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One good thing can come of Mark Kennedy saga - disbanding of ACPO

The Association of Chief Police Officers allows police to act like Guardia Civil under Franco: for the powerful, against the public

● [Mark Kennedy: Confessions of an undercover cop](#)



Undercover cop Mark Kennedy, whose bosses were answerable to the ACPO. Photograph: Philipp Ebeling for the Guardian

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Here are the results so far of the undercover surveillance operation the police conducted against a group of climate change activists:

- one [trial abandoned](#), at great expense
- 20 people subject to what looks like a miscarriage of justice, at even greater expense
- a further £1.75m squandered on an operation whose purpose remains inscrutable
- a number of women sexually exploited, apparently with the blessing of the state

- the life of at least one person (the undercover cop Mark Kennedy) **irredeemably ruined**.

All for what? To spy on a group described by the judge as "decent men and women with a genuine concern for others" who "acted with the highest possible motives". They were prepared to be held to account for their actions and they offered no threat to life or limb.

Yesterday, Keir Starmer, the director of public prosecutions, **did something almost unprecedented**: he asked people convicted in an English court to appeal against their convictions. He did so because the report he commissioned into the trial of 20 environmental campaigners (who planned to enter the Ratcliffe-on-Soar power station in Nottinghamshire to protest against its contribution to climate change) suggests that their conviction is unsafe. The question marks have arisen because the police failed to disclose some crucial evidence: that the protesters' plan was hatched with the help of undercover officer Mark Kennedy, who had been engaged to spy on these gentle, public-spirited people for seven years.

There is little doubt that the 20 will win their appeal. But that is just the beginning of what needs to happen. There's an even more important task: to hold to account the people who commissioned this farce.

Kennedy was **run by the National Public Order Intelligence Unit**. This is a body composed largely of police, but at the time it wasn't under the control of a police force. It answered instead to an organisation whose continued existence is an affront to both democracy and justice: the **Association of Chief Police Officers (ACPO)**. It is not a public body, but a private limited company. It is **not subject to freedom of information requests or democratic scrutiny**. It funds itself partly through the state monopoly it has been granted by the government to sell public property - the kind of Royal licence that Charles II used to issue. For £70, it flogs items of data from the police national computer that cost 60p to retrieve.

With these funds it has been running what is, in effect, a private militia in the United Kingdom. Until the Kennedy revelations made its role impossible to sustain, it controlled a number of police units, employing public servants to perform tasks over which there was no direct state control. As so often happens where accountability fails, the units worked for those who have power, against those who don't.

They collaborated closely with large corporations, particularly with large corporations that are damaging the public interest. We know that two of ACPO's bodies - the National Public Order Intelligence Unit and the National Extremism Tactical Co-ordination Unit (NETCU) - have **worked with companies running coal-burning power stations** to prevent them from being held to account.

Their activities go far beyond the constitutional role of the police, straying into work that is blatantly political. When, for example, local people in Oxfordshire protested peacefully against RWE npower's plan to fill the beautiful lake where they swam and picnicked with pulverised fly ash from

Didcot power station, NETCU slapped them on its list of "domestic extremists". They had broken no laws and done nothing extreme.

Watching the Mark Kennedy story unfold, and seeing the failure to properly investigate phone hacking at Rupert Murdoch's News of the World it is becoming obvious that police chiefs in this country are out of control. They appear to see their role as protecting corporate power against the people, regardless of what the law says. To this end they are spending both public money and private money extracted from public hands, without obvious lines of accountability or constitutional authority.

They are behaving as you would have expected the Guardia Civil under Francisco Franco to behave: working for private interests against the public interest.

If some good is to emerge from the outrageous Kennedy saga, it must start with the disbanding of the ACPO. Though it has now lost some of its powers, it remains a sinister and undemocratic organisation. There is no role for a private company overseeing public policing, especially a private company run by senior public servants.

The police chiefs who commissioned the spy rings run by ACPO's organisations must be held to account. If they have broken the law, they must be put on trial. Only then will we have some chance of believing that the law applies to everyone, and is not the exclusive property of corporations and secretive chief constables.

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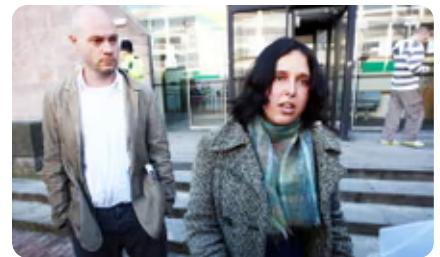
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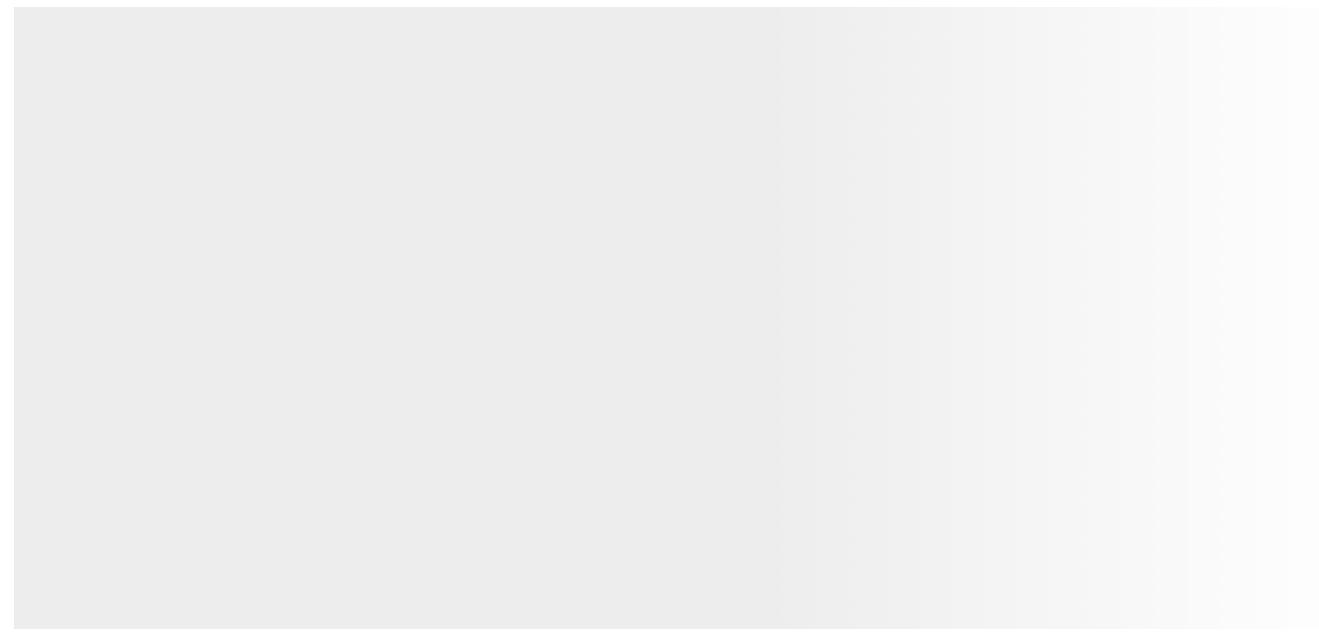
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