degree of capture or detection. For example, the actions against Fortress Investments continues as part of the overall campaign against HLS as carried out by SHAC, however noticeably the direct actions are not claimed by SHAC but by ALF. The author believes that the interpretation by some of ALF as a terrorist organization, clearly has more impact in Europe as a tool for intimidation. The list although not exhaustive shows that varying countries have been targeted in Europe – there being a particularly active group called the 'Djurens Befrielse Front' (ALF Sweden) or DBF operating in Sweden within this time period.

The NDEU is still in its infancy. Hopefully it will learn from the strengths as well as the past weaknesses of the three units that formerly made up the NCDE. The evidence of their collective overall success is the fact that animal rights criminality in the UK is still very low. However, it is recognised that the ARE have also learnt from their past experiences and past successful tactics have effectively been passed on to foreign counterparts to operate on softer European targets. It is also true that the majority of the SHAC leadership are now released from imprisonment and having witnessed how the police collected their evidence before, will not be making the same mistakes again should they wish to continue

their campaign. All factors have a common denominator - they inevitably lead back to primary targets such as HLS.

Chapter (9) : Conclusion

The government and the police would claim that their efforts to reduce animal rights extremism between 2004 -2010 have been a success. This thesis has demonstrated that through adopting an interactive 'partnership' approach, the government, the police, other government agencies and private industry, promoted an effective strategy encompassing - prevention, intelligence and enforcement, that has helped to control a problem of ARE that was described in 2004 as being in crisis. In 2010, ARE levels were at an all time low. The prosecution of leading members of the SHAC and SPEAK campaigns by well led detectives treating them as organised criminals, had helped to disrupt their organisations and promote a sense of fear amongst its supporters. The major pharmaceutical companies were reassured that the UK government had listened to their concerns and had reacted robustly. The immediate threat of the transference of their business to overseas locations was removed. The three units of NETCU, NCDE and NPOIU under the leadership of a national coordinator of DE had eventually overcome their internal communication problems and were operating under the national intelligence model by an effective tasking and coordinating process that had access to a more holistic picture of animal rights activity throughout the UK because of the improved reporting system put in place.

However, the thesis has also shown that in balancing such a success there has also been failure. Clearly the conglomeration of key members of the criminal justice system such as the government, the police and the CPS has led to existing laws, traditionally utilised to

police protest, being amended and where new powers were needed, new laws have been passed to assist the police. There are genuine concerns that the balance between the inferred right to protest as provided by article 10 and 11 of ECHR and the police duty to maintain the peace, has been fundamentally altered and an imbalance remains which is unhealthy for our democracy. Fenwick and Phillipson (2001) comment that protestors who are violent or use force will largely be without any protection for 'peaceful' protest under article 10 and article 11. Mead (2010) adds that although there has been a marked move by the European Court of Human Rights (ECtHR) towards demanding tolerance of disruptive protests which wasn't in place before, this has only gone so far. He comments that there has still not been a single direct action protest case to have succeeded on its substantive merits and that the only successful cases have been where a restriction has not been prescribed by law. The privatisation of the law in regard to trespass and the use of injunctions to criminalise protest has helped to promote this imbalance between the right to protest and the police duty to maintain community safety, even further.

The success of reduction in animal rights activity in the UK has undoubtedly included genuine animal welfare protestors being deterred by the policing of ARE and it has also witnessed the displacement of ARE abroad, especially to states in Europe who are ill-prepared to deal with such a brand of extremism. As the police robustly applied the law to contain ARE, they inadvertently pushed the campaign organisation's leaders to adopt new tactics and become innovative in the use of technology to achieve their objectives and avoid detection.

The word 'extremism' has brought concerns from some that it is a term that relates too much to terrorism, although the author's suspicion is that it has also been sometimes 'politically convenient' for the police to adopt this terminology to attract sufficient funding and the necessary reaction throughout the police service to respond to animal rights incidents. The word extremism is synonymous with that of terrorism. There has been a clear steer from government and senior police leaders that in reducing ARE, the Terrorism Act 2000 should be avoided and instead normal statute law be adopted to impact upon the problem. The author is not aware of any animal rights protestor that has been charged with terrorism offences throughout the 2004 – 2010 period. The author believes that this has been the correct course of action, however this viewpoint is contrary to the majority of those officers (52%) who responded to the research questionnaire who stated terrorist legislation should be used against ARE. While such a view remains, there will be a continuance of the mixed approach of using both statute law and TACT that will only perpetuate inconsistency of approach and suspicion amongst the protest community. Ultimately this and the disproportional application of the law against animal rights protestors, can only result in a loss of confidence in the police service to carry out their duties with impartiality and integrity.

The author also believes that it is unlikely that the animal rights movement will disappear and increasingly improbable that it will gain much influence with the general public. For example, a research study conducted for the DTI in December 2006 titled – 'Views on Animal Experimentation' concluded that on balance the public is positive about how animal experimentation is regulated in Britain (Ipsos MORI, 2006, p 2). It is also doubtful

that it will be able to become significantly influential enough to affect the political agenda, a statement evidenced by the failed bid by Keith Mann to stand for parliament for the 'Animal Protection Party' at Oxford West in the last general election in 2010 (Ellery, 2010). Cumulatively this may result in disaffected and frustrated activists resorting to even further extreme criminal methods. However, it is important to recognize that in a democratic society, the right to protest and demonstrate is a fundamental and vital part of the democratic tradition. Many people in the UK and abroad have genuine concerns about the way animals are treated, and whilst most could be described as belonging to the 'animal welfare' school, those whose views tend towards animals liberation or animals rights are equally entitled to be seen and heard and to take their protests to the streets.

The police service is a 'task orientated' service. In many ways this is its strength but also its weakness. To control AREs it simply used the tools at its disposal. It utilized a wide variety of statute law and where none existed because of the unique problems that existed at the time, it successfully 'lobbied/advised' the government to introduce additional laws - as for example in the introduction of section 145 and 146 SOCPA. Its senior investigating officers decided to use tried and trusted methods to investigate campaign groups and their leaders by treating them as organized criminals, although the current definition of organized crime was at odds with the methodology and tactics demonstrated by AREs. To this end consideration will now have to be given by academics to amending any established definitions of organized crime or organized criminals in recognition that AREs are not purely motivated by a monetary product.

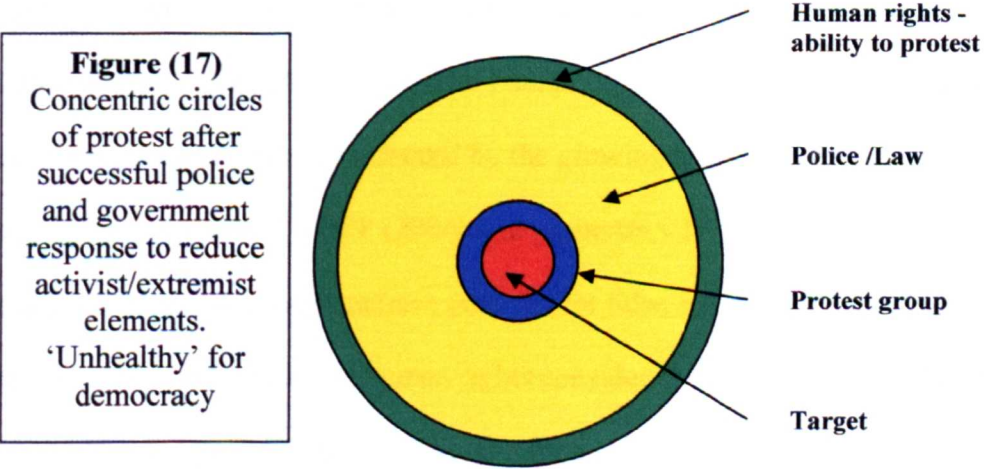
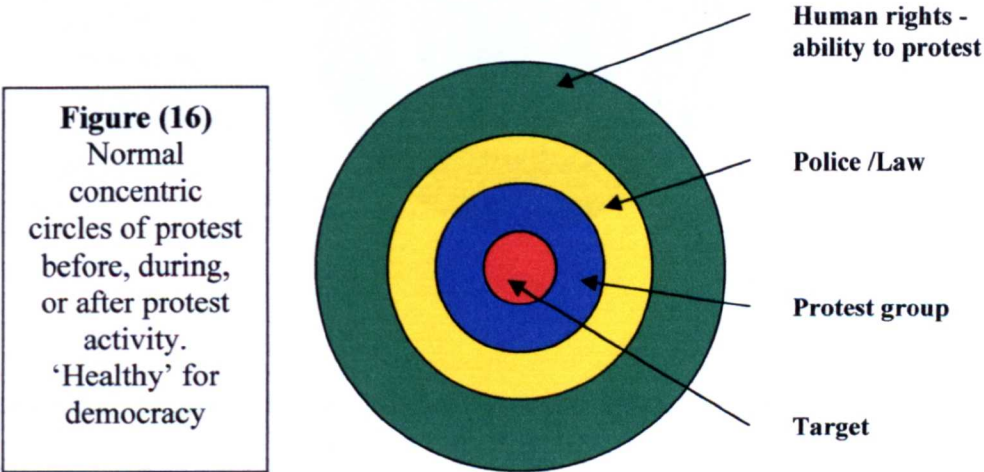
However, the dangers of extremism within the animal rights movement are clear to see. Extremist elements that represent a minority of animal rights activists have been very effective in their use of varying tactics to criminally target primary organizations such as HLS. This has been evidenced throughout the thesis, particularly SHAC's targeting of the financial sector. They have effectively created a fear amongst personnel working within these industries and the services that support them that they will be subject to intimidation and harassment for carrying out their jobs that they are legally entitled to do. It is interesting to note that results from the research questionnaire showed that 86% of the respondents classified SHAC as the highest threat amongst all the UK animal rights campaign groups. Some animal group members have clearly abused their rights to protest by carrying out organized campaigns with criminal intentions. This inevitably has brought a reaction from the government who see such people who carry out extremist actions in the name of animal rights, as a threat to community safety and more economically, a threat to a bio-tech industry that is showing all the signs of global growth against a background of recession in some global economies including the UK. The government needs to attract new investment to the country to add to its Gross Domestic Product (GDP), it simply cannot afford to be seen as being impotent in the face of a concerted effort by such groups as SHAC and SPEAK to close down their intended targets. Its international reputation as a safe haven for business to flourish, would suffer too dramatically.

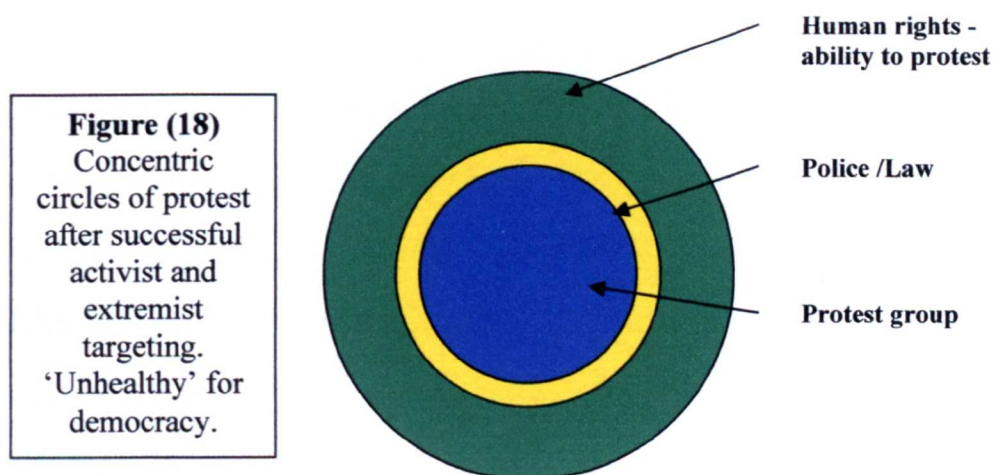
The author's appraisal of the interactive situation regarding protest can be demonstrated by the use of concentric circles that describe the dynamic relationship between police and activist activity, their effects on human rights and the target organization. It is suggested

that in a healthy democratic situation, Figure (16) perhaps would best describe the dynamic equilibrium between the groups as being equally balanced. However, the author believes that should the police become too 'successful' in their preventative, intelligence and enforcement strategy then the model becomes distorted as in Figure (17). It is suggested that this model would be unhealthy for a democratic society because of the increased power of the 'state' and the subsequent suppression of human rights. Alternatively Figure (18) reflects a situation where the extremists have triumphed and a targeted organization has been closed down. This too is an unhealthy model for democracy.

It is the author's assessment on the evidence presented within this thesis that at this present time we are heading towards Figure (17) simply because the safeguards of the domestic courts and the ECtHR are not functioning as they should do in the protection of human rights regarding protest. It is only by the criticism of bodies such as the IPCC, HMIC and government parliamentary committees on human rights that the police are held in some form of check – but this is an unsatisfactory position.

Concentric circles of dynamic reaction within protest





The introduction to this thesis included the statement that the modern day threat to the police service from its response to animal rights activity and associated animal rights extremism was that of lost cases at court because of failure to consider and evidence human rights considerations- namely that of free expression and assembly; increased litigation for false arrest and detention; and the risk of police officers being subject to substantiated complaints of misconduct in office for failing to consider a protestor's rights to protest. That the subject of the failure to consider human rights has increasingly led to acquittals or successful appeals at court is evidenced by the growing number of cases which include Austin (2009), *Hammond v DPP* (2004) and *Connolly v DPP* (2007). From the research conducted into police forces that have paid out for false arrest and detention associated with protest incidents and connected human rights considerations, it is concluded that money is increasingly being paid out in civil compensation claims. However it is acknowledged that until the police service as a whole professionally record their levels of compensation linked to specific offences arrested for, on a searchable database, this remains an area of research that cannot be effectively explored. Linked to this statement are the records of discipline

held by force professional standards departments that record complaints substantiated and unsubstantiated relating to failure to address human rights issues in relation to protest situations. As long as the police continue to resist the release of such information under confidentiality protocol there remains a blanket of non-transparency surrounding the issue. Destructively all these issues have the capacity to erode the reputation of the police service even further in the eyes of the public.

The influence of Multi-National Corporations (MCNs) on the government in 2004 in response to increased levels of animal rights activity, has led to concerns regarding the legitimacy of policing. The author would argue that the threatened withdrawal of foreign MCNs such as Yamanouchi Pharma Ltd, acted as a catalyst for more radical action by the government and the police in the face of a problem that had been progressively building up to 2004. Huggett (2008) has stated that animal rights offending were six times higher in the 2000's compared with the 1980s and 1990s. Increased incidents and targeting helped to elevate a problem that only needed a final push to activate a response. In essence the economic threat of withdrawal by the MCNs demonstrated an alarming capacity of rich foreign based business interests in the UK to influence and dictate policing, ultimately raising issues of policing legitimacy in view of other competing policing priorities to secure community safety.

Griffiths and O'Callaghan (2002, pg 215) state that - *"MCN's are organizations that carry out commercial activities for profit in more than one country. They often have their HQ based in one country but their activities extend across international borders. They are non-*

state actors.They are a crucial source of foreign direct investment – innovative in research and development."

In 1977, Sir Robert Mark, Commissioner of the Metropolitan Police stated – "*We [the police] discharge the communal will, not that of any government minister, mayor or public official, or that of any political party*" (Mark, 1977 p12). Reiner (2013) believes that this 'non-partisanship' view is an important ingredient of the legitimization of the British police. Lately though such an assessment has been criticised, for example, Armatrudo (2009) believes that this notion of police political neutrality or independence cannot withstand serious consideration. Armatrudo comments that it rests on an untenably narrow conception of the 'political', restricting it to partisan conflict. In a broader sense, all relationships which have a power dimension are political, so policing is inherently and inescapably political. Academics such as Gill (1994), Huggins (1998) and Sheptycki (2007) believe that the control of overtly political behaviour is the task of the specifically political police or 'high policing'. Mazower (1997) states that the characteristic of the British police tradition, is the attempted unification in the same organization of the 'high policing' function of regulating explicit political dissidence with the 'low policing' task of routine law enforcement and street-level maintenance.

If one accepts then that the police are by political default 'agents of the state' (Brewer *et al*, 1996), it logically follows that any government will always influence the ability of the police to operate at any one time. Perhaps the most striking demonstration of this assertion was the 1984 miner's strike where the Conservative government effectively near

nationalised the police service to maintain law and order that eventually broke the year long dispute, whilst at the same time dramatically reducing the power of the trade union movement. Extending this continuum of interactive influential political forces, it should therefore be no surprise to witness a similar top down influential approach of MCNs exerting pressure on a government, which ultimately manifests itself in the way it directs the police to respond to a perceived threat. Clearly this happened in 2004 with the MCNs dictating to government what they should do in response to increased levels of ARE targeting their organizations. The author believes that this does raise obvious issues of police legitimacy in the face of competing priorities for resources, however the unique set of circumstances present in 2004 allowed this to happen – increased harassment and intimidation against a section of community combined with the threat of withdrawal of a profitable business from the UK with all its associated financial ramifications.

That the police are continuing to be influenced by the political and financial power of MCNs and ‘big business concerns’ is clearly demonstrated by recent examples of the increasing reliance on the private policing sector and the police service overt attitude to protecting what they consider to be key national infrastructure. For example, the Daily Mail reported on 19th November 2010, that multi-nationals were entering the private policing sector when McDonalds were helping to pay for a team of police officers and civilians to patrol the streets of Leeds city centre at night (Daily Mail, 2010). The street marshals were being funded by McDonalds and other businesses to control alcohol fuelled violence in response to increased incidents at fast food services especially at night. This scheme was the first to be totally funded by private business. Critics to the scheme commented that if

this trend continued then there was a danger that private security would replace the police in traditional policing and the police would end up as being recorders of crime rather than being out on the streets as an effective deterrent. Clearly this interpretation was opposite to that felt by West Yorkshire Police who facing huge cuts to their annual £438 million budget described the privately sponsored scheme as ‘a fantastic achievement’. The author concludes that policing in an age of austerity and ever increasing cuts in police resources, can only force the police service further into acceptance of such ‘partnership policing’ initiatives with private business, that may bring it into conflict with its traditional policing model.

A second example is illustrated by Brogden and Ellison (2013) commenting on the pensions protest march organized by ‘the Occupy movement’ in November 2011 in the City of London, reported that part of the protest was sealed off by a 3 meter high steel wall so no bystander could see the protest placards. Malik (2011, p.1) further commented that - *‘In a leaflet sent to ‘key trusted partners’ in advance of the march, The City of London Police appeared to define its role as advising the corporate banking institutions of the City against peaceful activists who sought to vocalize their protest against recent banking scandals. Strangely, the leaflet also equated the Occupy movement with the activities of al-Qaeda and the Columbian narco-terrorists FARC’.*

Both examples raise issues of police legitimacy in view of their stated aims to remain impartial and independent, when set against competing local policing priorities. The corporate power phenomenon however is not a new one and clearly not one isolated to the UK. In 1938, Franklin D. Roosevelt commenting on democracy and corporate rule

stated- “ *The liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than the democratic state itself. That in essence is fascism: ownership of government by an individual, by a group or any controlling private power.*”

It is also prudent to ask whether, in these austere times and resource cuts in policing, there will be the same commitment to policing DE as witnessed in the 2004-2010 period? Also as policing authorities have now been replaced by elected Police and Crime Commissioners (PCCs) – how will these political individuals affect the future policing of DE? The recent deep cuts to police force budgets in the UK have awakened longstanding debates about the effects of police numbers and organization on the crime rate and public confidence in the police. Whereas some claim that a reduction in numbers is likely to have a deleterious effect (Johnston, 2013, cited in Hutchinson, 2013), others argue that raw numbers are less important than how the police are organized and deployed. By cutting red tape and focusing staffing reductions on ‘back office’ functions, the argument goes, it should be possible to maintain a consistent ‘frontline’ presence which is a key aspect of policing for maintaining citizen confidence in the service (Green, 2013, cited in Johnson, 2013). In Feb 2011, the Home Office announced that the number of police officers serving in Wales, for example, had hit the lowest level in a decade .There were 6,882 officers in Welsh forces at the end of Sept 2012, down 235 or 3.3% on the previous year, and fewer than at any point since 2002. This compares to a 2.9% fall across England and Wales, with 131,837 officers across the 43 forces leaving their posts last year (Hutchinson, 2013). This prompted the newly appointed Gwent Police and Crime Commissioner - Ian Johnston to state that officer levels were near

to breaking point and warned further cuts to police budgets in the next comprehensive spending review could be devastating (ibid). PCC Alun Michael for South Wales Police, stated that the government cuts had been too fast and too deep (Michael, 2013, cited in Hutchinson, 2013). However balanced against this fall in police numbers have been falling crime rates, for example, Gwent police has experienced a 20% drop in overall crime in the past year – the biggest in the UK. Mr Johnston further commented that recorded crime was important but it was more about public confidence - making people safe and making people feel safe (ibid). Sindall and Sturgis (2013) have reported that by reducing police numbers, confidence in the police is likely to be eroded even if frontline visibility is maintained through organizational efficiency. Commenting on the austerity cuts and policing, Shadow Home Secretary Yvette Cooper said cuts to policing had led to 30,000 fewer crimes being solved in the past year, including 7,000 crimes of violence against the person (Cooper, 2013, cited in Johnson, 2013).

There may also be some alarming consequences to policing cuts, promoted directly by the government. For example, Considine (2011) comments that the government in its strategy to reduce the national deficit, made some notable changes in the direction of criminal justice policy, the most alarming of which was an intention to introduce a 'Good Samaritan' law, which offers immunity to people intervening in an attempt to prevent crime or anti-social behaviour. Garland (2001) believes such an initiative is populist, neo-liberal, devolves legal authority and has the virtue of being cheap while promoting the value of civic responsibility. Considine believes that this initiative towards 'participative community policing' in an age of austerity could lead to vigilantism.

A recent pilot study with Avon and Somerset Constabulary focused on the impact that government reforms are having on areas such as police pensions, retirement, redundancy, fitness testing, direct entry and educational requirements. The study reveals hundreds of officers are considering their future in Police Service in wake of reforms. *“What is frightening for me is the number of officers considering voluntary severance because this throws into question the future of the Police Service with vital skills and experience missing.”* (Hoggett, 2013, p.1, cited in McDermott, 2013). The author believes that the effective investigation of specialized areas of policing such as DE is dependent on retaining officers who have the requisite knowledge and experience to counter that threat. Clearly if this study is correct, community safety values in respect of ARE will be affected. Brogden and Ellison (2013) believe that such a dramatic reduction in police services has occurred in an almost totally uncoordinated way, both between provincial police services, and also with regard to other public agencies.

The appointment of Police and Crime Commissioners (PCCs) also promotes concern amongst some, that their appointment will affect national policing initiatives in favor of more local ones Opponents have warned they could lead to the politicization of the police, with commissioners favoring headline-grabbing initiatives over tackling serious crime. They also fear commissioners could start interfering with the running of police forces. (BBC News line, 2012). The Home Office maintains that PCCs will be responsible for the full range of policing work, not simply local priorities, and they will not undermine the operational independence of policing professionals. The operational independence of the police will be maintained by each respective Chief Constable retaining direction and control of the force's officers and staff (Home Office, 2013).

A 'Policing Protocol' sets out how the new policing governance arrangements will work. It clarifies the role and responsibilities of PCCs, the mayor's office for policing and crime, Chief Constables, police and crime panels and the London assembly police and crime panel. It outlines what these bodies are expected to do and how they are expected to work together to fight crime and improve policing. The protocol will underpin the key working relationships within the new policing landscape and sets out that a PCC must set the strategic direction and objectives of the force; and decide the budget of the force while the chief constable will remain operationally independent.

Within the Home Office website there is clear observance to the fact that there remains a strategic policing requirement. Crucially as well as responding to local priorities, a PCC will also need to help contribute to threats which require a national policing response. Clearly it is vital that the PCC works with other forces on national policing issues through collaboration. The strategic policing requirement is a statement of the collective capabilities that police forces across England and Wales will be expected to have in place in order to protect the public from cross-boundary threats such as terrorism, civil emergencies, public disorder and organized crime. The strategic policing requirement will support PCCs in effectively balancing local and national priorities, and driving improvements in their force's response to serious and cross-boundary criminality, harms and threats. Moreover PCCs will have to take account of the strategic policing requirement when setting their local crime and policing plans, and they will have to hold chief officers to account for their compliance with the strategic policing requirement when exercising their functions. The strategic policing requirement focuses on those areas where government has a responsibility for ensuring that sufficient capabilities are in place to respond to serious and cross-boundary

criminality and in support of the work of national agencies such as NDEU. The author does not believe at this early stage of their development, that PCCs will hinder the national response to ARE within DE.

The changes in policing methodology and training that the author proposes in this thesis are necessary and affordable against a background of severe cuts in police resources. Necessary because the police service needs to respond to an ever changing environment in which domestic extremist behaviour (of which ARE is just one component), is fuelled by increased tactical and strategic appreciation of evolving technology and communication. The police also have a part to play in the protection of key infra-structure, national security, and energy provision, all seen as essential to the 'economic well-being' of the country. It cannot afford such important elements to be impaired or closed down by determined single-issue groups. Affordable because to not respond to such a changing threat would be a direct threat to its legitimacy to operate as a police service and its commitment to community safety. The police service has to respond to an ever changing threat level in times of reduced budgets, ACC Simon Price of Gwent Constabulary commented that – “we have to think how we can work smarter and more efficiently” (Hutchinson, p.1, 2013). One way for the police to respond in such a climate towards DE could be to continue the expansion of UC police practices as part of the rise of what Marx (1992) calls the 'new surveillance,' such as - computer dossiers, electronic location monitoring, drug and DNA testing, video and audio monitoring. Marx believes that the new surveillance is revolutionary in transcending distance, darkness and physical barriers, and in storing records which are easily stored, retrieved, combined, analyzed and communicated. This new surveillance model is more intensive – probing beneath surfaces, discovering previously inaccessible

information. O'Reilly and Ellison (2006) state that specialist private companies increasingly use UC staff, including where they can rely on both serving and former police officers as 'experts' in the field. O'Reilly and Ellison further comment that there is both a revolving door of personnel of state and corporate interests and a growing symbiosis of state and corporate interests. In using such a strategy in DE, there is clearly a financial dividend and interest in discovering the future tactics of protestors in relation to their clients. Clearly though in the light of the 'Kennedy' affair (p.132), such tactics as UC should be proportionate, lawful, necessary and well supervised - if they are to be considered.

The problem of ARE and other single issue groups within DE in the UK will not go away. It would be foolish to suggest that having reduced the problem in one category such as ARE the police should redistribute any dedicated resources elsewhere. The author believes that because there remains a threat across the whole of DE, the government will continue to support specialized units such as the NDEU and maintain the system whereby preventative, intelligence and enforcement 'packages' are prepared and passed to local forces who then bid for money allocated to a central budget controlled by the NCDE in order to effectively investigate problems within their regions or area.

There is no doubt that many in the animal rights movement are totally dedicated to the cause of animal rights, and that their beliefs are genuine and deeply held. However a small number believe, as Best (2009) describes, that uncaring and brutal human supremacists cruelly dominate and enslave the animal world, and being unable to bring about lawful change by lawful means consider that criminal activity is the only way open to them to

defend animals. UK activists prepared to resort to extremist actions that involve serious crime, may only number fewer than 20 - 25 people (Alderson, 2006). It is testament to the threat they posed and the effective tactics they used, that the UK government and the police reacted in what some see as a grossly disproportionate manner (Mead, 2010). There is a fundamental need to re-educate the police, especially at the first response level, of what their responsibilities are when they are involved in policing protest. Better training and awareness of an individual's rights under article 10 and 11 will determine a healthier democracy for us all. Adoption of a similar decision making model incorporating human rights considerations in respect of policing protest, as proposed by the author in chapter 6, will help the police to deflect any threats associated with malpractice leading to civil litigation, lost prosecutions and disciplinary action against its officers. Importantly though for this improved policing practice, it will demonstrate to the general public that it has a firm commitment to the 'British Policing Model' that HMIC espouses (HMIC, 2009 b). The post 2004 era witnessed a new age of animal rights activity and associated extremism, however it also witnessed a new era in policing protest that will continue to have huge ramifications for our democracy.

Appendix (A)

The Quantitative Answers

Note: The total sum of all percentages made in answer to each individual question may not equal one hundred. This is because all the figures have been rounded up or down to the nearest percentage, with the exception of those half percentages which are left the same.

In response to question 1, which provided the current definition of DE (as per page 27), respondents were primarily asked – *Do you find the following definition of DE acceptable?* A secondary question asked - *If you find this definition unacceptable, what alterations/qualifications would you want to add?* 46% respondents replied with ‘yes’ and no follow up comments. 31% replied with ‘yes’ and follow up comments. 22% replied with ‘no’ and follow up comments. No one responded with a ‘no’ and no follow up comments.

Essentially then the vast majority of respondents – 77%, agreed that the definition was correct. This figure includes those that have overall indicated ‘yes’ but added qualifications as to how it could be further improved. The following qualifications to some of those respondents that said ‘yes’ and ‘no’ are instructive:

- *“Remove ‘campaign’ from second line second word, as campaign is used at the end. Perhaps replace ‘to prevent something from happening’ with ‘to persuade someone to do/not to do something they are lawfully entitled to do/not to do. This reflects term used in legislation.”*

- *"Domestic Extremism does not necessarily require Direct Action in the form of acts of criminal damage or denial of service attacks etc. It may just be sufficient for passive protest/demonstration to bring about compliance from a target."*
- *"I would wish such alterations included as offences do not just have to be criminal. Where officers have to investigate offences or prevent breaches of the peace should be included as the term 'criminal' is too specific and could be considered only for crimes. Just as incidents and issues are not crimes does not mean direct action has not taken place, and a proper understanding of this should be made with reference and in context to the 'Adapting to Protest' HMIC report changing the wording of 'lawful' to 'peaceful'."*
- *"Yes, although would possibly change 'furtherance of a campaign' to 'furtherance of a cause'."*
- *"Yes this is an acceptable definition although when the phrase 'domestic extremism' is used generally most people would assume that the phrase refers to terrorism committed within the UK and by UK residents or nationals."*
- *"Not acceptable, they include criminal acts of indirect/direct action."*
- *"Individuals or campaign groups do not always carry out criminal acts in furtherance of their cause or campaign. Reference to the democratic process, whilst some activities have to be outside the normal democratic process there has to be a starting point, free speech governed by ECHR etc."*
- *"I would not limit the definition to 'criminal' acts alone. Domestic Extremism may simply involve peaceful protest for example."*
- *"I think it should be more aligned to the definition of terrorism, as below – it should read and look pretty much the same."*

- *"Is the label 'campaign groups' suitable, rather use just 'group'."*
- *"Perhaps some qualification around the fact it refers to a small minority as the vast majority of protestors are peaceful in their actions thus avoiding any unfair labelling of protestors as extremists."*
- *"I think the term 'Extremism' should be subject of further qualification over protest. 'Criminal acts' which may involve violent confrontation towards individual or groups of targets and enforcement agencies' should be added."*
- *"Should amend it to say – 'due to the ideologies of these groups and their activities they usually seek to prevent something from happening or to change legislation or domestic policy, and attempt to do so outside of the normal democratic process'."*
- *"I broadly agree with this definition however it does not encompass the 'lone actor' scenario whose motive for criminality is not campaign based. I would include a reference to the 'lone actor' who's motives for criminal activity may involve personal grievances against individuals, social and religious groups, governmental institutions and commercial entities."*
- *"I find this definition acceptable but I know upon speaking to other officers outside SB, there is sometimes confusion as to what it means."*
- *"Yes I find it acceptable, however I would not limit it to direct action; campaigns tend to include or start with and escalate from indirect action including harassment and intimidation and include unlawful activity as well as anti-social behaviour which may border on criminal activity."*
- *"It's a touch wordy – perhaps 'Political activity outside the democratic process'."*

- *"I think that the phrase is exactly right for those minor elements of society who carry out extremist acts in furtherance of their beliefs and have convinced themselves that as a minority they are right and are not prepared to listen to reasoned argument from the majority. However that said, 'Domestic Extremism' is too catch-all to include activists and supporters."*

- *"Domestic 'extremism' describes individuals or groups of individuals who for a common purpose band together and through criminal acts promote their own ideology with complete disregard for the legal rights of others. There is a caveat: those people who express their views and beliefs through entirely lawful means including lawful protest should not be tarred with the title of 'domestic extremism'."*

- *"The expression is fine as long as it is used in the right context- to describe criminal acts. It is often misused to cover law abiding 'activists' who may hold the same views and ideals as the extremists but are not prepared to break the law to achieve them. Extremists are then able to deflect attention from themselves to the law abiding who are naturally threatened by the belief that they are subject to increased police/state attention. The expression 'extremist' or 'extremism' should not be viewed as pejorative or insulting. It simply describes a person who subscribes to a set of views which are generally considered to be outside of mainstream thinking, and who is prepared to act outside the law to persuade others to act in accordance with those views. An 'activist' may hold identical views, but will only act within the law and existing democratic mechanisms to bring those views into the mainstream."*

Question 2 was concerned with the use of labels or definitions. It asked - *what do you understand by the terms 'Direct Action', 'Activist' and 'Domestic Extremist'?* All respondents attempted some level of definition – some more sophisticated than others reflecting possibly the degree of experience in this specialist area of policing. The following definitions provided by some of the respondents are instructive:

Direct Action

- *"An illegal action designed to 'persuade' others to comply with the extremist's will. It is a form of blackmail."*
- *"Direct action is any action that has an immediate and measurable adverse impact on the legal activities of others. It is invariably but not exclusively illegal."*
- *"Action taken to highlight a particular cause which may break the law."*
- *"Actions – mainly crimes, taken in furtherance of a political aim."*
- *"I would deem this to include proactive and positive attempts over and above lawful protest, demonstration or leafleting, with the aimed intention of de-railing individuals, companies, groups and politics from their course of business or lawful activity. Direct action is predominantly unlawful action that can vary in degree and may include activities such as the use of threatening or intimidating calls and mail and other forms of harassment, criminal damage, assault and blackmail."*
- *"Some form of activity of a physical nature (not necessarily within the law)."*
- *"Direct action is a tactic used by groups or individuals, to highlight a cause and is normally illegal, i.e. a type of blockade (super glue, lock-on). However it could also be an action to attract media attention, such as a banner drop or protest at height."*

"Doing something, e.g. protesting, marching, or committing a criminal act in furtherance of a campaign. Not therefore necessarily unlawful – could be lawful and peaceful."

- "A legal or illegal act that furthers the group's aim, i.e. protest or criminal damage."

"Criminal acts targeting individuals, companies or associated property in furtherance of the aims of the extremists."

- "Criminal activity directed toward individuals or companies."

- "Action against an individual, company, organization that goes beyond what is lawful/peaceful protest to achieve a particular goal."

- "This being such action that is beyond the lawful level of demonstration and protest etc."

- "Taking action against a focal point of a campaign. May be peaceful – such as publicity stunts, or involve criminality, but differs from 'traditional' protest e.g. demonstrations."

"This involves the willingness to commit criminal offences but I believe that those offences fall into two distinct areas. The overt offences where there is an expectation of arrest, i.e. lock-ons, incursion into private premises, minor public order offences at demonstrations. The covert offences range from criminal damage, blackmail to well planned arson campaigns using IEDs and IIDs."

- "A lawful or unlawful act of civil disobedience. This can range from protests to property destruction, or acts of violence. Direct action participants aim to either: obstruct another from performing some practice to which the activists object or solve perceived problems which traditional societal institutions (corporations, governments, powerful churches or establishment trade unions) are not addressing to the satisfaction of the direct act participants."

- *“ Violent or non-violent confrontation in person or otherwise by campaign groups individually or collectively against employees or the employer companies they represent, or a particular vulnerable site in furtherance of the group’s cause. ”*
- *“An act, usually criminal, that bypasses the normal socially acceptable courses of legal protest and means of objection. Usually committed against property or infrastructure of companies or seats of learning seen by the individuals involved, to be operating in a way that does not suit them. Or similar action against the staff, customers, or other institutions that have dealings with the original targets. ”*
- *“A physical requirement to commit an act that by its nature would be perceived as criminal, at the far extreme home visits, criminal damage attacks etc, or at the opposite spectrum mere obstruction to move or comply with directions from the police. ”*
- *“An activity over and above lawful protest in furtherance of an aim of an individual or group, usually associated with DE. The action is normally aimed at disrupting the business continuity of the target, although the action will usually aim to involve some form of publicity for the particular cause. ”*

Activist

- *“An individual willing to be ‘active’ for a cause. Active means willing to give time and effort to the cause. Giving of money alone does not in my view make one an activist, merely a sympathiser. Activists are rarely extremists, but most extremists are recruited from the ranks of activists. ”*
- *“Is anyone who actively promotes or participates in any capacity in activity that falls under the 5 key areas. ”*

- *"A supporter for a particular cause who is prepared to stand up and be counted, prepared to demonstrate and even be arrested for their beliefs."*
- *"An individual active in a single or multiple campaigns."*
- *"An individual who wishes to advance their ideological or political beliefs through action; this may be lawful or unlawful and would include those who restrict their activities to what is lawfully allowed including attending demonstrations or protests."*
- *"Committed campaigner/person active in the pursuance of a cause (as opposed to mere passive observance)."*
- *"An individual who is willing to commit minor offences in order to promote a cause, such as obstruction of the highway, minor criminal damage etc."*
- *"Someone who does something in furtherance of a campaign. Not someone who is a member but only turns up for meetings and/or provides financial support."*
- *"A person who is committed to the cause that falls between a supporter and an extremist. Who will get involved practically with organising events, protests, street collections etc."*
- *"A person who has strong views on domestic extremism matters and physically participates in organised events in pursuance of their chosen cause, acting within the law."*
- *"A person who attempts to further a cause in ways not restricted to passive support."*
- *"Someone who engages in a campaign, which uses tactics that go beyond that which is lawful."*
- *"This being a member of a group who by their actions support extreme views."*
- *"Someone who is 'active' in a campaign, i.e. who takes direct action. Activism can refer to peaceful activity but also to some low level criminal activity, e.g. aggravated trespass."*

Where it does refer to criminal activity, this tends to be less serious in nature to that of 'extremists'."

- "I believe this encompasses an organiser and regular attendee at demonstrations. Their behaviour is for the most part lawful and if any law is broken then it would be minor offences committed in an overt manner at demonstrations."

- "An individual who advocates or opposes a cause or issue vigorously and will directly attempt to bring about some form of social, political, economic or environmental change."

- "Someone who within a campaign group is more than a mere supporter of the group's aims and is prepared to undertake direct action in that aim."

- "A person involved in physical legal means of protest and activity or direct action on a regular basis. (Not just a letter writer)."

- "A committed individual who believes that their actions are justified by right as opposed to in law, and who is willing if necessary to sacrifice their liberty to demonstrate how strong is their beliefs."

- "I generally use this term to describe individuals involved in any activity linked to AR, Enviro, XLW/XRW, be it lawful protest or direct action."

Domestic Extremist

- "It describes a person who subscribes to a set of views which are generally considered to be outside of mainstream thinking, and who is prepared to act outside the law to persuade others to act in accordance with those views."

- *"Domestic 'extremist' describes individuals who for a common purpose band together and through criminal acts promote their own ideology with complete disregard for the legal rights of others."*
- *"As activist (- a supporter for a particular cause who is prepared to stand up and be counted, prepared to demonstrate and even be arrested for their beliefs) with the addition of a willingness to take political action to 'extreme' – these are normally but not exclusively unlawful acts."*
- *"An individual who engages in any unlawful or anti-social behaviour as part of an extreme campaign to further a particular cause."*
- *"Member of protest group related to issues of a domestic nature (i.e. UK related issues) willing to carry out acts of legal and illegal to further their cause."*
- *"A individual who is committed to a cause, i.e. AR, XLW, XRW, Enviro, and is willing to go to any lengths to promote their cause, i.e. overnight arson attacks, incursions to airports to stop flights etc."*
- *"Those who commit criminal acts as part of a protest campaign or behave in a manor that would be seen as outside the democratic lawful peaceful way of protesting in the UK."*
- *"Something more than an activist, who is completely focused on the aims of the group and is prepared to commit criminal acts to achieve the group's aims."*
- *"A person who has strong views on domestic extremism matters and physically participates in organised events in pursuance of their chosen cause, either agreeing with or participating in unlawful acts."*
- *"Persons engaged in unlawful activity with the aim of disrupting lawful trade in furtherance of an ideological or political goal."*

- *"Someone who uses unlawful tactics against an individual etc in the furtherance of a campaign."*
- *"This being persons who support radical views and act in a criminal way in furtherance of their cause."*
- *"Someone who commits criminal activity in furtherance of a protest or campaign – i.e. going to 'extreme' lengths rather than relying on peaceful protest."*
- *"This is an individual who is willing to take part in criminal activity in the covert manner, i.e. arsons, criminal damage etc. This also includes those who carry out research of targets with the intention of someone else actually committing the offence; this could also be carrying out recce's on individuals and premises."*
- *"An individual who focuses on a single issue or cause – such as animal rights, environmental, XLW or XRW, and will often advocate or participate in criminal acts to further that cause. Group members may be associated with more than one issue."*
- *"An individual who is prepared to act as a lone activist or within a group environment to undertake activity in the name of protest which itself is more confrontational than the general expression of speech or protest in respect of a particular issue."*
- *"One involved in illegal direct action."*
- *"A predominantly home grown individual who carries out their activities whether lawful or unlawful within their own geographical environment, i.e. country, immediate area they live. Or as a member of a larger group prepared to travel around the country to commit acts of domestic extremism. Their activities will generally not involve investigation by the Security Services but by domestic police units."*

- *"I generally do not use this term, however by definition it would be someone who is willing to engage in acts over and above lawful protest, i.e. DE, in order to fulfil their aims."*

Question 3 listed the five themes or categories within domestic extremism and asked the respondents to prioritise or list them in ascending order as to the required policing response.

It asked: *'Domestic Extremism is often associated with single issue campaigns. Although most protest peacefully, criminal activity has been seen in the following campaigns:*

Environmental; Animal Rights; XLW; XRW; Emerging Issues. In order of threat to the UK from DE, list those categories that you believe policing activity in the UK should concentrate on (from highest priority – top position to lowest priority – bottom position)'.

A secondary question requested: *'Explain your reasoning*

Out of 54 replies, six of the forms for question 3 were disregarded because the respondent had failed to properly address the question: three of the replies had a statement to the effect of – *"Each category on its own merit poses a threat to the UK national infrastructure and very much depends on the issue of protest and the support for the campaign as to the level of protest and potential for criminal activity."* Three of the replies had either replaced the existing category as provided within the questionnaire with their own category, e.g. race/religiously motivated extremism or had grouped two categories together as number (1) e.g. Environmental and XLW, believing them to be inseparable.

Out of the remaining 48 replies the following analysis was made according to their listing order:

Position (1) in list

Name of group	% of total
Extreme Right Wing (XRW)	48
Animal Rights Extremism (ARE)	31
Environmental	17
Extreme Left Wing	2
Other emerging groups	2

Position (2) in list

Name of group	% of total
Extreme Right Wing (XRW)	37.5
Animal Rights Extremism (ARE)	27
Environmental	23
Extreme Left Wing (XLW)	10
Other emerging groups	2

Position (3) in list

Name of group	% of total
Extreme Left Wing (XLW)	44
Animal Rights Extremism (ARE)	21
Environmental	19
Extreme Right Wing (XRW)	12.5
Other emerging groups	6

Position (4) in list

Name of group	% of total
Extreme Left Wing (XLW)	35
Environmental	29
Animal Rights Extremism (ARE)	17
Other emerging groups	15
Extreme Right Wing (XRW)	2

Position (5) in list

Name of group	% of total
Other emerging groups	75
Environmental	12.5
Extreme Left Wing (XLW)	8

Animal Rights Extremism (ARE)	4
Extreme Right Wing (XRW)	0

Analysis shows that XRW is the category that headed either first or second in the priority order listing. 'Other emerging issues' headed the fifth position. Interestingly some respondents did list other emerging issues at the top of the list, qualifying their response in view of the current English Defence League (EDL) protests and the on coming Olympics in 2012.

Some of the comments made in support of individual lists were instructive:

- *" I have put Enviro and XLW together as on the majority of events the individuals concerned are normally one and the same and have the potential to cause major economic damage and disruption to everyday life, e.g. Stansted Airport protests. I put AR next due to the fact that the policing over the past few years has been good and at the moment the AR movement is in disarray. Below AR was XRW because although they are an area in apparent self destruct mode, there is still a number of individuals within the movement who have the ability to commit serious offences. Emerging issues come in last as they pose little threat to the economic stability of the country and little disruption to everyday life."*
- *"The issue of the defence leagues and their opponents are the biggest single threat to UK cohesion outside of international terrorism. I believe that this will morph into general protest about the austerity measures and financial difficulties for the UK over time. In other words, potentially become another Angry Brigade."*
- *"There remain several issues within the Environmental strand which are current and will remain so especially within the term of the new Government – new power stations, regional airport development and the Olympics to name but a few. The issues of the English Defence*

League(EDL) whilst not specifically right wing had done much to give impetus to the general XRW and the recent rise in the 'Lone Wolf' aspects brought about by the Muslim faith and XLW reactions to the EDL. Animal rights whilst remaining an issue, does seem to have receded in the amount of confrontational activities by groups largely due to positive actions by police and agencies and subsequent prison sentences for past campaigns. Emerging trends will continue and remain an indicator towards short, medium and long term protest strands."

- "XRW seeks to undermine the very fabric of modern multicultural Britain, the goal is to start a racial war through indiscriminate intimidation and violence with a view to ethnic cleansing on a huge scale. They have the motivation if not the capability to cause serious injury and loss of life, their hatred is directed indiscriminately against a large proportion of the population. Several recent cases have highlighted their ability to manufacture bombs, explosives and poisons which might without police intervention have caused serious injury and or death. They are by and large well supported with a political voice of sorts and the potential for serious civil unrest because of them is high. ARE also has the potential to inflict serious harm, but against specific individuals rather than large indiscriminate groups. They also have the capacity to cause serious economic disruption to individuals, companies and the wider UK economy. Environmental tend to be small groups who target commercial enterprises and whilst they do cause those companies economic damage their effect on the public is restricted to inconvenience and annoyance. XLW have minimal impact."

Question 4 primarily asked: *'Where evidence is present, do you believe animal rights extremists should be charged under the Terrorism Act?'* A secondary question asked: *'If yes, why do you think more animal rights extremists are not charged under the Terrorism Act?'*

Out of 54 replies to question (4) two of the replies were disqualified as they answered 'undecided' and 'not sure'. Out of the 52 replies that were left, 23 stated 'no' and 27 stated 'yes'. The vast majority of the respondents who said 'no' believed there was already adequate legislation to deal with ARE and by using a 'sledgehammer to crack a nut' by using the Terrorism Act (TACT), would only present the ARE with a huge public relations coup. The qualifications provided by some of those respondents who went on to provide their opinion on why more ARE are not charged under TACT are instructive:

- *"The principle reason is the baggage that surrounds TACT and the restrictions on its implementation."*
- *"Crown Prosecution service (CPS) and Senior Investigating Officers (SIO) using the KISS principle (Keep it Simple Stupid) seems to be the main thought process when dealing with AR criminality – due mainly to the fact that (a) Is a TACT charge in the spirit of the act and (b) Would the current court/jury system cope with a large influx of TACT cases?"*
- *"The CPS always opt for the easiest charge and they together with some senior police figures try to limit the number of persons charged for Terrorism offences."*
- *"Ignorance of law enforcement. However, if we are ever to answer the Muslim community's cries of foul regarding disproportionality in the use of TACT we have to demonstrate that TACT is truly colour-blind by matching the criminality of the act"*

undertaken with the legislation used to prosecute it. Both international terrorism and AR issues are both offences against the state."

- "Any response has to be proportionate to the incident. Explosives incidents involving AREs in the UK are fairly rare. In most ARE cases there are things like criminal damage where I would say there is not enough justification for the more serious terrorism charge."

- "Because AR matters are not deemed by the CPS as being in the 'spirit of the act' – even though they fit the offence wording in TACT 2000."

- "The answer to this I have found out is purely a financial one. The government of the day is responsible for financial compensation to victims of terrorist attacks as insurance companies exclude these. Terrorist events are few. I understand that if DE is counted as terrorism then the cost to the government would be unacceptable."

- "The large companies could demand even more police resources if they thought as themselves as terrorism victims and they have had more than most already. Also domestic extremists would love to think as themselves in the same league as AQ etc and if we colluded with that though we could never turn back the clock."

- "Political fear that if AREs are charged with TACT offences this would create martyrs and the ideology could encourage others to carry out further acts. This could raise the issue of a political aim of changing the law by force."

- "A decision was made by Home Office/ACPO(TAM) in early 2000's that this legislation would not be used in ARE cases even where it fits. The original dictum came out under the then chair of ACPO(TAM). I assume the intention is to avoid giving ARE the status of 'real' terrorists."

- *"There is a reluctance to use the Terrorism Act against internal DE threats. One issue is that in the public conscience these types of DE offences are not seen as terrorism. A second issue may be because of the penalties that are available under terrorism legislation and jury's would be reluctant to convict for this reason. A parallel would be a jury's reluctance to convict a driver of manslaughter but would convict of causing death by careless driving."*

- *"I think we are loathe to use TACT in all but the most serious cases for many reasons from the extra workload placed on the officers at the time of an arrest right through to the extra workload placed upon the prosecution team. I think there is a stigma attached to TACT that it 'shouldn't be used except for the most serious cases' as there is some fear that by using the legislation in front of us we might be admitting to a problem. It is often easier to charge someone with a seemingly lesser offence which perhaps places less burden upon those involved. I should qualify this by saying I think this attitude is slowly changing."*

- *"Lack of policing resources, politics and bureaucracy."*

- *"Public perception that they are not real terrorists hence the risk of the state seeming oppressive."*

- *"Historically it appears that campaigns waged by animal rights activists continued to be labelled as 'domestic extremism' and there appears to be an apparent reluctance (outside NCDE) to recognise the more serious campaigns as potential acts of terrorism. This reluctance to recognise the more serious campaigns as such contributes to the lack of charges under the Terrorism Act."*

Question 5 listed the most common tactics employed by ARE and asked to respondents to list them in ascending order of effectiveness. The question asked: *'The following includes a list of tactics that are currently utilised or have been employed by ARE. In order of 'effectiveness' (from highest impact – top position, to lowest impact – bottom position) list them: Criminal Damage; service denial attacks; public order including demonstrations; theft (liberation of animals); blackmail; intimidation/harassment through home visits; malicious communications; product contamination; use of/threatened use of IED including postal devices.'*

Out of 54 replies, 5 of the answers to this question were disqualified as the respondent had failed to complete their listing. A typical explanation to this was: *"I don't feel this can be answered by a simple list. It would totally depend on the aims of the extremist, any one of the activities can be extremely effective if targeted to the right person at the right time."*

Out of the remaining 49 replies the following analysis was made according to their listing order:

Position (1) in list

Effectiveness of tactic utilised	% of total
Use of/threatened use of IED including postal devices	37
Intimidation/harassment through home visits	26.5
Criminal damage including arson	14
Blackmail	8
Product contamination	6
Public order including demonstrations	4
Service denial attacks	4
Malicious communications	0
Theft (liberation) of animals	0

Position (2) in list

Effectiveness of tactic utilised	% of total
Criminal damage including arson	26.5
Use of/threatened use of IED including postal devices	25
Intimidation/harassment through home visits	16
Product contamination	14
Blackmail	8
Malicious communications	4
Theft (liberation) of animals	4
Service denial attacks	2
Public order including demonstrations	0

Position (3) in list

Effectiveness of tactic utilised	% of total
Intimidation/harassment through home visits	26.5
Criminal damage including arson	24
Blackmail	14
Use of/threatened use of IED including postal devices	12
Product contamination	6
Malicious communications	6
Public order including demonstrations	4
Theft (liberation) of animals	4
Service denial attacks	2

Position (4) in list

Effectiveness of tactic utilised	% of total
Blackmail	20
Product contamination	18
Intimidation/harassment through home visits	14
Criminal damage including arson	12
Malicious communications	12
Public order including demonstrations	10
Service denial attacks	6
Use of/threatened use of IED including postal devices	4
Theft (liberation) of animals	2

Position (5) in list

Effectiveness of tactic utilised	% of total
Criminal damage including arson	18
Product contamination	18
Blackmail	12
Intimidation/harassment through home visits	12
Use of/threatened use of IED including postal devices	10
Public order including demonstrations	8
Service denial attacks	8
Theft (liberation) of animals	6
Malicious communications	6

Position (6) in list

Effectiveness of tactic utilised	% of total
Malicious communications	31
Blackmail	16
Service denial attacks	14
Product contamination	12
Theft (liberation) of animals	10
Public order including demonstrations	10
Use of/threatened use of IED including postal devices	8
Criminal damage including arson	0
Intimidation/harassment through home visits	0

Position (7) in list

Effectiveness of tactic utilised	% of total
Theft (liberation) of animals	20
Service denial attacks	20
Malicious communications	16
Product contamination	16
Public order including demonstrations	12
Blackmail	10
Use of/threatened use of IED including postal devices	2
Criminal damage including arson	2
Intimidation/harassment through home visits	0

Position (8) in list

Effectiveness of tactic utilised	% of total
Theft (liberation) of animals	31
Public order including demonstrations	26.5
Service denial attacks	14
Malicious communications	10
Product contamination	8
Blackmail	4
Criminal damage including arson	2
Use of/threatened use of IED including postal devices	2
Intimidation/harassment through home visits	2

Position (9) in list

Effectiveness of tactic utilised	% of total
Service denial attacks	31
Public order including demonstrations	24
Theft (liberation) of animals	22
Malicious communications	14
Blackmail	6
Intimidation/harassment through home visits	2
Criminal damage including arson	0
Use of/threatened use of IED including postal devices	0
Product contamination	0

Question 6 primarily asked a question on structure and strategy: *‘Do you believe the present model of tackling ARE as facilitated by the present NCDE units – NETCU(prevention), NPOIU (Intelligence) and NDET (Investigation) in supporting local forces is effective? Please rate the effectiveness from 1 (very effective) to 10 (not very effective).’* A secondary question asked: *‘What, if anything, would you do differently?’*

The results on this question were disappointing. Whether the question was badly framed or the respondents were just not willing to answer it as laid out has not been determined, but

the responses provided were inconsistent and little learning was taken. Out of the fifty four responses some chose not to grade the effectiveness on the scale described but instead made statements:

- *"No evidence to advocate any change."*
- *"My force area does not have a problem with AR – unable to answer."*
- *"Effective in the forces/regions that engage with the units. Not at all with large geographical areas who do not see domestic issues as a threat."*
- *"The model is fine, the difficulty is in getting resources to support it."*
- *"I believe the present model is flawed by separation of functions into separate units and geographically."*

Some of the responses clearly had good experiences with one or more of the national units, others had clearly not had the best service provided. Consequently the question prompted criticism towards the existence of the three separate units and the confusion that this had brought to local officers:

- *"You should locate all three together and remove the duplication of activity and analysis."*
- *"One unit, one brand, one stop-shop, stop duplication and parochialism of the 3 unit approach."*
- *"I would create a CTU type stand alone unit for DE and remove CTIU from the reporting chain."*
- *"The units require more cohesion and inter-agency cooperation."*

- *"NDET should promote and run proactive operations against key targets as they are rarely prioritised locally due to cross border nature, with the offences occurring in other force areas."*

Twenty four of the respondents indicated that somewhere between a scale of 1 – 4, the NCDE units had provided an effective service. Sixteen of the respondents clearly indicated they had not, scoring 6 -10. Six of the respondents provided a score of 5 which indicated a yes/no answer. Six persons provided a score of 1. No one provided a score of 10.

Question 7 primarily asked a question on intelligence and information: *'Do you believe the police service has a complete picture of animal rights activity in the UK?'*

A secondary question asked: *'If not, why not?'*

Seven respondents gave neither a definite yes nor a no to this question and were thus disqualified from the final count. Answers were given such as *"fair"*, *"almost"*, *"mostly"*, *"I believe the picture is well covered but not necessarily complete"*, *"in certain areas – in others no picture at all, and "cannot comment nationally, but locally yes."*

Out of the forty seven other respondents 51% said yes and 49% said no. Comments from those that said no are instructive:

- *"I believe a lot of industries do not report all AR incidents to the police or many are recorded without the AR element."*

- *"As with any extremist group we often only know what they want us to know. The exception to this is via CHIS (covert human intelligence resource) reporting."*

- *"Our intelligence collection is very poor and excessively bureaucratic. Commercial agencies without our resources do better."*
 - *"Most forces tend to be busy with their own crimes and often fail to see the bigger picture."*
 - *"Insufficient source coverage and tasking."*
 - *"On a national basis I think NCDE has a good overview however I am unsure that individual forces have the same level of knowledge of activity in their own areas and how activity in their forces interlinks with that in others and also with activity in other areas of DE."*
 - *"Periodical reviews are essential as groups realign themselves under different protest targets and tactics change in that targeting."*
 - *"Due to the nature of actions ARE conduct, the police service may never have a complete picture of activity. Activists may only be involved once and may never get involved again."*
 - *"AR is a dynamic issue with new groups forming all the time and new activists entering the arena. The aim therefore should be to target the national networking structure and ensure reasonable coverage is maintained, so as to be in the best position to monitor the ever changing threat picture."*
 - *"Lack of understanding and information flow. Too few CHIS's with real access, too little understanding in the wider police community of the issues and need to report."*
- "No police service ever has a comprehensive picture of any problem. We have a much better grip than most developed countries where this problem exists."*
- *"Lack of source coverage; lack of cohesive response by all police forces to local reports; lack of knowledge of relevant legislation by the bobby on the beat; non-reporting of*

incidents due to lack of public confidence in the ability of the police to stop AR activity; lack of clarification in analysis/recording of offences (i.e. criminal damage) which may be part of an AR campaign; and lack of initiative in press liaison/reporting."

Question 8 primarily asked the respondents about the knowledge and skills in the police service to deal with ARE: *'Do you believe all forces have enough knowledge and/or skills to enable them to deal with animal rights activism/extremism?'*

Out of 54 respondent's answers to this question, 12 were disqualified because they failed to answer the question or provide a definitive yes or no, but instead provided statements.

These statements took the form of: "yes/no"; "it is difficult to assess as to how effective other forces may be in dealing with activism/extremism"; "our own experience is obviously limited, but investigative skills are transferable and expertise from elsewhere would hopefully be made available" (from Scottish officer), "all forces should have access to the relevant information or know where to access it from"; "I believe forces focus on activism when they are directly affected by it"; "limited knowledge among operational police officers to identify when an incident is perhaps AR related"; "I can't answer for all the different forces, some are obviously more effective than others"; and "major incident yes, small scale incident probably not".

Out of 42 replies to this question that were counted, 52% said yes and 48% said no. The following comments to the supplementary question - *'What, if any, recommendation(s) would you make to improve matters?'* are instructive:

- "Yes- if they are willing to commit resources to it."

- *"I believe that if the DE desk at any force has a good understanding of what is happening in the broader picture and keeps a handle on what is happening in their own force area, then the knowledge will be there. The skills come down to the Operational Planning department in each force and they need to be liaised with on a regular basis and a good relationship formed between them and SB in my opinion."*
- *"Some areas have a considerable problem with ARE and these areas seem to have a good skills base to deal with the challenge and investigations. Areas who may only on occasion encounter such investigations, are at present, well supported by NCDE however may benefit from further training or dissemination of best practice in advance of issues arising."*
- *"More money/resources devoted to DE. A proper training programme. Dedicated staff in forces who would not be redeployed to the next emergency."*
- *"Ensure domestic extremist specialists are included on national CT database."*
- *"A greater role by the NCDE units in proactive targeting."*
- *"A national cadre of expertise should be drawn up which could encompass some of the work currently undertaken by NPIA Uniform Operations Support."*
- *"There are currently no animal rights/domestic extremist related training or skill courses available. The role is very much learnt by doing and through ones own personal desire to develop their skills and ability through other non police related training."*
- *"Yearly national or quarterly regional meetings to enable AR desk officers and other practitioners to exchange current tactics, emerging issues and best practice."*
- *"Inputs to all student officers, inputs to all public order officers, i.e. planners, bronze/silver, tactical advisors etc."*

- *"We always wait for the action to have occurred before investigation, little is done to prevent ARE within force. Although our force is not plagued with ARE activity we do have many arterial routes which may be used by travelling ARE from around the country."*

- *"This is specialist policing and deserves a specialist response – I believe there is a role for a central national unit. In theory that unit could co-ordinate work by the CTU's but my experience of this suggests that model has issues."*

- *"Outside of DE desk officers the knowledge around AR is largely limited to hunt trained officers etc, who may have involvement or PSU officers attending protest. ICT (international counter terrorism) takes precedence around nearly all meeting tables. There is a real need to ensure DE in general remains in the focus of Chief Officer Groups at a time when activity is again increasing. With the attraction of major sporting events such as London 2012, DE will become a national focus almost inevitably at some stage over the next two years. A programme of education similar to those seen in ICT would assist but rely on highly motivated dynamic people to carry these issues forward as sadly there aren't many DE officers about."*

Question 9 was asked to gauge their perception of the national picture of animal rights campaigns and their relationship to unlawful actions. It asked: *'What percentage of animal rights campaigns in the UK, do you believe are unlawful, i.e. are part of an unlawful campaign where target(s) are subject to intimidation, harassment, distress or more serious criminal offences?'*

This was the most poorly answered question within the questionnaire. Some candidates refused to answer stating they just didn't know and would not commit to a figure, others

made bland statements such as – “*These days, not many*”. Clearly the respondents had some idea within their own area but nationally they were exposed, demonstrating lack of knowledge, update and in some cases lack of interest. Of the 54 respondent ‘answers’ 17 were discarded for this reason. The rest of the respondents answered accordingly:

% of AR campaigns believed unlawful	Number of respondents
1-5%	2
5-10%	8
10- 15%	2
15-20%	3
25-30%	5
35-40%	2
45-50%	6
55-60%	1
65-70%	2
70-75%	3
75-80%	2
85-90%	1
95-100%	1

Question 10 asked for their opinion on the best effective tactics for defeating ARE. It asked: ‘*In countering ARE which of the following police tactics do you believe have been the most successful in reducing extremism: disruption of funding; prosecution of offenders; positive media reporting; liaison supporting industry/partners; effective intelligence gathering ? Order them from top (most successful), to bottom (least successful).*’

This question was answered comprehensively. Only two respondents gave answers that had to be discarded because of failure to answer the question. Reasons given were: “*Unable to comment due to lack of AR activities within the force area*” and “*Which came first – chicken or egg? These are all interdependent and thus impossible to put into meaningful*

order. Without good liaison, you will have little effective intelligence gathering. Without intelligence, no prosecutions. Without prosecutions little positive media coverage which then reinforces the liaison and intelligence."

Of the remaining 52 answers provided the following analysis was made according to their listing order:

Position (1) in listing

Police Tactics that are successful	% of total
Prosecution of offenders	52
Effective intelligence gathering	33
Liaison supporting industry/partners	10
Disruption to funding	6
Positive media reporting	0

Position (2) in listing

Police Tactics that are successful	% of total
Effective intelligence gathering	38
Prosecution of offenders	29
Disruption to funding	19
Liaison supporting industry/partners	11.5
Positive media reporting	2

Position (3) in listing

Police Tactics that are successful	% of total
Liaison supporting industry/partners	35
Disruption to funding	29
Effective intelligence gathering	19
Prosecution of offenders	11.5
Positive media reporting	6

Position (4) in listing

Police Tactics that are successful	% of total
Positive media reporting	31
Disruption to funding	29
Liaison supporting industry/partners	25
Effective intelligence gathering	10
Prosecution of offenders	6

Position (5) in listing

Police Tactics that are successful	% of total
Positive media reporting	61.5
Liaison supporting industry/partners	19
Disruption to funding	17
Prosecution of offenders	2
Effective intelligence gathering	0

Question 11 asked the respondents to give their opinion on the threat level of current animal rights groups (2010). Primarily it asked: *'Please list those animal rights groups that you are aware of that represent a current threat, in order of highest threat to lowest threat?'* A secondary question requested: *'Explain your rationale in choosing the groups you identify.'*

Out of the 54 respondent answers, three of the replies did not list any groups and were discounted. Explanations such as- *"No one particular group. Its about individuals not groups"*, *"not certain enough to answer"* and *"no current threat in my area of work,"* were provided.

Of the remaining answers, 86% of the respondents listed SHAC as the highest threat, with 98% of the respondents listing SHAC in their top three answers. 37% of the respondents listed the SPEAK campaign as the second highest threat; with 51% listing SPEAK in their

top three answers. Other groups worthy of mention included ALF which appeared on 29% of the respondent's lists, MFAH which appeared on 18% of the respondent's lists, NAVA which appeared on 12% of the respondent's lists, Animal Aid which appeared on 8% of the respondent's lists, PETA which appeared on 8 % of the respondent's lists, NARN which appeared 8% on the respondent's list and Campaign Against Leicester University which appeared 8% on the respondent's lists.

What was clear from the analysis of the results was that the respondents were acutely aware of localised campaigns that affected their force areas as was to be expected. Groups such as SAFA, BARC, WARN, MARC, SARC, WYARG, NARN, SARN, CAFT, Gateway to Hell, ARM, KALE, SWAT, SACTAM, Hunt Sab groups, League Against Cruel Sports, Pembrokeshire Against the Cull, anti-countryside (blood sports and farming) were all mentioned as well as regional groups such as Swansea Animal Rights, Nottingham AR and Derby AR.

Clearly however most of the respondents indicated that the SHAC and SPEAK campaigns were by far the major AR threats to the UK providing the rationale that their campaigns were organised and now had assumed a global recognition displacing many of the crimes associated with animal rights in the UK abroad. This was especially so for SHAC and its linked groups such as ALF and MFAH who claimed direct action activities against SHAC targets.

Question 12 was a mop up question enabling the respondent to make any further comment. It stated: *'Please add any additional comments/qualifications within the questionnaire you may wish to add.'*

This question was barely commented upon, however an entry worth mentioning by one respondent stated:

- *" It is essential that best practice is shared between forces through the National Office in order that understanding and confidence is gained in dealing with all levels of ARE. Forces should identify vulnerable locations within their districts and utilise an intelligence strategy linked into a relevant patrol strategy which will give positive reassurance to industry, encouraging it to work with the police and send a strong message to protest groups as to what will/will not be tolerated in the right to freedom of expression."*

Appendix (B)

Results of FOIA request to all forces in England and Wales.

The overall response to this question was disappointing with the majority of forces relying on an exemption of it being too costly to carry out the research required to answer the questions. Surprisingly a lot of forces do not record the results of such civil complaints for protest incidents on to an easily retrievable or searchable database; hence the reply from Avon and Somerset Police typified the majority of responses:

"We do not keep any statistics in relation to protests so to establish the information we would have to go through all the individual files on unlawful/false imprisonment to determine what the original circumstances were. The cost of providing you with the information is above the amount to which we are legally required to respond, i.e. the cost of locating and retrieving the information exceeds the appropriate level as stated in the Freedom of Information (fees and Appropriate Limit) Regulations 2004. It is estimated that it would cost at least £450 to comply with your request. In accordance with the Act, this represents a Refusal Notice for this part of your request. You may wish to resubmit your request in a more manageable level, by reducing the time period, although it is unlikely we will be able to focus on arrests made under specific sections of an enactment as this would require additional manual reviews."

Some forces such as Cambridgeshire responded that they were unable to locate any information to satisfy my request because they do not hold the information. This would tend to indicate that no payments have been made. I did believe this response surprising

especially as the Cambridgeshire force area contains HLS which still remains the focal point of animal protests for SHAC, and its interaction with protestors must be higher than the average Police Force.

Initial FOIA request to all forces

‘For the years 2004, 2005, 2006, 2007, 2008, 2009 and 2010, I wish to know the following:

- (1) In areas of protest how much has the Force paid out to complainants of false/unlawful arrest or false imprisonment either before a civil hearing or as a result of a civil hearing judgement.
- (2) I am particularly interested in those complainants that have been arrested under sec 4, 4A, 5, 12 or 14 Public Order Act 1986. Sec 50 Police Reform Act 2002. Sec 42 and 42A Criminal Justice and Police Act 2001. Sec 68 CJOA 1994. Sec 145 and 146 SOCPA 2005. Sec 1 Protection from Harassment Act 1997 and Sec 137 Highways Act 1980. I am not looking for age, gender or circumstance that could lead to the identification of any individual’.

The author in an effort to gain some level of response did re-submit refined requests on a more focused theme, hoping that by limiting the offence arrested for to the Public Order Act 1986 alone, this would assist any research and reduce associated costs. In some cases this achieved a recordable response.

Unfortunately some forces then responded by providing annual public liability civil costs but with no indication that they were linked to protest situations in which any of the acts

listed had been utilised, again relying on the exemption re the expense of a manual search. The author has not produced these annual force civil pay-outs as they do not prove or disprove the sub-argument regarding protest situations, however should forces adopt a generic database to record such data at some future time it would be very interesting to see how much of an annual civil payment say for Lancashire Police who recorded pay outs of £643,610.56 in 2004, were actually attributable to protest incidents. As a comparison the Metropolitan Police in 2009-2010 recorded settled civil actions at £1,089,006, settled threatened actions at £498,724 and actual court awards at £47,000. Again what proportion of these relate to protest incidents is unknown.

Of those forces that did respond to this request the following information was provided:

Derbyshire

2005/6 – There was one arrest (male) under Section 5 Public Order Act 1986 connected to a demonstration where £600 was paid in compensation.

2006/7 – There was one arrest (male) in 2001 linked to a demonstration where the reason for arrest was linked to a warning under section 14 Public Order Act 1986. A compensation payment of £1,350 was made in the financial year 2006/7.

All other years up to 2010 – nil.

Cheshire – No info held.

Cumbria – No civil claims.

Devon & Cornwall – No civil claims.

Dorset – No civil payments/no info held.

Dyfed Powis – No info held.

Gloucestershire

- In June 2007 a male was arrested for anti-social and abusive behaviour, an offence under section 50 (2) Police Reform Act 2002 at a demonstration. The settlement was £3,400.
- In September 2006, a female was arrested for 'interfering with contractual relationships so as to harm an animal research organisation, an offence under section 145 SOCPA 2005 at a demonstration. The settlement was £3,000.

The payments are included in the Constabulary insurance.

Hertfordshire

- In September 2002 a female was arrested for obstructing police after seeing someone arrested for breaching a section 14 Public Order Act 1986 at a animal rights demonstration.

The claim status is recorded as closed – no settlement paid.

Humberside

- Individual arrested for a public order offence at an animal rights demonstration in 2008.

Paid out before proceedings were issued for £4,000.

Kent

- Please note that the payments made during 2006 relate to a specific operation carried out by Kent Police and that in respect of 2008, claims have been issued against the Force for unlawful arrest/detention following Operation Oasis. These claims are still very much ongoing and no settlement figures have yet been reached. These are currently being negotiated but no payments have actually been made.

2006: £32,500. All other years nil.

Leicestershire

- No civil claims/ no information held.

Norfolk

- For the years 2004 to 2010 inclusive, the Norfolk Constabulary has paid out a total of £18,500 in compensation to claimants who were wrongfully arrested during a protest. In the case of each claimant the arrest was for Breach of the Peace and not for any of the offences listed within the FOIA request.

Northamptonshire

- No information held.

North Wales

- North Wales police settled two claims in 2006 and damages of £5,000 were paid to each claimant. There have been no settlements during the other years requested. The payments made by North Wales fall under the excess of our insurance policy and come out of a force wide central budget. (Note - Unfortunately there is no indication that the settlements were made because of a protest incident)

North Yorkshire police

- In relation to your request, two compensation claims have been settled by North Yorkshire Police between 2004 and 2010. The total amount paid in compensation is £6,000. Due to the low number of claims within the period requested, to release the amounts of each settlement, dates of arrest, brief circumstances of arrest, offence arrested for, gender and amounts may identify the individuals concerned and the amount paid to them is his/her personal information subject to Data Protection.

Lincolnshire Police

- No info held.

Nottinghamshire Police

- In 2008, a female locked-on to premises. She was arrested for obstruction and an amount was paid to her under the Force insurance arrangements. However I am unable to disclose the total amount paid as this figure relates to the amount paid to one individual and this constitutes personal data under data protection.

Northumbria Police

- Note that all monetary figures are for claims finalised in a specific year – they may include settlements for claims lodged in any previous year.

2004 - Total number of public liability claims received: 214.

- Total amount of compensation: £178,565.

- Compensation for public order incidents finalised: nil.

2005 - Total number of public liability claims received: 166.

- Total amount of compensation: £130,605.

- Compensation for public order incidents finalised: £6,500.

2006 - Total number of public liability claims received: 127.

- Total amount of compensation: £44,921.

- Compensation for public order incidents finalised: nil.

2007 - Total number of public liability claims received: 139.

- Total amount of compensation: £115,640.

- Compensation for public order incidents finalised: £2,700.

2008 - Total number of public liability claims received: 192.

- Total amount of compensation: £40,827.

- Compensation for public order incidents finalised: £2,500.

2009 - Total number of public liability claims received: 175.

- Total amount of compensation: £185,165.
- Compensation for public order incidents finalised: nil.

2010 - Total number of public liability claims received: 226.

- Total amount of compensation: £54,531.
- Compensation for public order incidents finalised: nil.

South Yorkshire

- Any compensation is paid from the Police Authority insurance fund and is not paid by South Yorkshire Police nor administered by South Yorkshire Police.

Staffordshire

- No info held, no claims.

Suffolk

- We have had no compensation claims from protestors for false/unlawful arrest or false imprisonment for the period 2004 to 2010.

Thames Valley

- Thames Valley settled 14 claims following the 2006 Encaenia award ceremony protests. The total paid was £83,499 in damages.

Warwickshire

- The Force has not paid out any sums of money in respect of false unlawful arrest or false imprisonment either before or following a civil hearing in areas of protest.

-

Critically for the research question, the metropolitan forces such as the Metropolitan Police Service, Greater Manchester Police, West Midlands Police and West Yorkshire Police all

refused to provide compensation linked to protest incidents data, citing exemption under excessive costs re manual searching. Considering compensation paid constitutes public monies and there is a glaring need for transparency in an age of protest, the author believes it will not be too long before HMIC or ACPO will force all forces to adopt a generic database which can be easily searched to provide such detail. Apart from good governance it would have practicable applications such as highlighting areas for training and improvement. However from what detail that has been provided, it is clear that forces are increasingly paying out on civil claims regarding protest incidents.

Appendix (C)

Focus of the Police Domestic Extremism (DE) Strategy on 2009/2010 from the ACPO (TAM) Strategic Plan 2009-2010.

- (1) Provide support that facilitates lawful protest, but minimises disruption to the public, commercial and academic sectors
- (2) Provide support to police forces that helps to minimise the disruption, crime and disorder arising from unlawful direct action
- (3) Provide protective security advice to government departments and the academic and commercial sectors as they develop plans
- (4) Protect communities from the crime and disorder of extreme right wing groups and individuals

Priorities for 2009/2010

- (2) Provide support that facilitates lawful protest, but that minimises disruption to the public, commercial and academic sectors: develop good practice and guidance, and support training and provide relevant training materials.
- (3) Provide support to police forces that helps to minimise the disruption, crime and disorder from unlawful direct action by: coordinating the investigation of unlawful activity; developing DE related intelligence and providing quality intelligence products; contribute to the effective development of the ACPO CT coordination

centre; developing effective partnerships with key stakeholders to improve protective security arrangements and to reduce crime and minimise disruption; and developing appropriate partnerships with foreign law enforcement and intelligence agencies where it will assist the UK to manage the threat from DE.

- (4) Provide protective security advice to government departments and the academic and commercial sectors as they develop plans for: medical research; aviation expansion; energy and alternative energy provision; military training and arms manufacture; and genetically modified crop trials.
- (5) Protect communities from the crime and disorder of extreme right wing groups and individuals.

Outcomes

- (1) Improved support to police forces in policing extremism
- (2) Consistency and good practice nationally in the policing of domestic extremism
- (3) Improved confidence in policing from industry, academia, government departments and other stakeholders
- (4) A reduction in the crime, fear and disorder that arises from domestic extremism.

Appendix (D)

- *"Since this investigation began in 2007, there has been a sustained reduction in criminal activity linked to animal rights extremism. We hope the events today send a clear message that harassment and intimidation has no place in peaceful protest and will result in prosecution. We also want to make it clear that the actions of these few people in no way reflect the peaceful campaigns that are carried out by the majority of animal rights campaigners in the UK. Everyone is entitled to express their views and the police will continue to facilitate peaceful protest – but we won't accept a minority of people taking the law into their own hands in an attempt to further their cause"* (DCI Andy Robbins 21 October 2010).

- *"You embarked on a campaign of terror, persecuting and harassing the employees of any company whom you even suspected of having links with Huntingdon Life Sciences so that, you hoped, they would cease trading with the laboratory thereby ultimately bringing down Huntingdon Life Sciences. You cloaked your activities with what, in my judgement, was a hypocritical sham pretence that SHAC, the organisation you three set up, was a vehicle for legitimate lawful protest in an area of public concern. It was nothing of the sort. It was a vehicle used to terrorise ordinary, decent traders carrying on perfectly lawful businesses. You developed a highly organised, well researched and meticulously executed plan of attack. You used deception to find out which companies were actually connected with Huntingdon Life Sciences as its clients, its suppliers or contractors working for them. Once you discovered or even suspected that a company or business was connected with the*

laboratory, the company would be contacted, the work of HLS explained to them and they would be invited to stop trading with the laboratory. If they agreed, and many did for fear of what might happen if they did not capitulate, that was that. If not, the name, address and other contact details of the company were published on the SHAC website. In addition, you ascertained the home addresses and other personal details of senior employees of the companies. How you achieved that has not for the most part been revealed by the evidence, but your intelligence, the fruits of the research carried out by you or on your behalf, gave you information about ex-directory telephone numbers, the names of the wives and even children of some of the employees, the days on which their bins were emptied and the extent of any security measures in place at their homes. The consequence of publication of the company details on the website was that the company and its employees became the target of criminal activity. You used all the tactics and more. Tactics described in detail in the urban terrorists' handbook, the so called ABLX 4 document. You or those working under your direction and control, embarked upon a ruthless, sustained campaign, designed to strike fear into the minds of the employees that the companies would ultimately capitulate in the face of your intimidation" (sentencing remarks by Lord Justice Butterfield).

- "SHAC is an acronym which over the years became synonymous with intimidation, violence and terror" "the lawful function of SHAC was a thin veneer, SHAC became a vehicle of intimidation and fear" ... "the SHAC website contained a disclaimer absolving the group of involvement in criminal activity – that can now be revealed as a sham" "the actions were taken in order to distress and terrify, and in that you were successful" "I expect you will be seen by some as martyrs for a noble cause but that

would be wholly misplaced. You are not going to prison for expressing your beliefs, you are going to prison because you have committed a serious criminal offence” (sentencing remarks by Judge Keith Cutler – Recorder of Winchester).

Appendix (E)

Sentences handed out after Forton/Aries Trial.

- Gregg Avery: 9 years and lifetime Anti-Social Behaviour Order (ASBO)
- Natasha Avery: 9 years and lifetime ASBO
- Heather Nicholson: 11 years and lifetime ASBO
- Gavin Medd-Hall: 8 years and 5 years ASBO
- Daniel Wadham: 5 years and 5 years ASBO
- Daniel Amos: 4 years and 5 year ASBO
- Gerrah Selby: 4 years and 5 year ASBO
- Sarah Whitehead: 6 years and 10 year ASBO
- Thomas Harris: 4 years and 5 year ASBO
- Nicole Vosper: 3.5 years and 5 year ASBO
- Jason Mullan (convicted under SOCPA): 3 years and 5 year ASBO
- Nicola Tapping (convicted under SOCPA): 15 months and 5 year ASBO
- Alfie Fitzpatrick (convicted under SOCPA): 2 years suspended for 1 year and 5 year ASBO

Appendix (F)

Article 10 ECHR

(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

(3) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11 ECHR

(1) Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

(2) No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security of public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the Police or of the administration of the State. (Council of Europe, 1950).

Appendix (G)

Protest Law

(Taken from the 'Policing Protest Guide' - NDEU Version 3 draft, March 2011)

Section 5 Public Order Act 1986

Conduct amounting to threatening, abusive or insulting behaviour which is calculated to insult and is unreasonable

When assessing whether words or behaviour or displays of writing/signs etc, amount to offences under section 5, the following factors should be considered:

- The content of the words or displays of writing/signs
- The context/circumstances of the words or behaviour
- The intention of the person speaking or acting
- The probable impact

If an individual's conduct is gratuitously insulting and he or she intends it to be, or is aware it might be, it will in most cases follow that the conduct is objectively unreasonable, especially where the conduct was motivated wholly or partly by hostility towards members of a racial or religious group based on their membership of that group.

The key is to distinguish between the message or opinion being communicated and the manner in which it is conveyed. It is conduct or behaviour which is gratuitous and

calculated to insult that is the subject of the offence rather than the public expression of an offensive message or opinion (*Percy v DPP* [2001] EWHC Admin 1125).

There are a number of cases involving protestors displaying shocking posters or banners, for example, of animals in laboratories/aborted foetuses as part of a protest. If protestors are simply displaying such images, they will have strong grounds to claim their conduct is reasonable. Action taken by the police to stop a protest in such a scenario will almost certainly engage Article 10 – right to freedom of expression.

Common defences cited by persons charged with a section 5 offence for the display of such pictures and images have varied from agreeing the image or picture was distressing but was not threatening, abusive or insulting; that their conduct was, in all the circumstances, reasonable; and the showing of the image or picture was a fundamental freedom of expression human right.

Each case has to be treated on its own merits alongside the context it is presented with. For the police to prove an offence, it is necessary to provide evidence for each element of the offence and to rebut any statutory defence. If evidential statements are not forthcoming from members of the public or targeted employees who may feel harassed, alarmed or distressed by the material on view, then the prosecution has to rely solely on the pictures or images themselves which in isolation will not be likely to provide sufficient evidence to prove every element of the offence.

To prove or disprove any allegation of criminal activity it is good practice for police officers to examine potential defences by pointing out how what they are doing is causing that the use to which the image is being put is for example insulting and that person(s) are being harassed, alarmed or distressed by it – so the protestor cannot say they were not aware that it might have that effect. This will provide evidence of an intention to have that effect if they carry on. In investigating the incident, police officers should try establishing what effect the protestor intends to have on person(s) looking at the picture or image. Evidence should be secured by statement or physical seizure of material such as pictures, images and any ancillary evidence such as CCTV to prove/disprove any offence alleged.

Section 60AA Criminal Justice and Public Order Act 1994

Powers to require the removal of disguises

A police officer of the rank or above the rank of Inspector may authorize the removal of items worn to conceal identity in a specified locality for up to 24 hours.

The authorization may only be given if there are reasonable grounds to believe that such an authorization is required to prevent or control the committal of offences within the locality.

The authorization must be recorded in writing (the power to require removal of a face covering can be exercised where a section 60 authorization is already in place, as well).

Advice from the National Policing Improvement Agency Legal Services Unit, states: “the Act does create a power of seizure of any item that the constable believes is being used wholly or partly to conceal the identity of an individual. It does not make it clear if this

applies before or only after an offence of failure to remove has been committed, but the understanding is that this applies to the latter.”

Any person who fails to hand over such a face covering for seizure may commit an offence of obstruction of a police officer contrary to section 89(2) Police Act 1996.

Section 60AA Criminal Justice and Public Order Act 1994 is a power to direct the removal of any item used to conceal identity and may be employed independently or where a section 60 CJPOA authorization is already in place.

Sec 42 Criminal Justice and police Act 2001

Police directions stopping the harassment of a person in their home

A constable present at the scene may give a direction to any person if:

- That person is present outside or in the vicinity of any premises used by any individual (the resident) as their dwelling,

and

- The constable believes on reasonable grounds that the person is present for the purpose (by their presence or otherwise) of representing to the resident or another individual, or persuading the resident or another individual that they should not do something they are entitled or required to do or should do something they are not under any obligation to do,

and

- The constable believes on reasonable grounds that that person's presence (either alone or with another person who is present):

a) amounts to or is likely to result in harassment of the resident,

or

b) is likely to cause alarm or distress to the resident.

A direction under section 42 is a direction requiring the person to whom it is given to do all such things as the constable giving it may specify as the things he considers necessary to prevent one or both of the following:

- The harassment of the resident
- The causing of any alarm or distress to the resident

Directions may include a requirement to leave the vicinity of the premises in question, and a requirement to leave that vicinity and not to return to it within such period as the constable may specify, not longer than three months. In either case the requirement to leave the vicinity may be to do so immediately or after a specified period of time.

Directions may make exceptions to any requirement imposed by the direction and may make any such exception subject to such conditions as the constable giving the direction thinks fit. Those conditions may include:

- the distance from the premises in question at which persons who do not leave the vicinity must remain, and

- the number or identity of the persons who are authorized by the exception to remain in the vicinity of those premises.

Such directions must be given initially by the most senior police officer present, although any constable may make any subsequent variation or withdrawal of the directions.

There is a requirement for proportionality. Although the premises involved may be in use by any 'individual' and the purpose may be to persuade that or any other 'individual', the officer must believe the ultimate effect will be harassment, alarm or distress of the resident. The requirement for belief by the police officer here is greater than mere concern or suspicion. The requirement for reasonable grounds means their existence, or otherwise, will be judged objectively and not simply from the personal standpoint for the officer using the power. Nevertheless, police officers are given a great deal of individual discretion in using the powers under section 42. Given the discretion and potential impact on the competing rights of all involved, the use and extent of this power must be carefully considered in the light of the Human Rights Act.

The Crown Prosecution Service has received Counsel's advice in relation to the harassment of residents who are not themselves the target(s) of protestor activity, but live in the vicinity of the target's commercial premises. The advice is the legislation cannot properly be applied to protect residents of dwellings in the vicinity of commercial premises which are targeted.

Sec 42A Criminal Justice and Police Act 2001**Offences of harassment of a person in their home**

An offence is committed:

- Where a person is present outside or in the vicinity of any premises used as a dwelling,
and
- The person is there to represent to or persuade the resident or another individual they should not do something they are entitled or required to do or should do something they are not under any obligation to do,
and
- The person intends their presence to amount to the harassment of the resident or the person intends their presence to cause alarm or distress to the resident or the person knows or ought to know their presence is likely to result in harassment, or is likely to cause distress or alarm to the resident,
and
- The person's presence amounts to, or is likely to result in, the harassment or causing of alarm or distress to either the resident, a person in the resident's dwelling or a person in another dwelling in the vicinity of the resident's dwelling.

Sec 50 Police Reform Act 2002**Power to require name and address of persons acting in an anti-social manner**

A constable in uniform may require the name and address from a person whom the constable has reasonable grounds to believe has been acting or is acting in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (anti-social behaviour orders). An offence is committed when:

- A person who fails to give their name and address when required to do so by a police officer commits an offence,

or

- A person who gives a false or inaccurate name or address commits an offence.

‘Anti-social behaviour’ means behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more other persons not of the same household as the person (section 1 Crime and Disorder Act 1998).

The words harassment, alarm and distress, should be seen in context with the term ‘likely to be caused’. What may distress a vulnerable person may not distress others. The conduct has to be seen in its full context. A third party, may experience distress, alarm or harassment.

Section 50 should not be used to require protestors taking part in demonstrations to provide their name and address when they are being searched. Reasonable grounds that a person has been acting or is acting in an anti-social manner are required before a police officer can require an individual to give their name and address under section 50. The participation in a

peaceful public assembly or procession is not sufficient grounds for believing a person is acting in an anti-social manner (see HMIC 'Adapting to Protest' Chapter 7 - page 126)

There is no power to require a date of birth within this legislation. The officer should consider the context of the incident they are dealing with before acting, i.e. the prevailing circumstances. For example, what may be more 'acceptable' behaviour outside a football game on a Saturday afternoon will probably not be acceptable outside a sheltered housing scheme in the early hours of the morning.

Sec 145 Serious Organized Crime and Police Act 2005

Interference with contractual relationships so as to harm animal research organizations

This piece of legislation creates the offence of interference with contractual relationships so as to harm animal research organizations (ARO).

An offence is committed:

- Where a person does an act amounting to a criminal offence or a tortious act, with the intention of harming an 'animal research organization' which causes the person to whom it is made to suffer loss or damage

or

- Where a person makes a threat to someone that they, or someone else, will do an act amounting to a criminal offence or a tortious act with the intention of harming an 'animal

research organization', which causes the person to whom it is made to suffer loss or damage,

and

- Such a threat or act is made where it is intended or likely to cause the person to whom it is made to fail to perform a contractual obligation owed to a third party,

or

- Such a threat or act is made where it is intended or likely to cause the person to whom it is made to terminate a contract involving a third party,

or

- Such a threat or act is made where it is intended or likely to cause the person to whom it is made to decide not to enter into a contract with a third party

A tortious act is one which is wrong in civil law, but is not a criminal offence. The normal remedy is for the victim of the tort to sue for damages in the civil courts. The effect of this section is to make a tortious act which causes loss or damage, and which is committed with the necessary intention, a criminal offence. But there are exceptions where the tort is committed in furtherance of a trade dispute or where the tort simply consists of an inducement to breach a contract - this is considered to be a legitimate exercise of free expression. Consequently, the most common torts (trespass, nuisance, interference with trade and defamation) would have to be proven in court (including the damage suffered).

The meaning of an 'animal research organization'

A person or organization falls within this description if they or it is the owner, lessee or licensee of premises constituting or including a place specified in a licence granted under section 4 or 5 Animals (Scientific Procedures) Act 1986, a scientific procedure establishment designated under section 6 1986 Act, a breeding or supplying establishment designated under section 7 1986 Act. In addition, a person or organization falls within this description if they or it employs, or engages under a contract for services any of the following: the holder of a personal licence granted under section 4 1986 Act, the holder of a project licence granted under section 5 1986 Act, a person specified under section 6(5) 1986 Act, or a person specified under section 7(5) 1986 Act.

Harm to an animal research organization includes causing it to suffer loss or damage or preventing/hindering it from carrying out any of its activities.

Sec 146 Serious Organized Crime and Police Act 2005

Intimidation of persons connected with animal research organizations

This piece of legislation creates the offence of intimidation of persons connected with animal research organizations.

An offence is committed:

- Where a person makes threats to another that they or someone else will do an act amounting to a criminal offence or tortious act with the intention of harming an 'animal research organization',

and

- Such a threat is made intending the person to whom it is made not to do something they are entitled to do, or to do something they are not obliged to do,

and

- Does so mainly or wholly because that person is connected with an 'animal research organization'

Sec 68 Criminal Justice and Public Order Act 1994 (amended by Section 59 Anti-Social Behaviour Act 2003)

Offence of aggravated trespass

A person commits an offence if they trespasses on land (includes buildings) and, in relation to any lawful activity which persons are engaging in or about to engage in on that or adjoining land, does there anything which is intended by them to have the effect of:

- intimidating those persons or any of them so as to deter them or any of them from engaging in that activity,
- obstructing that activity,

or

- disrupting that activity

Sections 68 and 69 CJPOA 1994 go hand in hand. The power in section 69 is a preventive measure - if directions to leave the land are complied with, there's no need to resort to charging the offence in section 68.

Section 68 is an offence of specific intent. Therefore what must be shown is the defendant's intention to bring about the effects set out at section 68 (1) (a) to (c). There is no need to specify which of the intended activities (i.e. deterring, obstructing or disrupting) in a charge. However, proof is required of both the trespassing on land and of some overt act, other than the trespassing which was intended to have the effects set out at section 68 (1) (a) to (c). (*DPP v Barnard* [2000] Crim LR 371). The activity of the defendant can include 'anything' provided it was accompanied by the relevant intention.

In order to establish the offence of aggravated trespass, you must prove the defendant committed the act(s) complained of in the physical presence of a person engaged or about to engage in the lawful activity with which the defendant wished to interfere (*DPP v Tilly* [2002] EWHC Admin 821). The lawful activity people are engaging in (or about to engage in) must also take place on the same land or on adjoining land.

Lawful activity is defined at section 68 (2) and is a very wide concept. Arguments as to the lawfulness of activities such as protesting or canvassing support for a given cause are strengthened with the advent of the HRA. This point has been determined in the context of anti-war protestors where it was argued the war against Iraq was illegal and therefore the activities carried out by staff at airbases were also unlawful. The House of Lords determined that, for the purposes of section 68 (2), an act of aggression against another State or a general crime against peace did not constitute an offence contrary to the law of England and Wales (*R v Jones* [2006] UK HL and *Ayliffe v DPP* [2006] QB 227).

Land has the meaning as detailed in section 61 Criminal Justice and Public Order Act 1994, but section 68 was amended by section 59 Anti-Social Behaviour Act 2003 to include a building. Therefore trespassers within a building intent on intimidating, disrupting or obstructing lawful activity of a person actually present would commit an offence. This includes shops and other business premises subject to incursions by protestors.

Trespass means to unlawfully enter or remain on land against the interests of the occupier of that land. It would also include the occupation of a public right of way where a person was using the right of way, not as a means to travel from point A to point B, but as a means of causing obstruction, disruption, or intimidation of the activities of another person.

Harrison v Duke of Rutland [1893] 1 QB 142) gives an idea of the concept of trespass upon a right of way.

Before utilizing this legislation both the officer and the suspect need to be aware of what amounts to trespass, i.e. for the police - what constitutes private and public land/property and for the suspect - they are aware they are trespassing. Giving a warning provides evidence that they are aware and demonstrated proportionality of approach. It is advisable in some cases to record the warning on video.

Sec 3 Protection from Harassment Act 1997

Breach of High Court injunction

Section 3 Protection from Harassment Act 1997 provides a civil remedy which enables a victim of harassment to seek a county court or High Court injunction. There is no need for a person to have been convicted of harassment in order for an injunction to be granted against them. If a court is satisfied harassment has taken place or is anticipated, then it may grant the injunction.

Section 3A Protection from Harassment Act 1997 which was inserted by section 125 Serious Organized Crime and Police Act 2005 provides a civil remedy in relation to the harassment of two or more persons in section 1(1A) Protection from Harassment Act 1997. Either the victim of harassment, or any person at whom the persuasion not to do or do something is aimed, can apply for an injunction.

An offence is committed when, without reasonable excuse, the defendant does anything which he is prohibited from doing by the injunction. section 3(6) Protection from Harassment Act 1997. A police officer may arrest a person who is committing an offence subject to the necessity test required by *section 24 (5)(c)(i)-(v) and (d) to (f)* Police and Criminal Evidence Act 1984.

The use of injunctions can be a positive step in facilitating peaceful protest as it clarifies acceptable protestor actions and police powers. Officers arriving on scene where a protest is taking place and there is an injunction in place should consider the following points:

- Have they got access to the injunction? Does the company have the most recent copy to hand and what are the salient points to be considered?

- Officers must liaise with their respective control room to ensure adequate resources are made available to police the demonstration if allowed by the terms of the injunction or to deal with obvious breaches where the protestor(s) have failed to follow any compliance advice. Does the control room or other source have a copy of the recent injunction?

- It is important for the officer to properly assess what behaviour the injunction does and does not allow. Any response must be based on this assessment.

- The officer must make sure that the protestor(s) are aware of the injunction and its restrictions. It is the responsibility of the company to serve the injunction and it is good practice for the service of the injunction by the company to be filmed to protect both protestor and police interests in any subsequent enforcement. Normally a premises subjected to an injunction will have the injunction displayed on a fence or post and the police should point this out to protestors they are interacting with. If a breach occurs, the police should warn the person(s) to desist immediately or their actions may result in arrest. A reasonable amount of time should be given to comply.

- Clear breaches of this injunction, without reasonable excuse, may be dealt with either by contempt of court or by way of arrest and prosecution (the options are alternative and exclusive).

· *Points to prove regarding breach of an injunction:*

- The person had actual knowledge of the injunction

- The person committed a clear breach of the injunction terms

- The person committed the breach without reasonable excuse

Sec 14 Public Order Act 1986**Public assemblies**

If the senior police officer present reasonably believes that the time or the place at which, and the circumstances in which, any public assembly is being held, or is intended to be held may result in:

- Serious public disorder,

or

- Serious damage to property,

or

- Serious disruption to the life of the community,

or

- Organizers of the assembly intend to intimidate others with a view to compelling them not to do an act that they have a right to do or compelling them to do an act they have a right not to do

Then the senior police officer present may give directions imposing conditions on the persons organizing or taking part in the assembly, which relate to:

- The place where such an assembly is being held, **or**

- The maximum number of persons who may constitute it, **or**

- The maximum duration of the assembly,

as may be necessary to prevent disorder, damage, disruption or intimidation.

In pre-planned assemblies the Chief Constable by way of a written authority may impose the above conditions in order to prevent the above offences taking place.

A public assembly means an assembly of two or more people in a public place which is, wholly or partly, open to the air (section 16 Public Order Act 1986).

A public place means any highway (in Scotland any road within the meaning of the Roads (Scotland) Act 1984), and any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (section 16 Public Order Act 1986).

There is a clear difference between pre-planned and spontaneous processions and assemblies. For pre-planned events, the Chief Constable/Commissioner (or designated ACPO officer), by way of a written authority, may impose conditions to prevent serious disorder, serious damage, serious disruption to the life of the community or intimidation. Seven days minimum notice to the police must be provided by the organizer(s) of processions. (There is no such notification requirement for assemblies, although it is good practice for those organizing assemblies to communicate their plans to the police).

For spontaneous incidents, it is the senior police officer present at the incident - this can be a constable, which can sometimes cause confusion as it is contrary to the established bronze, silver and gold chain of command and associated decision making. It is the senior officer at the scene who is empowered to impose conditions provided the correct evidence is present, not a silver commander who may be absent from the scene elsewhere.

The officer has to specify to the individual(s) and evidence in their notes which occurrence they are seeking to prevent, i.e. disorder and/or damage and/or disruption and/or intimidation. If the officer is imposing conditions to prevent serious disruption to the life of the community it is good practice to describe both to the individual(s) and in their notes what that community is. A small invited audience may not amount to a community. The word community has a broader meaning of the 'community at large'. Each time the power is used has to be justified on its own merits, i.e. there is no roll-on authority that exists from one day to the next.

Appendix (H)

Constables Oath or attestation

"I, ... of ... do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law.

Appendix (I)

Animal rights extremist incidents in Europe 2010

Date	Target	Country	Incident	Claim
05/01/10	Fortress Investments	Germany	Incendiary devices placed under a vehicle at home address of Fortress Vice President	MFAH
09/03/10	Astra Zeneca	Sweden	Incendiary device placed under vehicle at home address of Astra Zeneca executive	DBF
24/04/10	Bayer	Sweden	Red paint thrown and slogans spray painted on building walls, including "Drop HLS"	DBF
23/07/10	Novartis	Spain	Criminal Damage at home address of Novartis associate. Red paint sprayed on wall of apartment block - "Novartis = HLS"	Anon
01/08/10	Charles River	Italy	Individuals disrupted cutting through perimeter fence. Incendiary device abandoned	Unclaim
13/08/10	Bayer	Sweden	Claim of red paint thrown and	DBF

			slogans painted on building walls	
25/10/10	Nomura	France	Claim of two petrol bombs placed under vehicle of Nomura director	Anon
30/10/10	Nomura	France	Claim that car belonging to Nomura director at home was burned down on 30/10/10	Justice Dept
05/11/2010	Nomura	France	Claim that vehicle parked at home address of Nomura was burned down	ALF
20/11/10	Nomura	Sweden	Claim of damage to windows, doors and bikes	ALF
29/11/10	Fortress Investments	Germany	Graffiti at home address and in neighbourhood of Fortress Vice President.	ALF
29/11/10	Nomura	Germany	Vehicle belonging to Nomura Managing Director burned down at home address	MFAH
30/11/10	Fortress Investments	Germany	Graffiti written "animal abuser" and red paint thrown at apartment of Vice President	ALF
02/12/10	Nomura	Germany	Graffiti on apartment of	ALF

			Managing Director	
09/12/10	AstraZenica	Germany	Four incendiary devices placed at training building in Wedel.	Biteback
11/12/10	Gagfah	Germany	Claim that Gagfah a housing company is owned by Fortress. Claim of windows being smashed	ALF
12/12/10	Biomatech	France	Large fire at Biomatech offices. Claimed one month later by ARM	ARM

Note:

ALF = Animal Liberation Front

ARM = Animal Rights Militia

Biteback = Biteback website

DBF = Djurens Befrielse Front

JD = Justice Department

MFAH = Militant Forces Against Huntingdon (Life Sciences)

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