



Freedom of Information, Information Compliance Unit, Kent Police Headquarters, Sutton Road,
Maidstone, Kent ME15 9BZ Phone: 01622 654413
Fax: 01622 654437 - e-mail: freedomofinformation@kent.pnn.police.uk

Ganesh Sittampalam
request-1601-c8b6f6f6@whatdotheyknow.com

Date: 17th September 2008
Tel No.: (DDI) 01622 654413
FOI Ref.: 6101-2008

Dear Ganesh Sittampalam,

FREEDOM OF INFORMATION REQUEST

I write in connection with your request for information received by Kent Police on 5th August 2008. I am conscious that this response arrives with you sometime after the twenty working day time limit permitted by the Act has expired and for this failure in our service I apologise.

Kent Police have received a number of information requests relating to the policing of the Climate Camp for Change near Kingsnorth Power station (Operation Oasis). A huge amount of information has been created after such a large operation and it has yet to be sorted or catalogued. As I am sure you can appreciate, this makes actually locating the information very difficult.

We recognise and respect the considerable public interest in our policing of the climate camp and we will shortly be publishing on our website a compendium of information including material relating to strategic and tactical considerations and decision-making, costs, numbers of arrests and articles confiscated during the operation.

I note you seek access to the following information:

"Please could you send me a copy of any internal advice for officers stating under what circumstances it is appropriate to confiscate people's property. I am particularly interested in anything that explains why you might confiscate a board game,"

I have attached at appendix 1 some of the relevant aide memoires and training/briefing information that was given to officers in their briefing packs.

Constables have a number of powers in law to search persons and confiscate items which they have reasonable grounds to suspect or believe may be used in the commission of offences. This will require that the constable considers each case separately, and must have grounds specific to each individual instance.

Section 1 of the Police and Criminal Evidence Act 1984 provides a police constable with the power to detain any person, in any place to which the public has access, if he or she has reasonable grounds for suspecting that stolen or prohibited articles (or sharply pointed or bladed articles) will be found. Any such article found during a search may be seized.

Section 1 of the Criminal Damage Act provides a similar power in respect of articles that may be employed in destroying or damaging property.

Section 60AA of the Criminal Justice and Public Order Act allows for a constable to require the removal of (and if necessary, seize) any items that the constable reasonably believes the person is wearing, or intends to wear, wholly or mainly for the purpose of concealing his or her identity. Officers are reminded of the need to include Human Rights and diversity considerations when determining to employ this power.

In the specific instance of the seizure of three board games, titled 'War on Terror', the games contained 'balaclava' style head coverings that could have been employed to conceal identity. During the policing of the operation, protestors were observed employing such head coverings as they reconnoitred the power station site during attempts to gain illegal access. The board games were seized from a vehicle under a general warrant issued on the 31st August. They were brand new and sealed and so were seized in their entirety rather than damaging the property to seize the suspect articles.

Once an article has been seized, it follows that no crime can be committed with that article, except where the possession of that article should itself be an offence. Kent Police's policy during the policing of this event was to seize items that it was reasonable to believe may be used in the commission of offences and thus prevent the offences being realised, it being preferable to prevent the offence than to arrest the person. In general, once the suspect items had been confiscated, the protestors were able to continue exercising their rights to lawfully protest.

Kent Police's intentions in policing the Camp for Climate Change are best expressed by the Gold Commander, Assistant Chief Constable Allyn Thomas in his strategy document for Operation Oasis:

"The intention of the police operation is to safeguard the rights of all persons involved in or affected by the protest. The public are entitled to peacefully protest in a free society and the police must safeguard this right. Others engaged in lawful economic activities should also be able to do so without hindrance or disturbance from protestors."

Strategic Objectives

- The protection of life
- The prevention of crime and disorder
- The facilitation of lawful protest
- The investigation of criminality, dealing proportionately and fairly with offenders and securing the best evidence for any prosecutions
- To minimise disruption to the local community and to provide reassurance more generally
- To ensure a swift return to normality

Thank you for your interest in Kent Police. A sheet, which summarised your rights, was enclosed with the acknowledgement sent to you and as suggested therein, should you have any further issues concerning this matter, please contact me quoting the reference number shown above.

Yours sincerely,

Nigel Amos
Freedom of Information Advisor