

The Scottish Institute
for **Policing Research**

**The Scottish Institute for Policing Research
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Police Liaison with Protest Groups

Craig Menzies BA, MSc



Introduction

“By the mere fact that he forms part of an organised crowd a man descends several rungs in the ladder of civilisation”

Gustave Le Bon, 1895

The above quote from the work of Le Bon demonstrates somewhat bluntly what can be described as an extreme view of crowd behaviour dating from the events of the French Revolution. This same view however has remained prominent in more modern research which, according to Reicher, “...still tends to focus on Le Bon’s work from a previous century” (Reicher, 2009: 2).

Aim and Objectives

The aim of the report is:

To provide an overview of the evolution of the modern academic study of crowd dynamics and the modern policing principles derived there from.

The specific objectives are as follows:

1. To describe the origins of the study of crowd interaction and plot the development into modern theory.
2. To outline the current policing tactics utilising applied modern theory.
3. To examine one specific model of dialogue between protesters and the police.
4. To explore the relationship between this model and current UK policing training and practice.
5. To examine a number of recommendations for the progression of the policing of protest.

In order to examine the changes referred to, this paper will briefly examine the origins of scientific theories relating to crowd control and crowd dynamics before moving on to more modern theories which have helped inform current police training, concentrating on planned protest.

Having reviewed professional literature in the area of protest policing, a number of communication models will be examined before the dialogue models adopted by Portuguese Police and the Swedish National Police Board will be reviewed and their implications for the policing of protest in the UK examined, including issues such as police training, police command structures and communication with protest groups. It should be noted that, although some reference is made to the international perspective, this is limited in nature and the main focus rests within a European context.

In 1715, in an effort to protect the Monarch, King George I, from a potential Jacobite insurrection, the British Parliament (following the Acts of Union of 1706 and 1707) introduced “an act for preventing tumults and riotous assemblies, and for the more speedy and effectual punishing of the rioters” (Gutenberg website, 2012).

Whereas of late many rebellious riots and tumults have been in divers parts of this kingdom, to the disturbance of the public peace, and the endangering of his Majesty's person and government, and the same are yet continued and fomented by persons disaffected to his Majesty, presuming so to do, for that the punishments provided by the laws now in being are not adequate to such heinous offences; and by such rioters his Majesty and his administration have been most maliciously and falsely traduced, with an intent to raise divisions, and to alienate the affections of the people from his Majesty therefore for the preventing and suppressing of such riots and tumults, and for the more speedy and effectual punishing the offenders therein; be it enacted by the King's most excellent Majesty (Gutenberg website, 2012).

This legislation is commonly known as the “Riot Act” and included in its scope “... that part of Great Britain called Scotland, which are tolerated by law, and where his Majesty King George, the prince and princess of Wales, and their issue, are prayed for in express words”, thus making it UK wide in nature. Relevant sections of this Act are reproduced in Appendix “A”.

The 1715 Act allowed that, following the authorities making “with a loud voice command, or cause to be commanded silence to be, while proclamation is making, in these words, or like in effect:

Our sovereign Lord the King chargeth and commandeth all persons, being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the act made in the first year of King George, for preventing tumults and riotous assemblies. God save the King”.

The penalty for failing to disperse following such a proclamation was clear and unambiguous,

Any persons to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, and being required to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall remain or continue together by the space of one hour after such command or request made by proclamation shall suffer death as in a case of felony without benefit of clergy (Gutenberg website, 2012).

Whilst it is undoubtedly true that the policing and management of public protest has moved on since the introduction of the Riot Act, recent riots in the United Kingdom have served to highlight the very real difficulties and dilemmas faced by modern policing techniques in relation to protest. The rights of the individual to protest peacefully are enshrined in legislation such as the European Convention on Human Rights 1953 (ECHR) and the Human Rights Act of 1998. In particular ECHR Articles 9, 10 and 11 protect the right “to manifest a religion or belief, to freedom of expression and to freedom of assembly and association respectively” (NPJA/ACPOS, 2010: 24). The articles are contained in Appendix “B”.

Historical Perspective

The study of crowd behaviour is by no means new, and the emergence of a scientific basis to this subject can be linked to France in the nineteenth century which Stott describes as “the birthplace of scientific crowd psychology” (Stott, 2009: 4).

The events of the French Revolution which began in 1789 were deeply seated in crowd behaviour and disorder such as the infamous storming of the Bastille in June that year. Ultimately this resulted in the declaration of a French Republic and the execution of King Louis XVI in 1793.

Further developments in French history were documented in a comprehensive social history of France entitled “Origines de la France contemporaine” written by Hippolyte Taine and first published in 1876. In this work Taine put forward the argument that crowds were mobs from the lower social classes who were subject to “vibration of the nervous system”, “contagion”, and “feverishness” (Taine quoted in Stott, 2009: 4).

This concept of crowd psychology was further developed by the French social psychologist Le Bon who published “Psychologie des foules” in 1895. He argued that “the individual in a crowd, even in a highly developed culture, loses his critical capacities and behaves in an affective, primitive, barbaric way. In the situation of the crowd, the individual is easily convinced and is subject to the psychological contagion which allows leaders to easily steer crowds where they please” (University of Virginia Library Website, 2011).

Le Bon also stated that “by the mere fact that he forms part of an organised crowd a man descends several rungs in the ladder of civilisation. Isolated he may be a cultivated individual, in a crowd he is a barbarian - that is, creature acting by instinct” (Le Bon, 1895 :22).

Stott (2009) summarises Le Bon’s principles as having three main mechanisms, namely submergence, contagion and suggestibility.

Submergence refers to the loss of the individual identity among participants through the anonymity assumed to be inherent in the crowd.. *Contagion* refers to the uncritical social influence mechanism that subsequently emerges which allows any idea or sentiment to spread unheeded through the crowd. And *suggestibility* is the ‘hypnotic ‘psychological state induced by submergence that allows contagion to occur... behaviour within a crowd is no longer governed by individual rationality but by the ‘law of mental unity ... the individual self or identity disappears, to be replaced by what Le Bon referred to as a ‘group mind ‘or racial unconscious’ (Stott, 2009:5).

Modern Theory

The theories of Le Bon, sometimes referred to as “classic” theory, “influenced a plethora of dictators and demagogues, most notoriously, Goebbels, Hitler and Mussolini” (Reicher, 2009: 15). They were further sustained by more modern theorists such as Festinger who put forward the theory of “deindividuation” (Festinger, Pepitone and Newcomb, 1952, quoted by Stott, 2009: 5) which argued that individuals within a crowd can lose any sense of individuality and, therefore, have more of a tendency to engage in violent activity.

Classic theory has been challenged by those who argue that the circumstances of the French Revolution were unique and in fact the crowd behaviour was highly organised as “meaningful collective responses to the actions of the State and its forces of order” (Stott, 2009: 5).

There is also a distinct lack of meaningful empirical data to support Le Bon’s and subsequent theory as it fails to contextualise the analysis in any social context. As such it must be considered to be “seriously flawed” (Stott, 2009: 6).

A major consideration for policing however must be the lingering assumption that the behaviour of individuals within a crowd is a function of the crowd itself, which is fundamentally “unpredictable, volatile and dangerous” (Stott, 2009: 6), and as such must be controlled by force.

More modern theorists such as Reicher and Stott have moved from classic theory to other models of crowd psychology such as the Elaborated Social Identity Model (ESIM).

Their studies of football crowds, tax protests, student demonstrations and environmental protest have given empirical support to the concepts of individuals within a crowd having a sense of self, coupled with a degree of shared social identity which can run through a crowd gathered for a common purpose.

Changes of crowd behaviour are directly related to or, indeed, precipitated by reaction to the manner in which they are policed. Ideally, a crowd is made up of generally responsible citizens acting in a manner which they view as totally legitimate and being policed by guardians of their right to peaceful demonstration. If the police then view the crowd as a single entity and obstruct or impose restrictions on them, they can unite in new and more “oppositional” ways which can have a direct and adverse effect on the policing of a crowd now united in a common purpose:

having experienced a common fate at the hands of the police, previously disparate crowd members came to see themselves as part of a common category even with more radical elements from whom they had previously felt distanced.. This extension of the ingroup category, along with the solidarity that was both expected and obtained amongst ingroup members, led to a sense of empowerment and a willingness to challenge the police. Such challenges confirmed the initial police perception and, in turn, led them to increase the level of constraint they sought (Reicher, 2002: 22).

This reaction generates a “redefined sense of unity within the crowd in terms of the illegitimacy of and opposition to the actions of the police” (Stott, 2009: 7). In turn this “...could then draw the crowd into conflict even though the vast majority had no prior intention of engaging in disorder” (Stott, 2009: 7).

Thus, the question must inevitably arise as to whether the policing response to legitimate protest can of itself generate a crowd dynamic which is contrary to the strategic objective of ensuring peaceful protest.

This is encapsulated by Stott (2009),

The disproportionate and indiscriminate threat or use of force can create psychological processes in the crowd that draw into conflict those who had come to the event with no prior conflictual intention. Therefore, police strategy and tactics should be oriented toward proactively avoiding the production of these processes during crowd events... facilitated by enhancing and actively creating perceptions of police legitimacy among crowd participants through...a dynamic capacity for achieving dialogue and communication with those within crowds before, during and after the event (Stott, 2009: 2).

The Problem

As has been demonstrated, the policing of protest has not been without problem over a number of years. One has only to look at the escalation of peaceful protest on the Broadwater Farm estate in London in October 1985 to realise that the escalation into violence can have tragic and fatal consequences, such as the death of Constable Keith Blakelock at the hands of the protesters.

As alluded to above, the policing challenge is to effectively balance the rights of the individual against the rights of the communities the police serve, whilst assessing and addressing real time instances where peaceful protest ends and criminality begins. The methods utilised by UK police forces in relation to protest cannot be said to have been totally effective in this regard, but some, such as the Police Service of Northern Ireland, who have considerable experience in the policing of contentious protest events, have re-evaluated their traditional confrontational approach to a style more overtly aligned with the desire to allow protest in line with human rights.

Fearing a gradual erosion of the principles of the rights to peaceful assembly and freedom of expression, the UK House of Lords and House of Commons Joint Committee on Human Rights began a call for evidence in April 2008. Their report was published in March 2009 and contains within its first pages the assertion that “The police and protesters need to focus on improving dialogue. The police should aim for “no surprises” policing; no surprises for the police; no surprises for the protesters; and no surprises for protest targets. They should review how they foster effective dialogue with protesters” (Joint Committee on Human Rights, 2009).

The report acknowledged that the Police Service of Northern Ireland (PSNI) had gained considerable experience in the policing of contentious parades and protests in accordance with human rights standards. This approach was described as “a shift from escalated force to negotiated management models of protest policing”. (Joint Committee on Human Rights, 2009: 46). The report goes on to highlight a number of lessons and recommendations based on the PSNI model of protest policing which places great emphasis on good communication.

Further detail of the specific recommendations in support of the PSNI approach can be found in appendix E.

In the month following the publication of the Joint Committee's report, the tactics used by the Metropolitan Police (the Met) in the G20 protests were subject to judicial review by the High Court and resulted in Her Majesty's Inspectorate of Constabulary (HMIC) setting up a Public Protest Review Team to examine the scientific theory and evidence available.

In line with the PSNI experiences, the theoretical perspectives offered by Stott and Reicher have informed police public order training, but the question remains of how effective police strategy and tactics are in practical terms, and do these strategies and tactics allow all avenues to be explored in dynamic situations?

In the most recent police training guidance on the policing of protest, Chief Constable Meredydd Hughes, the Head of the Association of Chief Police Officers Uniformed Operations Business Area states that "The world of protest has changed and public order practice and training must change with it." (NPIA/ACPOS, 2010: 7).

The Policing of Protest

In a 2009 Her Majesty's Inspector of Constabulary (HMIC) report Stott states that "the evidence suggests that one of the problems facing public order policing is that training ...deals very little, if at all, with the background scientific literature" (Stott, 2009: 2).

The report also added that "...a number of key lessons have been identified time and time again by reviews but remains to be fully implemented" (HMIC, 2009: 169).

Yet as far back as 1996 King and Brearley postulated that "significant developments had occurred in recent years in the raising of (public order) commander's sensitivity to the importance of negotiating with figures and groups playing a leading part in the generation of crowds. This included communicating effectively with the march and demonstration organisers..." (King and Brearley, 1996: 84).

There is, therefore, a lack of clarity in terms of the balance between these "significant developments" and a disconnect from current research in relation to the modern policing of protest. This lack of clarity is exacerbated by the existence of current examples of the successful integration of research into effective policing models such as that adopted by the Swedish Police.

Police Communication Models

Hunt (1987) opined that "there is nothing so practical as a good theory" thus highlighting the need to marrying academic theory with practical, operational exposure. Accordingly, modern police communication theory derives its aetiology from experiential learning which supplements academic theory. There are a number of models which have been utilised, but perhaps the most common ones are Hammer and Rogan's "SAFE" model and Taylor's "cylindrical" model.

The SAFE model puts forward the argument that "linguistic clues serve as devices by which communicators and subjects make sense of and define their interaction" (Rogan and

Lanceley, (2010: 97). Key to the SAFE model is awareness of four “triggers” that, “if not dealt with effectively, will lead to an increase of tension and a reduction of problem solving....” (McMains and Mullins, 2010: 49). These triggers are:

- Substantive demands: The instrumental wants/demands made by the parties
- Attunement: The relational trust established between the parties
- Face: The self image of each of the parties that is threatened or honoured
- Emotion: The degree of emotional distress experienced by the parties.

The “cylindrical” model is based on a blend of participant orientation in terms of avoidance, intergrative and distributive behaviours and motivation in terms of goals (from Rogan and Lanceley, 2010).

Both of these theories derive from research and practice into crisis and hostage negotiation, and whilst they have a sound basis in communication theory, they are complex to utilise well in practice and more relevant to dealing with individuals where tensions and reactions are much easier to assess in quick time.

In terms of specific approaches towards crowd communication, modern developments are typified by the experiences of the Swedish Police in 2001 and also of the Portuguese in the policing of the Euro 2004 football tournament, both of which differ from the current United Kingdom approach.

The policing of Euro 2004 was heavily influenced by academic research as Stott and Adang (2003) were invited by the authorities to assist in the formulation of policing tactics. Two policing bodies in Portugal utilised differing tactics towards crowds at the tournament. The Portuguese Security Police (PSP) adopted an approach based on ESIM principles, whereas the Republican National Guard (GNR) used methods “more reminiscent of those used in the UK” (Lydon, 2010: 35).

The two approaches were analysed using participant observation data to examine the impact on crowd interaction. The PSP approach utilised an approach which allowed for close monitoring of the crowds and early intervention where appropriate utilising a “...positive and close relationship with the crowd...” (Reicher et al, 2007: 412). Reicher et al (2007) reported that only 0.2% of participants identified any type of violent confrontation with the police. In contrast, the GNR “high profile coercive style” (Lydon, 2010: 36) was associated with two separate instances of serious disorder resulting in 52 arrests. This study would at least suggest that “...options for policing crowds and protest, based on negotiated management and up-to-date crowd psychology have distinct advantages over the legacy methods of policing in the UK” (Lydon, 2010: 37).

The experiences of the Portuguese Police in 2004 serve to support the findings of the police in Sweden which will be examined in more detail.

On 16 June 2001 there were a number of clashes between the Swedish Police and protesters at the European Union Summit being held in Gothenburg. During the most violent of these confrontations police officers fired at protesters and wounded three of them, one seriously. More than 40 police and demonstrators were injured. Police arrested at least 100 of the thousands of protesters (CNN Online).

These events were viewed in Sweden as a “national trauma” (Holgersson, 2010: 15) resulting in the commission of the Gothenburg Committee which reported on the police handling of the events of June 2001. Their report, published in 2002, highlighted “serious deficiencies in crowd management training for the police as well as deficiencies in terms of know-how” (Holgersson, 2010: 15).

As a result of these findings, and police internal reviews, in 2004 the Swedish National Police Board undertook to implement police tactics on a national level designed to deal with the challenges of large scale protest and the potential for disorder.

This national model was built around a recognised Command and Control protocol (strategic, tactical and operational levels and operated by a Special Police Tactics Unit (SPT) with a Sweden-wide policing remit under central control by the National Criminal Police. The SPT developed and deployed a “mobile operational concept and a situational conflict management model” (Holgersson, 2010: 16). A central element of the SPT development was the introduction of Dialogue Police Officers, and it is this element that will now be examined in more detail. A full job description and competency profile for such Officers are contained in Appendices “C” and “D”.

Utilising the academic and evidence base of the work of authors such as Stott, Reicher and della Porta as outlined earlier, dialogue policing is built on the concepts of “...dialogue, de-escalation and non-confrontation” (Holgersson, 2010: 15) , which allow for a more dynamic approach to crowd management including pre-event prevention and the active de-escalation of conflict situations by the application of “...knowledge, facilitation, communication and differentiation, thus promoting self policing by protest groups”(Holgersson, 2010: 15) . In the development of the Swedish model, initial approaches were made to trained police negotiators as it was recognised that many of their communication skills were directly transferrable. Under the direction of a full time co-coordinator a new training course was developed for the 15 part time officers who carry out the dialogue role as some 25% of their working time, (Holgersson, 2010). As well as specific training, these officers were paid allowances for being on call and “...actively cultivation contacts outwith working hours” (Holgersson, 2010: 15).

A former dialogue police coordinator, Holgersson has highlighted that the formation of the unit was not without its own problems, both internal and external to the Swedish Police. He states, “some senior officers viewed dialogue as a sign of weakness and in their opinion it should not be included in the police organisation’s duties” (Holgersson, 2010: 24).

As the concept became better understood within the organisation however, commanders began to recognise the option to enter into dialogue with groups, particularly at the planning stages of demonstrations, as another tactical option which could assist in the establishment of meaningful dialogue during more spontaneous events due to pre-existing relationships.

It is widely accepted in police negotiator circles (McMains & Mullins, 1996) that commanders and decision makers should avoid becoming involved in direct negotiation with groups as this removes the advantages of not being portrayed as the prime decision makers and buying delay in response. The Swedish model promotes the concepts of very early establishment of contact and cooperation, continuous dialogue and debrief with protest groups to promote and maintain mutual trust.

The model of dialogue policing adopted by the Swedish Police is based on the work of Stott and Reicher (1998) who developed the Elaborated Social Identity Model (ESIM). In brief, this model puts forward the concept that during demonstrations there are two simultaneous processes at play, those of conflict creation and mitigation. Dependant on the prevailing balance of these processes, the result is either continued trust and cooperation between the police and protest group, or a loss of confidence in the policing provision.

Within the conflict creation and mitigation processes there are also four linked sub-processes:

1. *Nuance versus categorisation.* Here there may be differences in the ability of each of the organisations abilities to detect and identify variations and sub groups within themselves or each other. This is in contrast to the approach where groups and their members are stereotyped and treated as a collective, thus perpetuating a “them and us” mentality where positive and negative stereotypes are continually reinforced.
2. *Organising versus chaos creating measures by both parties.* In this sub-process, certain measures can be put into place which will either engender organisation and a degree of order or create a more chaotic event. Order includes planning, preparation, clear goals and accurate information, whilst chaos is induced by uncertainty, confusion, changing plane, rumour and a lack of information.
3. *Reassuring versus provoking.* Here the reassurance is designed to make individuals or groups “lay down their weapons both literally and metaphorically” ” (Holgerson, 2010: 36), whereas provocation is aimed at instilling attack or self defense.
4. *Varied versus one-sided presentation.* This refers to either presenting several group viewpoints which are encompassed to promote a potentially complex event, or issues are oversimplified to create a single viewpoint.

The Swedish Dialogue Policing Model argues that communication between groups and the police is crucial to effective management, and that this communication is greatly enhanced by “previously established social contact”, and “knowledge of the protest culture and specific activist organisations gained more easily through direct contact with organisers and individual activists” (Holgerson, 2010: 36).

The Model also proposes that dialogue prior to events can foster increased order in protest situations as it can facilitate early agreements and a clearer understanding of conduct (or the perception of conduct) on both sides, thus allowing the police at least the possibility of having “not to win the fight but to be able to avoid it” (Winter, 1998: 40).

It is argued that the prime skills of the police in dealing with protest include skillful negotiations with protest groups as opposed to simple repression. The Swedes also found that many groups were interacted with on a recurring basis. This dynamic has resulted in a clear requirement for total honesty in all interactions. Traditional negotiation has often been built on the principle of skilled police officers gaining an advantage for the police, often to the detriment of the subject, however this is not a long term strategy for success when dealing with recurrent protest. Holgerson (2010) argues that “a strategy consisting of deception, in

which it was mainly the police who gained any advantage from the negotiations, was doomed to failure in the long run... we must aim to establish a genuine dialogue built on mutual respect”.

Also key to the Swedish approach is an understanding of crowd dynamics based on modern theory in which the crowd is not viewed as a homogenous group with a small number of agitators who can be removed if circumstances dictate. This is seen as an attack on the legitimacy of the protest and can lead a crowd to react negatively towards the police.

If the police carry out a collective intervention against demonstrators, it creates an “us versus them” situation which may lead to a point where a group which started out as heterogeneous will unite through the perception of the police as an assailant. This leads to a considerable risk that the conflict may escalate and that the police may be obliged to resort to increasingly robust methods. This may have the effect of increasing group solidarity still further in the group. (Holgersson, 2010: 50).

This approach does not mean that the police relinquish the ability to take action if required during protests, however it does ensure that any restrictions or direct action by Commanders can be clarified by direct contact with organisers or those in positions of influence in order to at least attempt to arrange alternatives which retain the crowd’s sense of legitimacy. This also promotes the sense of trust and respect which may have taken a considerable investment in policing terms. In turn this engenders an atmosphere of honest dealing which may derive mutual benefit in future encounters.

The Swedish model also argues that it is vital to maintain the honesty involved by taking equal care in post protest communication, particularly regarding the media where ill advised statements by both sides can be damaging. In furtherance of the desire to carry benefits into future events, post event meetings and debriefing are encouraged to clarify any issues that emerged during the encounter as this “not only makes it easier to build long-term trust, it also enables valuable feedback on police operations to be obtained which afterwards can be communicated to the relevant commanders in the police organisation.” (Holgersson, 2010: 77).

As commented on earlier, King and Brearley (1996) conclude that... “otherwise “respectable” demonstrators will view the prospect of being the subject of police surveillance and by implication “suspect”.” However, if the Swedish Dialogue Policing Model is examined in its detail it becomes very clear that the function is one of building trust and mutual respect.

If this is combined with a clear differentiation from any kind of intelligence gathering role, then it becomes evident that King and Brearley’s argument for effective communication and negotiation being perceived as surveillance is no longer valid, and the Swedish dialogue model remains a viable option for deployment.

Current practice and training

A signal event in the modern policing of protest, and one which has been the subject of detailed judicial and media examination was the response by the Metropolitan Police Service to the G20 summit in London on 1 and 2 April 2009.

The entire policing operation was brought into sharp focus by the tragic death of

Ian Tomlinson, an event which resulted in a comprehensive review “Adapting to Protest” by Her Majesty’s Inspectorate of Constabulary, published in July 2009.

The review sought to make clear distinctions between different types of protest, differentiating between organised declared protests, non-declared planned protests, non-declared spontaneous protests, long term protests, and violent protests.

Vitality for the purpose of this paper, “Adapting to Protest” estimated that “95% of protest activity involves organised, declared, planned protests in the form of demonstrations, processions and static assemblies which are notified to the police” (Adapting to Protest, 2009: 21). These events, by their very nature allow for good communication between the police and the identified organisers both in the planning stages and also, crucially, give opportunities for ongoing dialogue during the operation. A cited example of such an operation is the London TUC rally of March 2009 where “organisers estimated that 35,000 demonstrators marched peacefully from Embankment to Hyde Park.” (Adapting to Protest, 2009: 21).

Long Term Protests where “the intention is to continually raise public awareness in relation to a particular concern or achieve particular objectives” (Adapting to Protest, 2009: 22) also provide opportunities to form productive relationships allowing for dialogue and limited “management” of the protest group.

Conversely, non-declared planned protests, non-declared spontaneous protests and violent protests, including peaceful civil disobedience and intentional violence, are typified by having little or no organisational structure and no desire to interact with the police. It is very difficult, therefore, to engage in any meaningful form of dialogue, although this does not diminish the importance of seeking to communicate by whatever means available such as the media and social networks.

The Oxford English Dictionary (2011) defines a crowd simply as “a large number of people gathered together”, whereas it defines a riot as “a violent disturbance of the peace by a crowd”.

It would be naive to suggest that dialogue policing could be effectively (and safely) deployed in circumstances such as the UK riots of August 2010, therefore, whilst such events comprise “a small but significant minority of protest activity” (Adapting to Protest, 2009: 22), as earlier stated, this paper will concern itself primarily with the organised, declared, planned protests which can be influenced by structured dialogue. Such a delineation is endorsed by Stott who states “...there is a realistic consensus that there is a meaningful distinction to be drawn between the “day-to-day” business of policing protest crowds and that of confronting serious urban disorder” (Stott, 2012: 15).

Included in the immediate recommendations of the review were some key areas for protest liaison such as communication, where police should “seek to improve dialogue with protest groups in advance where possible, to gain a better understanding of the intent of the protesters and the nature of the protest activity; to agree how best to facilitate the protest and to ensure a proportionate policing response” (Adapting to Protest, 2009: 47).

Given this focus on peaceful protest, and having regard to the psychology of crowd dynamics as discussed earlier, it is important to highlight current policing practice, particularly in

respect of the potential transition to less compliant and more aggressive crowds in direct response to police tactics.

Again, the events of the G 20 protests in 2009 highlight the problems in relation to what were then perceived as legitimate police tactics. A key tactic utilised was that of containment or “kettling” where large numbers of people are indiscriminately restricted into confined areas in order to impose control over a crowd. This goes against the evidence provided by Stott and Reicher as the crowd perceive less legitimacy in the actions of the police. Indeed this tactic, as well as being inefficient and resource intensive, has been declared as unjustified and unlawful by a High Court judicial review of the G20 policing. In an interview in Police Review (2011), Abbott, himself a victim of kettling at G20, described containment as “... a frightening experience for anyone caught up in it, made more frustrating by the lack of information...”. He concluded that “The key....is honest communication. Before any planned protest, every effort must be made to open and maintain lines of communication between the police and protest organisers.....the focus needs to shift to facilitating protest rather than trying to prevent or control it.” (Abbott, 2011: 19).

More recent events, such as the violence during initially peaceful student protests in London in December 2010, again highlight the problems of policing protest. In an interview in Police Review (2011) Lynn Owens, the Metropolitan Police Assistant Chief Constable (Operations) restated the need “to win the confidence of groups with significantly different perspectives on the protests....confident that we (the Met) will treat protesters....fairly” (Police Review, 2011:16). She concluded that “Our officers have to be alive to the mood of the crowds. Talking is always best. We understand the critical importance of working with demonstrators” (Police Review, 2011:17).

If, as illustrated, protesters view a lack of communication by the police as problematic, and police commanders view communication as being of critical importance, the question arises as to the articulated importance placed on protester communication in current police training.

The most current public order training material available is the 2010 Manual of Guidance on “Keeping the Peace” published by the National Police Improvement Agency (NPIA). In the preface to this document Chief Constable Meredydd Hughes, Head of the Association of Chief Police Officers (ACPO) Uniformed Operations Business Area, states that “The world of protest has changed and public order practice and training must change with it” (Keeping the Peace, 2010: 7).

The guidance contains a large number of key statements which would tend to underline that communication and positive engagement with crowds are central to effective policing:

- “Engagement and dialogue should be used, whenever possible, to demonstrate a ‘no surprises’ approach....and links with communities, groups, event organisers and other relevant parties should be established and maintained in order to build trust and confidence” (Keeping the Peace, 2010: 11).
- Planning should “never start from the premise that crowds are inherently irrational or dangerous. In fact, modern theories into crowd dynamics suggest that some methods of police intervention may be linked to an escalation of violence within a crowd” (Keeping the Peace, 2010: 87).

- When developing a crowd engagement plan the aim is to “positively encourage the crowd’s propensity towards self-regulating behaviour” (Keeping the Peace, 2010: 88).
- To be effective “crowd liaison should be structured from the onset of any operation” (Keeping the Peace, 2010: 88).
- “Effective communication between protest organisers, participants and police is vital to facilitating peaceful protest. Communication prior to, during and after the protest event will assist in managing expectations of all stakeholders...” (Keeping the Peace, 2010: 90).

The current police training in relation to protest seems very clear and strongly advocates liaison and communication as key components of successful operations. It would seem that there exists in the United Kingdom a degree of delayed reaction between the acceptance of modern crowd dynamics theory and its integration into operational deployment on the ground. Whilst the importance of communication is clearly stated it is less clear in the guidance who is expected to carry out this pivotal role, and what training is available to carry it out.

Stott (2009) states that, “It would appear that the most effective means of managing crowd dynamics is by ensuring that ongoing threat assessments are linked as closely as possible to graded, dynamic, specifically targeted, information led and rapid tactical deployments.”

The question inevitably arises as to how ongoing threat assessments inform public order commanders and thereby allow them to make informed tactical decisions. Decision making in such circumstances is formulated around a structured but dynamic decision making model which is ingrained in police training at all command levels. The current model used in the UK is the National Decision Model (NDM) which is reproduced below.



(ACPO, 2012)

It is no accident that the first “spoke” of the model relates to gathering information and intelligence, as it is only by carrying out this function that assessments can be made thus allowing for informed decision making.

In order to gather real time information on crowd dynamics and protester intentions, police officers must be on the ground and have the trust of organisers, or at least be seen as having a legitimate function by the protesters. This does limit the intelligence gathering capability which can undermine trust but, as clearly shown by the Swedish Dialogue Model, intelligence gathering is not a primary function.

The answer as to who is best placed to liaise with protest groups before, during and after the event is, on the face of it, relatively simple and contained in the Swedish model where this task is performed by specially trained individuals. However in the UK it remains the subject of some debate which police officers are best placed to carry out this function and what skills are required.

Clearly, such individuals should possess extremely well developed communication skills and be adept at dealing with individuals face to face in an open and honest manner. Such skills are fundamental to hostage and crisis negotiators who are trained to extremely high levels in the UK. However, it is also vital that these negotiating skills are augmented by a good working knowledge of public order training in order that police options and capabilities are clearly understood. Another fundamental requirement is a clear and current understanding of police command and control protocols where the strategic (gold), tactical (silver) and operational (bronze) roles and responsibilities are defined and deployed in dynamic circumstances.

It is clear that the pool of police officers who possess such a skills set may be limited, therefore it is essential to have the capability to provide effective training to allow the deployment of such a specialised resource in a manner which will facilitate meaningful results. Should these officers be trained negotiators who are given public order awareness? Should they be experienced public order officers who are given negotiator training? In practice these questions become immaterial providing that they are intelligent, well informed, mentally agile officers and have excellent communication skills.

It is only recently that appropriate training has emerged, some three years after the death of Ian Tomlinson, and two years after the publication of “Keeping the Peace”. This training has been developed by the NPIA along with Stott, and is being disseminated to police forces in England and Wales in 2012.

The course is designed to train Protester Liaison Teams (PLTs) to provide a link between the police, protest organisers and protesters through dialogue. It is interesting to note that the programme has been developed by trained public order officers, and three distinct levels of PLT Officers have been identified. The team members need not be trained public order officers but should possess highly developed communication skills. Team Leaders should have knowledge of public order and also have highly developed communication skills. It is only the designated bronze (operational) role that requires accreditation as a trained public order bronze commander as well as having highly developed communication skills.

The course also contains clear models of command and control structures which allow for both large scale deployments and smaller events. This ensures that reporting lines and

communication channels are clearly defined, which is vital in delivering the dynamic information that allows effective command of challenging circumstances.

Conclusions

Examples of PLT deployment in the UK remain somewhat rare. Trained negotiators have been used in a number of incidents such as the policing of English, Welsh and Scottish Defence League protests and the Royal Bank of Scotland protests of 2010 in Edinburgh. Such deployments are disjointed and largely unreported between forces. The effective use of PLTs has been demonstrated in the policing of Operation “Obelisk” by South Yorkshire Police in relation to the 2011 Liberal Party conference in Sheffield. PLTs were “better positioned than any other resources to understand what was actually happening and as such to provide real time dynamic risk assessments to public order commanders” (Stott, 2012: 15).

PLT training, whilst not embryonic, is clearly in its infancy. Whilst it has a slant towards public order practice, this is not as pronounced as may have been the case, and the vital communication skills of those being trained has been embedded as an essential characteristic of potential team members.

What is now required is for the role of trained PLTs to be tested in operational environments and the results of these engagements to be the subject of applied academic research in light of any emerging theories. Whatever systems of research are applied, there needs to be a central approach to data collection which will allow the adoption of good practice backed up by empirical analysis. A symbiotic relationship must be maintained between academia and operational policing to ensure evidence based training continues to be developed and refined. A recent e-petition on the reintroduction of the 1715 Riot Act attracted 1,736 signatures before closing in August 2012.

As individual forces are compelled to examine the manner in which they provide a service to their communities and consider consolidation such as the creation of a single Scottish Service in 2013, failure to deliver in this area of modern policing will have profound and unacceptable consequences for the police service of the UK.

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Craig Menzies

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Appendix A

Extract of the Text of the Riot act of 1715

I.

That if any persons to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled together, to the disturbance of the publick peace, at any time after the last day of July in the year of our Lord one thousand seven hundred and fifteen, and being required or commanded by any one or more justice or justices of the peace, or by the sheriff of the county, or his under-sheriff, or by the mayor, bailiff or bailiffs, or other head-officer, or justice of the peace of any city or town corporate, where such assembly shall be, by proclamation to be made in the King's name, in the form herin after directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of twelve or more (notwithstanding such proclamation made) unlawfully, riotously, and tumultuously remain or continue together by the space of one hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more, after such command or request made by proclamation, shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death as in a case of felony without benefit of clergy.

II.

And be it further enacted by the authority aforesaid, That the order and form of the proclamation that shall be made by the authority of this act, shall be as hereafter followeth (that is to say) the justice of the peace, or other person authorized by this act to make the said proclamation shall, among the said rioters, or as near to them as he can safely come, with a loud voice command, or cause to be commanded silence to be, while proclamation is making, and after that, shall openly and with loud voice make or cause to be made proclamation in these words, or like in effect:

Our sovereign Lord the King chargeth and commandeth all persons, being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the act made in the first year of King George, for preventing tumults and riotous assemblies. God save the King.

III.

And be it further enacted by the authority aforesaid, That if such persons so unlawfully, riotously, and tumultuously assembled, or twelve or more of them, after proclamation made in manner aforesaid, shall continue together and not disperse themselves within one hour, That then it shall and may be lawful to and for every justice of the peace, sheriff, or under-sheriff of the county where such assembly shall be, and also to and for every high or petty constable, and other peace-officer within such county, and also to and for every mayor, justice of the peace, sheriff, bailiff, and other head-officer, high or petty constable, and other peace-officer of any city or town corporate where such assembly shall be, to seize and apprehend, and they are hereby required to seize and apprehend such persons so unlawfully, riotously and tumultuously continuing together after proclamation made, as aforesaid, and forthwith to carry the persons so apprehended before one or more of his Majesty's justices of the peace of the county or place where such persons shall be so apprehended, in order to their being proceeded against for such their offences according to law; and that if the persons so unlawfully, riotously and tumultuously assembled, or any of them, shall happen to be killed,

maimed or hurt, in the dispersing, seizing or apprehending, or endeavouring to disperse, seize or apprehend them, that then every such justice of the peace, sheriff, under-sheriff, mayor, bailiff, head-officer, high or petty constable, or other peace-officer, and all and singular persons, being aiding and assisting to them, or any of them, shall be free, discharged and indemnified, as well against the King's Majesty, his heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously and tumultuously assembled, that shall happen to be so killed, maimed or hurt, as aforesaid.

V.

Provided always, and be it further enacted by the authority aforesaid, That if any person or persons do, or shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly lett, hinder, or hurt any person or persons that shall begin to proclaim, or go to proclaim according to the proclamation hereby directed to be made, whereby such proclamation shall not be made, that then every such apposing, obstructing, letting, hindering or hurting such person or persons, so beginning or going to make such proclamation, as aforesaid, shall be adjudged felony without benefit of clergy, and the offenders therein shall be adjudged felons, and shall suffer death as in case of felony, without benefit of clergy; and that also every such person or persons so being unlawfully, riotously and tumultuously assembled, to the number of twelve, as aforesaid, or more, to whom proclamation should or ought to have been made if the same had not been hindred, as aforesaid, shall likewise, in case they or any of them, to the number of twelve or more, shall continue together, and not disperse themselves within one hour after such lett or hindrance so made, having knowledge of such lett or hindrance so made, shall be adjudged felons, and shall suffer death as in case of felony, without benefit of clergy.

IX.

And be it further enacted by the authority aforesaid, That the sheriffs and their deputies, stewards and their deputies, bailies of regalities and their deputies, magistrates of royal boroughs, and all other inferior judges and magistrates, and also all high and petty constables, or other peace-officers of any county, stewartry, city or town, within that part of Great Britain called Scotland, shall have the same powers and authority for putting this present act in execution within Scotland, as the justices of the peace and other magistrates aforesaid, respectively have by virtue of this act, within and for the other parts of this kingdom; and that all and every person and persons who shall at any time be convicted of any the offences aforementioned, within that part of Great Britain called Scotland, shall for every such offence incur and suffer the pain of death.

Appendix B

Selected Articles of The European Convention on Human Rights

Article 9: Freedom of thought, conscience and religion

1.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2.

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 10: Freedom of expression

1.

Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.

2.

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11: Freedom of assembly and association

1.

Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2.

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or 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. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state.

Appendix C

Swedish National Police Board 2009-09-15 PoA 109-4499/06

JOB DESCRIPTION DIALOGUE POLICE OFFICER

Formal qualifications

- National Basic Tactics training (user level)
- National Special Police Tactics training (user level)
- National Dialogue police training

Work characteristics

The work aims at preventing public order disturbances in connection with demonstrations and at other major public events. If conflicts between groups occur the goal is to prevent, as far as possible, escalation by applying the approaches and the tactical methods which are part of the special tactics. Command and control of the operational organisation is carried out through assignment tactics. The work may be stressful, physically demanding and take place at irregular working hours.

The dialogue police are police officers with a specific task to establish and continuously maintain dialogue with groups and organisations that carry out or are expected to carry out demonstrations and other public events with ethnical, religious and political connotations. Dialogue police is the contact link between the commanders and demonstrators before, during and after an operation. The basis for the dialogue is confidence building measures over time. Dialogue police work is therefore based on long term relationships, good knowledge on societal issues and advanced knowledge of the groups which the dialogue police are in contact with. The dialogue police wear plain clothes and are a member of a dialogue group with a dialogue co-ordinator.

Before

During

After

Upholds and develops knowledge of political, ethnical, religious and other opinion creating groups in society

Contacts involved parties and maintains the dialogue

Participates in debriefings

Gathers information continuously and is available for moulders of public opinions and organisers

Negotiates with organisers and moulders of public opinions by order of the tactical commander

Has follow up meetings with the organisers

Develops contact with organisers, leaders of demonstrations and other interested parties

Analyses and informs on consequences of alternative actions

Writes accounts of event experiences

Familiarizes him/herself with the strategic commander's decision at large and takes relevant measures

Gives basic data for assessment of the situation and for decisions to the tactical commander

Stays in contact with organisers and creators of public opinions

Negotiates with the organisers by order of the strategic or tactical commander

Establishes contact with groups that are expected to cause public order disturbances, interprets and assesses the situation

Carries out trust building work

Carries on dialogue with external co-operation partners

Keeps continuous contact with his/her dialogue coordinator and tactical commander

Appendix D

Competency Profile for a Dialogue Police officer

<p>Personal competencies</p> <p>Attitude towards others Shows social skills and relates objectively and impartially to others Appears empathetic and behaves ethically Is able to consider the interests of different parties</p> <p>Self knowledge, endurances and conflict knowledge Shows physical and mental perseverance Is aware of his/hers own strengths and weaknesses and can act from such an awareness. Recognizes, can prevent and handle both his/her own stress reactions and those of colleagues Can prevent and handle provocations Shows personal and professional maturity and integrity Shows confidence in his/her professional role Is able to act with flexibility</p> <p>Ambition and interest Can apply short and long term mental preparation</p>	<p>Communicative competencies</p> <p>Contact and cooperation ability Shows ability to use dialog and cooperate Is able to prevent and manage conflicts that develop Can under command of his/her coordinator cooperate within the dialogue group in order to solve tasks effectively Can adjust his/her image for a preventive purpose and according to the demands of the situation Shows ability to make contacts and to build trust within the police organisation and with organisers Can co-operate with all units in order to solve tasks effectively</p> <p>Communication Can explain intentions of different actions and operations for individuals and groups Can communicate and interact with individuals and groups in a conflict preventive way Shows very good ability to communicate with a long term perspective Can give information and make presentations in a pedagogical way Can handle conflicts which develops between parties Has a very good ability to gather information</p>
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<p>Strategic competencies</p> <p>Values and context</p> <p>Can contribute to uphold human rights at large public events</p> <p>Shows good contextual knowledge of societal developments, especially relating to political groups and other manifestations of public opinions, nationally and internationally</p> <p>Understands what factors contribute to prevent or create conflict processes</p> <p>Shows knowledge of group behaviour and behaviour patterns in groups</p> <p>Shows knowledge of interaction between political, ethnical and religious groups</p> <p>Takes the whole picture into account</p> <p>Result focus</p> <p>Shows insight into how police behaviour can play a decisive role for the outcome of an event</p> <p>Shows insight into roles, responsibilities and powers at different operational levels of the organisation</p> <p>Can interpret courses of events</p> <p>Can analyse the consequences of police behaviour towards groups</p> <p>Can handle complex situations</p> <p>Can take trust building measures</p> <p>Is able to prioritise and work with a long term perspective</p>	<p>Technical competencies</p> <p>Tactical ability</p> <p>Can use adaptive strategies in dealing with conflicts</p> <p>Can work according to the tactical approaches which are recommended</p> <p>Knows and is able to use the operational methods</p> <p>Knows the roles of others in an operation</p> <p>Juridical ability</p> <p>Is familiar with the law applicable to demonstrations and other public events</p> <p>Is familiar with the legal obligation to preserve secrecy</p> <p>Methodological knowledge</p> <p>Can apply high security thinking</p> <p>Can participate actively in conversations which take place at the start and finish of operations</p> <p>Can apply the situational barometer in communicating risks and make use of signal value</p> <p>Can shift pace and adapt to situations</p> <p>Can make relevant threat and risk assessments</p> <p>Shows very good information gathering skills through IT-media</p>
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Appendix E

Extract from the Human Rights Joint Committee - Seventh Report
“Demonstrating respect for rights? A human rights approach to policing protest”

LESSONS FROM NORTHERN IRELAND

163. We visited Northern Ireland as part of our inquiry and met various representatives of the Police Service of Northern Ireland (PSNI), its human rights lawyer and one of the human rights advisors to the Northern Ireland Policing Board. We pay tribute to their efforts in trying to ensure that policing of contentious parades and protests accords with human rights standards.

164. The Independent Commission on Policing in Northern Ireland was set up as part of the Good Friday Agreement. It recommended the creation of new accountability structures, and said that human rights and community policing should underpin all of the work carried out by the PSNI:

There should be no conflict between human rights and policing. Policing means protecting human rights.

165. As ACC Duncan McCausland, whom we met, has written:

Human rights sit at the very heart of the conception, planning, execution and control of every aspect of the operations of the Police Service of Northern Ireland ... Human rights is a critical benchmark by which the PSNI measures the impact of its actions.

166. Dr Michael Hamilton and Dr Neil Jarman, members of the OSCE/ODIHR Panel of Experts on Freedom of Assembly, have described the experience in Northern Ireland as "a shift from escalated force to negotiated management models of protest policing". Both AAC Allison and DCC Sim distinguished the political situation in Northern Ireland from that in England and Wales, but DCC Sim noted that she had close contact with Northern Ireland officers on public order issues. The Minister considered that a lesson to be drawn from Northern Ireland was that:

You do not have to choose between strong, effective policing or the human rights approach. You can marry the two.

167. We took a number of lessons away from our visit to Northern Ireland, most particularly that:

- the PSNI's aim was to have "no surprises" on either side when policing protests;
- the force employed a dedicated human rights lawyer who can provide human rights advice to all police officers;
- leadership within the police must be fully committed to implementing human rights within the force;
- human rights is explicitly referred to within the PSNI's policy;
- the PSNI's Code of Ethics sets out a comprehensive code of conduct for all police officers, based on the ECHR and other international human rights instruments relating to policing. Violation of the Code may constitute a disciplinary offence; and
- the approach taken by police in terms of dress and equipment is designed to reduce tension.

168. In England and Wales, there is no dedicated human rights lawyer providing advice to ACPO, although there are lawyers in individual police forces who can advise on all aspects of law, including human rights. In addition, IPOC (Intermediate Public Order Command) commanders and trainers are able to provide human rights advice to other officers.

169. Whilst we recognise that the political and historical situation in England and Wales is different from that in Northern Ireland, there are undoubtedly lessons that can be drawn from the Northern Irish experience of policing contentious protests whilst trying to ensure respect for human rights. Given the record of the PSNI in policing protest, we recommend that police forces in England and Wales evaluate the expertise of their legal advisers to ensure that there is sufficient human rights knowledge and understanding available to all levels of the police on a daily basis to help the police avoid human rights breaches. We also recommend that the Home Office consider whether police contracts and disciplinary procedures pay sufficient recognition to the duty of officers to act compatibly with human rights.
Dialogue and prior notification of protests.

172. A common theme which emerged during the inquiry was the importance of good dialogue, communication and co-operation between police and protestors; police and third parties; and protestors and those against whom they are protesting. It was widely accepted that effective dialogue in both directions was more likely to lead to a peaceful and trouble free protest. As ACPO told us, "the vast majority of protests are undertaken with collaboration between the police and organisers where the two parties work together to ensure that the event occurs in a reasonable and safe manner. More controversial events normally involve individuals who do not wish to cooperate or consult with authorities and, at times, actively seek or encourage confrontation".

173. Drawing on the experience of protests in Northern Ireland, British Irish Rights Watch told us of the importance of dialogue as a means for balancing rights:

The key lesson learnt from Northern Ireland is the need to balance the conflicting rights which emerge in such scenarios. The method to achieve this is through dialogue between those seeking to protest and the police. As such, the creation of draconian legislation which cuts into this dialogue can only undermine efforts to balance conflicting rights. A dialogue will also enable the police to make appropriate operational decisions, on the day, enabling the development of a policing strategy tailored to each event to be created (and learnt from) rather than responding to events as they happen.

174. The Metropolitan Police said that the "biggest challenge, which ends up with the biggest problem for all ... [is] as a result of us not having dialogue with the organisers because they refuse to have dialogue with us". Echoing the Police Service of Northern Ireland's desire for "no surprises" for anyone involved in a protest (whether police, protestor or target), the Metropolitan Police saw ongoing dialogue between the police and the protest organiser, before and during the protest, as being important so that they could deal with "what ifs".

175. Considering the suggestion by protestors that the police's stance to protests has deteriorated over recent years, ACPO accepted that protestors could feel that the police are asking more questions of protestors than they did previously, but suggested that this was well intentioned and designed to facilitate protest:

Our approach over the years ... has become much more communicative ... there is much more of an open dialogue and that is what we expect and that is what we train

... I think it is quite right if people are saying "The police are communicating with us far more, asking us more questions" - I think they are right. But it is with a view to being able to aid protests to take place so that not only are the protestors allowed to protest but also the third party, the public in general are able to go about their business without being either intimidated by protestors or feeling that there is an overly heavy police presence.

176. Given that there appears to be fairly widespread acceptance of the utility of good communication between protestors and police, what prevents it from happening effectively? Witnesses provided a number of answers. Some witnesses suggested that the police's stance towards, and treatment of, protestors appears to differ depending on their attitude to the substance of the protest. This may be a factor which hinders effective communication. The National Extremism Tactical Co-ordination Unit thought that there was sometimes "unwillingness to communicate between organisers and police". The Campaign for the Accountability of American Air Bases described their previously positive experiences with the police of organising bi-annual protests and how this dialogue had broken down before a recent protest took place. Contrasting their earlier experiences with more recent events, they said:

Each year, at the two major demonstrations and having carefully liaised with [North Yorkshire Police], we have walked round the base at Menwith Hill ... The police have accompanied us, enabling the protest to happen and have been very helpful in the past, the police have closed roads so that the protestors can proceed and the right to protest upheld.

Last year, things were suddenly very different. A month before the demonstration on 4 July 2007, we received a Home Office document entitled "Organisers' Responsibilities" which set out the 'duties' of the organisers. One of the clause said that the organisers were now responsible for the 'policing' of the demonstration. For example, it was the responsibility of the organisers if roads needed to be closed ... it was an impossible task.

We had two meetings with [North Yorkshire Police] and the [Ministry of Defence Police Agency] who warned us that further conditions would be put on the demonstration. We would not be permitted to walk round the base. The police said that the A59 road was 'too dangerous'. We questioned this at the meeting, as it seemed to us that nothing had changed from previous years... We were disappointed therefore when conditions were suddenly imposed by [North Yorkshire Police] and we were prevented from walking round the base which was to be part of the protest on 4 July 2007.

177. We also received other evidence of what appeared to be relatively effective dialogue between the police and protestors breaking down during the protest itself. Described by DCC Sim as a "tactical error" and a "communication mistake", we heard of last minute changes to the route of Climate Camp's 2008 protest at Kingsnorth power station, despite prior agreement with the police.

186. The Police Service of Northern Ireland told us that police officers in Northern Ireland dress in normal uniform where possible, to avoid escalating situations. Backup officers in protective equipment are kept in reserve. AAC Allison was not convinced that this approach would be beneficial elsewhere in the UK:

If you have are going to have two sets of officers, so one set is going to be on the front line and one set is going to be on reserve and you come in and deploy, that is a

massive investment in terms of your officers who have been taken away from other bits of policing. If the intelligence is there that says people within this particular group are such that they are likely to attack us, therefore we need protective equipment, our view is that we should not wait to get one or two officers injured as a result, but what we should do is right at the front put officers out in protective equipment.

This view does not reflect the extensive experience in Northern Ireland. When we put protestors' concerns to the Minister, he accepted that what officers wore when policing demonstrations had an impact on how some people behaved.

187. We are concerned that protestors have the impression that the police are sometimes heavy-handed in their approach to protests, especially in wearing riot equipment in order to deal with peaceful demonstrations. Whilst we recognise that police officers should not be placed at risk of serious injury, the deployment of riot police can unnecessarily raise the temperature at protests. The PSNI has shown how fewer police can be deployed at protests, in normal uniform, apparently with success. Whilst the decision as to the equipment used must be an operational one and must depend on the circumstances and geography in the particular circumstances, policing practice of this sort can help to support peaceful protest and uphold the right to peaceful assembly and we recommend that the adoption of this approach be considered by police forces in England and Wales, where appropriate.