

Britain: Serious Disruption Prevention Orders are the start of a new chapter of repressive police surveillance

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Like previous government restrictions on an individual's liberty to 'protect the public', Serious Disruption Prevention Orders are the end-point of increasing state repression

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The inclusion in the [government's new Public Order Bill](#) of new Serious Disruption Prevention Orders – banning individuals from attending, organising, or promoting disruptive protests – has attracted a degree of media attention because it would allow the courts to enforce wearing an electronic ankle tag to prevent someone from participating in protest activities.

This has been rightly condemned as a threat to human rights from both [civil liberties groups](#) and some on the [political right](#). Our friends at Big Brother Watch have launched [a petition](#) against the proposed use of electronic tags.

Home Secretary Priti Patel justifies the new powers in the bill by saying they will “*empower the police to take more proactive action to protect the rights of the public to go about their lives in peace*”. She forebodingly [described this](#) in the House of Commons as “standing up for the law-abiding majority” against “mob rule” (from what are avowedly “peaceful” protesters).

However, focusing on the evident iniquities of electronic ankle tags seems to look only at the outcome of Serious Disruption Prevention Orders and miss the bigger picture.

These banning orders will inevitably provide a justification and the impetus for a massive expansion of intensive surveillance on non-violent political movements using techniques designed for gathering intelligence on alleged terrorists.

Where did the idea for Serious Disruption Prevention Orders come from?

It is worth reiterating, once again, that [just like](#) the Police Crime Sentencing and Courts Act, these proposals to restrict protests originate from lobbying by the most senior levels of British policing, not from the government itself.

In its thematic review on [“how effectively the police deal with protests”](#) published in March 2021,

the HM Inspectorate of Constabulary, Fire & Rescue Services (HMICFRS) outlined nineteen proposals made on behalf of the National Police Chiefs Council (NPCC) by the Metropolitan Police.

The Met's proposal 13 was to *"create protest banning orders (similar to football banning orders) where evidence of persistent disobedience and disruption is provided"*. The idea emerged from an NPCC "protest round table" meeting of senior officers on 6 June 2019 attended by, amongst others, the Home Office and HS2 Ltd, where opinions were split.

The HMICFRS report notes (pages 137-138) that one senior police officer believed that banning orders would *"unnecessarily curtail people's democratic right to protest"*. Another commented that a protest banning order is *"a massive civil liberty infringement"*.

In the report, the official Home Office response to this proposal discounted it as unworkable because it was *"unlikely that a court would issue a high penalty to someone who is peacefully protesting"*.

Government officials also said that a banning order would target a relatively small number of campaigners: the Home Office response says police had identified *"circa thirty environmental activists who travel the country orchestrating protests and taking direct action"*.

Surveillance on 'aggravated activists'

Critically, however, the HMICFRS report also notes one senior officer who *"reflected that the police would need to improve their public order intelligence capabilities to allow the proposal to work in practice"*.

This is the essential cause for concern with Serious Disruption Prevention Orders. To build a case for bringing an order against one of the small numbers of non-violent protesters the police say they have identified, officers will seek to gather intelligence on hundreds of people in the movements they are part of, on the people they know and on the places they work – even if they personally have never committed any kind of unlawful activity.

It potentially means officers [turning up unexpectedly](#) at people's homes, questioning them for hours when [returning home from abroad](#) and even [targeting their families](#). All this has a 'chilling effect' on whether people feel they can continue to exercise their rights to demonstrate.

As [we highlighted in March 2021](#), it is Counter Terrorism Policing, a national unit responsible for investigating terrorist threats, who will lead this surveillance because the targets are classified as taking part in "high-level aggravated activism" – what was previously called ["domestic extremism"](#).

The definition of aggravated activism includes causing "an adverse economic impact to businesses" so counter-terrorism officers work closely with industry to build profiles on individuals. This is why HS2 Ltd is invited to round table events. It is why the trade association UK Onshore Oil and Gas met with counter-terrorism police in 2017.

Invariably this is much less about allegedly protecting members of the public from "mob rule" and more about defending powerful corporate interests.

Disrupting lawful activities

As alleged aggravated activists are *"travelling significant distances"* to attend and speak at

demonstrations, the HMICFRS report says *“better co-ordination of police operations to target them, through disruption of travel [our emphasis], arrest, and co-ordination of bail conditions, would likely have reduced their criminality.”*

This was an astonishing encouragement for the police to deliberately disrupt entirely lawful activities – and will potentially affect not only the unlucky thirty-odd “high-level” targets but everyone associated with them.

The national guidance for police contained in the NPCC’s Protest Operational Advice, [which we analysed recently](#), says *“where a peaceful protestor takes action which is designed and intended to disrupt the rights of others to go about their own lawful activity, this does not mean that the protestor is no longer able to rely on their Article 10 and 11 rights”*.

Yet warnings about the massive infringement of those rights, not just by creating Serious Disruption Prevention Orders but also the intelligence-gathering required to secure them, have been ignored.

This is why it is so important to resist the introduction of Serious Disruption Prevention Orders – not because they lead to ankle tags, but because they lead to increasingly alarming levels of intensive surveillance.

The Network for Police Monitoring

P.S.

- The Network for Police Monitoring. May 27, 2022:
<https://netpol.org/2022/05/27/serious-disruption-prevention-orders/>