

STRATEGIC INCAPACITATION OF INDIGENOUS DISSENT: CROWD THEORIES, RISK MANAGEMENT, AND SETTLER COLONIAL POLICING

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Abstract. Engaging scholarship from sociologies of security to protest policing, this article explores how risk management and actuarial tools have been operationalized in Canadian policing of Indigenous protests. We detail RCMP actuarial tools used to assess individual and group risk by tracing how these techniques are representative of much older trends in the criminal justice system surrounding the management of risk, but also have been advanced by contemporary databanking and surveillance capacities. Contesting public claims of police impartiality and objectivity, we highlight how the construction of riskiness produces an antagonism towards “successful” Indigenous protests. Though the RCMP regularly claim to “protect and facilitate the right to lawful advocacy, protest and dissent,” we show how these practices of strategic incapacitation exhibit highly antagonistic forms of policing that are grounded in a rationality that seeks to demobilize and delegitimize Indigenous social movements.

Keywords: Security, Protest, RCMP, Aboriginal

Résumé. Contribuant aux sociologies de la sécurité et ainsi qu’aux études des mouvements sociaux, cet article décrit la façon dont les savoirs sur les risques et les outils actuariels ont été mis en œuvre dans le contrôle des résistances autochtones au Canada. Nous détaillons les outils actuariels que la GRC utilise pour évaluer les risques individuels et collectifs, et montrons qu’il s’agit de techniques représentatives de tendances lourdes caractérisant tant la gestion des risques au sein du système pénal que les pratiques de surveillance. Contestant les affirmations publiques suggérant l’impartialité et l’objectivité de la police, nous soulignons comment la construction du risque antagonise les luttes contemporaines menées par les premières nations. Bien que la GRC prétende régulièrement « protéger et faciliter le droit de militer, protester et d’exprimer légalement sa dissidence », nous montrons comment leurs pratiques de « neutralisation straté-

gique » trouvent leur source dans une rationalité visant à démobiliser et délégitimer les mouvements sociaux autochtones.

Mots-clés: Sécurité, Protestation, GRC, Autochtone

INTRODUCTION

Protest policing practices are increasingly driven by strategies of pre-emptive control. With a decline in the “negotiated management” strategies of the 80s and 90s, which sought dialogue and a high degree of liaising between police and protest groups, police agencies abroad and in Canada have developed new practices that aim to control and manage groups deemed as unruly. Scholars have coined the term “strategic incapacitation” to explain the range of adversarial and social control techniques at use against contemporary protests movements (Gillham and Noakes 2007; Noakes, Edwards, Gillham 2013; Gillham 2011; Wood 2014).

The strategic incapacitation model emphasizes surveillance and intelligence gathering, along with pre-emptive policing techniques, with routine and pervasive surveillance of protest movements having become the new normal in many Western states (Gillham 2011). In line with a host of other criminal justice agencies in Canada, policing and security agencies have relied on new models of pre-emptive governance and risk-mitigating strategies against protests movements; which ultimately result in higher levels of pre-event suppression.

As a contribution to sociologies of security and surveillance, this article explores how security actors mobilize knowledge practices that claim to provide novel and predictive tools to control social movements. We detail recent efforts by policing agencies in Canada to target Indigenous movements contesting settler colonial practices. Specifically, we discuss risk assessment models developed by the Royal Canadian Mounted Police (RCMP), which the department utilizes as assessment tools for protester categorization and analysis. Though the RCMP have not publicized these risk assessment tools, we have accessed two models developed by the RCMP through the use of the Access to Information Act (ATIA). We cannot comment on the extent to which these new risk assessment tools are currently in operation, however the purpose of this article is to detail an instance where these tools were used to categorize and profile Indigenous rights activists within a quasi-criminal investigation known as Project SITKA between 2014 and 2015.

While risk assessment has become common place in the Canadian criminal justice system (Ericson 2007; Hannah-Moffat et al. 2009; Hannah-Moffat 2013), the use of actuarial risk assessments in Canadian policing – particularly protest policing – remains less examined and under theorized. We use the opportunity afforded by the declassification of Project SITKA documents to explore how actuarial risk systems can be presented as an objective and calculative measure for policing social movements that, while mobilizing claims of objectivity and crime-fighting potentials, significantly amplify strategic incapacitation techniques used by policing agencies that target, in this particular case, Indigenous movements.

In order to situate our discussion of Project SITKA we borrow from three strands of sociological studies on policing – suggesting that SITKA provides an illustrative point of convergence. First, we detail the origins of crowd theory, which, from its inception, has theorized the crowd as a destructive and regressive force. Second, we draw from scholarship on protest policing and strategic incapacitation, which, as a means of crowd control, draws on risk theory and the new penology. Third, we situate the convergence of crowd theory and strategic incapacitation as knowledge practices through scholarship on surveillance and pre-emption, with a focus on how databanking practices function in the strategic management of information – and bodies – for the purpose of social control.

Pragmatically, as a real-time example of a strategic incapacitation-inspired project, our research demonstrates how the SITKA investigation made use of widespread surveillance practices that have databanked intelligence on an array of Indigenous protests in Canada. Repurposing years of intelligence data, the RCMP have used these databanks to assess individual and group risk following a number of contentious protests in 2013-2014 including Idle No More, as well as the New Brunswick-centred anti-hydraulic fracturing movement of 2013.

The purpose of these new models and risk assessments are not criminal in their orientation but, as we detail, are focussed on future management of contentious protests that might solicit public attention. Much like how critical accounts of risk management in correctional settings translate the needs of offenders into risks (see Hannah-Moffat et al. 2009), we show how the RCMP actuarial models translate the potential “successes” of social movements into “risks” associated with public order. Detailing how RCMP practices in project SITKA are grounded in broader sociological accounts of protest policing, the case study reveals a fusion of risk management techniques with growing databank capacities, and provides a glimpse at contemporary practices of strategic incapacitation against Indigenous movements in Canada.

Though the RCMP regularly claim to “protect and facilitate the right to lawful advocacy, protest and dissent” (CSIS 2016-47: 49), we show how these practices of strategic incapacitation exhibit highly antagonistic forms of policing that are grounded in a rationality that seeks to demobilize and delegitimize Indigenous social movements by criminalizing – and thus depoliticizing – its actors.”

THE “CROWD”, PROTEST POLICING, AND RISK MANAGEMENT

Theorizations of the “crowd” have long influenced protest policing. Warnings of the “crowd mind” can be traced to LeBon (1952[1895]) who warned of individuals losing their autonomy and becoming ensnared in riotous urban mobs. LeBon, in defining the “crowd mind”, mixed a variety of then-popular influences into typologies of chaotic and violent crowd behaviour, combining positivism, organicism and “atavistic” psychology (Nye 1975). Within a race-infused analysis of collective behaviour, LeBon understood the crowd as a singular organism, capable of responding in a near-hypnotic state to suggestion, acting on basic emotion. His theory of crowd behaviour was a highly-conservative prognosis in terms of its destructive capabilities, and was linked to the need to defend state interests and institutions – whatever they might be – via blanket recommendations for suppressive state responses.

Post-LeBon, Smelser’s (1962) theory of collective behaviour presented a model in which factors of structural conduciveness and structural strain are proposed as precipitating factors which, if unaddressed, can lead to a “crystallization of beliefs” within crowd situations. Although Smelser (1962: 120) nods to the societal root causes of protest, he determines that once a crowd reaches its “crystallized” state, especially when guided by value-oriented beliefs, which he defines as “a deliberate, organized, conscious effort by members of a society to construct a more satisfying culture,” it must be constantly repressed else the state face a revolution-style situation. Numerous scholars have cautioned (Waddington and King 2005; Schweingruber 2000; King and Brearley 1996) that Smelser-esque interpretations of crowd behaviour, which operationalize remnants of LeBonian “crowd mind” pseudo-theory, do not simply reside in the realm of social constructs. Rather, they are widely applied in tactical policing. Schweingruber, particularly, highlights the preponderance of Smelser’s influence upon a variety of widely publicized and dispersed crowd control training manuals (2000: 376-381).

By the 1980s, the “negotiated management” model of protest policing had emerged as a technology of control, driven by a number of

factors that included professionalization of police, concerns about police reputation and legitimacy, as well as the broader influence of human rights discourses (McCarthy and McPhail 1998, della Porta 1996, della Porta and Reiter 1998). McPhail et al. (1998) note that this shift away from overt displays of force in protest policing tactics was characterized by an emphasis on communication and pre-planning between police and protest groups. King (2013), however, warns that this shift in approaches has only provided a “superficial” challenge to the classic them-versus-us, protester/police, relationship; to King the data gathering and surveillance tactics embedded within the negotiated management model should be interpreted as examples of covert, state, hostility.

Scholars have underlined that the negotiated management model produced transformations to protest movements as well, who gradually adopted professionalized norms of conduct in their mobilization strategies. A growth of NGO cultures and economies, the participation in protest permit regimes, an ideology of non-violence; all became signatures of major protest movements (Rootes 1999). While this professionalization of protest movements moved a number of activist issues “forward,” and, as per Rootes (1999), afforded certain activist groups a “seat at the table” within the political sphere, the outgrowth of institutionalized social movement organizations increased abilities of surveillance control afforded to policing agencies (Gillham and Marx 2018).

Rather than treating protest as inherently dangerous, the negotiated management model allows for a “right” way and a “wrong” way to protest. This arguably allows police to re-invent and re-insert themselves into protest situations. Now, rather than presenting themselves as the spoil to the protesters’ agendas, under the negotiated management model police become a friend to the protest – provided it is carried out in a controlled and state-sanctioned manner.

Arguably born from a feeling of pointlessness in protesting within pre-negotiated, pre-determined, state-approved, parameters (Gorring and Rosie 2008, 2013; Gillham and Noakes 2007), Fitzgerald and Rodgers (2000) note the rise of “radical social movement organizations” (RSMOs), which have birthed new forms of protest policing and crowd control. Differing from escalated force and negotiated management models, these new state interventions have been honed to strategically target individuals or groups that security bodies deem to be central, organizational, nodes. The violence directed against these strategically targeted persons is often highly punitive and spectacular, sometimes getting its namesake “the Miami model” for the excessive violence used against protesters in Miami, 2003 (see Starr and Fernandez 2009; Wood 2007, 2014; Vitale 2005; Earl 2011).

“Strategic incapacitation” models have been increasingly refined over the past decade-plus; the deployments of these pre-emptive and intelligence-led tactics have also been influenced by continued escalations of police militarization, technological advances in surveillance security intelligence, and the rise of database profiling. As an aggregate, the mechanisms targeting specific protesters and protest groups have accelerated in their control capacities as well as in their propensities for pre-planned, targeted violence.

Various scholars have attempted to qualify how techniques of crowd control have taken place within this developing field of more intense scrutiny and control. Attempts at qualifying the “threat approach” (Davenport 2007) in which police respond to potential public order issues have provided explanations on what and whom are most likely to be repressed, and at what levels of repression (Earl and Soule 2006; Soule and Davenport 2009). Detailing the development of strategic incapacitation policing models is important for two reasons. First, its emergence as a technique represents a re-orientation of crowd control strategies towards thematics of uncertainty and unknowns that were characteristic of the early iterations of crowd theory.

For their part, negotiated management models placed a heavy emphasis on liaison work, building trust relations, and managing protests within a present-minded orientation towards protests and protest movements. So long as protesters remained negotiable and compliant partners, obedient within state-defined parameters and allowed police access to protest-related data, guarantees of compliance and self-surveillance afforded police a view to a comparatively known present..

While strategic incapacitation as a technique integrates these elements, its premise shifts towards managing a pre-emptive future that needs to be both imagined and made intelligible (through surveillance) in order to be controlled. Second, strategic incapacitation abandons a notion – which was mythical to begin with but nonetheless discursively present – that the police are impartial negotiators situated within a neutral positionality. In a quasi-return towards escalated force modelling, strategic incapacitation approaches a sector of protest movements as antagonistic and re-conceptualizes the protest as a battle space between good guys and bad guys; the police, for their part, rebrand themselves as champions of proper protest techniques and are able to justify elevated applications of overt and covert force against an uncontrollable deviant aspect as a necessary step towards public safety and towards the protection of “good” protesters.

In strategic incapacitation, this small population of deviants is identified, pre-emptively, via a range of surveillance and policing

techniques. Whether it exists as a reality or an imagined threat, the deviant – and illegitimate – minority is juxtaposed against the complacent majority, and comes to bear the brunt of state-endorsed hostility. The central character of the strategic incapacitation model, which should be understood as an extension of police and security knowledge practices, centres on the accumulation of data in order to constantly create risk profiles towards which police action can be directed.

Driving the transformation towards pre-emption are risk models, which claim to use psychological assessments of deviance and abnormality to sort populations into levels of risky and/or at-risk. Based on the sorting logics of such psychological profiles, criminal justice systems (CJS) – policing, courts, and corrections – apply levels of interventions and violence deemed appropriate, based upon risk scores. Like the folklore of negotiated management models of protest policing, the rise of actuarialism requires a dominant rationality within CJS systems to circulate tenets of “objectivity”, “neutrality”, as well as normative practices associated with the “new penology” that “emphasizes preventing [individuals] from committing crime through risk management and the spatial redistribution and incapacitation of potential offenders” (Feeley and Simon 1992: 483).

As Noakes and Gillham (2006) have suggested with strategic incapacitation, conventional repertoires of protest policing have remained rooted in the risk management logics of the new penology (see also Noakes et al. 2013). Critical research following works under the framework of the “new penology” has underlined the role of risk assessments that “sorts individuals into groups according to the degree of control warranted by their risk profiles” (Feeley and Simon 1992: 459; see also Maurutto and Hannah-Moffat 2006). In what we describe in relation to SITKA, the pre-emptive tools that rely on databanking practices and risk profiling are often presented as objective tools for policing, yet – like the actuarial models of criminal justice with which they operate hand-in-hand – they conceal their racialized and prejudicial characters.

As we discuss below in relation to Project SITKA, the national security apparatus has provided an abundance of resources – both informational and technological – to surveil and disrupt Indigenous movements. Within a rationality aimed at both pre-emptive state action, as well as the protection of extractive capitalism, the policing of Indigenous protests shares many parallels with other contemporary targets of strategic incapacitation modelling. As we show with SITKA, efforts to pre-empt and control Indigenous movements have also been advanced by threat entrepreneurs who borrow from the actuarial tools of

other criminal justice actors. In particular, the SITKA project is notable in that it demonstrates a convergence of trends in protest policing with predictive tools of risk assessment – a regime of convenient synergies under the banner of national security.

PROJECT SITKA: DATABANKING AND RISK MANAGEMENT IN PROTEST POLICING

Indigenous communities have long been policed through the lens of settler colonialism where policing agencies have used violence against groups that contest – or even appear to provide an impediment to – settlement. Whether repressive or assimilationist techniques have been deployed, Coulthard (2014: 125) argues that the ends have always remained the same: “to shore up continued access to Indigenous peoples’ territories for the purpose of state formation, settlement, and capitalist development.” Since the Ipperwash Inquiry of 2007, Canadian security bodies have consistently asserted that episodes of Indigenous protest were largely land-based in nature and in particular were often related to legitimate grievances over land claims or apprehensions over resource extractive projects (see Clairmont and Potts 2006). Further, the highest levels of Canadian government acknowledge that Canadian federal policy *vis a vis* Indigenous claims to territorial assertion – if not restructured – promise future confrontation (St. Germaine and Sibbeston 2006).

Given the centrality of land exploitation and resource extraction to the Canadian settler economy, Indigenous movements that disrupt extractive activities through barricades and public protests are particularly scrutinized and over-policed (Proulx 2014; also: Crosby and Monaghan 2018). This is most evident in fusion centre models of policing that have arisen within the “war on terror,” which aim to network policing and security agencies under the banner of intelligence sharing and pre-emptive interventions (Monahan 2011). In Canada, these fusion centres have carved a growing institutional space within the national security apparatus under the claims of “critical infrastructure” protection (Monaghan and Walby 2017). As Dafnos et al. (2016: 327) argue “where visions of land allocation, resource use, and the maintenance of supply chains do not directly align, acts of Indigenous sovereignty are pitted against acts of national security.”

Project SITKA shares in this long-standing trend of policing Indigenous contestation against settler colonialism. As a secret, quasi-criminal investigation, SITKA was administered by the National Intelligence Co-ordination Centre (NICC) over the course of one year, 2014-15. As a

branch within the Federal Policing unit of the RCMP, the NICC is an intelligence sharing hub that connects elements of the federal national security branch to local and regional arms of the RCMP. Although SITKA was a secret investigation, it was publicized in 2015 after the final report was declassified and released - somewhat accidentally - through the use of the Access to Information Act (CSIS 2016-47).¹ The final report, entitled Project SITKA: Serious Criminality Associated with Large Public Order Events with National Implications, provides a window into the widespread use of surveillance and databanking, as well as the operationalization of the RCMP-developed actuarial models used to assess the threat of protesters and protest groups.

Convened to respond to recent Indigenous protests over land and extraction practices, the executive summary of the SITKA report conceptualizes the basis for the investigation:

The year 2013 saw an increase across Canada in aboriginal protests, ranging from lawful demonstrations to occupations conducted by peaceful protesters to raise awareness of the issues of concern to indigenous [sic] people; these included the “Idle No More” movement, land claims settlements, missing and murdered Aboriginal women, and national resource development (CSIS 2016-47: 14).

The purpose of the SITKA investigation was to aggregate information on prominent Indigenous rights activists in order “... to assess the threat posed by individuals and/or groups (aboriginal and non-aboriginal [sic]) willing and capable of utilizing unlawful tactics in association with Aboriginal public order events in Canada” (CSIS 2016-47: 16). It was a quasi-criminal investigation in the sense that none of the individuals or groups investigated were notified, had opportunities to contest their assessments within the investigations, nor did they have recourse to challenge the conclusions of the investigations. Moreover, much of the data and assessments that seem to be included in the SITKA investigation are far broader than mere issues of crime; focussing instead on social movement strategies, individual political beliefs and their criticisms of settler colonial practices.

1. The report was obtained through ATIA by Andrew Crosby while researching the policing of Idle No More (Crosby and Monaghan 2018, 2016). Although the original ATIA request for the SITKA final report was placed with the RCMP, the disclosure was entirely refused and exempted. A subsequent request for the report made with CSIS resulted in the near-complete declassification and release of the report. For an overview of these approaches and challenges to using the ATIA as a data production strategy, see Brownlee and Walby 2015; Monaghan 2015.

Using data from “law enforcement databank holdings”, open source intelligence, and provincial police colleagues, the SITKA investigation collected personal information from various police databanks spanning at least 5 years and a wide variety of events (CSIS 2016-47: 20). The investigation focused not only on protests but other events such as speaking tours, and a wide range of issues where “Aboriginal grievances may be part of the topic” (*ibid.* 10). Numerous organizations had information catalogued in these police databanks including small groups like Unfuck the World or Treaty One Youth, the grassroots news organization Media Co-op, as well as more prominent groups like the American Indian Movement, a variety of Warriors Societies, Defenders of the Land, Ontario Coalition Against Poverty, #Occupy groups, Council of Canadians, among many others.

In line with research that demonstrates how security governance is dependant on the accumulation of data that can be re-configured and re-interpreted through different data analysis practices (Amicelle and Iaffolla 2017; McQuade 2016; Regan et al. 2013), SITKA is an illustration of how databanking can be operationalized. The SITKA investigation pooled dispersed elements of surveillance data from across numerous policing agencies and created a list of 313 prominent activists. After assessing each case, a final list of 89 individuals were found to meet a risk criterial “associated to public order events, as defined by the baseline methodology” (CSIS 2016-47: 17). A key recommendation stemming from the SITKA investigation was to create “Protestor profiles” of these 89 individuals to be made available to “frontline offices, divisional analysts and law enforcement partners through the Automated Criminal Intelligence Information System and Police Reporting Occurrence System” databases.”

Demonstrating the capacities of policing agencies to engage in non-criminal surveillance against social movements, the SITKA investigation represents emerging practices of pre-emptive security governance. The purpose of the investigation is not post-crime production of evidence, but the pre-crime production of actionable intelligence. “In order to be intelligence-led,” confirms the SITKA report, “the NICC strives to collect all available intelligence and information related to known or anticipated threats” (CSIS 2016-47: 38).

Acquired through “a wide variety of sources” that include open source information, police occurrence reports, as well as “other investigative techniques”, “the intention of the NICC is to acquire an accurate, comprehensive list of individuals related to these threats” (*ibid.*). As a tool for future-oriented pre-emptive governance, the SITKA investigation is premised on anticipating future threats through the aggregation

and analysis of a wide account of protester data points. Data collection takes a wide array of sources and, as we detail below, the data analysis uses new actuarial tools developed by the RCMP to assess both individual and group anticipated risks. We detail the two actuarial tools highlighted in the SITKA investigation; an individual assessment criterion referred to as the “analytical baseline” methodology and a group evaluation criteria known as the “Public Order Profile Scale” (POPS).

Individual Risk Evaluation

For the individual risk evaluation component, Project SITKA utilized a “baseline methodology” developed by the RCMP’s director of research and analysis, Dr. Eli Sopow (RCMP 2016-09585). In a March, 2012, presentation to a “National Session” of the RCMP’s Critical Incident Program, Sopow outlined the development of this profiling matrix. In his own words, the socio-psychological profiling matrix is based upon his forty years of observation as a journalist and as a “consultant to major resource companies concerned about the impact of anti-logging, anti-mining and anti-urban development protests” (RCMP 2016-09585: 23).

Positioning his research in contrast to LeBon’s classical notion of “crowd contagion,” Sopow’s analytical model claims that public protests are distinct from other crowd situations. Within a protest situation, Sopow theorizes that most protesters do not – and will not – engage in riot-type behaviours. According to Sopow’s model, a minority do arrive for the explicit sake of committing decontextualized violence, but “violent action by a very small minority of protesters does not create a contagion effect throughout the larger group” (RCMP 2016-09585: 11).

The model developed by Sopow rests on the assumption that the vast majority of protesters come to an event with a pre-determined mindset towards non-violence and nothing that fellow protesters – or police – might do within the context of the protest event will sway them from this. Towards identifying and isolating the violent minority, Sopow’s model suggests that protesters will display observable behaviours that allow them to be ranked into one of three core typologies: passive, disruptive, or volatile.

As shown in Figure 1, the socio-psychological profiling matrix developed by Sopow utilizes 8 categories to assess behaviours in an effort towards determining these core typologies. These are: commitment level, lawfulness, networks, language/rhetoric, level of violence, social media/media, and other protest tactics.

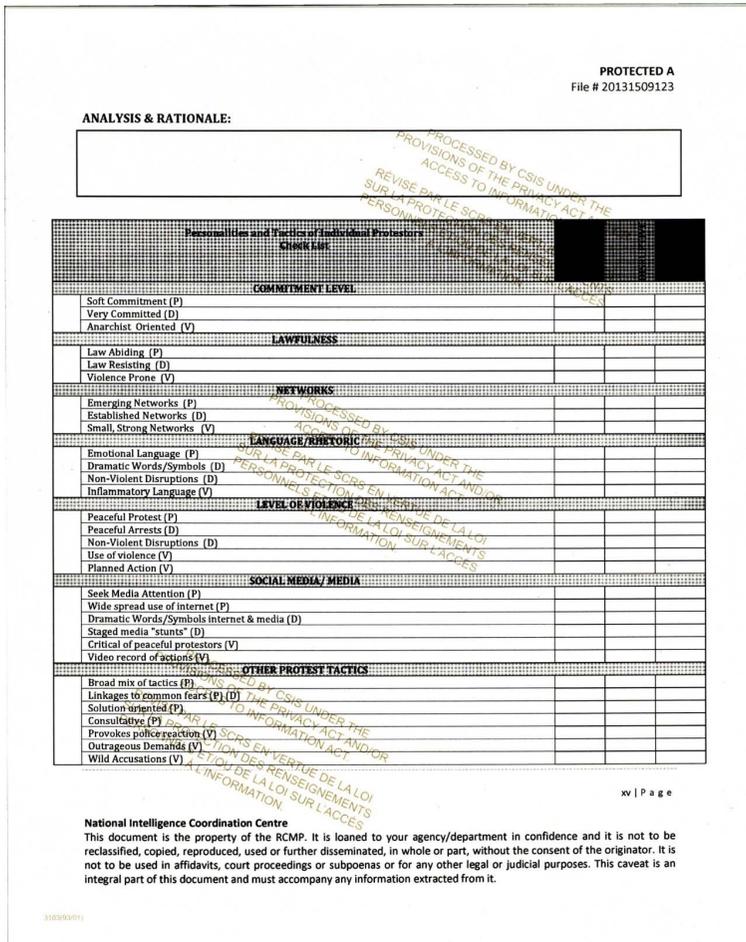


Fig 1: RCMP socio-psychological profiling matrix (CSIS 2016-47: 61).

As shown, within each category, personality traits are itemized from passive to volatile. On the far-right column, the partially redacted scoring chart illustrates the three scoring “check list” categories whereby an analyst can assess individuals based upon pre-event intelligence gathered by policing agencies and determine the risk score of any given protester. At the second stage, the risk score can be translated into a classification of “suspect,” “person of interest” or “associate.” Towards informing law enforcement and tactical interventions, the model has been developed so

that these categories are to be used by RCMP officers during protests or while researching social movements more broadly.

In the final stage of the individual evaluation criteria, the RCMP (or other policing agencies) can classify protesters under the following categories: Suspect/Volatile or Suspect/Disruptive; Person of Interest/Volatile or Person of Interest/Disruptive; Associate/Volatile or Associate/Disruptive” (CSIS 2016-47: 44). Ignoring the passive category, which supposedly represent the vast majority of attendees, the police can more readily focus their attention and resources towards those classified as volatile and disruptive. The importance of these final classifications has not been clarified by Sopow or the RCMP – yet we can deduce the implications from his theory of crowds and protest behaviours.

Given the model’s assumption that only a minority of protesters possess the potential for violence, the remaining six scoring categories are to be regarded with high levels of scrutiny and continued surveillance. As stated within the SITKA final report, “... determination will be a continual process based upon assessment of incoming information” (CSIS 2016-47: 44). This suggests that, once duly ranked, these individuals will be under persistent surveillance and continued analysis. While neither the RCMP nor Sopow use the term, it can be inferred that methods of strategic incapacitation will have to be deployed by police in order to neutralize these high-risk threats.

Within Sopow’s model, while volatile activity is sparked by a very small number of individuals, he notes that new dynamics of social media have changed public order policing and crowd control dynamics. In his 2012 presentation, Sopow warns that “The Occupy movement has redefined the nature of public protest. The structural and systemic makeup of Occupy far more resembles a loosely networked, organic force than the hierarchical structure of protest groups in the past” (RCMP 2016-09585: 22).

It is not, then, the risk of actual violence or lawless behaviour that is foregrounded. Rather, the potential for “virality” related to “networking” and social media usage, is the threat. Influences from a small group can have significant impact through the amplification of social media, particularly if a group is “successful” and gains allies. If such groups are successful, they become more difficult to neutralize.

While this model represents individualistic assessments of passiveness, disruptiveness, or volatility, the SITKA investigation demonstrates a clear relationship between data gathering efforts made on individual activity and attempts to expand towards data gathering on groups or movements to which these individuals are assumed to belong. Sopow’s threat matrix supposedly identifies core protest leaders and individuals

deemed as high-risk, yet the broader concern – and arguably the core purpose of SITKA – is a focus on how movements gain popular support and become more, as Sopow puts it, “successful.”

While eschewing the fundamental principle of crowd contagion within territorial group settings, the RCMP’s threat model developed by Sopow categorizes high risk individuals as potentially contagious in a broader public sphere because of their ability to influence public debates through social media. As an extension of these concerns over the influence of Indigenous protests becoming increasingly successful, the SITKA investigation deployed a second tool developed by Sopow specifically aimed at evaluating group threats, the Public Order Profile Scale (POPS).

Group Risk Evaluation: Public Order Profile Scale

According to the SITKA investigation, the purpose of the POPS is to “identify these networks; identify the risk potential and growth of a public protest; and identify the ‘fueling factors’ that are required for a successful protest to occur” (CSIS 2016-47: 46 - emphasis added). Though it is never stated explicitly, Sopow and his RCMP colleagues implicitly recognize the “success” of a protest as a variable that needs to be monitored and potentially intervened against. Far from an impartial position, protest successfulness is positioned as antagonistic to policing – and hence state – interests.

Giving insights into the purpose of the model, the SITKA report suggests that the inherent risk associated with Indigenous movements is that successful Indigenous protests will increase the “connectivity between Aboriginal issues and allied groups” (ibid). The report warns that “it is important for police to appreciate that the longer a protest continues, the stronger and larger the web of interconnectivity grows and the more difficult it will be to disentangle” (ibid). Far from concerning itself with particular acts of criminality, the purpose of the POPS then is to evaluate the connectedness of sites of protest to larger social movements and/or other allied groups. As explained by the RCMP in the SITKA report, the POPS is to be used to identify protest networks and the “fueling factors” that are an aspect of successful movements. In equating “success” with “risk,” the POPS, like the individual profiling matrix, uses actuarial assessment across a range of categories.

As can be seen in the figure below, the POPS consists of 20 protest evaluation criteria, termed “Fuel Factors.” Each criteria is scored on a scale of 1 to 5, where 1 represents low risk and 5 represents high risk. Typical of risk logic, an option for 0 is not a possibility. Instructions on

the POPS note that the scale is “simple but requires field intelligence and well researched open-source analysis by skilled practitioners” (CSIS 2016-47: 48).

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Using the Public Order Profile Scale

Use of the Public Order Profile Scale is simple but requires field intelligence and well researched open-source analysis by skilled practitioners. Each of the POPS Fuel Factors is assigned a weighting from one to five where 1=very low and 5=very high. The analyst weights each factor based on the best intelligence possible and totals up the score.

Table XII. The Public Order Profile Scale		
Group:	Location of protest:	Weighting:
1	The protest group is very well known and credible	very low 1 2 3 4 5 very high
2	The protest group has experience with protests	very low 1 2 3 4 5 very high
3	Members are strongly committed to their cause	very low 1 2 3 4 5 very high
4	The group has access to human/financial resources	very low 1 2 3 4 5 very high
5	The group has ability to gain news media attention	very low 1 2 3 4 5 very high
6	The group is supported by many other groups	very low 1 2 3 4 5 very high
7	The group is well organized	very low 1 2 3 4 5 very high
8	The group has a credible, articulate leader	very low 1 2 3 4 5 very high
9	The group is highly proficient in social media/Internet	very low 1 2 3 4 5 very high
10	The group has high public support	very low 1 2 3 4 5 very high
11	The issue impacts public values	very low 1 2 3 4 5 very high
12	There are linkages from the main issue to others	very low 1 2 3 4 5 very high
13	The issue addresses a lack of fairness	very low 1 2 3 4 5 very high
14	The issue is imminent (not in the future)	very low 1 2 3 4 5 very high
15	The issue being protested creates uncertainty	very low 1 2 3 4 5 very high
16	The issue being protested takes away control	very low 1 2 3 4 5 very high
17	The issue being protested has a history of protest	very low 1 2 3 4 5 very high
18	The issue is very simple to understand	very low 1 2 3 4 5 very high
19	The issue affects many people personally	very low 1 2 3 4 5 very high
20	The issue evokes a strong emotional reaction	very low 1 2 3 4 5 very high
Total POPS rating		
POPS risk rating		20-30 Very low 31-50 Moderately low 51-75 Moderately high 76-100 Very high

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Fig 2: Evaluation criteria of the RCMP’s Public Order Profile Scale (CSIS 2016-47: 48)]

Once the “skilled practitioner” inputs the “Fuel Factors” score, the total score is aggregated to determine the level of protest risk. POPS risk ratings are then classified as 20-30 (very low), 31-50 (moderately low), 51-75 (moderately high), 76-100 (very high).

While not included in the SITKA report, Sopow’s 2012 presentation of the POPS model gives insights into how the risk score should be considered and acted upon by police agencies. Sopow suggests that low and moderate scores (20-50) present “a moderately low chance of protest sustainability and risk... The strategy for police is to move as quickly

as possible to deal with such protesters, recognizing the shaky state of organization” (RCMP 2016-09585: 27). In other words, low risk scores should be interpreted as invitations for immediate incapacitations with little negative repercussions.

On the other end of the spectrum, high scores of 76-100 represent “a protest action with a very high chance of extensive public support, longevity (if that is what is planned) and excellent organizational systems and structure including highly effective leadership” (ibid). Sopow suggests “police must fully understand the strengths of this group and the great probability that the issue being protested will attract other affinity groups, some perhaps far less peaceful or cooperative than the main group” (ibid).

It is worth noting that, unlike the socio-psychological model of individual evaluation, the POPS model dispenses with all pretenses towards criminality. Some of the criteria in the POPS address whether the protest involves issues of “public values.” Analysts are instructed to rate a higher risk score if the protest deals with issues of “fairness” or “honesty.” The same goes for another criteria on leadership, where analysts are to apply a higher score based on if “the leader is media-savvy, telegenic, sounds/looks good.” Other entries include whether “The group has high public support”, if there are “linkages” with other issues, or if the issue is “very simple to understand”, “effects people personally” or “evokes a strong emotional reaction.”

Sopow has suggested that the POPS is “a reasonably well-defined guide to the risk potential and growth of a public protest” (ibid). Yet the POPS model demonstrates how policing agencies regard protests as antagonistic events regardless of the content or legality of a protest. Moreover, while the stated purpose of POPS is to identify riskiness, in this case riskiness is the operative equivalent of success. The true measure of the POPS, then, is not to ensure that police are provided with the best tactical insights to protect the wider public and/or infrastructure from a risky protest, but, rather, is to instruct police on how to best engage in disruptive activities against protests, lest they prove successful. In his 2012 presentation, Sopow writes:

A weak rating for any one factor is also a weakness in the protest organization. This knowledge is important for police analysts and tactical troop commanders who must plan negotiations and a dialogue with protesters. In some cases a weakness in a protest fuelling factor is not just a liability in the organization. It can also be a source of discord, discontent, and over-compensation by protesters. It can make them feel vulnerable and defensive - not good positioning in a discussion with police liaison officers” (ibid).

Sopow adds:

[another] important benefit of POPS is that the 20 fuelling factors also provide excellent fuel for police strategists, analysts, and tactical troop officers and commanders. They allow for a research-based point of discussion for teams wherein various fuelling factors can be discussed in greater detail (RCMP 2016-09585: 28)

While the RCMP claim the purpose of POPS within SITKA is to “develop a proactive and impartial policing response to aboriginal public order events,” (CSIS 2016-47: 49) the fixation on movement “success” and the abilities to mobilize pre-emptive surveillance that can be of value to tactical troops illustrates how policing agencies are more interested in demobilizing movements that threaten the status quo, rather than facilitating peaceful protests. While framed in a discourse of crime fighting, the criteria’s of evaluation within these risk assessments demonstrate the much broader analysis of dynamics within social movements.

Combined with the methodological flaws within the profiling matrix and the POPS, which contain no justificatory logic in outlining what criteria are to be used to determine the volatility of a protester or the potential success of a protest group, the inclusion of non-criminal criteria – for example, the telegenic appeal of a particular protest leader – demonstrates the much broader antagonisms within these supposedly objective processes. The existence – and application – of an actuarial tool such as the POPS raises questions as to whether the RCMP’s role *vis a vis* a protest situation is actually to subvert the democratic process.

Canadians have a variety of rights embedded within the Charter of Rights and Freedoms which allow for assembly and democratic communication. Protest is a form of democratic communication whereby one of the processes of assembling is to network with other like-minded individuals and groups. In both the individual profiling matrix and the POPS, it is the act of networking that is largely equated with riskiness. As an illustration of strategic incapacitation, the application of these models with the SITKA investigation raise significant questions about the role of risk assessments, the integration of widespread surveillance and data-banking, and the continuity of crowd theories in police work that animate a logic of enmity between policing services and protest movements who are successful at challenging issues of injustice.

DISCUSSION AND CONCLUSION: CROWD THEORIES AND STRATEGIC INCAPACITATION

Crowd theories have a long history of constructing and embellishing threats presented by protests or social movements. The operationalization of the POPS model in Canada demonstrates a linkage with these long-standing practices of crowd theories. In line with protest policing trends of strategic incapacitation, the actuarial models utilized by the RCMP supports Noakes et al.'s (2013) claims that repertoires of protest policing have taken a dramatic shift away from the negotiated management approach, which emphasized pre-event information sharing between police and protesters. Rather, the profiling matrix and the POPS model demonstrates a latent adversarialism towards the very act of protest itself.

Much like how risk assessments have been used in other criminal justice contexts, the use of POPS-style models produces a decontextualization of the social worlds they claim to examine. As Hannah-Moffat et al. (2009: 401) have noted, risk tools produce “actuarial illusions” that “black box” forms of discriminatory and prejudicial practice by police, courts, and correctional systems. They account how “statistical calculations comprised in the risk score mask a range of discretionary and value judgments” and suggest that the rise in predictive risk assessments have been embraced by practitioners precisely because it allows a degree of deniability and a buffer against outsider criticism.

As an illustrative practice of the new penology, an analysis of the POPS model suggests it is “neither about punishing nor about rehabilitating individuals. It is about identifying and managing unruly groups” (Feeley and Simon 1992: 455). Given SITKA's quasi-criminal orientation and its prescriptions about implementing future strategic interventions, these techniques demonstrate how policing agencies have expanded their mission far beyond crime fighting and instead conceptualize their purpose as identifying “high-risk group that must be managed for the protection of the rest of society” (Feeley and Simon 1992: 467).

Importantly, as Ericson (2007) has pointed out, while risk language is deployed as a rhetorical devise of scientific objectivity, these processes are never neutral. Despite the best efforts of projects like SITKA and the POPS model to appear objective, Ericson (2007: 14) warns that “the identification of risks... involves a political process of selection in which some harms are given special attention while others are relatively unattended or ignored.”

Particularly in the domain of security and policing, the selective application of risk functions as a normative logic that rationalizes cam-

paings of criminalization against perceived outsiders. In the context of complex land struggles or movements demanding the respect of Indigenous rights, advocating the disruption of “successful” protests could not be more illustrative of strategic incapacitation’s logic of penology that aims to manage the continued marginalization of Indigenous groups.

Within the SITKA investigation, the impacts of contextual application of such models appears clear; Indigenous rights activists are ranked and earmarked as high-risk and profiled for future surveillance. Through the use of qualifiers citing their “volatility,” these individuals are also potentially identified for strategic incapacitation. Instances of protest are ranked for riskiness according to their potential for success, not criminality. To neutralize networking capabilities, such instances are acted upon tactically to ensure failure, ie: isolation from alliances. In both individual and group cases, marginalization of leaders and issues goes hand in hand with depoliticization and decontextualization.

While such models claim objectivity in their recourse to the mathematical certainty supposedly inherent within risk assessment techniques, these models are embedded within broader contexts of settler colonialism and protest policing in Canada. In this capacity, the SITKA investigation joins a currently crowded field of surveillance that has long positioned Indigenous movements as illegitimate regardless of the realities or injustices being contested by the groups or the individual actions being undertaken (Smith 2009; Monaghan 2013; Proulx 2014). Most often these policing efforts are centred around contestations provoked by extractive capitalism’s need to access and exploit Indigenous lands (Stanley 2016). As SITKA underlines, the need for the investigation, as well as the subsequent need to catalogue and control future protests, stems from Indigenous movements like Idle No More that contest colonial land acquisition and the exploitation of resources.

Tellingly, 45 out of the 89 individual activists categorized as volatile and earmarked for future surveillance under SITKA were from either Nova Scotia or New Brunswick. Their inclusion within the SITKA investigation was a direct result of participation in anti-hydraulic fracturing protests in 2013 (Howe 2015b). Contrary to the RCMP’s classification of “volatility” upon these 45 individuals, these protests involved numerous attempts by protesters to come to non-violent resolutions with both the provincial government, their Indian Act representatives, and, failing that, both the RCMP and the Canadian Armed Forces (Howe 2015a, 2015b).

As detailed by Crosby and Monaghan (2018), corporate interests engaged in such resource extractive ventures have increasingly become fused within the national security apparatus (see also Dafnos et al. 2016). A result of this synergy of interests is a situation in which policing enti-

ties are increasingly engaging in work that promotes and facilitates extractive capitalism. An aspect of this, as exemplified in the SITKA investigation, is to track and monitor Indigenous rights activists and groups that might question the legitimacy of such resource extractive projects.

Given the power of Canada's "carbon-capital elite" (Carroll 2016: 226), the role of policing agencies in developing techniques of strategic incapacitation should be considered as an extension of the Canadian economy becoming "centred upon carbon extraction as a core industry." As for the SITKA investigation's final conclusions, they mirror the verdict that police and surveillance services in Canada find themselves increasingly at the beck and call of the resource extractive industry. While specifics into the extent of this investigation remain shrouded in secrecy, the knowledge that we do have about the use of databanks and the antagonisms towards "successful" protests detailed in the SITKA documents raise critical questions about contemporary social movement policing practices.

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