

The successes and failures of policing animal rights extremism in the UK 2004–2010

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Gordon Mills joined the Metropolitan Police Service in 1981. In 1987, he transferred to Cambridgeshire Constabulary, where he served within a variety of disciplines encompassing both uniform and detective duties as a middle manager. There he witnessed first hand the Stop Huntingdon Animal Cruelty campaign directed against Huntingdon Life Sciences. In 2003, he returned to the Metropolitan Police Service to a homicide unit, before serving within the Crime Academy and then finally in a national police agency under ACPO(TAM) dealing with domestic extremism. Gordon holds a BA (Hons) in environmental studies and a MA in education. He retired in 2011 and is currently conducting research for a professional doctorate in policing, security and community safety with London Metropolitan University concentrating on animal rights extremism.

ABSTRACT

This paper considers animal rights activism and associated extremism in the period 2004–2010 in the UK, and proposes that this post-2004 period witnessed a new era in animal rights extremism. It is argued 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. Animal rights activism and linked extremism have now been effectively brought under control, but, collectively, ‘protest law’ has been altered. In some cases, the law has been misused 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 by civil litigation against it, failed prosecutions in the courts and the possible exposure of individual officers to misconduct procedures. Most damaging of all is the damage to its reputation as a service dedicated to impartially serving the interests of the community of which it is part.

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. Some of the protests were carried out by well-meaning animal welfare groups who wanted the government to listen to their view that, in a civilised society, animal experimentation was both ethically and morally wrong. However, within certain groups, there were individuals who believed that the only way to effect change was through threats, harassment, intimidation and more serious offences such as contamination threats, blackmail and the use of improvised explosive devices. Their actions, although carried out for essentially the same reasons as the peaceful protest groups, now constituted serious directed criminality. Some 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 operations ‘Forton’ and ‘Aries’.¹ The small minority that represented this group were termed ‘animal rights extremists’ and they and other protest groups who committed crime in furtherance of their ideology came under the government inspired labelling of being described as ‘domestic extremists’.

Because of the pressure brought to bear on the government in 2004 by the chief executive officers (CEOs) of the major Japanese pharmaceutical companies based 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. The choice presented to the government by the industry was simple — address this growing problem of harassment and intimidation or face the prospect of major companies in the

pharmaceutical and biotechnology sector withdrawing their business from the UK, with the obvious financial consequences and loss of reputation that would inevitably follow.

This paper will argue that post 2004, the UK witnessed a new era in animal rights activism and associated extremism. 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 civil liberties and community safety values of today.

TO SET THE SCENE

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 collective 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, that the government realised the enormity of the problem and the threat to the country’s economy and reputation, and acted positively. In this sense, it could be described as a ‘Cinderella’ crime — ‘one that unexpectedly achieves recognition or success after a period of obscurity and neglect’ (Cinderella, n.d.).

However, the effect of the overall police and industry response was to inadvertently redefine the extremists’ own tactics to focusing on secondary and tertiary targets, especially the financial sector that supports the primary target. The government and the police cast the activities of animal rights extremists under the grouping of ‘domestic extremism’, with its principle targets listed as contract research organisations, universities, farming, fur shops, establishments

selling foie gras, hunting with dogs and live exports. The expression domestic extremism, however, was too broad and use of the word ‘extremism’ too synonymous with that of terrorism. This paper argues that the broad definition allowed the police to act effectively towards both animal rights activists and extremists in their main objective of reducing animal rights extremist threats to the UK, by proactively using a preventative, intelligence and enforcement strategy. The police sought to control the animal rights extremist threat by utilising statute law and were deliberately steered away from charging offences under the Terrorism Act 2000 (TACT) by the government, for fear of diluting the importance and seriousness of that legislation. 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.

The positive robust policing action taken against these groups perversely allowed a whole plethora of different laws to be utilised, 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. 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. This paper suggests that the definition of organised crime (as practised by animal rights extremists) be reassessed to include one that mimics the structure, but is not dependent on a financial motive, intention or outcome.

The police operation(s) as supported by the government, the Crown Prosecution Service (CPS) and industry have been successful in reducing animal rights extremist

activity in the UK. However, 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 domestic extremism by the police has sometimes been indiscriminate between activism and extremism, creating an imbalance that is ultimately unhealthy for our democracy. In some cases, the police have acted disproportionately in maintaining community safety in the pursuit of extremism — as in the case of utilising undercover officers in protest groups (HMIC, 2012).

The success of the overall police operation against animal rights extremist has been to displace the problem abroad to ‘softer targets’, particularly to Europe who are currently ill-equipped to deal with animal rights extremism. 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 the police 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.

DEFINITIONS

It is useful to offer definitions of terms such as ‘activist’, ‘extremist’ and ‘domestic extremism’, because they assume critical meaning when considering animal rights and protest. Both activist and extremist are easily interchangeable terms in the context of directed animal rights 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 organisation’ (Activist, n.d.).

Retired law lord, Lord Hoffman,² argued on BBC Radio 4 in 2009 that there has

always been a judicial 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. Interestingly, he went on to comment that he was 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. Considering this judiciary response to minor protest, this paper suggests 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.

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 7 July 2005 bombings in London, when the government published the report *Preventing Extremism Together*, which was aimed primarily aimed at preventing extremism in the Muslim community (Home Office, 2005). The *Collins Thesaurus* 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’ (Extremist, n.d.).

The rise in violence associated with protest groups, both in the UK and elsewhere in 21st century, prompted law enforcement to adopt new definitions in response to extremist actions carried out by single-issue

protest groups. A term that appears to be gathering increased popularity among journalists is that of ‘eco-terrorism’. Liddick (2006) 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’ (p. 9). However, ‘eco-terrorism’ is not a term recognised in UK policing, where the term ‘domestic extremism’ is used to describe similar acts:

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. (National Domestic Extremism Unit, 2012)

There are continuing problems, however, in using such an emotive term when seeking to describe protest campaigns. Milne (2009) believes that, because no definition has been given to the term ‘extremism’ in the UK, it provides a much broader meaning than terrorism and therefore can be open to abuse by the State.

THE THREAT OUTLINED

The situation that the government and police faced in 2004 was that of being under severe pressure. So effective had the animal rights movement become in the early 2000s in the targeting of animal research organisations, the people they employed and some of the services that supported them, that by March 2004 the problem had reached epidemic proportions.

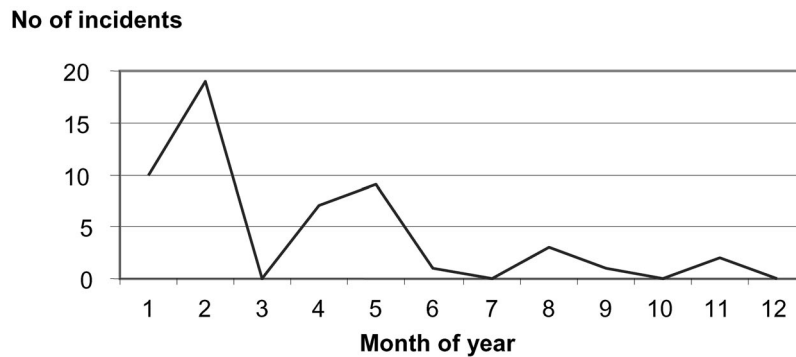
In England and Wales, for example, up to 50 home visits by activists were recorded in March alone (Lait, 2004). Such was the level of concern among the pharmaceutical industry in the UK that an ultimatum was made to the government that, if the situation was allowed to go unchecked, consideration would be made to withdraw its business. At the time, the UK biotechnology sector was the largest in Europe and second only to the USA. In 2003, the combined pharmaceutical and biotechnology sectors comprised 455 companies employing nearly one million personnel, created 224 new drugs that were either in clinical development 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. If the pharmaceutical industry withdrew its investment from the UK, it would likely cost £18.5 billion (or €25.9 billion) to replace this market (Setchell, 2010).³

Analysis of the available data on home visits and secondary targeting in 2004 reveals how animal rights extremists adapted their tactics of targeting in the face of mounting resistance by the industry to protect their businesses, premises and employees. There was a sea change in the strategic tactical direction of these groups, who had 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 organisations were referred to as ‘suppliers’. SHAC was careful to encourage activists to target companies using only 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 over that period. A comparison of Figures 1 and 2 shows that, as home visits against Japanese employees decreased, they increased against those ‘supplier’ type organisations, suggesting a strategic change in the redirection of targeting. This reflects a decision within the leadership of the SHAC campaign to divert attention away from the large Japanese corporations to smaller companies that supply services to the primary target of Huntingdon Life Sciences (HLS). Possibly this change in tactics was in response to the civil injunctions that had been granted to seven

Figure 1
Home visits to employees of Japanese and related companies, 2004 UK (data supplied by NETCU)



No of incidents

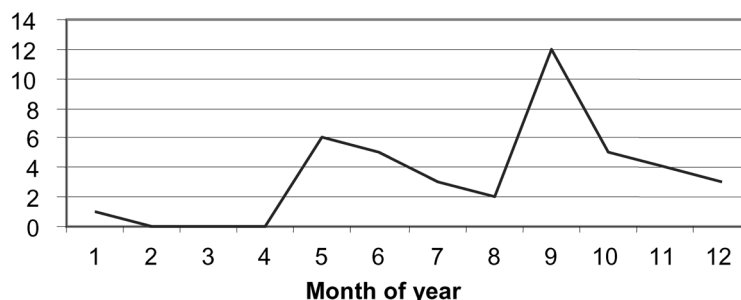


Figure 2
Home visits to Japanese
'supply companies',
2004 UK (data supplied
by NETCU)

of the Japanese organisations in 2004, including HLS itself in 2003. SHAC realised 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 realisation 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 courts.

This targeting of secondary and tertiary targets linked to the primary target was extremely effective. On Monday 13 December 2004, the SHAC website reported that 100 supply companies had terminated contracts with HLS since the beginning of that year, which was a stated goal of the campaign. In February 2004, all 19 home visits with criminal damage occurred against only three Japanese pharmaceutical companies. In September 2004, 13 were perpetrated against employees of seven totally unrelated, very different types of company, ie, 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, p. 1).

Post-2004 saw this trend continue and become more sophisticated, especially towards the financial sector such as banks and financial companies who invested in those biotechnology industries subjected to targeted campaigns. This was particularly so in the period 2006–2009, when a total of 287 incidents were 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. In the second half of 2008, SHAC changed the emphasis of its actions towards Barclays Bank in its efforts to damage HLS financially because of its shareholding standing.

For those companies that buckled under the campaigns, capitulation has been seized upon by social media outlets such as 'Indymedia' and 'Biteback' to prove that their campaign against the primary target was succeeding. Such sites have assumed pivotal importance in advertising direct action initiatives and allowing organisers to promote 'pop-up' demonstrations that inevitably move on before a police response can be mobilised. Twitter and Facebook has also been used effectively for this purpose.

In 2004, there were structural problems to be overcome before the tripartite unit response of the National Public Order Intelligence Unit (NPOIU), the National Domestic Extremism Team (NDET) and

the National Extremism Tactical Coordination Unit (NETCU) could become fully effective. Having set up NDET and attracted other staff, the newly appointed National Coordinator for Domestic Extremism (NCDE), Assistant Chief Constable Setchell, immediately drew upon the experience and knowledge of NETCU, especially its links to industry. What was missing was the intelligence link to feed NDET and NETCU. The NPOIU was to provide this vital contribution, however, it was an ‘old fashioned’ Special Branch unit under the Met’s SO12 department and at this stage Assistant Chief Constable Setchell was not the unit head. Indeed, he did not become the unit head until two years later after his appointment as NCDE. The difficulty was that if you were not a Special Branch officer or unit, the NPOIU would not pass on its intelligence because of its intelligence protocol, therefore the immediate response to fighting animal rights extremism was structurally flawed. In an effort to get over the initial problems of no intelligence flow, NDET developed its own intelligence cell to assist in the management of investigations and promote harm reduction initiatives nationally. When the three units finally passed under the command and control of the NCDE, intelligence on animal rights extremists finally began to flow freely between the units. This situation was improved by NETCU, which had set up special reporting procedures within local forces to collect information on all animal-rights-linked incidents to improve the overall national picture and identify linked crime.

GENESIS OF A POLICE RESPONSE

At the beginning of 2004, the police and government were faced with both old and new challenges: on the one hand, new challenges in relation to emerging well-directed domestic extremism groups with

an online presence; on the other hand, traditional poor practice of failure to collate, assess and share intelligence accurately (Sheptycki, 2000). 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 described by Stenning (2009) that defined its success by the direct reduction of animal rights incidents and crimes. Parts of the criminal justice system collaborated to tackle a problem that was threatening an industry that was seen as essential to the economic future of the UK. This collaboration witnessed the emergence and realignment of existing specialist national units namely, NETCU, NDET and NPOIU. Preventative and security literature was distributed to private industry including the 2006 Home Office issued guide ‘Extremism: Protecting People and Property’, later rewritten and titled ‘Beyond Lawful Protest — Protecting Against Domestic Extremism’. This initiative took place in conjunction with increased intelligence gathering and proactive enforcement. Crucially, a national coordinator was appointed to integrate the police response to domestic extremism and animal rights extremists. He reported both to a higher policing group, the Association of Chief Police Officers – Terrorism and Allied Matters or ACPO(TAM), and the government. Industry also began increasingly to communicate security and preventative good practice with the formation of groups such as the Pharmaceutical Industry Security Forum (PISF). Targeted companies were encouraged to take out injunctions against prominent animal rights campaign groups and their members under Section 3 of the Protection from Harassment Act 1997, a breach of which constituted a criminal offence.

To enable the police to adopt such a

robust approach, significant changes in protest law were passed by the government, aimed directly at reducing and controlling animal rights extremists. For example, Section 145 of the Serious Organised Crime and Police Act 2005 created the offence of ‘interference with contractual relationships so as to harm animal research organisations’ (ARO). Section 146 of the same Act creates an offence of ‘threatening someone that they will be the victim of a crime or tortious act causing loss or damage, because they are linked to an ARO’. The effect of the new legislation was to make tortious acts such as slander and libel committed with the necessary intention and which caused loss or damage, a criminal offence. ‘Commercial links’ did not have to be formal signed contracts: for example, the use of a milkman to deliver milk or a taxi company to collect employees qualified under the act, and ‘harm’ meant hindering in any way the operations of such an organisation. The expression ‘persons linked to an ARO’ is, however, alarmingly wide in application. The legislation sets out a wide group of persons who are connected to AROs such as employees, suppliers, customers and owners. It also includes people related to or known to these people. 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 of the Criminal Justice and Public Order Act 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. In 2005, however, the Serious Organised Crime and Policing Act extended this provision two ways. First, Section 42A created the free-standing offence of harassing someone in the vicinity of their home. Second, 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, Morris, Craig, & Greenhall, 2012).

This author believes that the examples provided have created an unnecessary restriction on the rights of peaceful protest by being overly broad. Other legislation used by the police would confirm how broad general ‘protest law’ has become, for example, aggravated trespass under Section 68 of the Criminal Justice and Public Order Act 1994 was amended by Section 59 of the 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 20 to 2; and Section 50 of the Police Reform Act 2002 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. 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? There appears to be a huge conflict here in the law — what justification is there 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?

IMPLICATIONS FOR HUMAN RIGHTS

The incorporation of the European Convention on Human Rights (ECHR) into UK law through the Human Rights Act 1998, 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. Considering that Section 6(1) Human Rights Act 1998, directs that public authorities must not act in a way which is incompatible with a convention right, it becomes a reasonable assumption that the guarantees provided by Articles 10 and 11 now mean that the UK Government has to ensure its free allowance. It therefore logically follows that such a right to protest is now in theory directly enforceable in a domestic court of law. Fenwick (2007) comments however that the European Court of Human Rights (ECtHR) has been initially slow and in some cases indifferent towards supporting these rights.

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. Domestic courts have to interpret

public order legislation in a way that is compatible with Convention rights which include Articles 10 and 11. Section 2 of the Human Rights Act 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. In other words European case law is now a persuasive authority in proceedings before any UK court and will continue to be so as more cases regarding protest are brought before it.

However, within the UK judicial system, there appear to be two major flaws for anyone who carries out a protest seeking protection from abuse of police powers. In the UK, the majority of protestors are arrested for relatively minor offences, such as Section 5 of the Public Order Act 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 within 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 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/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 breaches through ‘judicial review proceedings’. Freeman (2011) believes that, historically, such challenges to the ‘system’ have an up-hill struggle to succeed. If this procedure is activated, it will force the

public authority, in defending their actions, to rely upon the qualifications for limitation under Articles 10 and 11 of the ECHR. The rights to freedom of expression and assembly are not absolute, but are rather 'qualified' rights. These exceptions 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. The ECtHR 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.

This paper proposes that the fine balance between the right to peacefully protest and the police's 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 the exception qualifications contained within Article 11(2) of the ECHR. This comment has been endorsed on a practical basis by Gilmore (2010) who noted that over the past few years there has been a dramatic shift towards an increasingly authoritarian style of protest policing in Britain.

One of the major reasons why such an imbalance exists and continues to be perpetuated is because of the initial police reaction to a protest incident, especially at the first response level. Clearly, some officers have had limited or no training in practical human rights protest policing. Fears as to police training in this respect

were vocalised by HMIC in its report *Adapting To Protest* after the G20 protest in London that same year (HMIC, 2009). A strong recommendation was provided for regular, relevant and up-to-date human rights considerations being integrated into other police training. If forces comply with such a recommendation, this will promote a new decision-making model upon the suggested lines as in Figure 3. This paper proposes that if such a model is adopted and the 'thinking rationale' of officers taking action is properly evidenced in their notes, this would reduce the threat to the police service in its interaction with protestors where officers sought to reduce or restrict such rights.

CONCLUSION

The government and the police would claim that their efforts to reduce animal rights extremism between 2004 and 2010 have been a success. An interactive 'partnership' approach, helped to control a problem of animal rights extremists that was described by the NCDE in 2004 as being in crisis. Animal rights activity is currently at an all-time low (Figure 4). The prosecution of leading members of the SHAC and SPEAK campaigns in police operations such as Forton and Aries helped to disrupt their organisations and promote a sense of fear among its supporters. The immediate threat of the transference of biotechnology business to overseas locations was removed. The three units of NETCU, NCDE and NPOIU, under the leadership of a NCDE had eventually overcome their initial 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. However, in balancing such a success, there has also been failure.

Figure 3
Theoretical decision-making model incorporating human rights considerations

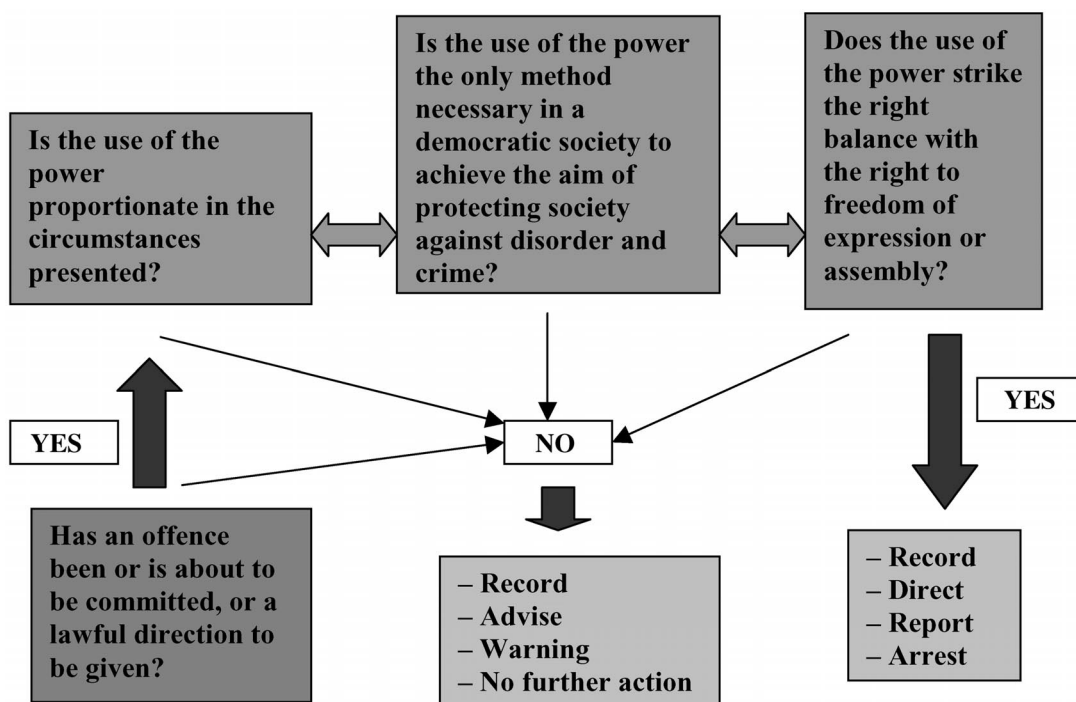
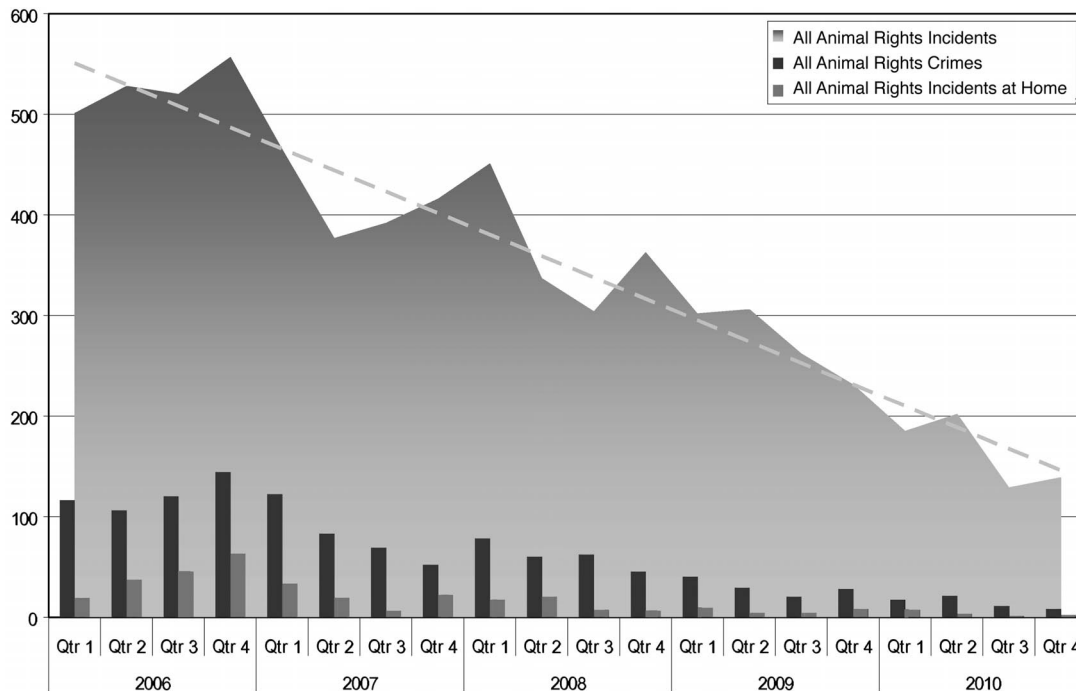


Figure 4
All 'animal research incidents' 2006–2010
(data supplied by NETCU)



Clearly, the conglomeration of key members of the criminal justice system 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 right to protest and the police duty in maintaining the peace has been fundamentally altered, and an imbalance remains which is unhealthy for our democracy. The privatisation of the law in regard to trespass and injunctions to criminalise protest have helped to promote this imbalance 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 animal rights extremists and it has also witnessed the displacement of animal rights extremists abroad. As the police robustly applied the law to contain animal rights extremists, they inadvertently pushed the campaign organisations' leaders to adopt new tactics and become innovative in the use of technology and the social media 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. There has been a clear steer from government and senior police leaders that in reducing animal rights extremism, the Terrorism Act 2000 should be avoided and instead normal statute law be adopted to impact upon the problem. No animal rights protestor has been charged with terrorism offences during the period under consideration.

It is important to recognise that in a democratic society, the right to protest and demonstrate are a fundamental and vital part of the democratic tradition. Animal rights campaigners are entitled to be seen and heard and to take their protests to the streets. However, the dangers of extremism within the animal rights movement are clear to see. Extremist elements have been

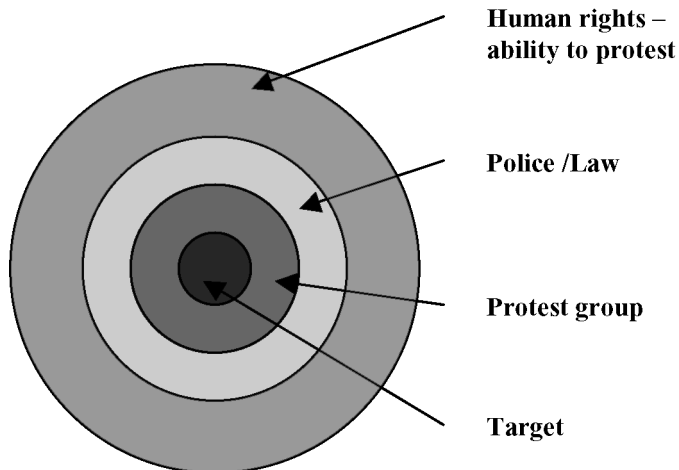
very effective in their use of varying tactics to criminally target primary organisations such as HLS. They have effectively created a fear among personnel working within these industries and the services that support them that they will be subject to intimidation and harassment for carrying out their jobs which they are legally entitled to do. Some animal group members have clearly abused their rights to protest by carrying out organised campaigns with criminal intentions. This has inevitably brought a reaction from the government which sees 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 biotechnology industry that is showing all the signs of global growth against a background of recession.

UK activists prepared to resort to extremist actions that involve serious crime, may number fewer than 20–25 people (Alderson, 2009). 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, regarding what their responsibilities are when they are involved in policing protests. Adoption of a decision-making model incorporating human rights considerations in respect of policing protest will help the police to deflect any threats already outlined.

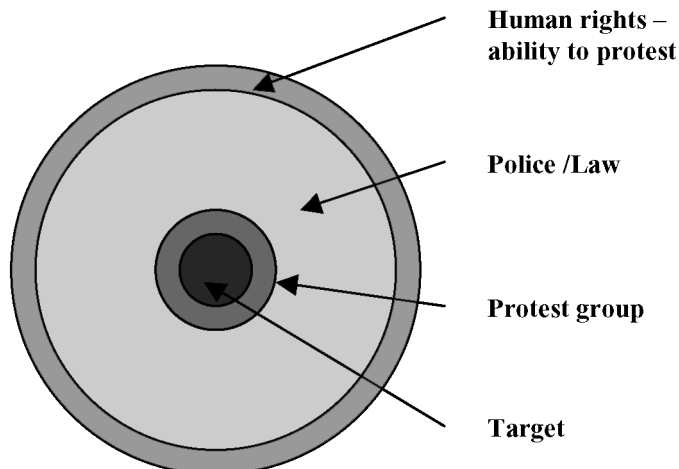
It is prudent to ask at this juncture where the UK currently sits in its response to animal rights protests and indeed other protest campaigns. An appraisal of the interactive situation regarding protest can be demonstrated by the use of concentric circles that describe the dynamic relationship between police and activist activity, their effects on human rights and the target organisation (Figure 5). This paper suggests that in a healthy democratic situation,

Figure 5
Concentric circles of
dynamic reaction within
protest

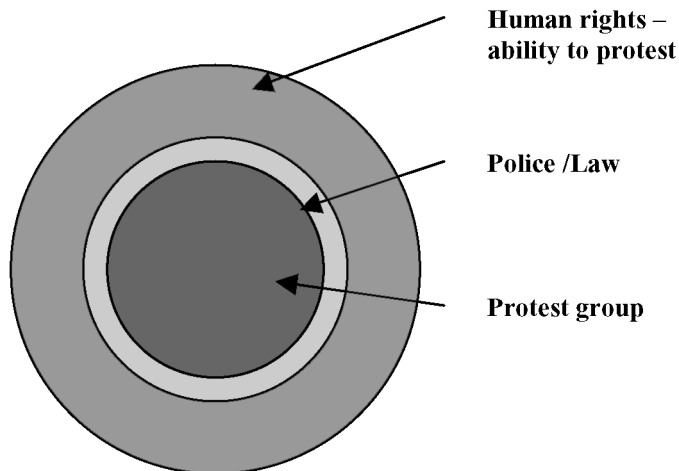
Model (a)
Normal
concentric
circles of protest
before, during
or after protest
activity.
'Healthy' for
democracy



Model (b)
Concentric circles
of protest after
successful police
and government
response to reduce
activist/extremist
elements.
'Unhealthy' for
democracy



Model (c)
Concentric
circles of protest
after successful
activist and
extremist
targeting.
'Unhealthy' for
democracy.



Model (a) would perhaps best describe the dynamic equilibrium between the groups as being equally balanced. However, should the police become too ‘successful’ in their preventative, intelligence and enforcement strategy then the model becomes distorted, as in Model (b). 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, Model (c) reflects a situation where the extremists have triumphed and a targeted organisation has been closed down. This too is an unhealthy model for democracy.

Evidence within this paper suggests we are moving towards Model (b), simply because the safeguards of the domestic courts and the ECtHR are not functioning as they should in the protection of human rights regarding protest. It is only by the criticism of bodies such as the Independent Police Complaints Commission (IPCC), Her Majesty’s Inspectorate of Constabulary (HMIC) and government parliamentary committees on human rights that the police are held in some form of check — but this is an unsatisfactory position for effective governance of such an important subject.

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.

NOTES

1 In 2004–2009, a major police investigation was conducted into the criminal activities linked to SHAC, led by five south-eastern police forces where animal rights extremists 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. Prominent members of the SHAC leadership were arrested and charged with serious offences such as conspiracy to blackmail for which they received substantial prison sentences.

2 Lord Hoffman, retired Law Lord, interviewed on the BBC Radio 4 programme *Unreliable Evidence* speaking on the Law and Protest (20 May 2009).

3 Assistant Chief Constable Anton Setchell, a Thames Valley officer, was appointed NCDE in 2004 where he served until his retirement in 2010.

REFERENCES

- Activist. (n.d.). *Macmillan Dictionary online*. Retrieved March 12, 2012, from <http://www.macmillandictionary.com/dictionary/british/activist>
- Alderson, A. (2009, 17 January). The men who stood up to animal rights militants. *The Telegraph*. Retrieved May 12, 2010, from <http://www.telegraph.co.uk/news/uknews/law-and-order/4276376/The-men-who-stood-up-to-animal-rights-militants.html>
- Boggan, S. (2006, August 1). Money talks. *The Guardian*.
- Cinderella. (n.d.). *The Free Dictionary*. Retrieved from <http://www.thefreedictionary.com/Cinderella>
- Donnelly, J. (2002). *Universal human rights in theory and practice*. Ithaca, NY: Cornell.
- Extremist. (n.d.). *Collins Thesaurus online*. Retrieved March 12, 2012, from <http://www.collinsdictionary.com/dictionary/english-thesaurus/extremist>
- Fenwick, H. (2007). *Civil liberties and human rights* (3rd ed.). London: Cavendish.
- Freeman, M. (2011). *Human rights (Key concepts)*, Bristol: Polity.
- Gilmore, J. (2010). Policing protest: An authoritarian consensus. *Criminal Justice Matters*, 82, 21–23.
- HMIC. (2009, July 5). *Adapting to protest*. Retrieved May 8, 2010, from <http://>

- www.hmic.gov.uk/media/adapting-to-protest-20090705.pdf
- HMIC. (2012). *Press release #004/2012 – Stronger controls needed for undercover deployments that tackle criminality associated with public order and domestic extremism*. Retrieved April 14, 2012, from <http://www.hmic.gov.uk/news/releases-2012/0042012-stronger-controls-needed-for-authorisation-of-undercover-deployments-that-tackle-criminality-associated-with-public-order-and-domestic-extremism/>
- Home Office. (2005). *Preventing extremism together*. Retrieved July 12, 2010, from <http://www.communities.gov.uk/documents/communities/pdf/152164.pdf>
- Lait, J. (2004). *Animal rights extremism*. Questions to Caroline Flint: Parliamentary Under Secretary of State for the Home Department, in House of Commons. Retrieved February 13, 2012, from <http://www.publications.parliament.uk/pa/cm200304/cmhansrd/vo040707/halltext/40707h02.htm>
- Liddick, D. (2006). *Eco-terrorism: Radical environmental and animal liberation groups*. Westport, CT: Praeger.
- Mead, D. (2010). *The new law of peaceful protest: Rights and regulation in the human rights act era*. Oxford: Hart.
- Milne, S. (2009, February 16). We are all extremists now. *Guardian*. Retrieved June 23, 2011, from <http://www.guardian.co.uk/commentisfree/2009/feb/16/extremism-arrests-police-liberty-central>
- National Domestic Extremism Unit website. (2012). Retrieved March 13, 2012, from [http://www.acpo.police.uk/NationalPolicing/NationalDomesticExtremismUnit/AboutN EU.aspx](http://www.acpo.police.uk/NationalPolicing/NationalDomesticExtremismUnit/AboutN%20EU.aspx)
- Sheptycki, J. (2000). *Issues in transnational policing*. London: Routledge.
- Stenning, P. (2009). Governance and accountability in a plural policing environment — The story so far. *Policing*, 3, 22–33.
- Wainwright, T., Morris, A., Craig, K., & Greenhall, O. (2012). *The protest handbook*. Hywards Heath: Bloomsbury.