



Inspecting policing
in the public interest

ADAPTING TO PROTEST

Her Majesty's Chief Inspector of Constabulary

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We are in an age where consent cannot be assumed and policing, including public order policing, should be designed to win the consent of the public.

SUMMARY

The 1st April 2009 was a unique day for the Metropolitan Police Service (MPS) and the policing operation that surrounded the G20 summit was highly effective in significant respects. However, tragic events on the day led to a focus on the police approach to protest, notably the use of containment and the manner in which force was used by police. The death of Ian Tomlinson and other individual complaints are being investigated by the Independent Police Complaints Commission (IPCC). This review, conducted at the request of the Commissioner of the MPS, concerns the policing methods used on the day. There are lessons to be learnt and issues that merit early consideration for the policing of future public order events during the remainder of the summer.

CONTEXT

On the 18th December 2008, the MPS was asked to begin planning the police operation to deliver a safe and secure environment for the G20¹ summit that would take place in London at the ExCel Centre in April 2009. The very nature and timing of the event meant that the police and other agencies only had a limited amount of time to prepare the security arrangements where the safety of world leaders, including the President of the United States of America, and other dignitaries had to be assured. This presented a challenging timescale for planning an operation of this magnitude. In comparison, preparation for the G8 summit in 2013 is already underway.²

Protests were held in the City of London on the 1st and the 2nd April 2009 to coincide with the G20 summit. The scale of the policing operation required was considerable – on the 1st April alone there were 10 separate protests over seven sites in London, including the ExCel Centre itself. Ensuring the security of the ExCel Centre as the main G20 summit venue inevitably drew considerable police resource and focus.

On the 1st April violent confrontation between protesters and police occurred at the Bank of England and Bishopsgate. Police were in places required to react to serious violence, as witnessed in video footage of an attack on the Royal Bank of Scotland.

1 The Group of Twenty (G20) was established in 1999 to bring together World Leaders, Finance Ministers and Central Bank Governors.

2 The location of the G8 in 2013 will not be decided until 2011 so there is no lead force yet.

The evolution of communication technology used to record and access images of violent confrontations between the police and protesters influenced emerging views of the police operation on 1st April. The high volume of publicly sourced footage of the protests, including the events leading up to the death of Ian Tomlinson, has demonstrated the influence of ‘citizen journalists’ – members of the public who play an active role in collecting, analysing and distributing media themselves. Consequently, individual and collective police actions are under enormous public scrutiny. Following these events, Her Majesty’s Inspectorate of Constabulary (HMIC) was requested by the MPS to conduct a review of the policing operation and to test the arguments for and against the use of police public order tactics from public, legal and operational perspectives.

In some significant respects, the police planned and responded effectively to three eventualities: security, notified protest and disorder. The police succeeded in providing a safe and secure environment for the G20 summit and the activities of the delegations attending. The ‘Stop the War’ march and rally in London on the 1st April involving over 1,000 protesters was facilitated by police and passed off without incident. Damage and disruption caused by protests in the City of London to businesses, residents and the general public was also minimised. In these respects, the police achieved their objectives as intended. Nevertheless the policing operation relating to the City of London protests has been the subject of criticism.

LEGAL FRAMEWORK FOR THE POLICING OF PROTEST

The majority of protests which take place in densely populated cities like London will cause some level of obstruction or disruption unless they are conducted in a controlled

area. The police have statutory powers and duties in relation to the policing of protest, including those set out in the Public Order Act 1986, the Criminal Justice and Public Order Act 1994, the Criminal Law Act 1967, the Police and Criminal Evidence Act 1984, and common law powers and duties, including powers to prevent breaches of the peace. The use of all police powers must be considered in accordance with the Human Rights Act 1998. This requires all public authorities,³ including the police, to act in a way which is compatible with the rights set out in Schedule 1 to the Act, which are taken from the European Convention on Human Rights (ECHR), unless primary legislation requires them to act otherwise.⁴

The ECHR rights incorporated into our domestic law which are relevant to the policing of protest include ECHR Article 2 (the right to life), ECHR Article 3 (the prohibition on inhuman treatment), ECHR Article 5 (the right to liberty), ECHR Article 8 (the right to respect for private and family life and to a home) and ECHR Articles 9, 10 and 11 (freedom of religion, expression and assembly respectively which, taken together, provide a right of protest).

ECHR Article 11 places both negative and positive obligations on the police. The police must not prevent or restrict peaceful protest⁵ except to the extent allowed by ECHR Article 11 (2) (see below). In addition, the police have a duty in certain circumstances to safeguard the right to peaceful assembly.⁶ In other words, public authorities, including the police, are required to show a certain degree of tolerance towards peaceful gatherings where demonstrators do not engage in acts of violence,⁷ even if these protests cause a level of obstruction or disruption. The level of tolerance that should be extended is likely to be the subject of extensive public and political debate, which has merit in its own right.

³ A public authority includes any body exercising functions of a public nature.

⁴ Human Rights Act 1998, ss. 6(1) and 6(2).

⁵ *Cisse v France* (2002) (App No. 51346/99).

⁶ *Bukta and Others v Hungary* (2007) (App. No. 25691/04).

⁷ *Oya Ataman v Turkey* (2006) (App. No. 745452/01).

However, ECHR Article 11 is a *qualified* right, which means that the police may impose lawful restrictions on the exercise of the right to freedom of assembly provided such restrictions are prescribed by law, pursue one or more legitimate aims and are necessary in a democratic society (i.e. fulfil a pressing social need and are proportionate). The police have powers under both the common law and the Public Order Act 1986⁸ to impose conditions on public processions and public assemblies.

PEACEFUL PROTEST AND THE POLICING DILEMMA

We should remember that public protests have been part of British political life for a very long time. Protests are an important safety valve for strongly held views. In addition, the right to protest in public is a synthesis of iconic freedoms: free assembly and free speech.

The preservation and facilitation of those rights is not new. In introducing the Public Order Bill of 1936 Sir John Simon, Secretary of State for the Home Department said:

“There have been authorities that have urged upon me, in the course of deputations, that power should be taken to prohibit processions on the ground that after all, at any rate in crowded places, they cause a vast amount of inconvenience, and that there are many other ways in which the views of the public can be expressed. I do not agree. I have not put into this Bill any such general prohibition. I think that demonstrations by way of procession are an old and well-established method of exhibiting a point of view. It may not always be very effective, but I do not know on what grounds one can complain.”⁹

Some people measure democratic maturity by the ease with which peaceful protesters can protest albeit sometimes unlawfully. Others believe equally strongly that a mature society

is measured by the security that they have to go about their business free of interference from protesters or anybody else. In the same way, opinion is split about the rights and duties of protesters or those affected by the protest and the role of the police.

Balancing the rights of protesters and other citizens with the duty to protect people and property from the threat of harm or injury defines the policing dilemma in relation to public protest. In a democratic society policed by consent, planning and action at every level must be seen to reconcile all these factors, particularly when a minority of people may be determined to cause disorder or worse. Peaceful protest requires careful interpretation of the law. The law is an important consideration in public order events but as Lord Scarman pointed out in relation to maintaining “The Queen’s Peace”, “it is well recognised that successful policing depends on the exercise of discretion on how the law is enforced.” The debate on the impact of human rights law and the obligation to facilitate peaceful protest is vigorous, as the case law analysis in this report indicates. The discretionary landscape of public order policing has grown more complex and testing. The exercise of discretion is accompanied by both expectations of those seeking to protest and an instant visual record of police conduct. What is certain is that these considerations must now feature in the discretion exercised by police in keeping the peace in this era.

The public survey carried out as a part of this review demonstrates that the majority of the public has limited tolerance for disruption caused by protest.¹⁰ Presently, the police are required to act as arbiter, balancing the rights of protesters against the rights of the wider public, the business community and local residents. In dealing with this dilemma, the police must take a common sense approach.

8 Ss. 12 and 14

9 Sir John Simon, Secretary of State for the Home Department – November 16th 1936

10 17% surveyed believed that business and workers should tolerate disruption by the protesters; 22% surveyed believed that public transport should be suspended to allow protests to take place (survey size 1,726) Ipsos MORI. The survey found that there was an even split between those that thought the police dealt well with the protest (46%) against those that thought not well (45%). 17% of those surveyed gave their answer as bad policing/ police overreaction when asked the first thing that comes to mind when thinking about the G20 protests.

Peaceful protest that may be disruptive is an important reality that needs full consideration in planning and implementation of public order operations. The way the police service asks questions of itself and adapts the exercise of discretion around this issue will be essential in maintaining the support of all sections of the public. We are in an age where consent cannot be assumed and policing, including public order policing, should be designed to win the consent of the public.

PLANNING FOR EVENTS ON 1ST APRIL

In taking a common sense view of the handling of security and public order demands on the 1st April 2009, we must acknowledge the considerable collective achievement by the MPS on what, even by international standards, was a very demanding day. However, expectations of our police are rightly high and we must acknowledge the concerns around the handling of peaceful protesters on that testing day in London.

There are a number of factors that made planning and delivery of the operation more difficult. Firstly, the operational stretch as a result of competing demands made on the day, including international security, protest and disorder. Secondly, the limited planning time frame – 3 months to accommodate the G20 summit on top of a crowded protest calendar. Thirdly, significant shortcomings in police national guidance for handling peaceful protest.

In the extensive planning undertaken by the MPS for the April 1st events, the consideration of peaceful protest that may be disruptive or obstructive is not evident. Peaceful protest, especially if potentially disruptive, needs deliberative analysis and attention within the realm of public order. It does not feature in the 11 key objectives or the range of tactical options considered. This is despite the high likelihood of such protest activity occurring.

One of the 11 strategic objectives of the G20 operation was to “facilitate lawful protest” and that “any form of protest or demonstration that is not lawful will be dealt with robustly according to the law.”¹¹ This is an incorrect starting point when the police are considering their obligations under ECHR Article 11. The correct starting point is the presumption in favour of facilitating peaceful assembly. This is not an absolute presumption. The police must consider the legality of the conduct and actions of *individual* protesters – rather than consider the protest as a whole – and respond to specific criminal offences committed and police powers to deal with those offences.

Absence of notification does not render a public procession unlawful under the Public Order Act 1986 or mean that an otherwise peaceful procession falls outside the ambit of ECHR Article 11. The Public Order Act 1986 requires organisers to give advance written notice to the police of any proposal to hold a public procession, unless it is not reasonably practical to do so.¹² In the absence of notification, the *organisers* of a procession may be guilty of an offence under the Public Order Act, but *participants* of the public procession will not be guilty of an offence.

In the same way, the mere obstruction of a highway does not render a public assembly unlawful. The police must consider whether the obstruction by individual protesters is unreasonable and strike a fair balance between the rights of individuals to peaceful assembly and the rights and freedoms of others.

During the review it has become clear that a number of police officers/police commanders have approached peaceful protest in terms of “is the protest lawful/unlawful?” A better approach is to consider how to facilitate the peaceful protest but then to look at the implications. If it is likely that it could involve a significant level of disruption because of, for example, the scale of the protest, police must plan for it; train for it; and have a suitable array of tactics including prospective restrictions and communications to deal with it.

¹¹ Gold Strategy document.

¹² Public Order Act 1986, s.11.

For operations of this type, planning must consider the potential for peaceful protests that may be disruptive but may not involve criminal wrongdoing by protesters. This will assist the police in ensuring the choice of operational tactics is appropriate and proportionate. Additional demands are likely to result in extra costs to the police, both operationally and in planning and preparing for such events, including additional training for officers.

It would be easy but thoroughly misleading to believe that the challenges of policing public protest could be resolved by somehow tightening up the law. No statute can ever deal neatly with the complex realities which arise when people are motivated to demonstrate their passion for a cause in public. The need to influence, observe and respond to protesters' mood demands more than a rigid response within a conveniently harsh legal environment.

Protesters have a heightened sense of grievance, which easily turns – or can be manipulated to turn – towards any symbol of authority, particularly the police. The art of successfully policing public protest has always been to minimise this transfer of grievance by allowing protesters a fair and reasonable chance to make their point peacefully. Achieving this outcome demands a combination of excellence in leadership, clarity of purpose, training, planning, communication, and – very importantly – the use of discretion.

NATIONAL GUIDANCE

The tactics used by the police on the 1st and 2nd April, such as cordons and containment of protesters, are endorsed by the Association of Chief Police Officers (ACPO) and are contained in the ACPO manual “Keeping the Peace”, which is employed by all police forces

across England and Wales. It is recognised by some senior ACPO officers that the tactics in this manual were formulated in a different era of protest and are largely centred either on organised, planned protest or on dealing with public disorder. Those tactics have not been subject to public debate or scrutiny until now.

The ACPO “Keeping the Peace” manual gives very limited attention to policing protest. It is inadequate for the world the police are now operating in. Peaceful protest covers a wide spectrum of protest activity. At its most straightforward, it is notified, discussed with police in advance, stewarded and controlled and organised on the day with the interests of the wider public in mind. At its most complex, it is not notified or discussed with police in advance, has no organisers or stewards controlling it and is disruptive. In these instances, the police are left to arbitrate and deal with the consequences and impact on the general public as best they can. This is complex given the precious freedoms involved. Nevertheless, discharge of the obligation to facilitate peaceful protest requires more than an acknowledgement of these challenges. It requires preparation for and delivery of a proportionate response.

CONCERNS AND TACTICS

The review identifies and reflects genuine concerns around the:

- Tailoring of the tactic of containment at the Bank of England and at Bishopsgate
- Dispersal of peaceful protesters and the proportionality of the force used by police officers
- Identification of police officers
- Effectiveness of communication between police, public and protesters before, during and after the protest.

CONTAINMENT

House of Lords decision of *Austin & another v Commissioner of Police of the Metropolis* [2009]

The police justify the use of the tactic of containment – enclosing a large number of people gathered in a public place within police cordons – to maintain public order or public safety or as a lawful exercise of their powers under common law to prevent a breach of the peace. The police use of containment has been the subject of detailed legal scrutiny for compatibility with the right to liberty (ECHR Article 5).¹³ The House of Lords found that police use of containment will not infringe the right to liberty of individual members of the crowd whose freedom of movement is restricted by the containment provided the following criteria are met:

- (i) the tactic is resorted to in good faith;
- (ii) the tactic is proportionate to the situation making the measure necessary; and
- (iii) the tactic is enforced for no longer than is reasonably necessary.¹⁴

The Ipsos MORI survey, conducted to inform the review, identified considerable public support for containment, provided it is proportionate and time limited. Significant numbers of Direction and Control complaints¹⁵ received in relation to the G20 protest report concern regarding the apparent indiscriminate nature of the containment, the length of time that protesters and public were held and the limited availability of access to toilets, food and water.

Concern was expressed by complainants and journalists about the way in which the containment was managed at the cordons. Police officers were given the instruction to implement an “absolute cordon, with discretion”. Officers could be forgiven for finding this instruction confusing and difficult to implement. Whilst assistance to leave the containment was undoubtedly given to some, this was not conducted in a consistent manner.

At times, peaceful and disorderly protesters intermingle and make decisions regarding release of individuals from a police containment complex. Much will depend on the facts and circumstances of a particular operation. Nevertheless, this is foreseeable and therefore demands forward thinking to devise strategies and tactics that minimise unintended consequences for peaceful members of the crowd. In responding to this challenge, the police should consider, develop, and evaluate tactics that can address the identification and release of persons from crowds – they must be vigilant for signs of distress and be able to act accordingly.

USE OF FORCE

When asked for views in relation to the police using force against protesters, respondents to the Ipsos Mori survey demonstrate a willingness to accept that, in some circumstances, use of force against protesters is justified.¹⁶ However, half of all Direction and Control complaints received (40) made reference to varying degrees of dissatisfaction associated with the police use of force. Many of the complainants perceived the police use of force as ‘excessive’. Images of police officers using force, including distraction techniques,¹⁷ have the potential to undermine the public’s

¹³ The use of containment has not been argued to be an interference with ECHR Articles 10 and 11.

¹⁴ *Austin & another v Commissioner of Police of the Metropolis* [2009] UKHL 5.

¹⁵ A Direction and Control (D&C) complaint is a complaint against the policies and procedures of a police service rather than a specific complaint against an individual, identifiable officer or officers. 80 D&C complaints were passed to HMIC for review.

¹⁶ When presented with bipolar statements about the use of force, respondents are twice as likely to select a situation that gives police the freedom to use force against protesters *as necessary to keep public order* (44%) as opt for a situation where the police should *never* use force (21%). (Ipsos Mori survey, Annex E)

¹⁷ Distraction techniques are taught to police officers as part of their own safety training. The opportunity to gain better control of an aggressor (e.g. to help apply handcuffs) can be achieved using both unarmed skills (the fist, elbow, palm or heel palm) or by use of the baton.

trust in police, as recognised by the Home Affairs Committee.¹⁸

Faced with dispersing a crowd of protesters, which may contain a disorderly element, police have to think very carefully whether the conventional range of tactics is appropriate for ensuring the minimum use of force. Tactics used for dispersal of protesters on 1st April included filter cordons, arrests and physical force, including shields and batons.

Presently, MPS public order training focuses largely on dealing with disorder and unrest, with officers in NATO helmets, wearing protective equipment and carrying shields. In relatively few instances are police deployed in this manner and, where they are, this is towards the limits of the spectrum of crowd management. Additionally, officers bring to public order training their individual officer safety skills, developed for everyday policing. Bringing the two skill sets together has highlighted contrasting approaches to a graduated response to the use of force and associated human rights considerations, which are well evidenced and documented in officer safety training but markedly less well integrated into public order training.¹⁹ Overall, this current position raises questions about the preparedness of officers to display a graduation and range of policing styles and tactics, all of which, at different times, may be appropriate for policing protest.

IDENTIFICATION OF OFFICERS

Although the overwhelming majority of officers were correctly dressed, any lack of police identification is an inhibitor to accountability and generates a question mark about the control of staff. This is why, as the MPS acknowledges, proper identification of all police officers is important, particularly when the use of force is a possibility.

COMMUNICATIONS

The MPS engaged successfully with at least 10 protest groups who notified their intention to protest in advance in compliance with public order legislation²⁰ and engaged in negotiation with the police.²¹ However, engagement between police and some protest groups prior to the event was difficult. Climate Camp has presented evidence that the MPS was slow to engage. The MPS presented evidence that not all protest groups engaged constructively. The report highlights the need for effective communication between police and protesters and in this the police cannot succeed alone. Protest will be inherently more difficult to plan and facilitate where there is no constructive dialogue between the police and protesters. This may result in the use of police tactics which are more restrictive than would otherwise be the case.

On communication procedures more generally, discussions with police commanders reveal frustrations about the media coverage of the challenge that the police faced on 1st and 2nd April. Initial coverage of the event was positive but by the 5th April this was becoming more critical. This intensified following the emergence of images relating to the death of Ian Tomlinson. A focus group of journalists and broadcasters provided views as to how communication between the police and the media could be strengthened. Ideas suggested during the review include: an improved police event website; embedding journalists with frontline police; police briefing at the scene, to provide information that is contextualised by what is happening on the ground; and making frontline officers experience available after the event(s).

Police have highlighted uncertainties and dilemmas around using potentially sensitive information connected with death or serious injuries at public order

¹⁸ Paragraph 58, Home Affairs Committee, Policing of the G20 Protests, Eighth Report of Session 2008-09, HC 418

¹⁹ It is of note that the MPS public order PSU Commanders Handbook makes no mention of Human Rights.

²⁰ Public Order Act 1986, s.11

²¹ Annex H lists all the groups that notified their intent to protest

events which may subsequently become evidence in legal proceedings. This should not be underestimated. If they say nothing speculation may become rife and press assertions may be left unchallenged, but there are mixed views on how police can best

present information in these circumstances. It should be noted, however, that this dilemma applies to other aspects of policing and is not simply a feature of policing protest.

IMMEDIATE RECOMMENDATIONS

Planning

In planning future public order operations for protest the police should:

- 1. Demonstrate explicit consideration of the facilitation of peaceful protest throughout the planning process and the execution of the operation or operations.** The right to freedom of assembly places obligations on the police. The starting point for the police is the presumption in favour of facilitating peaceful assembly. However, the police may impose lawful restrictions on the exercise of the right provided such restrictions are lawful, have a legitimate aim (such as the interests of public safety or the protection of the rights and freedoms of others) and are necessary and proportionate.

Communication with protest groups

In relation to communication with protest groups the police should:

- 2. 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. When protesters are not forthcoming to the police, the police should consider informing and warning the protesters and the public that this may result in some additional disruption, that restrictions may be placed on protesters and that particular tactics may be employed to reduce disruption and the threat of disorder.

Communication with the public

In relation to communication with the public the police should:

- 3. Develop a strategy to improve communication with the media** before, during and after protests to convey a policing perspective of events.

In relation to communication issues arising from death or serious injury at events MPS and ACPO, in liaison with others, should:

- 4. Agree principles regarding the police use of potentially sensitive information which may later become evidence in legal proceedings.**

Containment

Where containment is deployed the police should moderate its impact by ensuring where practicable:

- 5. No surprises.** Protesters and the public should be made aware of likely police action in order to make informed decisions.

IMMEDIATE RECOMMENDATIONS (continued)

6. **A release plan to allow vulnerable or distressed persons or those inadvertently caught up in the police containment to exit.** The MPS should consider scenarios where observers may be employed to identify vulnerable people – this has implications for planning and training.
7. **Easy access to information** for protesters and public regarding the reason for, anticipated duration of, and exit routes from any police containment. This has clear implications for the training and briefing of frontline officers. The MPS should also urgently explore new ways of engaging with protesters by utilising all available media technologies.²²
8. **Clear signposting to basic facilities and amenities** where needed. This has implications for planning in advance of events.
9. **Awareness and recognition of the UK press card²³** by officers on cordons, to identify legitimate members of the press and ensure application of associated ACPO guidelines for use.

Training and Guidance

Early consideration in any review of training should be given by the MPS and ultimately ACPO to:

10. **Undertaking a review of current public order training including an examination of tactics (such as the use of shields and batons) ensuring that they are subjected to medical assessment.** Any resulting changes to training should be implemented swiftly to ensure that Public Order training reflects the full spectrum of public order activity including peaceful protest; consistently incorporates relevant human rights principles and standards (as demonstrated with Officer Safety Training) and includes consideration of the individual use of force, such as distraction, in collective action such as public order operations.
11. **Providing guidance in a revised ACPO Public Order Manual on the confinement and release of peaceful protesters.** The treatment of the spectrum of protest activity in the current ACPO manual is insufficient. There is a clear need for consistency and standardisation in advance of the 2012 Olympics (where cross force co-operation will be critical to success) to make current mutual support between different forces more reliable and effective.

Identification of Officers

In relation to identification of officers the police should:

12. **Ensure officers wear numerals or other clear identification** at all times during public order operations and deal with individual officer non-compliance swiftly and robustly. The report agrees with the MPS that there can be no excuse for police officers failing to display identification and acknowledges the steps that have already been taken to address this issue.

²² A wide range of views has been expressed to the HMIC Review Team around approaches, ranging from utilising giant screens, flares or even social networking sites to communicate better with protesters and public. 'Dialogue cops' used in Europe have also been noted.

²³ The UK Press Card has been recognised by ACPO since it was established more than 18 years ago. It is also recognised by the Secretary of State for Justice as the only means by which journalists can identify themselves as such for entry to Family Court hearings.

This report is not intended to be a comprehensive account of everything that happened and all the potential implications arising from G20 in April 2009. It is not possible to achieve that in the timescale of this review. It is however intended to assist police practitioners who have to deal with protest in the near future and who recognise that there is a need to develop and improve practice. Part 2 of the report, to be published later this year, will include a systematic review of national and international practice, to inform the ongoing debate on the policing of protest.

We invite and welcome feedback on this report, which will be incorporated into Part 2 of the report.

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INTRODUCTION



The core ethos of Her Majesty’s Inspectorate of Constabulary (HMIC) is “inspecting policing in the public interest”. In practical terms, this means that considerable emphasis is put on the effect that police actions have on the community and public confidence in policing. The methodology adopted by the HMIC Review Team endeavours to provide an independent, balanced and transparent report.

CHAPTER 1

British policing has always had a clear identity, separate from the rest of the world, no more so than in its approach to public order. That approach, of putting the police amongst the people to maintain security and facilitate protest, is quite distinct from other countries in Western Europe where police often use equipment including water cannon, CS gas and other physical measures to control crowds and separate the police from the protest crowd.

There has always been a strong tradition of protest in the UK. Over 5,000 protests took place in the London Metropolitan area in the last year alone.²⁴ The vast majority were notified to police and peaceful. The right to freedom of assembly is a fundamental human right and, like the right to freedom of expression, is one of the foundations of a democratic society.²⁵ However, issues surrounding protest have often been controversial, the use of force to police protest being principal among them.

Protests were held in the City of London on the 1st and 2nd April 2009 to coincide with the G20 Summit. The scale of the policing operation required was considerable – on 1st April alone there were 10 separate protests over seven sites in London, including the ExCel Centre itself. Ensuring the security of the ExCel Centre as the main G20 summit venue inevitably drew considerable police resources and focus.

On the 1st April violent confrontation between protesters and police occurred at the Bank of England and Bishopsgate. Police

were in places required to react to serious violence, as witnessed in video footage of an attack on the Royal Bank of Scotland. The tragic death of Ian Tomlinson and specific complaints regarding injuries sustained by individual protesters²⁶ led to a focus on the police approach to such protests, notably the tactics of containment and the manner in which force was used by the police. It also illuminated that the world is changing fast, and in particular the way the public record, communicate and access information.

The Human Rights Act 1998 requires all public authorities – including the police – to act in a way which is compatible with the rights set out in Schedule 1 of the Act, which are taken from the European Convention on Human Rights (ECHR) unless primary legislation requires them to act otherwise.²⁷ It also requires all legislation to be interpreted compatibly with those ECHR rights so far as it is practicable to do so.²⁸ This includes the Public Order Act 1986, which sets out the domestic framework for policing public processions and public assemblies in England and Wales.

24 The Metropolitan Police Service (MPS) recorded 5,324 protests between the 1st April 2008 and the 31st March 2009.

25 *Djavit v Turkey* (2003) (App. No. 20652/92).

26 This review does not make any judgement on individuals or specific occurrences which fall within the remit of the current enquiry by the IPCC.

27 Human Rights Act 1998, ss. 6(1) and 6(2).

28 Human Rights Act 1998, s. 3(1).

REVIEW METHODOLOGY

The core ethos of Her Majesty's Inspectorate of Constabulary (HMIC) is "inspecting policing in the public interest". In practical terms, this means that considerable emphasis is put on the effect that police actions have on the community and public confidence in policing. The methodology adopted by the HMIC Review Team endeavours to provide an independent, balanced and transparent report.

This report in particular seeks to consider:

- the policing of public protests held during the G20 summit on 1st and 2nd of April 2009
- public perceptions, the legal framework and police professional practice
- the sequence of events on 1st April 2009
- the tactics employed during the police operation relating to the G20 protests
- the immediate issues arising in relation to the policing of protests as a result of this review.

Throughout the review HMIC has worked closely with other related examinations of policing and protest. The parliamentary Home Affairs Committee and the Joint Parliamentary Committee on Human Rights have both taken evidence from key individuals involved in the G20 protest events, police and protesters. These sessions have been reviewed by the HMIC Review Team. There has also been a good level of liaison with the Independent Police Complaints Commission (IPCC). Their remit is to investigate the actions of individual officers and does not extend to issues surrounding the direction and control of officers following lawful orders.²⁹ For this reason all complaints

falling under this category have been reviewed by HMIC and form part of this report. Likewise it is not the role of HMIC to comment on active investigations being undertaken by the IPCC.

A broad range of views and perspectives has also been gathered from face to face interviews, focus groups and written contributions. The local community has been consulted through a ground survey which yielded views from businesses and residents impacted by the events of G20. Protest groups involved in the events around G20 have also been contacted. 80 Direction and Control³⁰ complaints were received from members of the public directly concerned with G20 which were reviewed and responded to.³¹ A full list of those consulted by the HMIC Review Team can be found at Annex A.

The HMIC Review Team has been given unrestricted access to all documents and police officers necessary to ensure a complete process. Evidence has been cross-referenced with CCTV coverage, police command decision logs³², police strategy and policy documents (including Risk and Community Impact Assessments³³) and media coverage.

HMIC were asked to undertake a review by the Commissioner of the Metropolitan Police Service on 28th April 2009. The terms of reference can be found at Annex B. The HMIC Review Team is composed of a range of specialists who include senior police officers, an independent human rights lawyer and communications and policy advisors. An External Reference Group has provided – and will continue to provide – independent scrutiny of the HMIC review process. The External Reference Group members have a diverse range of skills and expertise in fields of relevance to the HMIC review.

²⁹ The role of the IPCC is derived from the Police Reform Act 2002.

³⁰ A Direction and Control complaint is a complaint against the policies and procedures of a police service rather than a specific complaint against an individual, identifiable officer or officers.

³¹ This number reflects the current number of complaints received at the time of writing, a number of direction and control complaints continue to be received by the HMIC Review Team.

³² A police command log is a diary of events and decisions that the police commander has made whilst in a Command role. It will show how a decision was arrived at given the information and threat assessment made by the police commander at the time.

³³ A Community Impact Assessment is a means of measuring the mood (actual or anticipated) of any group of people as a result of an incident or event which is likely to cause concerns or tensions. It is used to assist planners in minimising the effect of the event or incident on the community.

The findings from this review will be published in two parts. As the review was triggered by events surrounding the G20 summit Part 1 considers the G20 policing operation specifically and identifies emerging issues relating to it. Part 2 of the review will consider the broader implications of those issues for the policing of protest and will be published later this year. It will consider the policing of other recent protests in the UK and examine tactics used by police internationally to police protest.

BACKGROUND

The policing operation required to facilitate a summit on this scale was considerable, and constituted the largest MPS operation for many years. On 1st April alone there were 10 separate protests over seven sites in London. In excess of 5,500 Metropolitan police officers were deployed on 1st April and 2,800 on 2nd April.

CHAPTER 2

This chapter provides a short summary of the legal framework for policing protest before drawing distinctions between different types of protest activity seen in the UK. The scope of the G20 policing operation is introduced and considered in the context of ‘citizen journalism’ and modern media.

LEGAL FRAMEWORK FOR POLICING PROTEST

The police have statutory powers in relation to the policing of protest, including those set out in the Public Order Act 1986, the Criminal Justice and Public Order Act 1994, the Criminal Law Act 1967 and the Police and Criminal Evidence Act 1984.

The Public Order Act 1986 confers carefully defined powers and imposes carefully defined duties on the police. It also defines a number of statutory offences, including riot,³⁴ violent disorder,³⁵ affray,³⁶ causing fear or provocation of violence³⁷ and causing harassment, alarm and distress.³⁸ In addition, a number of other offences including common assault, criminal damage and possession of offensive weapons are punishable under the common law and other domestic legislation.³⁹

The police also have powers and duties under the common law, including powers to prevent

breaches of the peace.⁴⁰ Every constable (and every individual citizen) has the power and is subject to the duty to seek to prevent, by arrest or other action short of arrest, any breach of the peace occurring in his or her presence, or any breach of the peace which (having occurred) is likely to be renewed or any breach of the peace which is about to occur.⁴¹

The use of all police powers must be considered in accordance with the Human Rights Act 1998, which requires all public authorities,⁴² including the police, to act in a way which is compatible with the rights set out in Schedule 1 to the Act, which are taken from the European Convention on Human Rights (ECHR), unless primary legislation requires them to act otherwise.⁴³ The Human Rights Act also requires all primary and subordinate legislation to be read and given effect to in a way which is compatible with ECHR rights, so far as it is possible to do so.⁴⁴

34 Public Order Act 1986, s.1

35 Public Order Act 1986, s.2

36 Public Order Act 1986, s.3

37 Public Order Act 1986, s.4

38 Public Order Act 1986, s.5

39 Such as the Offences Against the Person Act 1881, the Criminal Damage Act 1971 and the Criminal Justice Act 1988.

40 A breach of the peace occurs “whenever harm is actually done or is likely to be done to a person or in his presence to his property or a person is in fear of being so harmed through an assault, an affray, a riot, unlawful assembly or other disturbance”: *R v Howell (Errol)* [1982] QB 416 which was held by the European Court of Human Rights to be sufficiently clear to be regarded as “prescribed by law” in *Steel v UK* (1998) 28 EFRR 603, paras 25-29 and 55.

41 *R (on the application of Laporte) v Chief Constable of Gloucestershire* [2006] UKHL 55 per Lord Bingham, para. 29.

42 A public authority includes any body exercising functions of a public nature.

43 Human Rights Act 1998, ss. 6(1) and 6(2).

44 Human Rights Act 1998, s. 3(1).

Protest activity and the policing of protest has the possibility of engaging and interfering with the human rights of a range of individuals and groups. These include:

- those taking part in a march, procession, demonstration or protest
- residents living on the route of the procession or near the protest site
- workers whose place of work is on the route of the procession or near the protest site
- the wider public who may be disrupted in their daily activities
- police officers themselves, who may be required to deal with serious levels of disorder or violence.

The human rights incorporated into our domestic law which are relevant to this report include the following: ECHR Article 2 (the right to life), ECHR Article 3 (the prohibition on inhuman treatment), ECHR Article 5 (the right to liberty), ECHR Article 8 (the right to respect for private and family life and to a home) and ECHR Articles 9, 10 and 11 (freedom of religion, expression and assembly respectively) which, taken together, provide a right of protest.

An outline of the human rights framework for policing protest is set out at Annex C.

The Public Order Act 1986 requires organisers to give advance written notice to the police of any proposal to hold a public procession, unless it is not reasonably practical to do so.⁴⁵ The notice must specify the time and date of the proposed procession, the proposed route and the name and address of the person (or one of the persons) organising it.⁴⁶ In the absence of notification, each of the persons organising the procession may be guilty of an offence.⁴⁷ Participants of the public procession will not be guilty of an offence under the Act.

Advance notice of a public assembly is not required under the Public Order Act 1986.

The Act gives the police the power to impose certain conditions on persons organising or taking part in public processions or assemblies where the police reasonably believe that there is a risk of serious public disorder, serious damage to property, serious disruption to the life of the community or intimidation of others.⁴⁸

A senior police officer can impose such conditions on a procession as appear necessary, and include conditions as to the route of a procession.⁴⁹ They can also impose conditions on the place where a public assembly may be (or continue to be) held, its duration and the maximum number of persons who may attend the assembly.⁵⁰ Since the Act gives the police the power to impose a condition defining the “maximum duration” of a public assembly, a police direction bringing an existing assembly to an end is likely to be found lawful under the Act. The power to impose conditions does not require there to be any focus on the intentions of individuals in a procession or assembly. A senior police officer may give directions to those taking part in the procession or assembly, whether or not individually they appear to present the required threat.

TYPES OF PROTEST ACTIVITY

Protest is a broad term, referring to various activities undertaken by those who wish to express their opposition to, or support for, amongst other things, an idea, policy, campaign or event. There is a wide range of protest activity which includes demonstrations, assemblies and rallies, marches, parades and processions, pickets and strikes, and leaflet drops. For the

45 Public Order Act 1986, s.11(1).

46 Public Order Act 1986, s.11(3).

47 Public Order Act 1986, s.11(7).

48 Public Order Act 1986, s.12(1) and s.14(1).

49 Public Order Act 1986, s.12(1)

50 Public Order Act 1986, s.14(1)

purposes of this review, it is useful to highlight a number of critical distinctions between types of protest activity.

Organised Declared Protests

Around 95% of protest activity involves organised, declared, planned protests (in the form of demonstrations, processions and static assemblies) which are notified to the police. Advance written notification of public processions is required to be given to the police under the Public Order Act 1986, but organisers of public assemblies (which do not have to be notified under the Public Order Act) will also often notify the police of a proposed assembly in any event. This provides a means of communication between the police and organisers, and enables the police to work with protest organisers to agree the scale, location or route and timing of the demonstration or protest, ensure the safety of the protesters and plan an appropriate policing operation to facilitate the protest event. On the day of the protest, the organisers will appoint (non-police) stewards to supervise the protest and maintain control and order. This often enables the policing operation to be reduced, adjusting policing responses to the majority of protesters who are peaceful and self-policed by stewards. An example of this type of protest activity was the TUC Rally held in London on the 28th March 2009, where organisers estimated that 35,000 demonstrators marched peacefully from Embankment to Hyde Park.⁵¹

Non-Declared Planned Protests

A small but significant minority of protest activity comprises protests and demonstrations which have no identifiable organisers. Some are planned and (informally) declared (through sources such as the internet) but are not notified to the police. This form of protest activity includes civil disobedience, where individuals deliberately but peacefully obstruct authorities or disobey laws to express their opposition to a particular idea or policy or dissatisfaction with government action.

This type of protest activity poses particular challenges to the police. With no identifiable organisers or representatives willing to engage with the police on behalf of the protesters, the police are unable to gain accurate information regarding the intentions of the protesters, the location or route of the protest or demonstration, likely protester numbers and timing of the event. This hampers the ability of the police to ensure the safety of the protesters and to plan an appropriate policing operation to facilitate the protest. In addition, these types of protests rarely include stewards to supervise the protest and maintain order. With no stewards and no individuals or group with overall responsibility or control of the protest, the risk for potential disorder increases. This in turn impacts on the nature, size and planning of the policing operation, as the police have to respond to the heightened risk of disruption, damage, disorder or threat to life. An example of this type of protest activity was the 'Bash the Rich' protest against class division which marched to the homes of shadow-Government Ministers on the 3rd November 2007. This was advertised on the internet but no organiser notified police of the proposal. A small march took place which was facilitated by police.

Non-Declared Spontaneous Protests

Spontaneous protests may or may not be organised but, given their very nature, they will not be declared or notified to the police in advance. This type of protest poses challenges to the police for the same reasons identified in relation to non-declared planned protests above. Again the heightened risks associated with this type of protest activity may impact on the nature and size of the policing operation. An example of this type of protest activity was the Pro-Gaza demonstration outside the Israeli Embassy on the 28th December 2008. Here several hundred demonstrators blocked the street in response to Israeli military action in Gaza. There were no event organisers. Criminal damage was caused to a number of premises and police responding to the incident encountered violence.

⁵¹ Full details available at the 'Put People First' website.

Long Term Protests

Another type of protest activity which has become more prevalent in recent years comprises protests intended to continue over an extended period of time. The intention is to continually raise public awareness in relation to a particular concern or achieve particular objectives. This type of protest has the potential to impose significant demands on police resources in the event that a policing operation is required on an ongoing 24 hour basis to ensure the safety of the protesters and the wider public. The Tamil Protest in Parliament Square is an example of this type of protest activity.

Violent Protests

A very small subset of protest activity comprises protests which are intended to be disorderly and/or violent. These types of protests fall outside the protection of ECHR Article 11.⁵² They pose significant challenges for the police, who are required to prevent crime and protect the public from risk of harm.

SCOPE OF G20 POLICING OPERATION

On the 18th December 2008, the MPS was asked to begin planning the police operation to deliver a safe and secure environment for the G20⁵³ summit that would take place in London at the ExCel Centre in April 2009. The very nature and timing of the event meant that the police and other agencies had only a limited amount of time to prepare the security arrangements where the safety of world leaders, including the President of the United States of America and other dignitaries had to be assured. This presented a challenging

timescale for planning an operation of this magnitude. In comparison, police preparation for the G8 summit in 2013 is already underway. The ExCel site posed a significant security challenge for the police in view of the limited access and egress points at Docklands.

The G20 summit was the central element of a week long policing operation (29th March to the 3rd April 2009) named Operation Glencoe, which incorporated a number of different events and inter-dependent policing operations planned for 1st and 2nd April 2009. There were seven events included in the tactical plan template for Operation Glencoe. They were: the State Visit of the President of Mexico (30th March 2009); the Financial Fools demonstration (1st April 2009); the Fossil Fools demonstration (1st April 2009); Climate Camp (1st April 2009); the Stop the War march and rally (1st April 2009); evening receptions for G20 delegates (1st April 2009) and the G20 Summit for Jobs and Growth at the ExCel Centre (2nd April 2009).

The policing operation required to facilitate a summit on this scale was considerable, and constituted the largest MPS operation for many years. On 1st April alone there were 10 separate protests over seven sites in London.⁵⁴ In excess of 5,500 Metropolitan police officers were deployed on the 1st April and 2,800 on the 2nd April.⁵⁵ The MPS estimate the cost of the G20 event as £7.5 million.⁵⁶ The operation was planned and conducted against a significant terrorist threat level. The potential for disruption by international terrorists or domestic extremists was a source of concern for the government, financial industry within the City of London and the police.

52 Human Rights Act 1998, Sch 1, Art 11 – 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 or her interests.

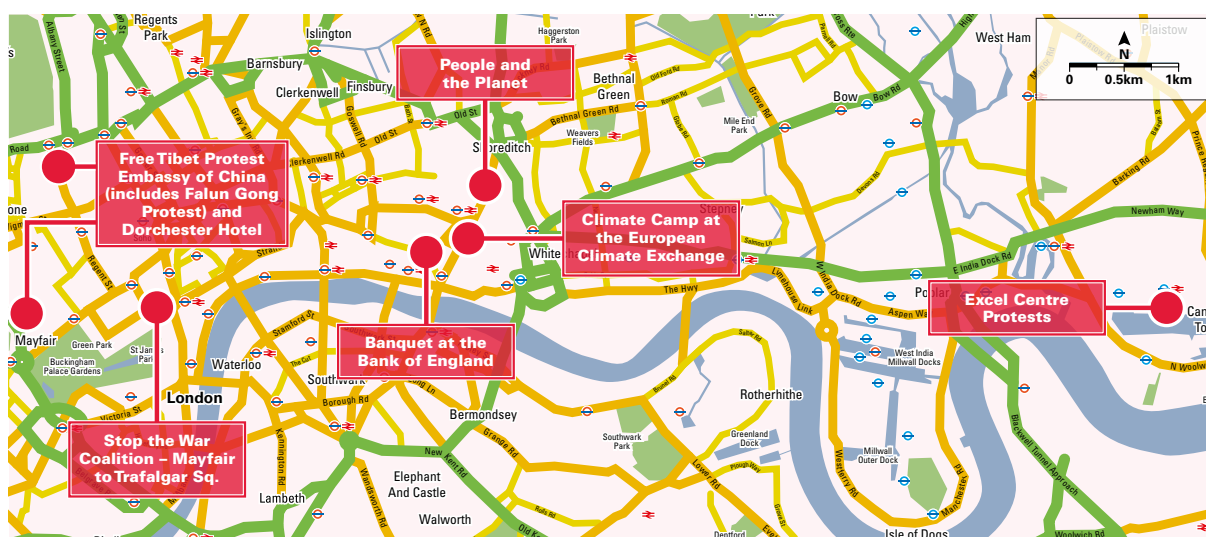
53 The Group of Twenty (G20) was established in 1999 to bring together World Leaders, Finance Ministers and Central Bank Governors.

54 Four of these protests were arguably of increased operational significance to the MPS due to their anticipated size or location: The Stop the War coalition march and rally, the Banquet at the Bank of England, Climate Camp at the European Climate Exchange and the ExCel centre itself.

55 Figures provided by the MPS for the G20 week and MPA submission by Assistant Commissioner Allison regarding officer numbers of Sussex, British Transport Police (BTP), City of London Police (CoLP).

56 The £7.5m is composed of: £3.8million 'additional costs' and £3.68million 'opportunity costs'. 'Additional costs' are defined as costs incurred as a result of the G20 operation. 'Opportunity costs' are defined as a cost incurred as a result of being abstracted from normal policing duties. Figures obtained from MPS financial briefing submitted to HMIC Review Team, dated 12th June 2009.

Map of Protests and G20 Event – 1st April 2009



In the week leading up to the G20 protests many elements of the media reported a high likelihood of disorder. An example of this was the BBC 'ONE Show' where presenter Matt Allbright attended the TUC march on the 28th March and reported that whilst that march was suitable for families to attend, the march on the 1st April was likely to be more hostile and of an entirely different nature.⁵⁷ An article titled 'The Summer of Rage Starts Here'⁵⁸ was published on a popular protester website by a member calling themselves 'London Anarchists'.⁵⁹ There were a number of articles where city workers and institutions were urged to increase security in anticipation of disruption.⁶⁰ Over the weekend of the 28th March 2009, articles published talked of the City being 'poised', 'braced for disorder' and 'on red alert'.⁶¹

On the 1st April 2009 there were four key policing operations. They were:

- The security operation at ExCel
- The Stop the War march in central London
- The Bank of England protest
- The Climate Camp protest.

57 BBC 'ONE Show' 30th March 2009.

58 A number of websites attributed to anarchist groups used the "Summer of Rage" in the lead up to the event; an example is that of the South West Anarchist Group.

59 CO11 Intelligence Update 10th March 2009.

60 The Daily Telegraph quotes a City worker saying: 'We have been told 'if you can work from home, work from home, don't wear a suit and if you have to come in then don't get involved with any of the protestors and stay well clear'. 28th March 2009.

61 Guardian on 26th March 2009.

62 "Containment" (commonly referred to in the media as kettling) is a process whereby police limit access to or egress from an area in order to prevent widespread violence and facilitate a controlled dispersal of those present.

The police security operation at ExCel on 1st April and the Stop the War march and rally (consisting of 1,000 – 1,500 protesters) were conducted without incident.

Between 4,000 and 5,000 protesters converged at the Bank of England around midday. The protesters were contained⁶² from 12.30pm until 7.00pm when police began to disperse those present and this was largely completed by 8.45pm. Between these times a number of violent confrontations between protesters and police took place. It was during this period that Ian Tomlinson died.

The Climate Camp protest commenced at 12.30pm in Bishopsgate with the intention of remaining for 24 hours. Reports suggest a good natured protest with numbers swelling during the afternoon to a peak of 4,000 – 5,000 protesters. A containment was placed around the camp at 7.00pm (as the dispersal of the Bank of England protest began) and dispersal of Climate Camp by police began at around 10.45pm. A detailed timeline of events is attached at Annex D.

During the 1st April protests, the live news broadcasts by BBC News 24 and Sky were predominately positive.⁶³ Some subsequent newspaper articles suggest that the much predicted 'riot'⁶⁴ did not happen and that the police kept control. Other articles use emotive language to describe clashes between the police and protesters, using words such as 'battles' and 'rampaging mobs'.⁶⁵ There was also some criticism of police tactics.⁶⁶

On the 5th April the story began to emerge in relation to events surrounding the tragic death of Mr Ian Tomlinson.⁶⁷ This sparked fresh interest in G20, and the ensuing media coverage raised issues over trust in the police and fresh criticism of police tactics.⁶⁸

THE CONTEXT OF MODERN PROTEST

Mobile telephones combined with cameras have had a fundamental effect on the news media, particularly the speed at which news can be received and then broadcast. The public at any major event are now an important source – often the first – of video, still images, text messages and e-mails. This activity is known as citizen journalism, and the published product is known as user-generated content (UGC).

It is widely acknowledged that the watershed for citizen journalism was reached on the 7th July 2005 following the terrorist attacks in London. Within 24 hours the BBC alone had received 1,000 stills and videos, 3,000 texts and 20,000 e-mails.⁶⁹

Never before had the sights and sounds of major disaster on the Underground been available to the public. The BBC's first indication of the bus explosion in Tavistock Square was pictures sent in by a nearby resident suspicious of a government cover-up because he had seen no report of it on TV. In reality, it was just 15 minutes after the explosion and the BBC, like everyone else, was still getting to grips with events elsewhere.⁷⁰

Handling this material raises considerable issues for the broadcasters, particularly the need to sift and verify information, and to guard against hoaxes and manipulation. Now all the major broadcasters have processes managed by dedicated teams.

The BBC's UGC Hub is a 24/7 operation within the main newsroom. It has a key role within the BBC guidelines on the use of UGC.⁷¹ On an average day it handles 12,000 e-mails and around 200 pictures. However, some 7,000 pieces of video came in one week during the July 2008 floods.

The emergence of new media has been described as "a potentially radical shift of who is in control of information, experience and resources."⁷² The evolution of communication technology used to record and access images of violent confrontations between the police and protesters influenced emerging views of the police operation on 1st April. The high volume of publicly sourced footage of the events of 1st April, including the events leading up to the death of

63 At 2.10pm police began moving protestors from outside the RBS and the BBC studio comment was 'at some point the police have to draw a line under protestor behaviour and this appears to be now. At 2.24pm a Sky security expert in the studio stated that the police had behaved with 'great skill'.

64 Daily Express 2nd April headline "Anarchy does not rule UK" where it was said that "Anarchists determined to bring chaos to London were thwarted by a huge police operation yesterday in which the rule of the mob was quashed.

65 Daily Star 2nd April 2009 headline "Blood on the streets" by line "ANTI-BANK protesters turned the heart of London into a bloody battleground yesterday".

66 Evening Standard 3rd April states 'police defend corralling thousands of protestors'. Guardian 3rd April refers to kettling as a 'cuddly word for false imprisonment'. Morning Star 3rd April talks of 'brutal police attacks'. Independent 3rd April talks of 'heavy handed tactics'. Times 4th April has an article entitled 'the crowd in uniform may be the more violent'.

67 The Guardian, 5th April 2009.

68 For example an article from Andy Hayman that "the crowd in uniform may be the more violent", The Times, 08 April 2009.

69 Helen Boaden, BBC Head of Newsgathering, e-Democracy '08 conference, 11th November, 2008.

70 7/7: Citizen Journalists, BBC3, 2235, 16th November 2005.

71 <http://www.bbc.co.uk/guidelines/editorialguidelines/advice/videoaudioandstills/checkingthefact.shtml>.

72 Andrew Shapiro, Harvard University, cited in Croteau and Hoynes 2003: 322.

Ian Tomlinson, has demonstrated the influence of ‘citizen journalists’ – members of the public who play an active role in collecting, analysing and distributing media themselves. Consequently, individual and collective police action is under enormous public scrutiny.

The table below highlights this. It demonstrates the viewing figures for individually submitted G20-related videos on a video-sharing website.⁷³

Not only does this demonstrate a high online interest in the events of G20, it highlights the fact that large public audiences have access to documentation which could possibly influence the public perceptions of events.

Social networking sites, such as Facebook, encourage links to groups as well as individuals, generating a ‘spider-web’ of connections between a diverse spectrum of communities.

Some social networking and video-sharing sites have the capability to be accessed on mobile phones. This allows the entire network to be updated, whether through text, photos or videos, instantly at any time and from any location. Technology has allowed for a more flexible and responsive protest community which is capable of advanced communication and immediate reaction to events on the ground.

The pace and sophistication of communication arguably left police, particularly officers on the ground, less well informed than protesters with high specification mobile phones, who could access or post on websites and get an overview of the situation. This reality is in stark contrast to reports from the police of inability at times to communicate using the police radio. The challenge for the police is to keep pace with a dynamic, IT intelligent protest community and the technology available for use.

Name of video	Number of views (as at 29th May 2009)
‘Video of police assault on Ian Tomlinson’	345,142
‘Riot police attack peaceful protesters at G20 Climate Camp’	133,745
‘G20 Climate Camp in the city’	60,209
‘Police Assault a woman in G20 protest’	34,959
‘Policemen hurt as protest G20 heats up’	22,536

⁷³ Source: www.youtube.com, resulting from a search of ‘London G20 protests’.

PERCEPTIONS OF PROTEST AT G20

I went to the G20 and went to the Bank of England as it was my day off.... When we tried to get back and tried to get out we could not. We asked the police why we could not get out and most of the time they didn't know where to go to get out. We got directed to different areas but still could not get out. I started to get afraid as tourists and children could not get out.

CHAPTER 3

This chapter presents different views of the G20 protest and opinions on police tactics more broadly. Key findings are presented from a public opinion survey in relation to the policing of the G20 protests. Individual complaints against police policies or procedures in relation to the G20 protests are analysed. Views of City of London businesses, residents, police officers and journalists are considered and summarised.

PERCEPTION SURVEY

HMIC commissioned Ipsos MORI to conduct a survey of public opinion specifically in relation to the G20 protests and policing of large-scale protests in general. The survey results, outlined below, provide a representative indication of public perception of these events. The survey was conducted between the 29th May and the 4th June 2009 and the findings based on the input of 1,726 respondents in England and Wales. The full summary of survey results is attached at Annex E.

Policing of G20

Respondents familiar with the G20 protests in London were asked questions about policing at the events. Opinion is certainly divided on this matter with respondents finely balanced between those who felt the police dealt with the protests well and those who did not. Very few (7%) believe that the police dealt with the G20 protests *very well* but almost four in ten (39%) are of the view that police dealt with the protests *fairly well*. Collectively, therefore, just under half (46%) believe the police dealt with the G20 protests either *very* or *fairly well*.

However, a sizeable one third (33%) state that the police did not deal with the G20 protests very well and more than one in ten (12%) states that they did not do well *at all*. Collectively, this generates a 'not very well/not at all well' total of 45 per cent. Whilst opinion is clearly balanced, at the extreme ends of the scale a larger proportion reports a very negative view than reports a very positive view.

Protester behaviour

Respondents were also asked to give their opinion on the behaviour of the protesters at the G20 protests in London. The most frequent response (44%) is that *some* of the protesters behaved in an acceptable manner whilst some did not. Overall, almost four in ten (39%) respondents believe that the *majority* of the protesters behaved in an acceptable manner.

Tolerance of disruption

Among the majority, there is a preference for protests to be managed in such a way as to minimise disruption to the general public. Respondents are:

- *more likely* to favour an approach that does not disrupt public transport

- *much more likely* to favour an approach that does not disrupt business and workers
- *considerably more likely* to favour an approach that sees protesters agreeing to their route with the police and sticking to it.

Use of Force

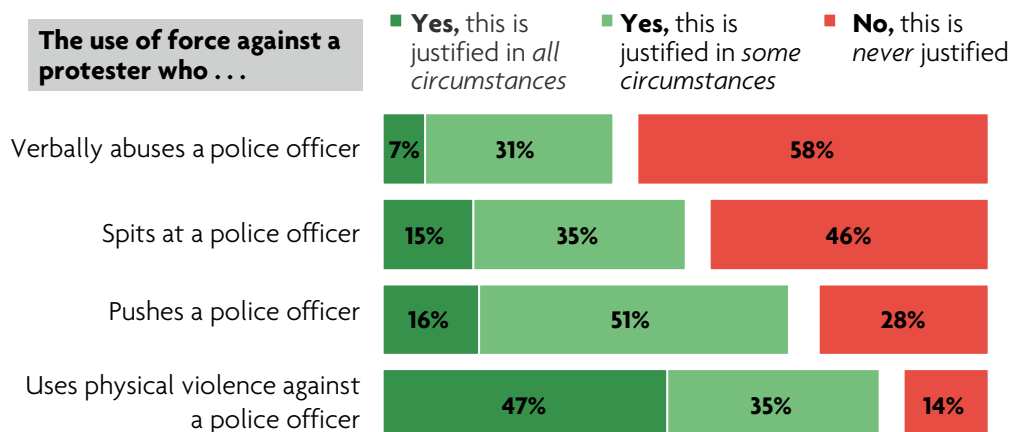
When asked for views in relation to the police using force against protesters, respondents demonstrate a willingness to accept that, in some circumstances, use of force against protesters is justified. When presented with bipolar statements about the use of force, respondents are twice as likely to select a

situation where the police may need to use force against protesters *as necessary to keep public order*, as opposed to a situation where the police should *never* use force.

When presented with a series of protester behaviours that could occur at a large-scale protest, respondents were asked to consider whether the use of force was justifiable as a response to each behaviour. Use of force was defined as a police officer using their baton to strike a protester. It is clear from the results that as protester behaviour escalates in seriousness more people perceive the use of force by police officers to be justifiable.

As protester behaviour escalates in seriousness, more people perceive the use of force to be justified

Q. Please read this list...please say whether use of force is justifiable in all circumstances, some circumstances or is never justifiable.



Ipsos MORI Base: 1,726 adults aged 15+ in England and Wales, 29 May-4 June 2009 Source: Ipsos MORI

Containment

Respondents were informed that during a large-scale protest police might have to hold protesters in a controlled area for a number of hours if they feel that public order is under threat. They were then asked to comment on whether they believed this holding tactic was justifiable in response to a number of scenarios.

It is clear from the results that when the public feels that holding protesters will reduce disruption, reduce damage to property or minimise a threat to public safety, there are high levels of tolerance for such a tactic. In all three scenarios there is a majority belief that holding tactics are justifiable in some or all circumstances.

Confidence for the future

When asked how confident, if at all, they are that the police will effectively manage large-scale protests in the future, almost two-thirds (65%) state that they are either fairly confident

(54%) or very confident (11%). However, it should not be overlooked that there is a sizeable minority (27%) that is not confident.

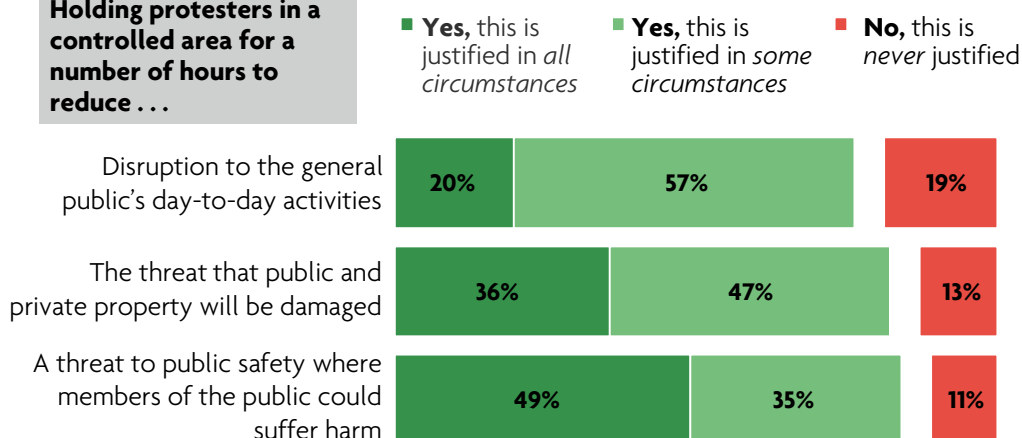
PUBLIC PERCEPTION (CITY OF LONDON BUSINESSES AND RESIDENTS)

The views of the business and resident communities in the vicinity of the protests were canvassed. Members of staff from twenty-one small businesses in the area were interviewed and a focus group was conducted with employees of larger businesses⁷⁴. As there are few residents in the area in comparison to the rest of London, a staged approach was taken to capture their views. Stage 1 consisted of face-to-face interviews with seventeen of the residents most proximate to the relevant locations. In stage 2, questionnaires canvassed the opinion of those living slightly further away. A thematic analysis was then carried out on all the interviews and questionnaire responses.

Public support for containment is significantly higher where there is a threat to public safety

Q. The police may hold protesters in a controlled area for a number of hours if they feel that public order is under threat. To what extent is this action justifiable or not in these different scenarios?

Holding protesters in a controlled area for a number of hours to reduce ...



Ipsos MORI Base: 1,726 adults aged 15+ in England and Wales, 29 May-4 June 2009 Source: Ipsos MORI

74 Larger Business Focus Group.

The businesses and residents spoken to were generally positive about the way in which the protests were policed, placing emphasis on the prevention of disruption and damage to property (and the consequences for business continuity) as the most important outcome⁷⁵. Particularly positive comments were made about the quality of communication from Neighbourhood Policing Teams received by organisations prior to the event and the consequent ability to make preparations and reassure staff.

Fifteen of the businesses gave responses concerning the way the protests were policed. Of these, fourteen gave positive comment ranging from 'OK' to 'excellent'; there was particularly positive feeling about the level of communication received from the police prior to 1st April. Only one business commented negatively, perceiving 'riot police' added to the tension.

"I think that the police did an exceptional job of keeping us in the loop before the day and not letting things get out of control..."

Sixteen of the residents commented on how the protests were policed. Seven gave positive comment with examples covering good organisation and efficiency. Eight gave negative comment, with examples discussing the number of officers deployed, the police use of force, containment (see below) and the death of Ian Tomlinson⁷⁶.

"I went to the G20 and went to the Bank of England as it was my day off... When we tried to get back and tried to get out we could not. We asked the police why we could not get out and most of the time they didn't know where to go to get out. We got directed to different areas but still could not get out. I started to get afraid as tourists and children could not get out."⁷⁷

DIRECTION AND CONTROL COMPLAINTS

80 individuals have made specific Direction and Control (D&C) complaints to the IPCC. As these were not related to specific individuals but rather were linked to methods used on the day, all of these have been passed to the HMIC Review Team and a questionnaire sent to each complainant to gather further information. In addition those that provided telephone numbers were given the option of being interviewed over the phone. This has resulted in a total of 31 detailed responses being obtained either by questionnaire or interview. All the available information has then been assessed in relation to the following themes:

- Containment – the police tactic of restricting the movement of crowds
- Communications – Police and Public – prior to, during and after protests
- Use of Force – by Police and Protesters
- Policing in a Democracy – appropriate facilitation of protests and considerations of all members of the community
- Media – perceptions and effects of the media, prior to, during and after protests
- Additional information or suggestions relevant to the review.

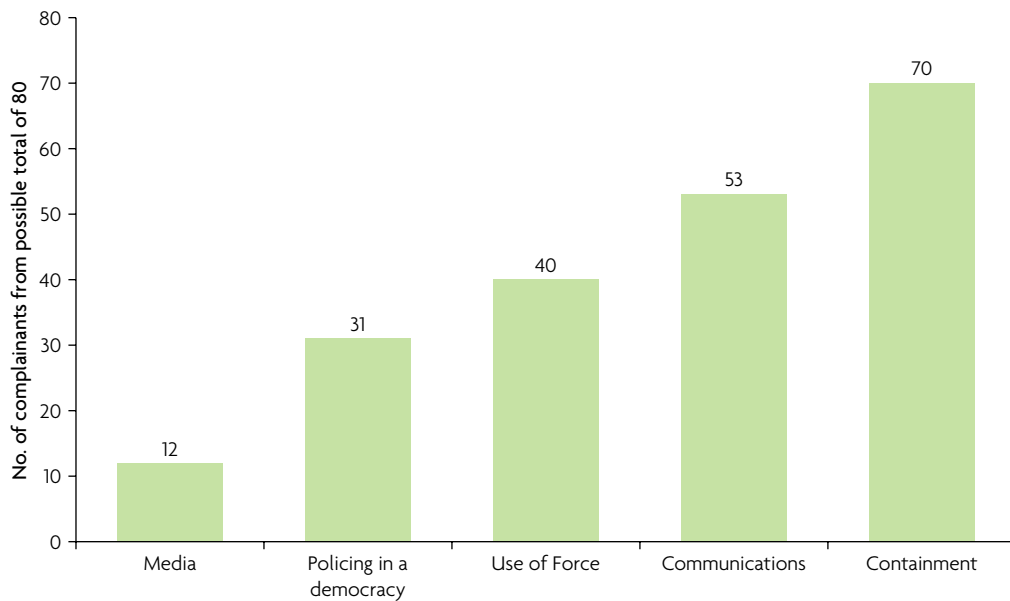
Of all complaints raised, the majority were in relation to containment. This is demonstrated in the following graph.

⁷⁵ A detailed analysis of the views of key groups is attached at Annex E.

⁷⁶ One resident felt unable to judge whether policing was positive or negative.

⁷⁷ D&C Complainant Review – GJL9.

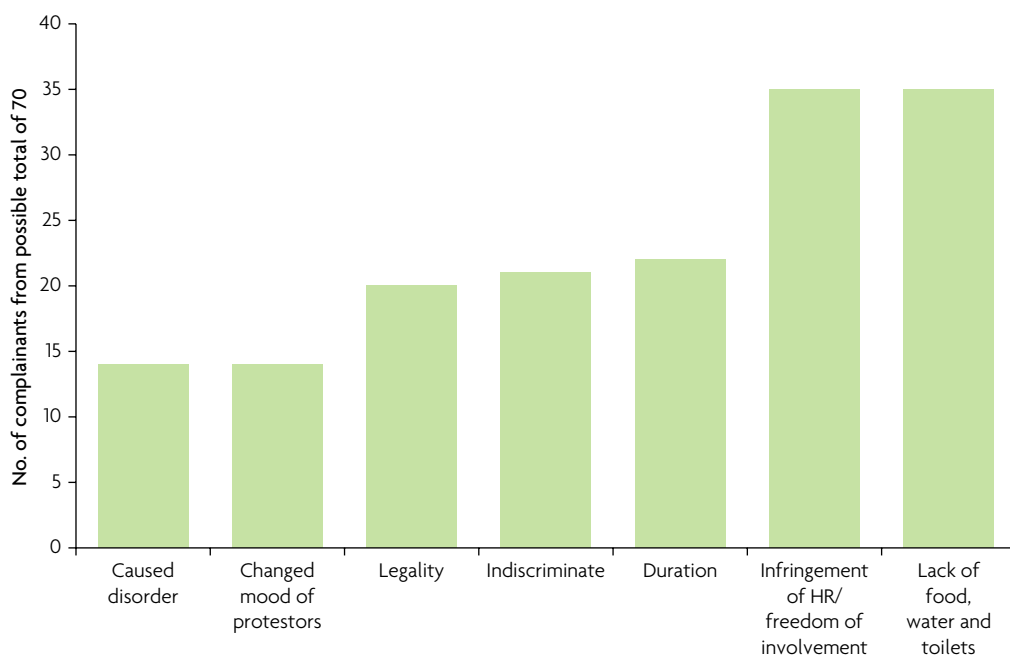
Nature of Direction and Control complaints



70 of the D&C complaints make reference to varying degrees of dissatisfaction associated with the police tactic of containment. Analysis of complaints referring to containment draws attention to some common themes, concerning lack of facilities, perceived infringement of human rights, the duration

of containment, indiscriminate nature and legality. A small but significant number believed that the containment itself changed the mood of protesters and caused disorder. The following graph shows the frequency that complainants noted each of these themes.

Themes of containment-specific complaints



The following quotes are illustrative of the type of comments made within the complaints and provides insight into the strong reaction of many individuals caught up in the containment.

“the responsibility for this violence is the police’s, because of their use of the inhumane, degrading and ultimately counter-productive technique of kettling.... Quite simply, we were treated like sub-humans by the police”⁷⁸

“my final outrage is for the police officers watching a young girl having an asthma attack and yet still refused, even her, the right to leave. It was absolutely disgraceful. My whole attitude to their behaviour is and was ‘how dare they’”⁷⁹.

Communication is the second most prevalent area of concern raised by the D&C complainants. 53 complaints make reference to varying degrees of dissatisfaction associated with the communications with the police. Ineffective police communication is an issue complainants believed to be a major contributory factor to the disorder and violence at the protests of the 1st April 2009.

“the total lack of communication created feelings of despair and anger amongst protesters, as most of us were unsure as to whether we would be detained for the next twenty minutes or twelve hours”⁸⁰.

40 of the D&C complainants made reference to varying degrees of dissatisfaction associated with the police use of force. A small minority of complainants have stated that they witnessed police officers using force at the G20 Climate Camp protests and perceived the use of force to be “justified and reasonable in the circumstances”⁸¹. However, over half of the complainants describe the police use of force as ‘excessive’.

78 D&C Complainant Review – GJL15.

79 D&C Complainant Review – GJL16.

80 D&C Complainant Review – GJL15.

81 D&C Complainant Review – GJL7

82 D&C Complainant Review – GJL4.

“To be faced by police officers brandishing weapons and dressed for a riot is quite intimidating. I witnessed policemen pushing people very hard, and with no warning. There were some police in different clothes to the majority, who were particularly aggressive, as if they were in a combat situation.... The use of force was disproportionate, and I feel what I experienced was nothing short of harassment – being punished for being at a protest”.⁸²

31 of the D&C complaints make reference to varying degrees of dissatisfaction associated with Policing in a Democracy. The overriding issue raised by complainants under this theme was the police’s obligation to facilitate, rather than hinder, public protests. Complainants perceive the police actions as criminalising protesters and draw the conclusion that any negative atmosphere or antisocial protester behaviour is directly linked to the level of police presence and degree of control the police attempt to exert over a protest.

Media is the area of concern raised least frequently by the D&C complainants. 12 complainants make reference to varying degrees of dissatisfaction associated with the media. Complainants’ perceptions of the media during and after the protests are mixed depending on the media source and specifically when the media coverage was released or broadcast.

The views of many complainants were informed by their own experiences at the protests and by media coverage prior to, during and after the protest (explicitly referenced in many complaints). A chart showing the breakdown of issues raised in these complaints can be found at Annex F.

POLICE PERCEPTIONS

The perception of MPS senior police commanders is that the operation to police the G20 events during the week commencing the 31st March 2009 was an overall success

when judged against the strategic objectives.⁸³ In their view the use of Cordons, Containment and Dispersal as tactical options enabled that success and they can see little evidence that different approaches could deliver in the same way.⁸⁴ They acknowledge that there are important lessons to be learnt from the policing of the protests at the Bank of England and Bishopsgate on the 1st April. They stress that the events required the largest security operation mounted by the MPS for many years and had to be planned within a three month period. Furthermore, the operation took place against a terrorist threat of 'Severe' and with the perceived potential for large-scale public disruption.⁸⁵ The commanders considered that the tragic death of Ian Tomlinson also severely impacted on subsequent public perception of the event.

Frontline officers directly deployed in the operational policing of the protests held a similar view, feeling that to a large extent the operation had been a success in preventing widespread disorder. They suggested that the length of time that they would be deployed on duty (average 14 hours shift) on the 1st and 2nd April might have affected their personal resilience and tolerance. Some felt that insufficient attention was given to their welfare needs, in respect of rest and refreshment.

“We were kept on until gone midnight having been on since 7.00am. We slept on the floor of the station, didn’t get the chance to get food, and were back on duty at 7.00am the next day”.⁸⁶

Officers commented that the tools they had available to communicate with the crowds were insufficient and this

contributed to protester perceptions of police obstructiveness.⁸⁷ Officers voiced the opinion that the media coverage had taken their actions out of context and not fully represented the nature of the difficulties they faced on the day.⁸⁸

PERCEPTIONS OF JOURNALISTS AND BROADCASTERS

Journalists and broadcasters in focus groups recognised that the police were forthcoming in providing information prior to the event and provided briefings on the day. It was generally felt though that having a spokesperson available some three miles from the scene was not helpful and that there could have been a more proactive police engagement on the ground on the 1st April 2009.⁸⁹ Many noted the failure of police to respond to negative reporting. A more facilitative approach would also be more consistent with police practice in dealing with other significant incidents. Journalists suggested that opportunities to interview front line officers to obtain real time commentaries would clarify the policing perspective and assist public understanding of events. A suggestion was also made that there may be the potential to embed individuals with police units and commanders as is done with the military. It was considered that the police grew more and more unresponsive as negative reports increased and it was commented that the MPS withdrew into a “bunker”.⁹⁰ This resulted in a “vacuum of information” and made the media even more reliant on the ‘blog culture’ of protesters and the public to gather updated information on unfolding events.⁹¹

83 Gold Strategy document.

84 In his evidence to the JCHR, Acting Assistant Commissioner Allison stated ‘*I do not see there are systemic problems*’ (Uncorrected transcript of oral evidence to Joint Committee on Human Rights, Policing and Protest, Tuesday 12th May 2009)

85 Metropolitan Police Authority Report, 30th April 2009.

86 Police Focus Group.

87 Police Focus Group.

88 Police Focus Group.

89 Comments taken from a media focus group hosted by the HMIC Review Team on 27th May 09.

90 Media focus group.

91 Ibid.

Observations were made on the inability to move freely in and out of cordons, with some front line officers failing to recognise the Press Card.⁹² Experiences on this matter varied, but journalists were unanimous in the belief that persistence was required due to an inconsistent application of this policy across cordons.

ISSUES

The Ipsos MORI survey identified considerable public support for containment, provided it is proportionate and time limited. Significant numbers of Direction and Control complaints received in relation to the G20 protest report concern regarding the apparent indiscriminate nature of the containment, the length of time that protesters and public were held and the limited availability of access to toilets, food and water. Concern was reported by D&C complainants and journalists about the way in which the containment was managed at the cordons and the inability of press and vulnerable individuals, amongst others, to pass through. Chapter 5 considers these issues further through review of the policing operation on the 1st April 2009 and identifies immediate recommendations in relation to containment.

When asked for views in relation to the police using force against protesters, respondents to the Ipsos MORI survey demonstrate a willingness to accept that, in some circumstances, use of force against protesters is justified. However, half of all D&C complaints received (40) made reference to varying degrees of dissatisfaction associated

with the police use of force. Many of the complaints perceived the police use of force as 'excessive'. Chapter 6 considers the use of force in public order situations and identifies immediate recommendations.

Police commanders revealed frustrations about the media coverage of the challenge the police faced on the 1st and 2nd April. Initial coverage of the event was positive but by the 5th April was becoming more critical. This intensified following the emergence of images relating to the death of Ian Tomlinson. Journalists and broadcasters provided views as to how communication between police and the media could be strengthened. Ideas suggested include: an improved police event website; embedding journalists with frontline police; police briefing at the scene (to provide information that is contextualised by what is happening on the ground); and making frontline officers experience available after the event(s).

Police have highlighted uncertainties and dilemmas around using potentially sensitive information connected with death or serious injuries at public order events which may subsequently become evidence in legal proceedings. This should not be underestimated. If they say nothing speculation may become rife and media assertions may be left unchallenged, but there are mixed views on how police can best present information in these circumstances. It should be noted, however, that this dilemma applies to other aspects of policing and is not simply a feature of policing protest.

⁹² The UK Press Card Scheme has been in operation since the early 1990's and provides identification for professional journalists, broadcasters, photographers, etc. The MPS developed media guidance for officers which was adopted by ACPO. The following is an excerpt from the ACPO guidance 'members of the media have a duty to report from the scene of many of the incidents we have to deal with. We should actively help them carry out their responsibilities provided they do not interfere with ours. Providing an area for members of the media does not exclude them from operating from other areas to which the general public have access'.

IMMEDIATE RECOMMENDATIONS:

In relation to communication with the public the police should:

- **Develop a strategy to improve communication with the media** before, during and after protests to convey a policing perspective of events.

In relation to communication issues arising from death or serious injury at events MPS and ACPO, in liaison with others, should:

- **Agree principles regarding the police use of potentially sensitive information which may later become evidence in legal proceedings.**

POLICE PREPARATION AND PLANNING FOR G20

In taking a common sense view of the handling of security and public order demands on 1st April 2009 we must acknowledge the considerable collective achievement by the MPS on what, even by international standards, was a very demanding day

CHAPTER 4

This chapter examines strategic, tactical and operational planning for Operation Glencoe, drawing on ACPO guidance, independent legal advice, G20 planning documents, command decision logs and insights provided through interviews with the key commanders involved.

COMMAND AND CONTROL OF PUBLIC ORDER POLICING OPERATIONS

The current ACPO Manual of Guidance for Policing Public Order entitled 'Keeping the Peace' lays out the public order command structure that is universally recognised by police forces across the United Kingdom, including the MPS – the Gold (strategic) commander, the Silver (tactical) commander, and the Bronze (operational) commander.

The Gold commander has overall responsibility for the public order policing operation, setting strategy and ensuring sufficient resources to manage and resolve the event or incident.⁹³

The Silver commander has responsibility for devising a tactical plan to achieve the operational strategy set by Gold. The Silver commander considers the following tactical considerations and options as part of the operational planning process: negotiation, operational parameters, use of legislation, briefing, debriefing, establishing control, containment, maintaining and regaining the initiative, diversionary tactics, withdrawal/regrouping, dispersal, arrest, reserves and resource co-ordination.⁹⁴

Bronze commanders are responsible for implementing the Silver tactical plan by using appropriate tactics within a geographical or functional⁹⁵ area of responsibility.

COMMAND AND CONTROL OF THE G20 POLICING OPERATION

Operation Glencoe was one of the largest policing operations to have taken place anywhere in the United Kingdom. It was placed under the control of a single overarching Gold commander supported by a single Silver commander. Both Gold and Silver commanders were senior MPS officers, with considerable experience of public order policing operations at this level of command. There are only a very small number of senior police officers nationally who are experienced to such a high level.

STRATEGIC OBJECTIVES OF THE G20 POLICING OPERATION

The Gold commander set the tone and strategy for the policing operation. The Gold strategy identified eleven strategic objectives for Operation Glencoe to cover all the events due to take place during the week.

⁹³ ACPO Manual of Guidance on Keeping the Peace.

⁹⁴ Ibid.

⁹⁵ A functional area relates to specific area of policing operations outside the primary focus of the operation, for example crime, media, community, intelligence.

They included a number of specific statutory requirements imposed on the police, as well as requirements placed upon the police by partner agencies.

The eleven strategic objectives were:

- Facilitate lawful protest
- Provide a safe environment for participants, public and staff
- Minimise disruption to the life of the residential and business community
- Minimise disruption to air, rail, vehicular and pedestrian traffic
- Provide a co-ordinated response to incidents
- Preserve public order and minimise opportunity to commit crime, and take proportionate steps to deal appropriately with offenders if crime is committed
- Protect vulnerable and high profile premises
- Preserve the dignity of the diplomatic missions and buildings
- Enforce the Sessional Order of Parliament where appropriate
- Provide security commensurate to the threat level relating to this series of events
- Facilitate the arrival and departure of Principals and relevant support teams involved in the Mexican State Visit and the lead delegates involved with the Conference for Jobs and Growth.

The protection of the ExCel Centre as the main G20 summit venue was implicit within many of these objectives. There was significant potential for spontaneous protest or disorder to disrupt the G20 summit.⁹⁶ Gold and Silver commanders confirm in interviews that providing security and preventing disruption to the G20 summit was the principal objective for the operation.

ISSUES

There is a trade-off to be managed in establishing a single command team (responsible for all relevant events and intelligence) for a series of events spread over a number of days. The benefits of high level overview, consistency and flexibility in relation to a policing operation of this size and complexity need to be balanced against the risk of imposing too many demands on individual commanders faced with multiple priorities and objectives. The breadth of issues on the 1st and 2nd April 2009, the scale of risk and the significant expectations for the G20 summit were almost without precedent. In these respects alone, Operation Glencoe would have taken ‘command stretch’, the ability to maintain oversight, to a significant degree, given the very long periods of duties officers were eventually required to work.⁹⁷

The eleven strategic objectives identified by the Gold commander reflect the scale of the policing operation and the competing demands placed on the police. The ACPO ‘Keeping the Peace’ Manual provides guidance to Gold commanders that the Gold strategy should define the overall intentions, determine the tactical parameters and set the policing style of the public order policing operation. Strategic objectives should be prioritised to assist the Silver commander to reconcile competing objectives and provide clear direction on the operational approach to be adopted.

FACILITATING PROTEST

One of the eleven strategic objectives of Operation Glencoe was to facilitate lawful protest. The MPS Gold strategy document states that “police will do their utmost to balance the needs of protesters against those of the local community and security requirements. These competing needs can only be determined on a situation-by-situation basis.” The strategy states that, in order to achieve this balance, “the policing operation

⁹⁶ A summary detailing incidents of past G events is attached at Annex G.

⁹⁷ Document received from the Police Superintendents Association of England and Wales (PSAEW). 19th June 2009.

will pay due accord to the Human Rights Act 1998 and, in particular, European Court of Human Rights [ECHR] Articles 5, 9, 10 + 11, and all police action will be proportionate, legal, accountable and necessary”.

The strategy also states that “any form of protest or demonstration that is not lawful will be dealt with robustly according to the law.”⁹⁸ This is not the correct starting point for the police when considering their obligations in relation to the right to peaceful assembly. This is discussed further below. It further notes that any march or assembly may be subject to conditions imposed under the relevant sections of the Public Order Act 1986.

The majority of protests which take place in densely populated cities like London will cause some level of obstruction or disruption unless they are conducted in a controlled area. Acting Assistant Commissioner Allison whilst giving evidence to the Joint Parliamentary Committee on Human Rights (2009) recognised this point and stated in relation to the Climate Camp protest at Bishopsgate that *‘The Command Team ... had explained to Climate Camp prior to the event that if they camped on a main highway and a main thoroughfare, in the City of London, that was likely to cause serious disruption under the Public Order Act, then it would be moved under section 14 [of the Public Order Act], and that [is] what they did.’*⁹⁹

Article 11 of the ECHR places the police under the obligation to facilitate peaceful protest. In other words, public authorities, including the police, are required to show a certain degree of tolerance towards peaceful gatherings where demonstrators do not engage in acts of violence⁹⁹ even if these protests cause a level of obstruction or disruption. The level of tolerance that should be extended is likely to be the subject of extensive public and political debate, which has merit in its own right.

98 Gold Strategy document.

99 JCHR Oral Evidence, Policing and Protest, Thursday 12th May.

100 *Oya Ataman v Turkey* (2006) (App. No. 745452/01).

101 *Plattform Ärzte Für das Leben v Austria* [1988] ECHR 204.

However, the right to freedom of assembly is not an absolute right. The police have obligations not only to protesters but to local residents, business communities and members of the wider public affected by protest activities and must balance these competing rights and claims. While it is the duty of the police to take reasonable and appropriate measures to enable peaceful demonstrations to proceed, there is no absolute duty to protect those who want to exercise their right to peaceful assembly and the police have a fairly wide discretion in the choices of the means to be used.¹⁰¹ That means that peaceful assemblies can be subject to limitations by the police in certain circumstances.

ECHR Article 11(2) entitles the police to impose lawful restrictions on the exercise of the right to freedom of assembly provided such restrictions:

- a. are prescribed by law;
- b. pursue one or more legitimate aims (i.e. the interests of national security or public safety, the prevention of disorder or crime, the protection of health or morals or the protection of the rights and freedoms of others); and
- c. are necessary in a democratic society (i.e. they fulfil a pressing social need and are proportionate).

The police have legal powers to restrict protests under the Public Order Act 1986, ss12 and 14 and have duties and powers to prevent a breach of the peace under the common law.

ISSUES

In taking a common sense view of the handling of security and public order demands on the 1st April 2009 we must acknowledge the considerable collective achievement by the MPS on what, even by international standards, was a very demanding day. In some significant respects, the police

planned and responded effectively to three eventualities; security, public protest and disorder. The police succeeded in providing a safe and secure environment for the G20 summit and the activities of the delegations attending. The ‘Stop the War’ march and rally in London on 1st April involving over 1,000 protesters was facilitated by police and passed off without incident. Disruption caused by disorderly protests in the City of London to businesses, to residents and the general public was also minimised. In these regards the police achieved their objectives as intended. However, expectations of our police are high and we must also acknowledge the concerns around the handling of generally peaceful protesters on that testing day in London.

There are a number of factors that made planning and delivery of the operation more difficult. Firstly, the operational stretch as a result of competing demands made on the day, including international security, notified protest and disorder. Secondly, the very limited planning time frame – 3 months to accommodate the G20 summit on top of a crowded protest calendar. Thirdly, significant shortcomings in national guidance for police in handling protest.

In the extensive planning undertaken by the MPS for the April 1st events the consideration of peaceful protest that may be disruptive or obstructive is not evident. Peaceful protest, especially if potentially disruptive, needs deliberative analysis and attention within the realm of public order. It does not feature in the 11 key objectives or the range of tactical options considered. This is despite the high likelihood of such protest activity occurring.

One of the 11 strategic objectives of the G20 operation was to “facilitate lawful protest” and that “any form of protest or demonstration that is not lawful will be dealt with robustly according to the law.”¹⁰² This is an incorrect starting point when the police are considering their obligations under ECHR Article 11. The correct starting point is the presumption in

favour of facilitating peaceful assembly. This is not an absolute presumption. The police must consider the legality of the conduct and actions of *individual* protesters – rather than consider the protest as a whole – and respond to specific criminal offences committed and police powers to deal with those offences.

Absence of notification does not render a public prosecution unlawful under the Public Order Act 1986 or mean that an otherwise peaceful procession falls outside the ambit of ECHR Article 11. The Public Order Act 1986 requires organisers to give advance written notice to the police of any proposal to hold a public procession, unless it is not reasonably practical to do so.¹⁰³ In the absence of notification, the *organisers* of a procession may be guilty of an offence under the Public Order Act, but *participants* of the public procession will not be guilty of an offence.

In the same way, the mere obstruction of a highway does not render a public assembly unlawful. The police must consider whether the obstruction by individual protesters is unreasonable and strike a fair balance between the rights of individuals to peaceful assembly and the rights and freedoms of others.

For operations of this size, planning frameworks must encompass consideration of peaceful protests that may cause disruption. This will assist the police in ensuring the choice of operational tactics is appropriate and proportionate. Additional demands are likely to result in extra costs to the police, both operationally and in planning and preparation for such events, including additional training for officers.

Public protests have been part of British political life for a very long time. Protests are an important safety valve for strongly held views. In addition, the right to protest in public is a synthesis of iconic freedoms: free assembly and free speech.

¹⁰² Gold Strategy document.

¹⁰³ Public Order Act 1986, s.11.

Some people measure democratic maturity by the ease with which peaceful protesters can protest. Others believe equally strongly that a mature society is measured by the security that they have to go about their business free of interference from protesters or anybody else. In the same way, opinion is split about the rights and duties of protesters or those affected by the protest and the role of the police.

Balancing the rights of protesters and other citizens with the duty to protect people and property from the threat of harm or injury defines the policing dilemma in relation to public protest. In a democratic society policed by consent, planning and action at every level must be seen to reconcile all these factors, particularly when a minority of people may be determined to cause disorder or worse. The law is an important consideration in public order events but as Lord Scarman pointed out in relation to maintaining “The Queen’s Peace”, *“it is well recognised that successful policing depends on the exercise of discretion on how the law is enforced.”* The debate on the impact of human rights law and the obligation to facilitate peaceful protest is vigorous, as the case law analysis in this report indicates. The discretionary landscape of public order policing has grown more complex and testing. The exercise of discretion is accompanied by both expectations of those seeking to protest and an instant visual record of police conduct. What is certain is that these considerations must now feature in the discretion exercised by police.

Both the Gold strategy and the Silver tactical plan refer to human rights principles and the acronym “P.L.A.N.” – proportionate, legal, accountable and necessary. The MPS have stated that P.L.A.N. is its generic human rights model. The ACPO Keeping the Peace manual sets out these four categories in its section on human rights principles within the sub-section instructing officers on recording actions/decisions. The manual states that “a record should be kept of all decisions made and actions taken which may affect someone’s rights” and

the record should show that decisions and actions are proportionate, legal, accountable and necessary. P.L.A.N. is a useful tool for prompting officers when they are recording and justifying their decisions and actions. But, as with any tool of this nature, it does not define the starting point for the decision-making process in relation to the policing of protest, which is the presumption in favour of peaceful assembly.

It is necessary to recognise peaceful protest as a legitimate activity – as the everyday business of a democratic society – and the presumption in favour of facilitating peaceful protest. This is a sound starting point for the police when planning public order operations relating to protest.

In view of the essential nature of freedom of association and its close relationship with democracy, there must be convincing and compelling reasons to justify interference by the police with the freedom of peaceful assembly.¹⁰⁴ In order to satisfy ECHR Article 11(2), the police must base their decisions on an acceptable assessment of the relevant facts and apply standards which are in conformity with the presumption in favour of peaceful protests.¹⁰⁵

The particular challenges of policing a capital city, the competing demands of a multifaceted policing operation such as the G20 operation and the consequent operational choices which must be made by police, including constraints imposed because of police resources, are legitimate factors influencing police decision-making. The unlawful behaviour of protesters may also result in legitimate restrictions being placed on them. What is required is that the police take all reasonable steps that could be expected of them in the particular circumstances of the case to facilitate peaceful protest. Additional demands are likely to result in extra costs to the police, both operationally and in planning and preparation for such events, including additional training for officers.

¹⁰⁴ Ouranio Toxo and Others v Greece (2005) (App. No. 74989/01).

¹⁰⁵ Vajnai v Hungary (2008) (App. No. 33629/06).

The tension between facilitating peaceful protest and tolerating disruption reveals the increasingly pressing issue of how the police can deal successfully with the whole spectrum of protest activity. Presently, the police are required to act as arbiter, balancing the rights of protesters against the rights of the public, business and residents.

In dealing with the dilemma, the police must take a common sense approach. This means acknowledging that peaceful protest is an important reality that needs full consideration in planning and implementation of public order operations. The way the police service asks questions of itself and adapts the exercise of discretion around this issue will be essential in maintaining the support of all sections of the public. We are in an age where consent cannot be assumed and policing, including public order policing, should be designed to win the consent of the public.

INFORMATION AND COMMUNICATION

Police intelligence regarding the scale of the protests planned for the 1st April 2009 was limited (an issue frequently mentioned by police commanders). Much of the information relating to the protests was gathered from open sources, such as protest websites. Overall, ten distinct protest events¹⁰⁶ were identified for the 1st April. The majority of these were notified to the police in advance. They are summarised in Annex H.

The MPS developed a specific intelligence requirement for Operation Glencoe, which was disseminated throughout the UK. On the basis of the intelligence received, weekly assessments were provided to the Operation Glencoe Command team, supplemented by oral intelligence updates at Command

meetings. A total of thirteen intelligence assessments were prepared between the 26th February and the 2nd April 2009.

The intelligence assessment for Operation Glencoe suggested that the 1st April would be a demanding day for police. Gold Command recorded unprecedented levels of communication between disparate protest groups¹⁰⁷, and a large number of un-notified protests were expected. There was a likelihood that a small number of extremists would take advantage of the crowds to maximise disruption and damage. The recurring theme from the intelligence received by police was an intention to bring the city to a halt.¹⁰⁸ This encompassed actions to stop traffic and cause disruption, but also a desire to stop business operating within the City of London. From the ten events anticipated for 1st April, police had estimates of numbers for only seven. The total number of persons involved in those seven protests was estimated to be around 4,500. Intelligence summary documents identify significant concerns about the ability of organisers of notified and un-notified protests to control and manage participants.¹⁰⁹

Climate Camp contacted the MPS directly about the climate camp protest. On the 23rd March Climate Camp's legal support team emailed the MPS regarding the proposed climate camp on the 1st April. A member of the Climate Camp legal team also made telephone contact with the MPS regarding the climate camp. Climate Camp sought details of the chain of command for the operation to allow volunteers to act as police liaison during the camp. On the 31st March 2009, the police met with legal and media representatives of Climate Camp in a meeting facilitated by David Howarth MP.

106 1st April 2009: (10 demonstrations involving 13 groups) Banquet at the Bank of England (Bank of England protest); Climate Camp at the European Climate Exchange (Climate camp protest); People and the Planet RBS; Critical Mass Events; Alternative G20 Summit; Campaign Against Climate Change; Stop the War Coalition (consisting of: Stop the War Coalition, the British Muslim Initiative, the Palestine Solidarity Campaign and the Campaign for Nuclear Disarmament); Rising Tide Protest; Falun Gong Protest; Free Tibet Protest.

107 CO11 Intelligence Assessment 27th February 2009 stated 'protest in London is undergoing not just a resurgence but a reinvention with new allegiances being formed and the old foes are now working together, inspired by the global economic downturn'.

108 Sunday Mirror, 28th March 2009, Pg 8/9 Talks of 'Anarchy back in the UK – Rioters come out of retirement – secret plans to 'take over the city'.

109 Gold Strategy document.

At that meeting no indication of numbers was given. However, intelligence at that time indicated that up to 1,000 protesters might attend Climate Camp.¹¹⁰

ISSUES

In assessing the legality of restrictions of the right to freedom of association and assembly, the European Court of Human Rights (the European Court) has recognised that it is important that associations and those organising demonstrations, as actors in the democratic process, respect the rules governing that process by complying with domestic legal regulations¹¹¹ relating to public protests (in this context, the Public Order Act 1986). Further, the European Court has indicated that when balancing the right to freedom of assembly with the objective possibility of disorder, account will be taken of the commitment and resolve of the organisers to ensure that disorder will not result.¹¹²

Engagement between police and some protest groups prior to the event was difficult. Climate Camp has presented evidence that the MPS was slow to engage. The MPS has presented evidence that it endeavoured to engage with protest groups constructively but this was not reciprocated by some. The report highlights the need for effective communication between police and protesters and in this the police cannot succeed alone.

TACTICAL PLANNING

The Silver commander developed an overarching tactical plan for Operation Glencoe. The plan referenced the Gold strategy, information and intelligence, police threat and risk assessments and police powers and policy and identified tactical options. The Silver plan recognised that the policing operation was multi-faceted and complicated and encompassed a number of operations. It explained the roles and responsibilities of Bronze commanders. The plan also recorded

that legal advice had been sought at the planning stages of the operation.

Under tactical options, the Silver tactical plan addresses the following matters:

- Negotiation with organisers of events
- Operational timings and duration of events
- Legislation
- Briefing
- Establishing control
- Containment

Negotiation with organisers of events

The Silver tactical plan records that the requirements of the Public Order Act were met by a number of protest organisers. It states that these negotiations enabled the MPS to reduce the likelihood of conflict and “to tailor the police resources to the expected demand.” It records that “no organisers have come forward and identified themselves nor complied with s.11 of the Public Order Act in relation to the Fossil Fools demonstration, the Financial Fools demonstration or the Climate Camp”¹¹³ and that this has “hampered our planning for the event because we have been unable to discuss the intention, route, numbers or groups involved for the event. The policing response has had to remain very fluid and flexible with no defined sectors because of the lack of information from an organiser.”

Containment

The police use of containment has recently been considered by the House of Lords, who have found that the tactic of containment will not infringe the right to liberty of individual members of the crowd whose freedom of movement is restricted by the containment provided that the following criteria are met:

- i) the tactic is resorted to in good faith;
- ii) the tactic is proportionate to the situation which has made the measure necessary and;

¹¹⁰ Intelligence Briefing 30th March 2009.

¹¹¹ *Oya Ataman v Turkey* (2006) (App. No. 745452/01).

¹¹² *Rassemblement Jurassien Unité Jurassienne v Switzerland* 17 DR 93 (1979).

¹¹³ Climate Camp was an assembly therefore were not obliged under the Public Order Act to notify in advance. Public Order Act 1986, Sec 11(1) deals with the requirements for processions only as distinct from public assemblies which are not required to notify police.

iii) the tactic is enforced for no longer than is reasonably necessary.¹¹⁴

The Silver tactical plan refers to the House of Lords decision of Austin and states that containment “is an approved tactic and has been found to be legal.” It goes on to state that containment “can be an extremely valuable tool in preventing injury and damage. The containment tactic will only be used where we have to protect vulnerable locations or people. Each containment will be assessed by the Bronze commander as to its viability and continued need. It must be reassessed on a regular basis as to the necessity of the containment, the need to inform those contained and facilities that need to be offered/given (these could include food, water, shelter, toilet facilities, medical aid)”. The tactical plan notes that containment is a complicated and resource intensive tactic and states that the “grounds and tactical implications are likely to be different on each occasion that it is considered. As well as being regularly reviewed, there must be an exit strategy for those who have been contained and by definition there will need to be a dispersal strategy for those who have been contained.” A list of emerging issues, pertinent

to protest and the G20 operation, relating to containment, communication and the use of force is shown at Annex I.

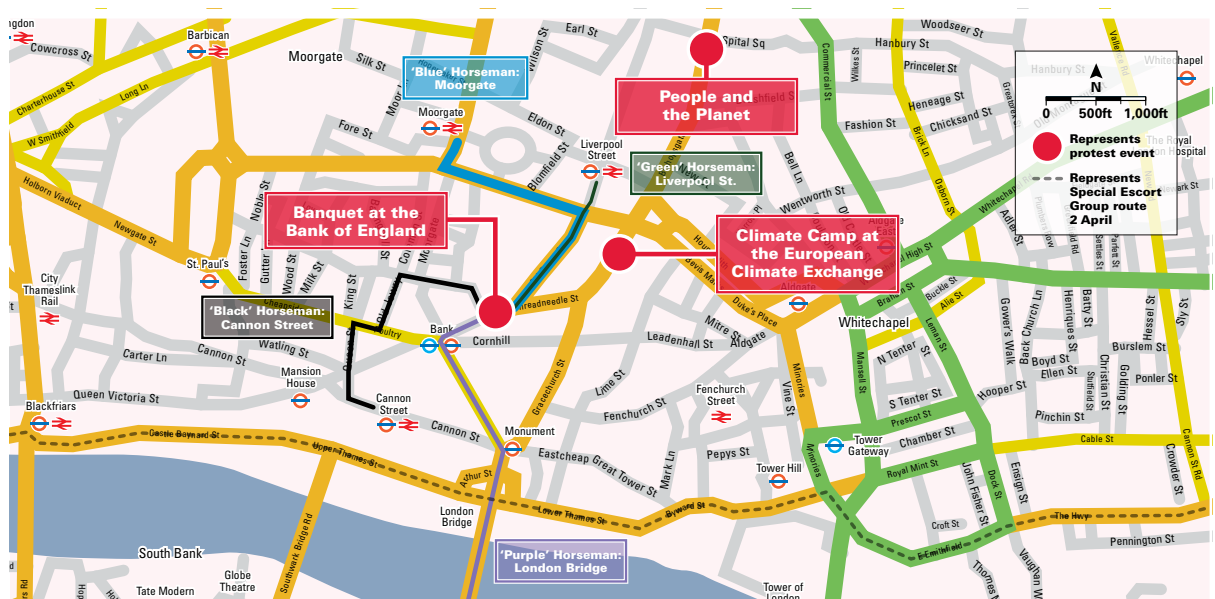
Human Rights

Under powers and policy, the tactical plan states that “all legal powers should be considered in accordance with the Human Rights Act, in respect of proportionality, legality, accountability and necessity (P.L.A.N.)”

A specific section of the tactical plan addresses human rights. It states that “operational plans must not be arbitrary or unfair, they will be limited to what is required to achieve the objective, with a balance between individual and community rights. It states that tactics must be prescribed by law, have a legitimate aim and there must be a reasonable relationship of proportionality between the means employed and the aim pursued”. The tactical plan sets out in some detail the police powers in relation to public order operations.

The tactics used on the day, such as cordons and containment of protesters, are endorsed by ACPO and are contained in the ACPO

Map of G20 Protests in City of London vicinity – 1st April 2009



114 *Austin and Another v Commissioner of Police of the Metropolis* [2009] UKHL 5.

manual “Keeping the Peace”, which is employed across England and Wales. It is recognised by some senior ACPO officers that the tactics in this manual were formulated in a different era of protest and are largely centred on organised, planned protest or on dealing with public disorder. Those tactics have not been subject to public debate or scrutiny until now.

Issues

The Silver tactical plan does not explicitly address the legal criteria set out in the *Austin* case regarding the use of containment as a crowd control measure, and it is not apparent from the Silver tactical plan, other operational documents or interviews conducted that all commanders were familiar with the criteria that had to be met.

In addition, neither the Gold strategy nor the Silver tactical plan discuss ECHR Articles 2 (right to life) or 3 (prohibition against inhuman or degrading treatment) or ECHR Article 8 (right to respect for private and family life), all of which are relevant to the police use of force. The intelligence briefings indicated that there was no specific intelligence which suggested any planned intention to engage in co-ordinated and organised public disorder and/or violence.¹¹⁴ Nevertheless, public order operations are by their very nature intended to mitigate and/or prevent the potential for public disorder or violence to break out. Public order tactical plans should therefore give greater emphasis to the potential for force to be used by police and include treatment of ECHR Article 2, Article 3 and Article 8 and the legal tests for the use of force by police.

The ACPO “Keeping the Peace” manual gives very limited attention to policing protest. Peaceful protest covers a wide spectrum of protest activity. At its most straightforward, it is notified, discussed with police in advance, and stewarded and controlled and organised on the day with the interests of the wider public in mind. At its most complex, it is not notified or discussed with police in advance and has no organisers or stewards controlling

it and is highly disruptive. In these instances, the police are left to arbitrate and deal with consequences and impact on general public as best they can. It is complex given the precious freedoms involved. Nevertheless, discharge of the duty to facilitate peaceful protest requires more than an acknowledgement of these challenges. It requires preparation for the delivery of a proportionate policing response.

POLICE OPERATIONAL PLANNING FOR 1ST APRIL 2009

On the 1st April 2009, a single Bronze commander was given responsibility for directing the policing of the protests in the City of London, supported by a team of experienced public order sub-Bronze commanders. Police tactics on the day were the responsibility of this Bronze commander, who was responsible for making an assessment of the circumstances and deploying officers to deal with the unfolding events in the most appropriate manner. Silver Command maintained oversight of the totality of the Operation Glencoe policing operations, providing support and assistance when required.

The Bronze tactical plan for the protests on the 1st April includes sections on intelligence, potential threats associated with the protests, police powers and policies, roles and responsibilities of the Bronze command team and tactical options/action. The Bronze tactical plan indicates that protesters were expected to arrive at four identified train stations – London Bridge, Cannon Street, Liverpool Street and Moorgate – and proceed to either the Bank of England or Carbon Exchange.

The Bronze tactical plan considered various possible protest scenarios, including protesters gathering at the four identified train stations, building trespass by protesters, sit-down protests and spontaneous demonstrations. The plan considered a number of tactical

115 Intelligence Briefing Document 31st March 2009.

options/actions in relation to each of the following:

- Disruption caused by sound systems
- Convergence points
- Underground system
- Building trespass
- Sit-downs in the highway
- Spontaneous demonstrations
- Dispersal

Escort and containment

The Bronze tactical plan states that in the event of “groups” being identified at the four train stations “they will be isolated and then escorted/contained” before being “directed using appropriate legislation to locations to demonstrate if that is appropriate”. The plan justifies the initial detention of protesters “to prevent a breach of the peace or other offences such as obstruction of the highways.” It states that “Demonstrators will be allowed to utilise the Royal Exchange area as a gathering point. However, consideration will be given as to the length of time they will be allowed to be at the location, in terms of disruption to [the] community in the area.”

Sit-downs in the highway

The Bronze plan states that, as far as is possible, sit-downs in the highway will be prevented. If they occur, “those involved will be contained and consideration given as to arrest. The highway will be shut whilst this takes place.”

Spontaneous Demonstrations

The Bronze plan states that if spontaneous demonstrations occur, the protest groups will be contained and attempts made to identify their intentions. The groups will then be given directions as to where, and for how long, they will be allowed to demonstrate.

Dispersal

The Bronze plan provides instructions for dispersal of the protests as follows:

“Peaceful – following an uneventful demonstration, the groups will be allowed to disperse using the most appropriate transport. This will be controlled so as to

prevent spontaneous demonstrations or other breach of the peace activity.

Disorder – in the event of disorder, the overall plan will be to contain the crowds and prevent them roaming the streets and causing damage, assaults or other offences... they will be held and dispersed as and when viable.”

The Bronze commander stated in internal meetings that because the protests planned for the City of London on the 1st April 2009 were not notified or declared to the police, the policing operational plan had to remain ‘flexible’ to be able to respond to whatever protest activity occurred. The Bronze commander stated that intelligence regarding the protests was not definitive, but that his expectation was that somewhere in the region of 800-1,000 protesters would seek to move around various sites of the City of London and resist any attempts the police would make to contain them.

A Bronze planning meeting was held on the 16th March 2009. The intelligence briefing indicated two targets of protest activity in the City of London: a protest at the Bank of England and a Climate Camp protest at the Carbon Exchange at Bishopsgate. It appears that the police intended to prevent the Climate Camp protest setting up at Bishopsgate: a sub-Bronze log records the briefing given was that there is “no room at Carbon Exchange, Bishopsgate to demonstrate”, and that if protesters gathered, s.14 of the Public Order Act 1986 would be employed. The protesters would then be escorted to the Bank of England demonstration point. Interviews with sub-Bronze commanders have confirmed that the operational plan was to prevent the Climate Camp setting up on a major highway.

ISSUES

Intelligence regarding the Bank of England protest and the Climate Camp protest suggested that both were intended to be non-violent, whilst potentially disruptive. As such, the protests fell within the scope of

ECHR Article 11. The police therefore had an obligation to take reasonable and appropriate measures to facilitate the protests and any restrictions the police imposed on protesters had to be lawful, have a legitimate aim and be necessary and proportionate.

Despite clear intelligence around the general location, there appears to have been little consideration given to facilitating the climate camp protest or tactical planning beyond prevention of a sit down protest on the highway. The sub-Bronze commanders confirm that the operational plan was to prevent the establishment of a Climate Camp that would block a main highway in the City of London. This does not accord with the police obligation to facilitate peaceful assembly and creates a dilemma for the police: to balance this obligation against the reality and vulnerability of the City to gridlock.

The operational plan had restricted its range of possible scenarios and relied upon a 'flexible response'.¹¹⁶ This directly impacted upon the police operation delivered on the 1st April 2009. Any lack of advance scenario and contingency planning imposes a responsibility on commanders on the ground to react on the day to significantly changing circumstances. This creates the possibility that a policing operation may not be appropriate or proportionate and that protesters will be dealt with more restrictively than is necessary. It follows, then, that policing tactics to deal with protesters may not be as carefully crafted to minimise interference with the rights of peaceful protesters and successfully deal with disorderly or violent persons within the protest group in a discriminating and targeted manner.

IMMEDIATE RECOMMENDATIONS:

Planning

In planning future public order operations for protest the police should:

- **Demonstrate explicit consideration of the facilitation of peaceful protest throughout the planning process and the execution of the operation or operations.**

The right to freedom of assembly places obligations on the police. The starting point for the police is the presumption in favour of facilitating peaceful assembly. However, the police may impose lawful restrictions on the exercise of the right provided such restrictions are lawful, have a legitimate aim (such as the interests of the public safety or the protection of the rights and freedoms of others) and are necessary and proportionate.

Communication

In relation to communication with protest groups the 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. When protesters are not forthcoming to the police, the police should consider informing the protesters and the public that this may result in some additional disruption, that restrictions may be placed on protesters and that particular tactics may be employed to reduce disruption and the threat of disorder.

¹¹⁶ 'Flexible response' stated within interview with Gold, Silver Bronze Commanders.

POLICING OPERATION ON 1 APRIL 2009

The approach taken across some cordons was inconsistent and some confusion existed amongst officers about their orders and duties. In some circumstances officers imposed blanket prohibitions against releasing individuals from the containment

CHAPTER 5

This chapter provides an overview of the four key policing operations on 1st April 2009:

- The Security operation at ExCel
- The Stop the War march in central London
- The Bank of England protest
- The Climate Camp protest

A detailed timeline of events can be found at Annex D

THE SECURITY OPERATION AT EXCEL

The ExCel centre is situated on a 100 acre site, encompassing the conference centre, a number of recreational venues, the River Thames forming a natural boundary to the south and the Docklands Railway forming the northern boundary. From the outset, the policing of the G20 Summit at ExCel posed a number of security concerns for the police, not least because of the size of the building and the restrictive access to the site. The security operation began with an extensive search operation of the site on the 28th March.¹¹⁷ In tandem a security fence three metres high and a fifty metre long wall were constructed along the riverside to protect dignitaries entering the building. This was reinforced with three phases of defensive barriers.¹¹⁸

Given the riverside location, contingencies were put in place for the movement of dignitaries both to and from the centre by water and by air should the need arise. Additionally, the police had planned to move

the entire summit, within 12 hours should this become necessary.¹¹⁹ A compound to the west of ExCel was identified as a demonstration area for protesters. This was sufficiently large to accommodate some 5,000 protesters. Public order railings and barriers were erected around the area.¹²⁰

No problems were recorded regarding the police security operation at ExCel on 1st April.

THE STOP THE WAR MARCH

On the 1st April, the Stop the War Coalition, the British Muslim Initiative, the Palestine Solidarity Campaign and the Campaign for Nuclear Disarmament held a protest march and rally in central London. The march and rally were notified to police at the start of February and agreement had been reached regarding protest timings and the planned protest route.¹²¹ Initial intelligence estimates had suggested that around 40,000 to 50,000 protesters would attend the event. However, the number of likely protesters was revised in

117 SECCO ExCel Plan

118 Security Coordinators Security Plan

119 SECCO ExCel Plan

120 SECCO ExCel Plan

121 CO11 Intelligence documents

the weeks before the event and confirmed as several thousand.

Around 1,000-1,500 protesters took part in the march and rally on the 1st April 2009. The march commenced at 2.00pm at the US Embassy in Grosvenor Square. The march continued along Park Lane and Piccadilly to Trafalgar Square, where the event concluded with a rally.

The Stop the War March passed off without incident.

CITY OF LONDON PROTESTS

Information that was available to police prior to the 1st April 2009 provided partial detail of the likely number of expected participants in the Bank of England protest and the Climate Camp protest at Bishopsgate. On the morning of the 1st April 2009, it became apparent at an early stage that there were significantly more participants than the police had expected. With such an increase in expected numbers, additional police resources were deployed from the ExCel site to the two protest areas.

More detailed timelines of events at the Bank of England protest and the Climate Camp protest respectively are set out at Annex D.

THE BANK OF ENGLAND PROTEST

On the 1st April 2009, officers were deployed by Bronze command to London Bridge, Cannon Street, Liverpool Street and Moorgate¹²² to secure these locations and establish control prior to the arrival of protesters and participants. Around 10.45am groups of protesters began to emerge at these four locations. The sub-Bronze commanders at these locations confirmed in meetings that they attempted to negotiate with the respective groups of protesters in order to ascertain their intentions. They achieved

varying degrees of success. The groups of protesters gathered at the four locations relatively quickly and proceeded to move towards the Bank of England. The groups were escorted by police officers. At around 11.35am, the Bronze log recorded that protesters were being directed into a barriered area at the Bank of England. This area had been designated by police for the protest to enable vehicle and pedestrian traffic to continue to flow without disruption.

At 11.35am, 1,000 protesters were recorded at London Bridge. At this point, the Bronze log recorded that sub-Bronzes were reporting that the crowds of protesters were rowdy but reasonably “compliant”. The protest crowds arriving at the Bank of England were significantly larger than anticipated and police resources were insufficient to ensure the use of the barriered area. At their peak, protesters numbered around 4,000-5,000. At around noon, the Bronze commander met with the sub-Bronzes and instructed them to contain the protesters using *filter cordons* (teams of police officers forming lines across the thoroughfares of Bank Junction). Filter cordons were put in place marking out a geographical limit for the protesters, allowing both protesters and the wider public to enter or leave the protest site. At 12.02pm, flares and bottles were thrown at police at Royal Exchange.¹²³

At 12.20pm, disorder was reported at Threadneedle Street, with police officers surrounded. One officer was hit on the head by a pole carried by a member of the crowd and collapsed.¹²⁴

At around 12.20pm, the Bronze commander ordered “absolute cordons with discretion” to be put in place around the protesters. The sub-Bronze commanders’ interpretation of the level of discretion that should be implemented in relation to these absolute¹²⁵ cordons varied. The Bronze log records that

¹²² Officers deployed to Cannon St and London Bridge Stations at 10.00am, and to Liverpool Street and Moorgate Stations at 10.10am.

¹²³ Guardian reporter record.

¹²⁴ Sky TV footage and CCTV footage.

¹²⁵ Cordons are line of police officers used to manage the movement of pedestrians where a crowd has formed. A cordon is described as ‘absolute’ when the police officers forming it stand next to one another, thereby preventing normal access or exit. Cordons can be used in this manner to contain a group of people within a defined area.

the decision was taken to implement full containment to prevent a breach of the peace and to prevent groups from the 4,000 protesters at the Bank of England causing disruption or disorder across the City of London. The Bronze commander justified the tactic of containment as a proportionate and necessary response. At around 1.10pm the Bronze log records that a large crowd with some violent protesters had gathered (within the cordon) at Threadneedle Street. The containment was breached at this location and officers were attacked by protesters. Bottles were being thrown at police. The Bronze commander decided that due to a continuing risk of a breach of the peace, damage to property and given the growing crowd at Bishopsgate, containment of the protesters at the Bank of England continued to be necessary and proportionate.

At around 1.35pm, the Royal Bank of Scotland (RBS) was attacked and protesters entered the building. Foot officers moved the crowd, supported by mounted police wearing full personal protective (PPE) equipment. There was no direct contact between protesters and mounted officers.¹²⁶ At around 2.00pm, at the cordon located on Lombard Street, a sub-Bronze requested toilet facilities to be made available to the protesters at the Bank of England. At around 2.50pm, the Bronze commander reviewed the containment at Bishopsgate. The log records that the crowd was *“still hostile, with missiles and flares being thrown at police”*. In light of the damage to the RBS at Threadneedle Street, the injuries to several officers and the ongoing possibility of a breach of the peace and damage to property, the decision was taken to continue the containment.

At 3.30pm, the Bronze log records very violent protesters among a growing crowd of protesters in Queen Victoria Street. More police reserves were deployed to push this crowd back into the containment at the Bank of England in order to prevent any further damage to property. At around 5.00pm, the Bronze and sub-Bronze commanders met

to discuss the containment. The crowd was assessed as hostile, with continuing sporadic outbreaks of violence. The Bronze log records that *“this is now a crucial time when City workers will be leaving to go home”*. The risk of attack was judged to be increased and the decision was taken to continue the containment at the Bank of England as the *“only viable option to prevent a serious breach of the peace”*. The dispersal plan for the protesters at the Bank of England was agreed at this point. It was decided that two exit points would be established with easy access to underground stations but which prevented protesters going towards the Climate Camp. Dispersal would be controlled, with police facilitating 10-20 protesters at a time leaving the containment area. Apart from these two defined exit points, all other cordons were to remain absolute. Reasonable force would be used by police to disperse those protesters who did not disperse voluntarily from the Bank of England from 7.00pm. By 8.45pm, the dispersal of the crowd at the Bank of England was complete.

ISSUES

There was a clear rationale for the use of containment at the Bank of England but there were difficulties in applying the tactic with any level of discrimination between peaceful and disorderly individuals. Police officers were given the instruction to implement an *“absolute cordon, with discretion”*. Officers could be forgiven for finding this instruction confusing and difficult to implement. Whilst assistance to leave the containment was undoubtedly given to some, this was not conducted in a consistent manner.

At times, peaceful and disorderly protesters intermingle and make decisions regarding release of individuals from a police containment complex. Much will depend on the facts and circumstances of a particular operation. Nevertheless, this is foreseeable and therefore demands forward thinking to devise strategies and tactics that minimise unintended consequences for peaceful

¹²⁶ Austin, Saxby and the Commissioner of Police of the Metropolis [2005].

members of the crowd. In responding to this challenge, the police should consider, develop, and evaluate tactics that can address the identification and release of persons from crowds – they must be vigilant for signs of distress and be able to act accordingly.

Poor communication regarding the use of containment was an issue for police, protesters, the public and media. Without clear information themselves, officers were unable to communicate with the protesters. As has been highlighted in Chapter 3 – Perceptions of Protest at G20, a lack of information and understanding of the rationale for the use of containment served to increase resentment and anxiety amongst protesters. Difficulties with communications are also reflected within the cascading of command decisions. The procedures in the central control room take time and can delay transmission of command decisions to the detriment of operations on the ground.

Concerns have also been expressed regarding the use of force by police during the Bank of England protest and the failure of a number of individual officers to wear numeral identification. These will be discussed in the next chapter.

THE CLIMATE CAMP PROTEST AT BISHOPSGATE

The number of participants at the Climate Camp protest at Bishopsgate increased substantially in a short space of time. Numbers started around 200-300 but quickly multiplied to several thousand. The Bronze log records that at 12.35pm, a large crowd had gathered at Bishopsgate and was blocking the road with tents. The crowd was identified as “not hostile”. At around 12.30pm, filter cordons were put in by the police at each end of the Climate Camp to mark out a geographical limit for the protesters. At 1.40pm, the Bronze log records that the number at the Climate Camp had increased dramatically. Due to the

large numbers of protesters and the lack of police resources at the location, the police were unable to prevent the protest taking over the main road. Loose cordons of officers were put in place around the protest site and protesters were free to come and go. At around 1.40pm, the Bronze log records a group of masked protesters in the climate camp at Bishopsgate. At 2.40pm, a sub-Bronze log records “*mood of the crowd generally peaceful. Tents, games, music etc. Approximately 1,000 in total.*”¹²⁷

At around 4.40pm, a sub-Bronze log records a “hard-core” group of 200 protesters joining the Climate Camp and some missiles being thrown. At 4.45pm, police officers, wearing part PPE, were authorised to wear NATO helmets. At 5.00pm, the Bronze log records that filter cordons remained in place at the Climate Camp. At 5.40pm, a sub-Bronze log records that a Climate Camp liaison volunteer had spoken with the police and indicated the intention of the protesters to stay but to remain peaceful. At about 6.10pm, the sub-Bronze log records that an officer in the centre of the protest recorded “*Party atmosphere. No issues.*” At 6.17pm, Bronze attended Climate Camp and decided to put in a containment at Carbon Exchange when the dispersal of the Bank of England protest took place.

At around 7.00pm, instructions were given to implement absolute cordons at Bishopsgate. The Bronze log recorded that although the 4,000-5,000 protesters at Bishopsgate were relatively peaceful, the 4,000-5,000 protesters at the Bank of England were not and Bronze command did not want the climate camp to be “*hijacked*”. At around 8.00pm, Sub-Bronze commanders were instructed to brief unit Inspectors and Sergeants to “*inform protesters that they will be dispersed in groups of 20-30 eventually and they will be here for some time.*”

At 9.10pm, following completion of the

¹²⁷ CCTV footage observed corroborates this.

dispersal of the Bank of England protest, Sub-Bronze commanders met to discuss the dispersal plan for the Climate Camp protest. The decision was taken to continue the police containment of the Climate Camp and disperse the protesters in a controlled way using police powers under the Public Order Act 1986 (Section 14) in order to prevent serious disorder and serious disruption. At around 9.30pm, a sub-Bronze log records the removal of a crowd at Threadneedle Street and “*now no crowd behind police lines*”. At 9.40pm, the Bronze commander met with a legal observer of Climate Camp to inform him of the police dispersal plan. The police requested that the legal observer disseminate the police plans. Some attempt was made to do so. At 10.10pm a Climate Camp representative made an announcement on loudspeaker to the crowd regarding the Section 14 requirement for the Camp to move and the crowd were then asked for suggestions on a response to this requirement. At 10.15pm, the Bronze log records that Section 14 was in place but that the protesters were refusing to move.

At 10.45pm, police dispersal of the Climate Camp commenced and the sub-Bronze stated police were pelted with beer and wine bottles from protesters¹²⁸. The police cordon at Wormwood Street was opened to allow small groups of protesters to disperse voluntarily. At 12.31am, a bronze log records tannoy announcements regarding application of Section 14. The full announcement was recorded by the sub-Bronze and is set out below:

“Can I have your attention... I have an important message to give to the people demonstrating in Bishopsgate. I would ask that you listen carefully to what I have to say. ... the senior officer present at this event has authorised conditions in relation to section 14 of the Public Order Act 1986 at 11.44pm. He has considered the time, the place and the circumstances of this

public assembly and reasonably believes that it may result in serious public disorder, serious damage to property and serious disruption to the life of the community. He therefore gave the following directions that the event and the assembly are now over and you are required to leave. These directions were made because he believed they were necessary to prevent disorder, damage or disruption. If you fail to comply with the condition to leave you will be liable to arrest. You are committing an unlawful obstruction of the highway and again if you fail to leave you may be arrested. I seek your co-operation in leaving this location now. Officers will now encourage you to leave peacefully. If you fail to do so reasonable force may be used and you may be arrested.”

The sub-Bronze log records that the announcement was repeated over the tannoy a second time at 12.35am. It was repeated a third time at 12.39am. At 12.48am, a further shorter announcement was made. Two further announcements were made at 12.53am and 12.56am respectively. Representatives of the Climate Camp have stated that these Section 14 announcements were not audible to protesters.

At 1.00am, a sub-Bronze log records the protesters had moved out of Bishopsgate and “*road now clear of demonstrators*”.

ISSUES

The House of Lords has found the crowd control tactic of containment to be lawful and not to engage the right to liberty (ECHR Article 5) providing certain criteria are met.¹²⁹ The criteria are set out in Chapter 4 and in Annex C. Nevertheless, there has been criticism of the absolute nature of the police containment of the protest at Bishopsgate from 7.00pm onwards and the levels of force used by the police to disperse the protest.

¹²⁸ Sub-Bronze Interview.

¹²⁹ *Austin and another v Commissioner of Police for the Metropolis* [2009] UKHL 5.

Images of police officers using force, including distraction techniques,¹³⁰ have the potential to undermine the public's trust in police, as recognised by the Home Affairs Committee.¹³¹

Faced with dispersing a crowd of protesters, which may contain a disorderly element, police have to think very carefully whether the conventional range of tactics is appropriate for ensuring the minimum use of force. Tactics used for dispersal of protesters on 1st April included filter cordons, arrests and physical force, including shield and baton tactics.

This raises important questions about the nature of the training for front-line public order officers. These are discussed in the next chapter.

IMMEDIATE RECOMMENDATIONS

Containment

Where containment is deployed the police should moderate its impact by ensuring where practicable:

- **No surprises.** Protesters and public should be made aware of likely police action in order to make informed decisions.
- **A release plan to allow vulnerable or distressed persons or those inadvertently caught up in the police containment to exit.** The MPS should consider scenarios where observers may be employed to identify vulnerable people – this has implications for planning and training.
- **Easy access to information** for protesters and public regarding the reason for, anticipated duration of, and exit routes from any police containment. This has clear implications for the training and briefing of frontline officers. The MPS should also urgently explore new ways of engaging with protesters by utilising all available media technologies.¹³²
- **Clear signposting to basic facilities and amenities** where needed. This has implications for planning in advance of events.
- **Awareness and recognition of the UK Press Card¹³³** by officers on cordons, to identify legitimate members of the press and ensure application of associated ACPO guidelines for use.

¹³⁰ Ibid.

¹³¹ House of Commons Home Affairs Committee – Report on the Policing of the G20 Protest; Eighth Report of Sessions 2008-09; [HC418] para 58.

¹³² A wide range of views have been expressed to the HMIC Review Team around approaches, ranging from utilising giant screens, flares or even social networking sites to communicate better with protesters and public. 'Dialogue cops' used in Europe have also been noted.

¹³³ The UK Press Card has been recognised by ACPO since it was established more than 18 years ago. It is also recognised by the Secretary of State for Justice as the only means by which journalists can identify themselves as such for entry to Family Court hearings.



USE OF FORCE IN PUBLIC ORDER SITUATIONS

It is clear that the use of force by police officers should be discussed publicly and the general public should be aware of police tactics and equipment

CHAPTER 6

Justified and proportionate use of force is at the heart of effective policing of protest. This chapter focuses on guidance and training in the use of force, human rights and the importance of police identification and wearing of numerals.

WEARING OF POLICE NUMERALS

Following the G20 protests, instances of officers failing to display their police numerals became the subject of intense media speculation¹³³ after a number of pictures and video clips emerged where no identifying numerals were visible on officers' uniform.

The question of the basis for police officers wearing numerals was raised in the House of Lords on the 29th April 2009. Lord West of Spithead (Home Office Minister for Security and Counter-Terrorism) responded, saying;

*'The displaying of identification numbers is not required by legislation in England and Wales. This is a matter for individual Chief Constable and force level guidance. Contravening force guidance on this, as other issues, is a disciplinary offence and cases are handled in line with the Police (Conduct) Regulations 2008.'*¹³⁵

In keeping with this, the MPS requirement to wear numerals is encapsulated within its 'Dress Code Standard Operating Procedure' (2008),¹³⁶ which states; 'Where provided, epaulettes with identifying letters and numerals or insignia of rank must be worn and must be correct and visible at all times.'

In the past, other contentious public order policing operations have given rise to comment about the visibility of officers' shoulder numbers, and their display became a specific recommendation by the IPCC following their investigation into the Policing of the Countryside Alliance Pro-Hunting Demonstration by the MPS in September 2004.¹³⁷

In light of this, the requirement to wear numerals was highlighted by the Gold commander in his briefing to supervisors, and the operational order for Operation Glencoe clearly stated the dress code to be '*Long sleeve order with epaulettes, and yellow jackets with black epaulettes*'. This requirement was included specifically in response to the recommendation made by the IPCC.

Following the briefing, it was the responsibility of individual supervising officers to ensure their officers were suitably attired and aside from the well publicised examples, having examined hours of CCTV and press footage, it is clear that the overwhelming majority of officers on the same video footage can be seen displaying their identification correctly.

¹³⁴ <http://www.guardian.co.uk/world/2009/jun/11/g20-woman-assault-police-investigation>

¹³⁵ This contrasts with the situation in Northern Ireland where the Police Act 2000 introduced a requirement for the Chief Constable to ensure officers were clearly identified by a unique number

¹³⁶ Issued on 18th June 2008, para 13.6.27

¹³⁷ Recommendation 8, IPCC report into the Policing of the Countryside Alliance Pro-Hunting Demonstration on Wednesday 15th September 2004 at Parliament Square, London

ISSUES

Consideration should be given to making the display of police identification numbers a legal requirement. Although the overwhelming majority of officers were correctly dressed, any lack of police identification is an inhibitor to accountability and generates a question mark about the control of staff. This is why, as the MPS acknowledges, proper identification of all public order police officers is important, particularly when the use of force is a possibility.

USE OF FORCE

It is clear that the use of force by police officers should be discussed publicly and the general public should be aware of police tactics and equipment.

National guidance for police officers is contained within the ACPO Personal Safety Manual (2007) which sets out relevant legislation, the medical implications of the use of force and various techniques that can be used to deal with a range of behaviour, including violence to the officer or another. In 2007, HMIC made a series of recommendations in relation to officer safety training¹³⁸ and these have been recognised in the current guidance. Consultation on the guidance, however, has remained in the 'professional' sphere, without broader debate or challenge.

The Manual includes reference to the common law, section 3 of the Criminal Law Act and the use of force to prevent crime or effect an arrest. It includes a general overview of the Human Rights Act and the ECHR Articles relevant to policing, as well as a specific section on the use of force and human rights. The Police (Health & Safety) Act 1997 is also referenced as defining corporate responsibility for the safety of police officers.

MEDICAL IMPLICATIONS

Consultation on the medical implications of the use of force has identified three levels of target area on the body and their associated risks. These range from soft tissue targets at the lowest level of risk to bony areas (an interim level likely to result in injuries from soft tissue damage to bone fractures and nerve dysfunction) to final target areas (striking to the head, throat, neck, clavicle, solar plexus – with the clear warning that blows to these may result in death or serious injury).

TECHNIQUES INCLUDING 'DISTRACTION'

The techniques available to the officer include communication (both verbal and non-verbal), unarmed skills including distraction (see below), baton skills and the use of incapacitant sprays. All the techniques used have been the subject of independent medical review¹³⁹ and validated through a group of practitioners before approval by the ACPO Self Defence Arrest and Restraint Committee (SDAR) which includes representatives from the Home Office and IPCC. Forces are bound to ensure that only the techniques contained in the manual are taught to force personnel.¹⁴⁰

Unarmed skills include fist, elbow, back of hand, palm and heel palm strikes amongst others. Baton skills include parrying and strikes to the side of the body and leg. Both sets of skills can be used as distraction techniques against an aggressor, thereby giving the officer a window of opportunity in which to apply better control. In MPS Officer Safety Training (OST) this is specifically to make a subject release their grip on someone or something, or to help apply handcuffs.

MPS OST is in keeping with the national guidance, and the MPS have provided evidence that OST includes human rights legislation and issues such as proportionality through its lesson plans, student leaflets, posters and training DVDs.

¹³⁸ 'Safety Matters' HMIC April 2007.

¹³⁹ Recommendation 11 'Safety Matters' HMIC April 2007.

¹⁴⁰ Recommendation 13 'Safety Matters' HMIC April 2007.

THE USE OF FORCE: 'COLLECTIVELY' (PUBLIC ORDER EVENTS) AND 'INDIVIDUALLY'

When deployed in public order situations, an officer is generally working as part of a team and the training focuses on dealing with public disorder, from minor to more serious violence. The MPS approach to officer safety in public order maintains the focus on individual decision-making, while public order commanders have to consider the proportionality of their chosen 'group' tactics.

These tactics and the physical deployment of officers send out a series of signals to protesters and visual messages can be significantly strengthened. For example, public order commanders are aware that any visual *show of strength* (the use of vehicles or the drawing of batons, for example) that warns protesters to move away must be in pursuit of a legitimate aim and must be proportionate to the perceived threat or danger they are facing. These notions apply equally to the Bronze commander on the 1st April 2009 who instituted cordons to enforce the containment at the Bank of England and at the Carbon Exchange.

In effect, in public order policing, two levels of decision-making on the use of force are ushered into what can be fast moving, physically demanding and difficult operational situations for which officers and commanders must be prepared.

THE USE OF FORCE SEEN DURING G20

In the many visual images in the media of the 1st April 2009, officers can be seen shouting instructions at the crowd, making use of 'hand offs', showing and striking with their batons, using shields to push back the crowd and, in some instances, striking out with the edge of the shield. Drawing upon focus group¹⁴¹ and documentary evidence, these tactics have

been covered in some form in the officers' Public Order or Officer Safety Training. To ensure consistency of application by officers, the exposition of those tactics in practice during the G20 protests, and the relevant MPS lesson plans, should be examined in terms of 'fitness for purpose' as part of the intended MPS review.

The images also provide many examples of both the collective use of force (such as a line of officers with their batons drawn or pushing back a resistant crowd using their shields) and individual officers drawing on their baton or shield as a weapon as part of their own individual decision-making process.

The actions and decisions of individuals do not form part of this review, but lying at the heart of the application of the use of force, at both individual and collective levels, are considerations of proportionality and necessity and, in the case of the events of the 1st April 2009, the ability to differentiate between 'disorderly' and 'peaceful' protesters. These issues are brought into sharp focus in relation to the violence and disorder around the Bank of England, exemplified by the invasion of the RBS building and the dispersal of the Climate Camp outside the Carbon Exchange.

Arguably, in such instances, in addition to their consideration of the proportionality of the collective use of force, the foreseeable use of force by individual officers in response to an individual perception of danger should be taken into account by the public order commander to ensure that this remains proportionate to their own overall legitimate aim.

To assist them, officers and commanders must be able to call upon a broader range of tactics. These should reflect the requirement for minimum force, and a gradation of levels of force that can be escalated and de-escalated. Presently, MPS public order training

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focuses largely on dealing with disorder and unrest, with officers in NATO helmets, wearing their protective equipment and carrying shields. In reality, such scenarios are rare and are at the limits of the spectrum of crowd management rather than supporting any graduated response.

TRAINING ON THE USE OF FORCE – THE OST AND PUBLIC ORDER APPROACHES

Whilst officer safety principles remain the same in both Officer Safety and Public Order training, a change in emphasis can be detected in the way use of force issues are addressed and taken forward. The content of the training for two of the tactics seen on the day – the use of batons and short shields – has been examined.

MPS Officer Safety training discusses the use of force, with consideration of the Human Rights Act 1998 and the concepts of proportionality and reasonableness. The training incorporates unambiguous instruction on the use of force and explains how officers are responsible for, and must justify, their own actions.

The MPS branch for Public Order training has provided a presentation and lesson plan on the use of force, and the lesson plan includes a reference to the Human Rights Act 1998 and exploration of the words ‘proportionate’ and ‘reasonable’. The lesson plan focuses upon officers individually assessing the threat before using reasonable force. Training staff confirm that human rights are not issues dealt with at the MPS Public Order Training Centre except with public order commanders. However, the MPS PSU¹⁴² Commanders Handbook makes no mention of human rights.

MPS Public Order staff also indicated on a number of occasions that they have practised tactics not found within the lesson plans or relevant manual. A lesson on dealing with a ‘violent person’, for example, displayed a tactic

where several officers approached the subject with individual shields, using them in offensive strikes towards the lower body. The MPS Public Order Manual, however, states that officers will work in teams of three with two officers having shields linked and the third controlling them. Exploring and developing new tactical options is important, but the instruction of officers has to be consistent and fully documented where use of force is a possibility.

Use of the baton

The MPS Officer Safety Training Manual clearly specifies strike areas and lists these with potential medical implications. Strikes to the head ‘are to be avoided’ with the accompanying warning that ‘a blow to the head can cause a fracture of the skull or internal bleeding’.

In comparison, the use of batons as a tactic in public order is not listed in the MPS Public Order Instructors Manual. In fact, the MPS Public Order Manual only makes reference to the use of batons as a consideration when using CS spray. However, copies of MPS lesson plans for the use of the baton in public order have been submitted to HMIC. Both refer to individual officer accountability and the requirement for justification; one refers to ‘necessity’, and the other to targeting the lower (body) as a strike area. If these lesson plans reflect the practical instruction of officers, then the opportunity to reaffirm important and consistent messages on the use of force are being lost.

Use of the short shield

The use of the short shield in a defensive or offensive mode began to be developed by forces following experiences at the G8 summit in Scotland in July 2005, when protestors pulled down the tops of shields held by officers while other protestors attacked them with sticks. The ‘contact push’, ‘defensive push’ and ‘defensive edge’¹⁴³ tactics came about in response to this crowd behaviour. However,

¹⁴² A Police Support Unit (PSU) is the title of a pre-determined formation of police officers and supervisors. In the MPS this consists of 1 inspector, 3 sergeants and 21 constables

¹⁴³ Defensive Edge is a non-MPS term for striking out with the edge of the shield

they were not developed within a national forum, but rather more locally and informally by discussion amongst trainers. There is no national training on the three tactics and they do not form part of the ACPO Public Order Standards, Tactics and Training Manual (2004). They have not been medically assessed centrally, neither have they been adopted by all forces.

The only documentary source for using the shield in defensive mode is the MPS lesson plan for short shields. This describes actions by the officer to 'push' away the crowd when the shield has been held or pulled away. This tactic is seen as an extension of the Officer Safety hand techniques, a circumstance where an officer would be moving back, and not advancing as seen in relation to the Climate Camp on 1st April 2009.

In circumstances where crowd density makes it very difficult to use a baton, officers are taught to use the short shield as a distance making or distraction device, thus enabling a baton strike. "The shield arm is extended out towards the subject creating distance/ distraction with the shield edge towards the chest area".

When witnessed at the Public Order training centre, the short shield was indeed 'edged' and driven upward towards the face of the subject, the principle being that this would 'force the person to move his/her head back exposing the body for the baton strike'. During a focus group, officers were, however, adamant that the target was the chest area.

ISSUES

Overall, there is a sharp contrast in the emphasis placed by the MPS in both its oversight and consistency of message when it comes to guidance and training in the use of force and human rights. On the one hand, these elements are well evidenced in Officer Safety Training, well documented

and consistent with national practice and previous HMIC recommendations. On the other, in the field of Public Order training, great emphasis is placed on understanding the mechanics of section 3 of the Criminal Law Act, reasonableness and justification, but the documentary trail from guidance and policy to training and professional practice, including the human rights dimension, is not so well made.

Visits to the MPS Public Order Training Centre reinforced this contrast in emphasis, as did the subsequently obtained lesson plans.

The range and appreciation of public order tactics taught at the training centre are also inadequate for the policing of modern protest. Any review by the MPS should consider how public order training currently prepares officers from the outset of their careers, and whether this approach is complementary to officer safety training principles and application. Likewise, the review should consider whether the time allocated for public order training best addresses the eventualities of current public order events.

Officers have to be absolutely clear about what is expected of them through guidance and training, especially in noisy, pressurised and demanding situations where the application of levels of force is a possibility. There should be only one school of thought and repetitive consistency in both individual officer and public order scenarios in the MPS. Both officer safety and public order techniques nationally would benefit from greater transparency and consultation. The disciplines of medical assessment and nationally agreed tactics would bring greater consistency and re-assurance to public order training and practice. This can and should be linked to the consideration of the spectrum of protest in an updated version of ACPO's Manual on Keeping the Peace.

IMMEDIATE RECOMMENDATIONS

Use of Force

Early consideration in any review of training should be given by the MPS and ultimately ACPO to:

- **Undertaking a review of current public order training including an examination of tactics (such as the use of shields and batons) ensuring that they are subjected to medical assessment.** Any resulting changes to training should be implemented swiftly to ensure that Public Order training reflects the full spectrum of public order activity including peaceful protest; consistently incorporates relevant human rights principles and standards (as demonstrated with Officer Safety Training) and includes consideration of the individual use of force, such as distraction, in collective action such as public order operations.
- **Providing guidance in a revised ACPO Public Order Manual on the confinement and release of peaceful protesters.** The treatment of the spectrum of protest activity in the current ACPO manual is insufficient. There is a clear need for consistency and standardisation in advance of the 2012 Olympics (where cross force co-operation will be critical to success) to make current mutual support between different forces more reliable and effective.

Identification of Officers

In relation to identification of officers the police should:

- **Ensure officers wear numerals or other clear identification** at all times during public order operations and deal with individual officer non-compliance swiftly and robustly. The report agrees with the MPS that there can be no excuse for police officers failing to display identification and acknowledges the steps that have already been taken to address this issue.





“

Successfully policing public protest demands a combination of excellence in leadership, clarity of purpose, training, planning, communication, and – very importantly – the use of discretion.

”

CONCLUSION

CHAPTER 7

The policing of the G20 summit provided a significant challenge to the MPS. The size of the security operation combined with the number of protest activities that took place was immense. The operation occurred against the backdrop of a very short notice period and a severe terrorist threat level. The initial media perception of the police operation was predominantly positive with comment being made about restraint shown by the officers involved. Following the death of Ian Tomlinson, however, the focus changed to concentrate on the tactics employed. In particular the tactic of containment and the way force was used by the police came under scrutiny.

Perceptions of the protests vary significantly. Businesses and residents in the areas surrounding the protests were generally positive about the way the protests were policed. Protesters expressed concerns about what they perceived as disproportionate policing of a largely peaceful protest, indiscriminate use of containment and ineffective communication. The majority of officers policing the protests felt that the operation had been a success in preventing widespread disorder and protecting the G20 summit.

Police commanders faced with protest scenarios have to carefully balance the legal implications of their actions. The police have statutory powers in relation to the policing of protest, including those set out in the Public Order Act 1986, the Criminal Justice and Public Order Act 1994, the Criminal Law Act 1967 and the Police and Criminal Evidence Act 1984. They also have powers and duties under the common law, including powers to prevent breaches of the peace.¹⁴⁴ The use of all police powers must be considered in accordance with the Human Rights Act 1998, which requires public authorities,¹⁴⁵ including the police, to act in a way which is compatible

with the rights set out in Schedule 1 to the Act, which are taken from the European Convention on Human Rights (ECHR), unless primary legislation requires them to act otherwise.¹⁴⁶

A number of recommendations have been made throughout the report to ensure that relevant human rights principles are firmly embedded within the framework of Public Order policing. It has been recognised that the ACPO Manual of Guidance on 'Keeping the Peace' concentrates on managing protests that are notified and peaceful or violent. The broad spectrum of peaceful protest activities are a reality and present a challenge that needs to be better reflected in the ACPO guidance, which in turn needs to follow through to clear strategies and decision making by Public Order commanders.

The review supports the view of senior MPS officers that training in both tactics and use of force needs to be adjusted to meet the challenges of 21st Century protest. Consideration should be given by the MPS and ACPO to accelerating the development and implementation of this training to ensure consistent guidance, standards and application of these tactics by the police. This consistency will be of increasing importance in the run-up to the 2012 Olympic Games, where cross border support will be critical to success. The training should incorporate relevant human rights standards and principles.

The impact of human rights legislation is of particular relevance when considering containment as a tactic. Concerns have been raised by those present around the absolute nature of the containment during the policing of the protests. The approach taken across some cordons was at times inconsistent with some officers allowing exit and others not. These views are tempered however by

¹⁴⁴ A breach of the peace occurs "whenever harm is actually done or is likely to be done to a person or in his presence to his property or a person is in fear of being so harmed through an assault, an affray, a riot, unlawful assembly or other disturbance": *R v Howell (Errol)* [1982] QB 416 which was held by the European Court of Human Rights to be sufficiently clear to be regarded as "prescribed by law" in *Steel v UK* (1998) 28 EFR 603, para.s 25-29 and 55.

¹⁴⁵ *Ibid.*

¹⁴⁶ Human Rights Act 1998, ss. 6(1) and 6(2).

incidents of violence amongst protesters at the Bank of England and Bishopsgate during the day which resulted in significant damage and injuries to both police and protesters.

It is recommended that where police become aware that a protest is likely to take place, with no identifiable organisers, steps should be taken to inform both the public and potential protesters that the protest may result in additional disruption, restrictions may be placed on protesters and particular tactics (including containment) may be employed to reduce disruption and the threat of disorder. When containment is applied, clear communication should be used to allow those within the cordon to access information about the expected duration, routes of exit and access to basic facilities and amenities. It is also recommended that officers on cordons have a greater awareness of the ACPO guidance in relation to Press Cards and the duties of legitimate members of the press to report matters of public interest.

Communication has also emerged as a key theme throughout the report. Communication is a two way process and requires a constructive

approach by both parties, facilitating a better understanding of each other's intent to ensure a proportionate response on the day. This dialogue should start during the planning process and continue throughout the protest and following the event to ensure that any areas of organisational learning for future events are identified.

Police communication with the press and media has also been identified as in need of development. Journalists interviewed recognised that the police were forthcoming in providing information prior to the event. However they did not perceive that this translated into a similar level of co-operation on the day. Many noted the failure of police to respond to negative reporting.

It is recognised that technology has allowed for a more flexible and responsive protest community which is capable of advanced communication and immediate reaction to events on the ground. This is in stark contrast to the traditional communication capabilities of the police. The challenge for the police service is to keep pace with a dynamic, IT intelligent protest community and the technology available for use.

EMERGING LESSONS IN HANDLING PROTEST

Stepping back from the G20 operation it may be valuable for officers to reflect on the following questions:

- Is the starting point of your planning to **facilitate peaceful protest**?
- What are the **foreseeable challenges** that you have considered?
e.g. the environmental considerations: political, geographic, community impact
- From what **discretionary perspective** are you examining these, in order to build the foundation for your operation or series of operations?
e.g. the law, community concerns, resourcing
- What **proactive approach** has been taken in relation to communicating with 'organisers', representatives, potential protesters and the public to manage expectations and inform choices?
e.g. intermediaries, media, web-based opportunities
- What **contingencies** have you considered to moderate the effects of containment or other tactics, including the use of force, to address the interests of those affected?
e.g. ongoing communication with protesters and the public affected
- Is the available **guidance** of practical value to Bronze Commanders and officers on the ground, for operations that have more than one objective?
e.g. for example, when protest and security meet
- Is the **training and briefing** designed to equip officers to face the foreseeable eventualities on the day and to Keep the Peace effectively?
e.g. operational priorities, situation awareness, communication as tactic first

Annex A

SUMMARY OF INTERVIEWEES (TO 30.06.09)

Group/Person	Engagement Type (e.g. focus group 1-2-1 meeting, poll written submission)	Number of people contacted or spoken to
Direction and Control Complaints received from protestors and members of the public	Questionnaire Telephone contact Telephone interviews 1-2-1 meeting	80 (post and email) 24 7 1
Local Businesses (small and large) in city area	Face to face interview Focus Group	21 7
Local Residents	Face to face interview Questionnaire	17 97
London's Communities Policing Partnership	1-2-1 meeting	2
Protestor Groups	Written Submission 1-2-1 meeting	1 7
General Population	Ipsos MORI National Survey	1,726 respondents
Media NUJ	Focus Group Written submission	8 1
MPS ACPO Team	1-2-1 meeting	2
MPS Media	1-2-1 meeting	1
PSU officers (Level 2)	Focus Group	10
PSU/TSG officers (Level 1)	Focus Group	10
Sussex PSU Command Sussex PSU officers	1-2-1 meeting Focus group	1 7
Forward Intelligence Team (FIT)	Focus Group 1-2-1	6 2
MPS Command Team (Gold/Silver/Bronzes/sub-Bronzes)	Group meeting 1-2-1 meeting	1 21
Non MPS ACPO Non MPS ACPO	1-2-1 meeting Focus Group	4 4
Officer Safety Training Team	1-2-1 meeting	2
Police Officer Associations	1-2-1 meeting	6
External Reference Group	1-2-1 meeting Written submission Group Meeting	2 2 7
Members of Parliament	1-2-1 meeting	7
Football Supporters Association	1-2-1 meeting	1

Annex B

REVIEW OF THE POLICING OF PUBLIC PROTEST

TERMS OF REFERENCE

OVERVIEW

HMIC will conduct a review of the public order tactics deployed in response to significant protests involving disorder or the threat of disorder. This process will be informed by examining the tactics adopted by the Metropolitan Police Service (MPS) during the G20 London Summit, one of the largest policing operations to have taken place anywhere in the United Kingdom, and other relevant experiences of policing protest both nationally and internationally.

HMIC will engage in consultation and debate with key stakeholders and the public regarding the policing of protest. The aim of the HMIC report will be to test the arguments for and against the use of police public order tactics from **public**, **legal** and **operational** perspectives.

The review will consider emerging evidence against the acknowledged principles of British policing – public consent, minimal use of force and individual accountability – and highlight any tensions between these and operational practice.

OBJECTIVES

Through consideration of public, legal and operational perspectives the review will:

1. Assess the effectiveness and impact of public order tactics deployed in response to significant protests involving disorder or the threat of disorder, specifically:
 - containment
 - use of force
 - liaison with media
 - communication with public and protesters
2. Identify difficulties and barriers to the successful implementation of those tactics
3. Examine the overall direction of public order goals, strategies and tactics in dealing with such protests and demonstrations, against the acknowledged principles of British policing.

APPROACH

The review will examine:

1. The operational and legal context (including human rights legislation) for policing major protests
2. MPS operating framework for G20 in relation to both planning, and command and control arrangements
3. Specific public order tactics and measures used to police G20 protests
4. Public opinion of strategy and tactics employed in relation to G20 and policing protest generally
5. Key stakeholder views in relation to G20 and policing protest generally
6. National and international approaches to policing major protests
7. Operational debriefing processes for policing protest

In the interim stage the review will predominately focus on tactics used to police the G20 protests. Consideration will be given to emerging findings for wider examination within the final report, in consultation with a wide range of people.

OUT OF SCOPE OF REVIEW

All matters relating to specific incidents or individuals subject to investigation by the MPS or the IPCC are excluded from this review. However, such incidents may provide contextual background to any findings or recommendations.

GOVERNANCE

This is an independent public review, requested by the MPS Commissioner. Copies of the report, both interim and final, will be provided to the MPS, Home Secretary, MPA, ACPO, APA, IPCC and published on the HMIC website.

External Reference Group:

Review methodology and emerging findings will be tested with an external reference group, drawn from the broad spectrum of interested groups. It will include representation from Human Rights Groups, the Media, Academics, Government Departments and the Police.¹⁴⁷

TIMESCALE

Interim Report	30th June 2009
Final Report	30th September 2009

¹⁴⁷ Reference Group Membership will be found on HMIC website when full membership has been established.

Annex C

LEGAL FRAMEWORK FOR POLICING PROTEST

The police have statutory powers in relation to the policing of protest, including those set out in:

- The Public Order Act 1986, particularly s.12 and s.14
- The Criminal Justice and Public Order Act 1994, particularly s.60 and s.60AA
- The Criminal Law Act 1967, s.3
- The Police and Criminal Evidence Act 1984, s.118

The Public Order Act 1986 confers carefully defined powers and imposes carefully defined duties on the police. It also defines a number of statutory offences, including riot,¹⁴⁸ violent disorder,¹⁴⁹ affray,¹⁵⁰ causing fear or provocation of violence¹⁵¹ and causing harassment, alarm and distress.¹⁵² In addition, a number of other offences including common assault, criminal damage and possession of offensive weapons are punishable under the common law and other domestic legislation.¹⁵³

The police also have powers and duties under the common law, including powers to prevent breaches of the peace. A breach of the peace occurs “whenever harm is actually done or is likely to be done to a person or in his presence to his property or a person is in fear of being so harmed through an assault, an affray, a riot, unlawful assembly or other disturbance.”¹⁵⁴ Every constable (and every individual citizen)

has the power and is subject to the duty to seek to prevent, by arrest or other action short of arrest, any breach of the peace occurring in his or her presence, or any breach of the peace which (having occurred) is likely to be renewed, or any breach of the peace which is about to occur.¹⁵⁵ A breach of the peace is not, as such, a criminal offence, but founds an application to bind over.

The use of all police powers must be considered in accordance with the Human Rights Act 1998, which requires all public authorities,¹⁵⁶ including the police, to act in a way which is compatible with the rights set out in Schedule 1 to the Act, which are taken from the European Convention on Human Rights (ECHR), unless primary legislation requires them to act otherwise.¹⁵⁷ The Human Rights Act also requires all primary and subordinate legislation to be read and given effect to in a way which is compatible with ECHR rights, so far as it is possible to do so.¹⁵⁸

Protest activity and the policing of protest have the possibility of engaging and interfering with the human rights of a range of individuals and groups. These include:

- those taking part in a march, procession, demonstration or protest;
- residents living on the route of the procession or near the protest site;
- workers whose place of work is on the route of the procession or near the protest site;

¹⁴⁸ Public Order Act 1986, s.1.

¹⁴⁹ Public Order Act 1986, s.2.

¹⁵⁰ Public Order Act 1986, s.3.

¹⁵¹ Public Order Act 1986, s.4.

¹⁵² Public Order Act 1986, s.5.

¹⁵³ Such as the Offences Against the Person Act 1881, the Criminal Damage Act 1971 and the Criminal Justice Act 1988.

¹⁵⁴ *R v Howell (Errol)* [1982] QB 416 which was held by the European Court of Human Rights to be sufficiently clear to be regarded as “prescribed by law” in *Steel v UK* (1998) 28 EHRR 603, paras 25-29 and 55.

¹⁵⁵ *R (on the application of Laporte) v Chief Constable of Gloucestershire* [2006] UKHL 55 per Lord Bingham, para. 29 .

¹⁵⁶ *Ibid.*

¹⁵⁷ Human Rights Act 1998, ss. 6(1) and 6(2).

¹⁵⁸ Human Rights Act 1998, s.3(1).

- the wider public who may be disrupted in their daily activities; and
- police officers themselves, who may be required to deal with serious levels of disorder or violence.

The ECHR rights incorporated into our domestic law which are relevant to the policing of protest include ECHR Article 2 (the right to life), ECHR Article 3 (the prohibition on inhuman treatment), ECHR Article 5 (the right to liberty), ECHR Article 8 (the right to respect for private and family life and to a home) and ECHR Articles 9, 10 and 11 (freedom of religion, expression and assembly respectively) which, taken together, provide a right of protest.

Of particular relevance to the G20 policing operation are:

- ECHR Articles 9, 10 and 11 and the presumption in favour of facilitating peaceful protest.
- ECHR Article 5 (the right to liberty) and the recent decision of the House of Lords stating that so long as police crowd control measures, specifically containment, are (i) resorted to in good faith, (ii) proportionate to the situation which has made the measures necessary and (iii) enforced for no longer than is reasonably necessary, then such measures of crowd control that are undertaken in the interests of the community will not engage ECHR Article 5 rights of individual members of the crowd whose freedom of movement is restricted by them.¹⁵⁹

These ECHR rights are discussed in more detail below, with particular focus given to the right to protest.

THE RIGHT TO PROTEST

The House of Lords has stated that “the approach of the English common law to freedom of expression and assembly was hesitant and negative, permitting that which was not prohibited” but that “the Human Rights Act 1998, giving domestic effect to articles 10 and 11 of the European Convention, represented ... a “constitutional shift.”¹⁶⁰

ECHR Articles 9, 10 and 11 protect the right to manifest a religion, to freedom of expression and to freedom of assembly respectively. Taken together, they provide a right of protest. The right to freedom of assembly is a fundamental right in a democratic society and, like the right to freedom of expression, is one of the foundations of such a society.¹⁶¹ However, ECHR Articles 9, 10 and 11 are *qualified* rights, which means that the police may impose lawful restrictions on the exercise of these rights in certain prescribed circumstances (see further below).

The right to peaceful assembly under ECHR Article 11 is secured to anyone who has the intention of organising or participating in a peaceful assembly. In view of the essential nature of freedom of association and its close relationship with democracy, there must be convincing and compelling reasons to justify interference with this freedom.¹⁶²

The freedom to *take part* in a peaceful assembly is of such importance that it cannot be restricted so long as the person concerned does not himself commit any reprehensible act on such an occasion.¹⁶³ An individual does not enjoy the right to freedom of association

¹⁵⁹ *Austin (FC) & Another v Commissioner of Police of the Metropolis* [2009] UKHL 5, per Lord Hope at para. 34.

¹⁶⁰ Per Lord Bingham, *R (on the application of Laporte) v Chief Constable of Gloucestershire* [2006] UKHL 55, para. 34, citing Sedley LJ in *Redmond-Bate v Director of Public Prosecutions* (1999) 163 JP 789, 795.

¹⁶¹ *Djavit v Turkey* (2003) (App. No. 20652/92).

¹⁶² *Ouranio Toxo and Others v Greece* (2005) (App. No. 74989/01).

¹⁶³ *Ezeline v France* (1991) (App. No. 11800/85), cited by Lord Bingham in *R (on the application of Laporte) v Chief Constable of Gloucestershire* [2006] UKHL 55, para. 36.

if in reality the freedom of action or choice which remains available to him is either non-existent or so reduced as to be of no practical value.¹⁶⁴

ECHR Article 11 protects *peaceful* assemblies. An assembly should be considered peaceful if its organisers have peaceful intentions. This should be presumed unless there is compelling and demonstrable evidence that those organising or participating in a particular event will themselves use, advocate or incite imminent violence.¹⁶⁵ The term ‘peaceful’ should be interpreted to include conduct that may annoy or give offence to persons opposed to the ideas or claims that a particular assembly is promoting.¹⁶⁶ Where demonstrators do not engage in acts of violence, it is important for the public authorities to show a certain degree of tolerance towards peaceful gatherings if the freedom of assembly guaranteed by Article 11 is not to be deprived of all substance.¹⁶⁷

The only type of events that do not qualify as “peaceful assemblies” are those in which the organisers and participants intend to use violence. The possibility of extremists with violent intentions, not members of the organising association, joining the demonstration cannot as such take away the right to peaceful assembly.¹⁶⁸ Even if there is a real risk of a public procession resulting in disorder by developments outside the control of those organising it, such a procession does not for this reason alone fall outside the scope of the protection guaranteed by ECHR Article 11.¹⁶⁹ When the fundamental criterion of peacefulness is met, the police have a positive duty to take steps to protect peaceful

assemblies. However, while it is the duty of the police to take reasonable and appropriate measures to enable demonstrations to proceed peacefully, there is no absolute duty to protect those who want to exercise their right to peaceful assembly.¹⁷⁰

The police not only have a positive duty to safeguard the right to assemble peacefully but they must also refrain from applying unreasonable indirect restrictions upon that right. Hindrance can amount to a violation just like a legal impediment.¹⁷¹ However, the subjection of public assemblies to an authorisation or notification procedure does not normally encroach upon the essence of the right as long as the purpose of the procedure is to allow the police to take reasonable and appropriate measures in order to guarantee the smooth conduct of any assembly, meeting or other gathering.¹⁷² Thus, there is no conflict between notification requirements and police powers relating to public processions and public assemblies set out in the Public Order Act 1986 and the right to freedom of assembly under ECHR Article 11. The Public Order Act 1986 requires organisers to give advance written notice to the police of any proposal to hold a public procession, unless it is not reasonably practical to do so.¹⁷³ The notice must specify the time and date of the proposed procession, the proposed route and the name and address of the person (or one of the persons) organising it.¹⁷⁴ In the absence of notification, each of the persons organising the procession may be guilty of an offence.¹⁷⁵ Advance notice is not required under the Public Order Act 1986 to hold a public assembly.¹⁷⁶

164 *Young, James and Webster v UK* (1981) (App. No. 76014/76; 7806/77).

165 OSCE Office for Democratic Institutions and Human Rights, Guidelines on Peaceful Assembly (2007).

166 *Plattform Ärzte Für das Leben v Austria* [1988] EHRR 204.

167 *Oya Ataman v Turkey* (2006) (App. No. 74552/01).

168 *Christians Against Racism and Fascism v UK* (1980) 21 DR 138.

169 *Ibid.*

170 *Plattform Ärzte Für das Leben v Austria* [1988] EHRR 204.

171 *Djavit v Turkey* (2003) (App. No. 20652/92).

172 *Bukta and Others v Hungary* (2007) (App. No. 25691/04); *Blum v DPP & Ors* [2007] UKHRR 233.

173 Public Order Act 1986, s.11(1).

174 Public Order Act 1986, s.11(3).

175 Public Order Act 1986, s.11(7).

176 Defined for the purposes of the Act as an assembly of 20 or more persons in a public place which is wholly or partly open to the air.

It being the case that any demonstration in a public place may cause a certain level of disruption to ordinary life and encounter hostility, associations and others organising demonstrations, as actors in the democratic process, are expected to respect the rules governing that process by complying with the regulations in force.¹⁷⁷ When balancing the right to freedom of assembly with the objective possibility of disorder, account will be taken of the commitment and resolve of the organisers to ensure that disorder will not result¹⁷⁸ and the Public Order Act 1986 gives the police the power to impose certain conditions on persons organising or taking part in public processions or assemblies where the police reasonably believe that there is a risk of serious public disorder, serious damage to property, serious disruption to the life of the community or intimidation of others.¹⁷⁹

The right to freedom of assembly is not an absolute right. That means that peaceful assemblies can be subjected to limitations in certain circumstances. ECHR Article 11(2) entitles state authorities to impose lawful restrictions on the exercise of the right to freedom of assembly provided such restrictions are prescribed by law, pursue one or more legitimate aims and are necessary in a democratic society (i.e. fulfil a pressing social need and are proportionate). Geographical setting, absence of a suitable alternative site in a particular vicinity and the risk of harm to the public through disruption may justify restrictions being placed on the freedom of assembly.¹⁸⁰ The European Court of Human Rights has stated that it is not acceptable from the standpoint of ECHR Article 11 that

an interference with the right to freedom of assembly could be justified on the basis of a public authorities' own view of the merits of a particular protest.¹⁸¹

The principle of proportionality requires that the police do not routinely impose restrictions that would fundamentally alter the character of a public assembly or demonstration. The police must base themselves on an acceptable assessment of the relevant facts and apply standards which are in conformity with the principles embodied in ECHR Article 11.¹⁸² The containment of a 'mere speculative danger' as a preventive measure for the protection of democracy has been held by the European Court of Human Rights not to be a "pressing social need".¹⁸³ The *blanket* application of legal restrictions may be found to fail to demonstrate consideration of the specific circumstances of each particular case and is likely to fail the proportionality test.¹⁸⁴

In a recent decision regarding ECHR Articles 10 and 11, the Court of Appeal stated that:

"Rights worth having are unruly things. Demonstrations and protests are liable to be a nuisance. They are liable to be inconvenient and tiresome, or at least perceived as such by others who are out of sympathy with them. Sometimes they are wrong-headed and misconceived. Sometimes they betray a kind of arrogance: an arrogance which assumes that spreading the word is always more important than the mess which, often literally, the exercise leaves behind. In that case, firm but balanced regulation may well be justified."¹⁸⁵

177 *Oya Ataman v Turkey* (2006) (App. No. 745452/01).

178 *Rassemblement Jurassien Unité Jurassienne v Switzerland* 17 DR 93 (1979). In this case, a demonstration organised by a group was allowed to take place one month after the same group had been banned from demonstrating. The applicants argued that the decision not to allow the first demonstration but to allow the later demonstration was unfair. The Commission did not dispute the government's justification that the second demonstration was taken in fundamentally different circumstances, including the fact that it followed a tripartite meeting and the establishment of a round table conference to which the interested parties had been invited to agree arrangements for the demonstration.

179 Public Order Act 1986, s.12(1) and s.14(1).

180 *Chappell v UK* (Admissibility) (1987) (App. No. 12587/86).

181 *Hyde Park and Others v Moldova* (2009) (App. No. 45095/06).

182 *Vajnai v Hungary* (2008) (App. No. 33629/06).

183 *Vajnai v Hungary* (2008) (App. No. 33629/06).

184 OSCE Office for Democratic Institutions and Human Rights, Guidelines on Peaceful Assembly (2007).

185 *Tabernacle v Secretary of State for Defence* [2009] EWCA Civ 23.

Peaceful assembly can be legitimately restricted to prevent disorder. What constitutes ‘disorder’ will vary according to the situation and is dependent on a number of factors, including the message of the assembly or demonstration, the intentions of the assembly organisers, any history of disorder, the potential for disorder in areas other than the immediate vicinity of the assembly and the likely impact of the assembly on relationships within the community. Obstruction may be defined as ‘disorder’. A demonstration by setting up a tent for several days in an area open to public traffic has been held by the European Court of Human Rights to “necessarily cause disorder.”¹⁸⁶

Whilst the arrest or dispersal of an assembly may be found to be a proportionate response to a breach of the law and the risk to public order,¹⁸⁷ this must always respect standards governing the use of force, including the need to investigate deaths and injuries that may occur.¹⁸⁸

THE RIGHT TO LIFE

The right to life under ECHR Article 2 does not simply mean that public authorities should refrain from the arbitrary killing of those for whom they are responsible. It also means that, in certain well-defined circumstances, public authorities should take positive steps to protect individuals whose lives are at risk.¹⁸⁹ Bearing in mind the difficulties involved in policing modern societies, the unpredictability of human conduct and the operational choices that must be made in terms of priorities and resources, such an obligation must be interpreted in a way that does not impose an impossible or disproportionate burden on the police.¹⁹⁰ What is required of the police is therefore that they take all steps that could reasonably be expected of them to avoid a

real and immediate risk to life about which they know or ought to have known.¹⁹¹

ECHR Article 2 also controls the use of force, as does ECHR Article 3 and ECHR Article 8, the common law, the Criminal Law Act 1967 and the Police and Criminal Evidence Act 1984. The requirement they impose is that, if possible, non-violent means should be used to resolve an incident before force is used, and any force used should be the minimum necessary in the circumstances. When extreme or excessive force is used, or where the application of the use of force is maintained for longer than is necessary to achieve a lawful aim, this may constitute a violation of ECHR Article 3 or Article 8. Potentially lethal or lethal force can only be used where absolutely necessary and in very limited circumstances defined under ECHR Article 2(2), such as self-defence or to protect the lives of others.

RIGHT TO LIBERTY AND SECURITY OF THE PERSON

ECHR Article 5 protects individuals against arbitrary arrest and detention. This means that the police cannot arrest or detain individuals unless there are proper grounds for making a lawful arrest or for detaining individuals or they are lawfully exercising their powers to deal with an actual or apprehended breach of the peace. Police powers to deal with an actual or apprehended breach of the peace (see above) are more restricted than they used to be.

Police crowd control measures have been the subject of detailed legal scrutiny for compatibility with the right to liberty (ECHR Article 5).¹⁹² In January 2009, the House of Lords considered the police public order tactic of containment – enclosing a large number of people gathered in a public place within police cordons – employed by the MPS on 1 May 2001 at Oxford Circus.¹⁹³

¹⁸⁶ *G and E v Norway* (1983).

¹⁸⁷ *Cisse v France* (2002) (App No. 51346/99).

¹⁸⁸ *Güleç v Turkey* (1998).

¹⁸⁹ *Osman v UK* [1998] EHRR 245.

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*

¹⁹² The use of containment has not been argued to be an interference with ECHR Articles 10 and 11.

¹⁹³ *Austin (FC) & Another v Commissioner of Police of the Metropolis* [2009] UKHL 5.

Specifically, the court considered whether the tactic of containment was compatible with the absolute right to liberty under ECHR Article 5(1). The parties recognised that if the detention did not amount to an unlawful deprivation of liberty contrary to Article 5(1), the containment of people within the police cordon was a lawful exercise of police powers. The Court held the following:

- a. Article 5 is not concerned with mere restrictions on liberty of movement. These are governed by ECHR Protocol 4, Article 2 which is not binding on the UK. Liberty of movement is a qualified right that may be restricted in the interests of public safety or to maintain public order.
- b. In this particular case, the applicant's right to liberty of movement was restricted by the police cordon.
- c. The right to liberty under Article 5(1) is absolute.
- d. Whether there is a deprivation of liberty, as opposed to a restriction of movement, is a matter of degree and intensity.
- e. In order to determine whether someone has been deprived of his or her liberty within the meaning of Article 5, the starting point must be his or her concrete situation and account must be taken of a whole range of criteria, including the type, duration, effects and manner of implementation of the measure in question.
- f. There is no direct guidance from the European Court of Human Rights on whether Article 5(1) is engaged where the police impose restrictions on movement for the sole purpose of protecting people from injury or avoiding serious damage to property.
- g. The decision whether there is a deprivation of liberty is highly sensitive to the facts of each case.
- h. No reference is made in Article 5 to the interests of public safety or the protection of public order as one of the cases in which a person may be deprived of his liberty. But the importance that must be attached in the context of Article 5 to

measures taken in the interests of public safety is indicated by Article 2, as the lives of persons affected by mob violence may be at risk if measures of crowd control cannot be adopted by the police.

- i. Measures of crowd control must be (i) resorted to in good faith; (ii) proportionate to the situation which has made the measures necessary and (iii) enforced for no longer than is reasonably necessary. If these criteria are met, measures of crowd control will fall outside the ambit of Article 5(1), so long as they are not arbitrary.
- j. The restriction on the liberty that resulted from confinement within the police cordon on this occasion met the criteria set out above and Article 5(1) was not applicable in this case.

RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

ECHR Article 8 protects the right to respect for private and family life of individuals and the right to a home. It requires the police to take account of the rights of residents when policing a protest. The right extends to the right of peaceful enjoyment of the home but it is not absolute, which means that it can be restricted if the restriction is lawful, legitimate, necessary and proportionate.

THE RIGHT TO PROPERTY

ECHR Protocol 1, Article 1 protects the right of an individual to peaceful enjoyment of his or her possessions and provides that no one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. It requires the police to take account of the rights of property and business owners when policing a protest.

Annex D

Timeline

This timeline is intended to be a factual report of the events that took place within the context of the policing of protests in the City of London on 1st April 2009. Wherever possible, video footage (obtained from the both police and public sources) has been used to corroborate information from other sources, including police command logs, interviews with the operational command teams, police radio communication, media reports and the Climate Camp submission.¹⁹⁴ In excess of 25 hours of video footage has been viewed. Where no video footage is available, source documentation has been cross-referenced for corroboration.

a) Timeline of protests outside the Bank of England

- 10.00am** Police stop a blue armoured vehicle with pseudo-police markings containing several people in possession of imitation police uniform.
[Source: ASU footage, police bronze command logs]
- 10.45am** Protesters start to gather outside underground stations (Liverpool Street, Moorgate and Cannon Street) and begin a procession towards the Bank of England.
[Source: Police bronze command logs]
- 11.30am** A group of protesters are contained by police outside Cannon Street station and escorted to the Bank of England. Some protesters are covering their faces.
[Source: Police bronze command logs]
- 11.35am** Protesters are moved into an open space bordered by barriers at the Royal Exchange.
[Source: Police bronze command logs]
- 12.20pm** Absolute cordons are implemented at the following locations; Princes Street, Queen Victoria Street, Wallbrook, King William Street, Lombard Street, Cornhill and Threadneedle Street. The estimated numbers in attendance at this point are 4,000-5,000.
[Source: ASU & police bronze command logs]

¹⁹⁴ The source material utilised for this timeline is: Logs for police commanders Bronze 1, 1.1, 1.3, 3.4, MPS report to the MPA, Climate Camp timeline, MPS Air Support Unit footage, MPS/City of London Police Evidence Gatherer video footage, Sky TV live footage.

12.45pm Violence is encountered by police at the junction of Threadneedle Street and Bartholomew Lane. Missiles (including glass bottles and flares) are thrown at officers. Individuals within the cordon surge at police and manage to break through the line. Groups of protesters can be seen covering their faces to hide their appearance and are gathering items in a bin to throw at police.
[Source: EG footage, ASU footage]

Video footage shows a concentrated group of protesters acting collectively to cause disorder outside RBS. A group of protesters on the front line verbally abuse officers, supported by others behind who sporadically attack officers with weapons or missiles. This culminates in protesters breaking through the police cordon and causing damage to the RBS building.

1.10pm A large crowd converges at Threadneedle Street, incorporating some violent members who begin throwing items at police officers. The containment at Royal Exchange is continued.
[Source: ASU, EG footage & police bronze command logs]

1.25pm The attack on RBS continues with windows being smashed and individuals entering the building. Objects are still being thrown at police in the area. Officers are located nearby but are not deployed to the scene of the damage. The absolute cordon at side of RBS is maintained by police. Officers are now wearing NATO helmets and carrying short shields.
[Source: ASU & EG footage, Sky News]

The attack on RBS is sustained for a lengthy period of time as protesters smash windows and set fire to the blinds. Others steal computers and subsequently damage them. Some protesters climb scaffolding on adjoining buildings. Footage from the MPS helicopter and police officers on the ground show that officers in NATO helmets with shields are holding a cordon line adjacent to RBS across Threadneedle Street and Bartholomew Lane. At this time, the police hold the line whilst the RBS sustains attack.

2.07pm The cordons on Threadneedle Street and Bartholomew Lane are brought together to move the crowd away from RBS. A single cordon is now formed on Threadneedle Street to move the crowd further towards the Royal Exchange building. Mounted police are deployed in support of officers on foot at this point but remain behind the line.
[Source: ASU & EG footage]

2.36pm The decision is made that the absolute cordons are to remain in place due to serious violence.
[Source: Radio transmissions & police bronze command logs]

2.46pm A dozen protesters dressed in black can be seen covering their faces.
[Source: Radio transmissions & police bronze command logs]

3.12pm The cordon at the junction of Queen Victoria Street and Queen Street is breached by the crowd and subsequently reforms.
[Source: ASU]

Some police are now wearing NATO helmets whilst others are not. Several police officers use batons to fend off crowd. A number of protestors are masked, one in particular repeatedly pushes into the cordon until he is arrested.

3.30pm Portable toilets are provided by police within the containment outside the Bank of England. Police attempt to move the Queen Victoria Street cordon up to the more general containment at Bank Junction.
[Source: ASU]

MPS helicopter footage shows large number of protestors breaking out of the containment towards Cannon Street. The cordon is then re-established at the junction of Queen Victoria Street and Cannon Street.

3.35pm Protesters start to run from the cordon in Queen Victoria Street towards Cannon Street.
[Source: ASU]

4.15pm Several masked protestors can be seen on the roof of Antholin House, Queen Street. They are reported to be throwing concrete out of the windows towards police officers.
[Source: ASU, Radio transmissions]

4.30pm The disorder continues into Cannon Street and Eastcheap with some protestors breaking windows and damaging vehicles.
[Source: ASU]

6.17pm Police decide to put in a containment at Carbon Exchange when the dispersal of the crowd outside the Bank of England begins.

6.30pm The crowd is now lifting metal barriers and clips used to secure them are thrown at police.
[Source: ASU & EG footage]

There are now cordons across Threadneedle Street (next to the Royal Exchange) and two on Cornhill Street. A smaller group is contained between the two cordons on Cornhill Street. Additional police officers attend Cornhill Street, and the tight containment on this smaller area is relaxed. All of these additional officers are fully equipped with NATO helmets and shields. Some of the crowd are moved towards a larger group of "contained" persons.

6.40pm A small group of protestors at Cornhill begin throwing objects at the police cordon. The crowd are pushing and surging against the police line.
[Source: ASU]

- 6.48pm** A male wearing a brown coloured jacket is throwing bottles at police and fighting with others in crowd.
[Source: ASU]
- 6.51pm** A crowd forms outside the containment on Cornhill and begins confronting police officers from behind. Officers use shields whilst objects are being thrown at them.
[Source: ASU]
- 6.57pm** A group within the crowd set fire to a mannequin, attached to a traffic light in the centre of the square, at the front of Royal Exchange.
[Source: ASU, EG footage, News footage]
- 7.00pm** Police make the decision to disperse the crowd outside the Bank of England and impose a containment at the Climate Camp.
[Source: Police bronze command logs & ASU footage]
- 7.10pm – 7.40pm** Police continue dispersing the crowd along Cornhill. At times the crowd surges at police officers and objects are thrown towards them. Police use shields to push crowd back. Scuffles occur between police and members of the crowd as arrests are made.
[Source: ASU & EG footage]
- 7.25pm** Police are alerted to the collapse of Ian Tomlinson and medics begin to treat him on Cornhill. Bottles are thrown at the medics during this time.
[Source: ASU]
- 7.50pm** Flares are being set off by protesters in Gracechurch Street and rubbish bags set alight. Police lines move in quickly to disperse protesters. There is no contact between police and protesters.
[Source: ASU]
- 8.45pm** The process of dispersing the crowd is completed around Bank of England area and Bank junction.
[Source: EG footage]

b) Timeline of the Climate Camp at Bishopsgate

- 12.30pm** Protesters converge on Bishopsgate (between the junction of Threadneedle St and Wormwood St). Pop-up tents are thrown down blocking the road and the camp is established. Police quickly withdraw from initial attempts to prevent this.
[Source: EG footage & Climate Camp video]
- 12.30pm** Police officers are deployed to the junction of Bishopsgate and Wormwood Street and filter cordons are implemented.
[Source: Police bronze command logs]
- 1.20pm** An absolute cordon is imposed at the junction of Bishopsgate and Wormwood Street.
[Source: EG footage & police bronze command logs]

- 1.40pm** The absolute cordon is relaxed to a filter cordon at Wormwood Street.
[Source: Police bronze command logs]
- 5.15pm** The tyres of two police vans within the Climate Camp are let down by protesters.
[Source: EG footage]
- 7.00pm** A containment is put in place around the Climate Camp. Protesters within the cordon are pushed back approximately 20 yards to exclude alleys on either side of road from the contained area.
[Source: Climate Camp video, police bronze command logs & Climate Camp timeline]
- Footage from Climate Camp website shows police in full protective equipment (including NATO helmets and shields) moving the crowd back using shields.*
- 9.40pm** One of the police commanders meets with representatives from the Climate Camp regarding the dispersal plan. The legal basis and rationale were explained stating that an absolute cordon was still necessary to prevent mass breach of peace, damage to property and public disorder.
[Source: Police bronze command logs, Climate Camp timeline]
- 10.12pm** The Climate Camp police liaison officer makes loudspeaker announcements to the crowd that police have made an order under Section 14 of the Public Order Act.
[Source: EG footage]
- 10.30pm** Disorder is experienced amongst the crowd outside the north limit of the Climate Camp.
[Source: Police bronze command logs]
- 10.45pm** Dispersal of the Climate Camp commences.
[Source: Police bronze command logs & Climate Camp timeline]
- 12.34am** Announcements are made on police van public address systems regarding dispersal powers at the south end of the camp.
[Source: Police bronze command logs]
- 12.35am** Dispersal of protesters begins along Bishopsgate.
[Source: EG footage]
- 1.00am** The Climate Camp has been fully cleared.
[Source: Police bronze command logs & Climate Camp timeline]

Key

EG footage = Police Evidence Gatherers' video footage

(City of London Police)

ASU = Air Support Unit footage (MPS Helicopter)

Annex E

IPSOS MORI SUMMARY OF SURVEY RESULTS

Introduction

This summary report presents a selection of findings from a survey of the public, conducted by Ipsos MORI over the period 29th May to 4th June 2009. The findings are based on 1,726 face-to-face interviews with a nationally representative sample of respondents aged 15 years or more in England and Wales.

The survey sought primarily to gain greater understanding of the public's attitudes towards the police and opinions on police performance at the G20 protests in London, and to gauge the level of tolerance among the public for tactics used by the police when managing large-scale protests.

Favourability towards the police

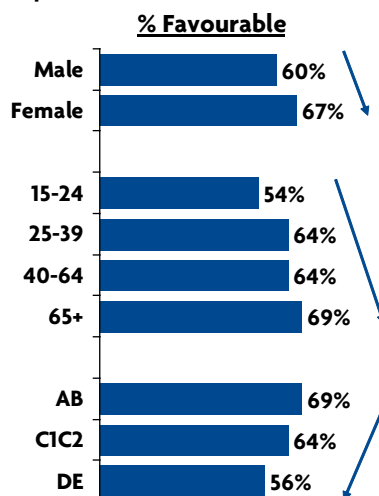
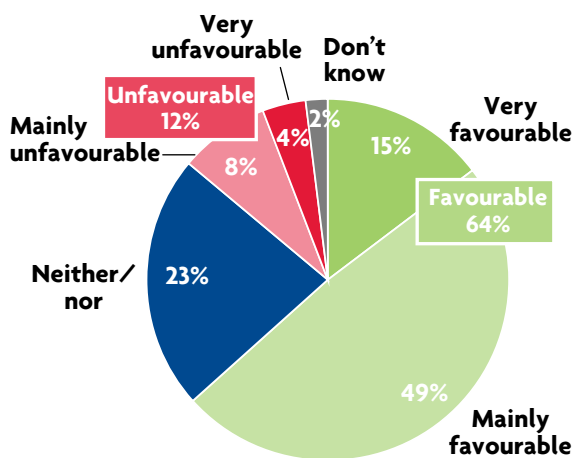
Level of favourability towards the police

The majority of respondents are favourable towards the police, with almost two-thirds (64%) stating that they hold favourable opinions and impressions of the police. The most frequent response, stated by almost half of all respondents (49%), is that they hold *mainly favourable* opinions and impressions.

At the opposite end of the scale, one in eight (12%) respondents report holding *unfavourable* opinions and impressions of the police, with fewer than one in twenty (4%) citing *very unfavourable* views.

The majority is favourable towards the police

Q. How favourable or unfavourable are your opinions and impressions of the police? Please take into account all the ways you may have learned or heard about the police.



Base: 1,726 adults aged 15+ in England and Wales, 29 May-4 June 2009

Source: Ipsos MORI

Analysing the data further reveals differences in opinion across key demographic groups. Females are more likely than males to be favourable (67% vs. 60%) and, as age increases, so too does the likelihood of being favourable. The least favourable age group is 15-24 years; just over half (54%) of this group hold favourable views compared to almost seven in ten (69%) of those aged 65+ years.

Social group also influences opinion. There is a clear linear trend in results by social group with as many as seven in ten (69%) respondents in group AB stating that they are favourable towards the police compared to just over half (56%) in group DE.

Reasons for being unfavourable towards the police

Respondents who reported being unfavourable towards the police were then asked *why* they held these views. One in six (16%) respondents stated that the reason they were unfavourable was because, in their view, the police simply do not do a good job. Around the same proportion (15%) explained their negative views by stating that the police did not turn up or took a long time to arrive.

One in ten (10%) explained that they never or rarely saw a police officer. The following table illustrates the most frequently cited responses.

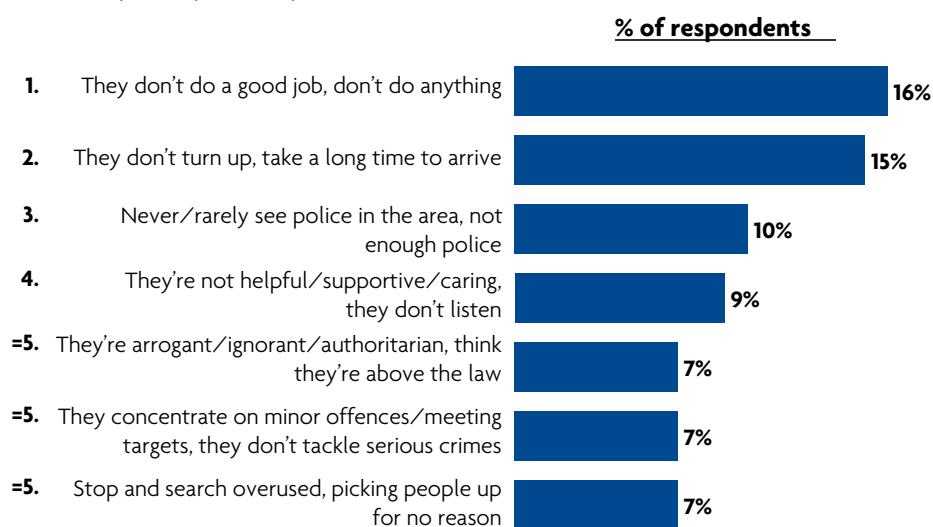
Awareness of the G20 protests in London

The G20 summit that took place in London in April 2009 attracted several protest marches. When asked how much they had heard about these protest marches, almost half (49%) stated that they had heard *a great deal* or a *fair amount*.

The most frequent responses were that they had heard *a fair amount* (34%) or *not very much* (31%). Even if not very much however, the majority of respondents, as many as eight in ten (80%), had heard at least *something* about the G20 protests in London.

Reasons for being unfavourable towards the police

Q. Why do you say that? TOP 5 REASONS



Base: 208 adults aged 15+ in England and Wales that are unfavourable towards the police, 29 May-4 June 2009

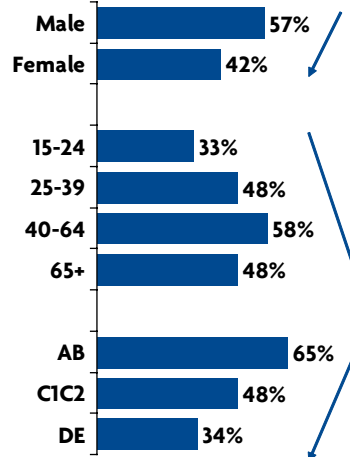
Source: Ipsos MORI

Most have heard *something*, even if not much, about the G20 protests in London

Q. The G20 summit that took place in London in April 2009 attracted several protest marches. Before today, how much, if anything, would you say you had heard about the G20 protests in London?



% Heard a great deal/fair amount



As before, key demographic analysis reveals differences in levels of awareness; in this instance, however, the gaps are wider. Fewer females than males report having heard a great deal or a fair amount about the G20 protests in London; just over four in ten (42%) females compared to almost six in ten males (57%).

As regards age, the youngest respondents were the least aware, with as few as one third (33%) of 15-24 year olds stating that they had heard a great deal or a fair amount about the protests. One quarter (25%) of this youngest age group report not to have heard anything at all about them.

The linear trend by social group reported in relation to favourability is also evident here. Social group AB respondents are almost twice as likely to have heard a great deal or a fair amount about the G20 protests in London than those in group DE (65% vs. 34%).

Police activity at the G20 protests in London

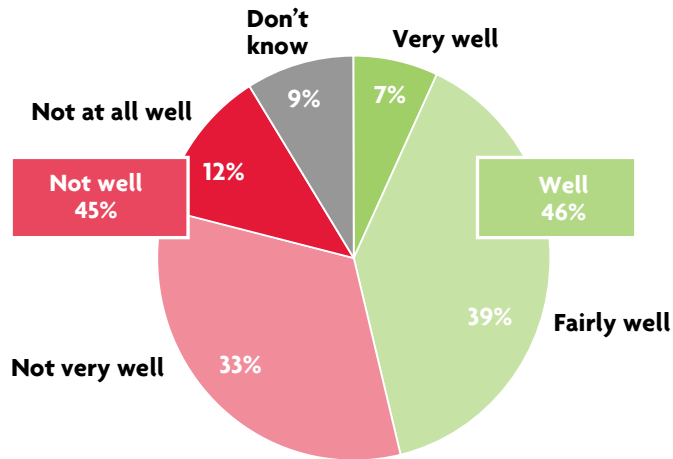
Respondents that had heard about the G20 protests in London were then asked questions about policing of the events. Opinion is certainly divided on this matter, with respondents finely balanced between those who feel the police dealt with the protests well and those who do not.

Very few (7%) believe that the police dealt with the G20 protests *very well* but almost four in ten (39%) are of the view that police dealt with the protests *fairly well*. Collectively, therefore, just under half (46%) believe the police dealt with the G20 protests either *very* or *fairly well*.

However, a sizeable one third (33%) states that the police did *not* deal with the G20 protests very well and more than one in ten (12%) state that they did not do well *at all*. Collectively, this generates a 'not very well/not at all well' total of 45 per cent.

Opinion is divided on how well the G20 protests in London were policed

Q. In your opinion, how well did the police deal with the G20 protests in London?



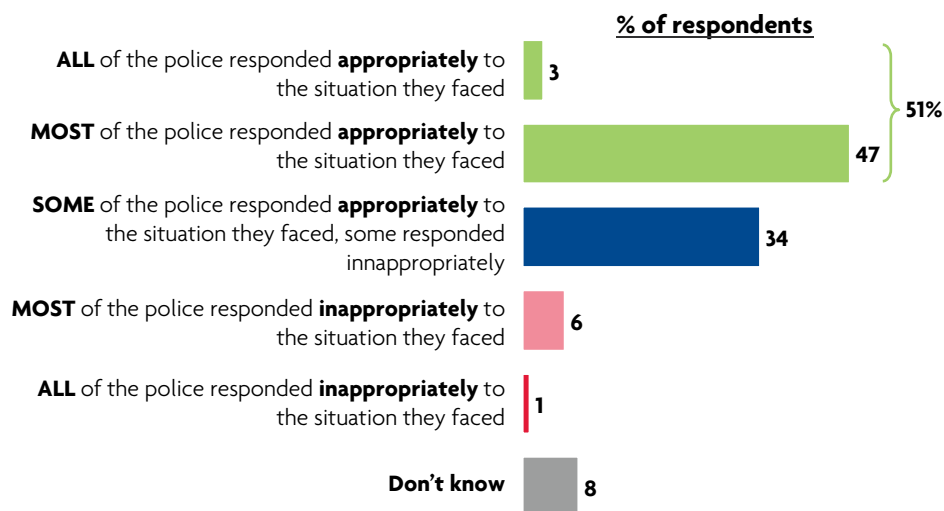
Base: 1,339 adults aged 15+ in England and Wales who have heard of the G20 protest in London, 29 May-4 June 2009

Source: Ipsos MORI

Whilst opinion is clearly balanced, at the extreme ends of the scale, a larger proportion reports a very negative view than reports a very positive view.

However, it is widely thought that the *majority* of officers behaved appropriately

Q. Thinking about the way police officers handled the G20 protests in London, which of the following, if any, comes closest to your view?



Base: 1,339 adults aged 15+ in England and Wales who have heard of the G20 protests in London, 29 May-4 June 2009

Source: Ipsos MORI

Further questioning on this matter reveals greater insight. Overall, the respondents believe that the *majority* of police officers behaved appropriately and that it was, at best, a minority that behaved inappropriately and, at worst, 'some' that behaved inappropriately.

When examining these results further it is found that in this case, neither gender nor age are influential factors on opinion. Social group, however, continues to have an impact. Following the same clear linear trend, as many as six in ten (61%) respondents in group AB believe that all or most of the police behaved appropriately in the situation they faced compared to almost five in ten (47%) in group C1C2 and just over four in ten (42%) in groups DE.

Looking across these two performance questions reveals that, when assessing police performance at the G20 protests in London, opinion appears to be intrinsically linked to overall levels of favourability towards the police. Respondents that are favourable towards the police in general are much more

likely to believe that the police dealt with the protests well and that all or most of the police behaved appropriately in the situations they faced.

Protester performance at the G20 protests in London

Respondents were also asked to give their opinion on the behaviour of the protesters at the G20 protests in London. The most frequent response (44%) is that *some* of the protesters behaved in an acceptable manner whilst some did not. Overall, almost four in ten (39%) respondents believe that the *majority* of the protesters behaved in an acceptable manner.

In this instance, there are no clear trends across key demographic variables. Favourability towards the police has no impact on attitudes towards protesters nor do the overall views on how well the police performed at the G20 protests influence opinion.

A sizeable proportion also believes the majority of protesters behaved acceptably

Q. Thinking about the way protesters behaved at the G20 protests in London, which of the following, if any, comes closest to your view?



Base: 1,339 adults aged 15+ in England and Wales who have heard of the G20 protests in London, 29 May-4 June 2009

Source: Ipsos MORI

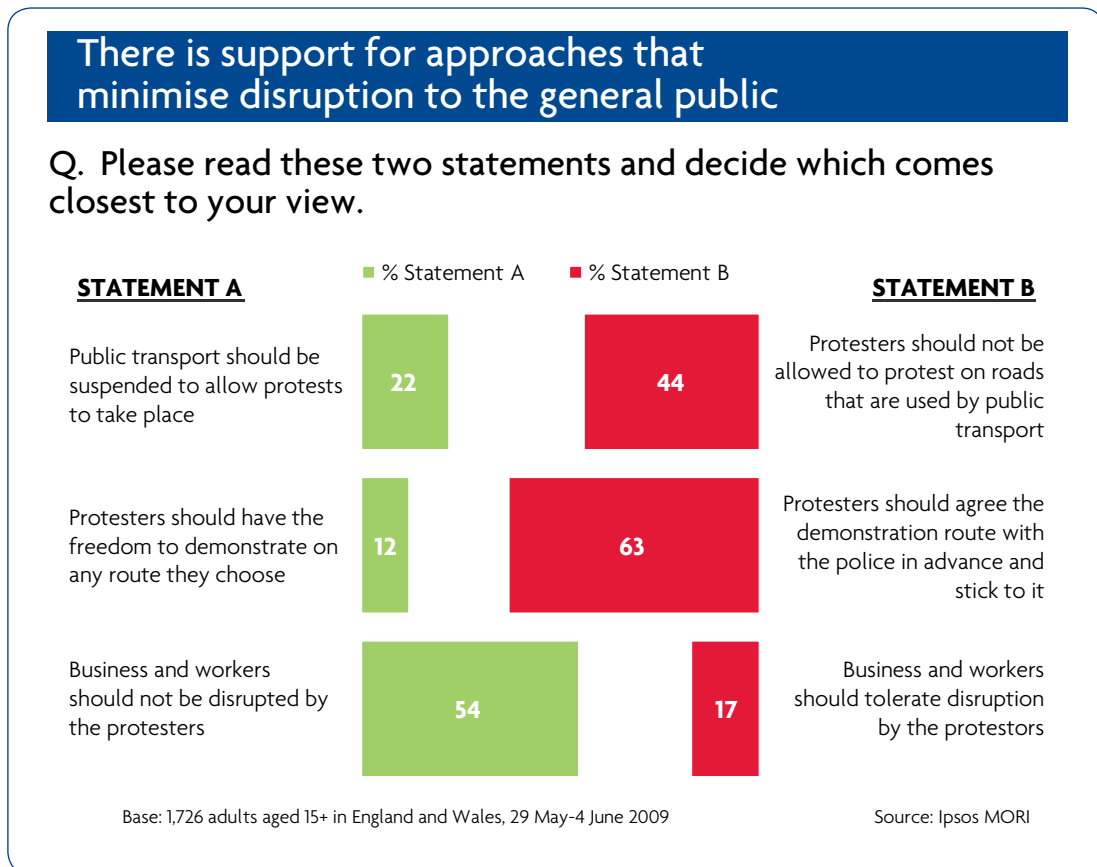
Managing large-scale events

Having considered the G20 protests, respondents were asked to think more generally about large-scale protests. They were told that there are many decisions to be made when handling large-scale protests and people have different views about how they should be managed. Respondents were then presented with bipolar statements and asked to select which statement, if any, came closest to their *own* opinion.

Three of the 'pairs' of statements related to disruption to everyday life and, among the majority, there is a preference for

protests to be managed in such a way as to minimise disruption to the general public. Respondents are:

- *more likely* to favour an approach that does not disrupt public transport;
- *much more likely* to favour an approach that does not disrupt business and workers; and
- *considerably more likely* to favour an approach that sees protesters agreeing their route with the police and sticking to it.



Tolerance for use of force by police officers

When asked for views in relation to the police using force against protesters, respondents demonstrate a willingness to accept that, in some circumstances, use of force against protesters is justified.

Presented with bipolar statements about the use of force, respondents are twice as likely to opt for a situation that gives police the freedom to use force against protesters *as necessary to keep public order* as opt for a situation where the police should *never* use force.

When presented with a series of protester behaviours that could occur at a large-scale protest, respondents were asked to consider whether the use of force was justifiable as a response to each behaviour. Use of force was defined as a police officer using their baton to strike a protester. It is clear from the results that as protester behaviour escalates, use of force by police officers in response to these behaviours *is* deemed justifiable.

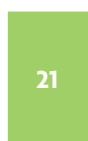
There is also greater support for the police to have freedom to use force when necessary

Q. Please read these two statements and decide which comes closest to your view.

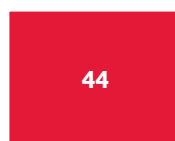
STATEMENT A

The police should never use force against protesters

■ % Statement A



■ % Statement B



STATEMENT B

The police should have the freedom to use force against protesters as necessary to keep public order

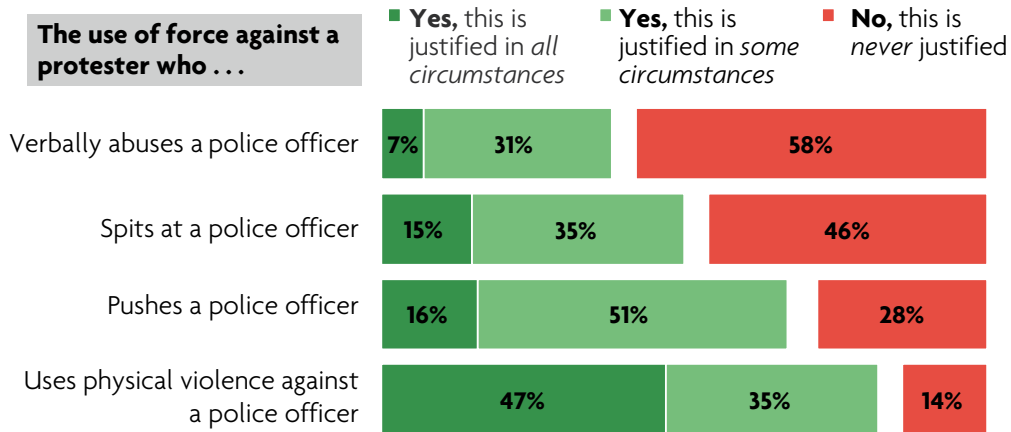
Base: 1,726 adults aged 15+ in England and Wales, 29 May-4 June 2009

Source: Ipsos MORI

Respondents believing that the police performed well at the G20 protests in London are more likely to side with Statement B, giving police freedom to use force, than side with Statement A. Of those who did state that the police performed well at the G20 protests, over half (56%) side with the view that the police should have the freedom to use force as necessary to keep public order compared to only one in seven (14%) who opt for the view that the police should never use force.

As protester behaviour escalates in seriousness, more people perceive the use of force to be justified

Q. Please read this list ... please say whether use of force is justifiable in all circumstances, some circumstances or is never justifiable.



Ipsos MORI Base: 1,726 adults aged 15+ in England and Wales, 29 May-4 June 2009 Source: Ipsos MORI

The majority, almost six in ten (58%), believes that police officers should be able to withstand **verbal abuse** from a protester without resorting to force. Notwithstanding, a sizeable minority of three in ten (31%) respondents believe that, in *some* circumstances, use of force is justifiable. Males are more likely to hold this view than females; 34 per cent of males say that use of force is justifiable in some circumstances involving verbal abuse compared to 28 per cent of females.

Opinion is divided in circumstances where a protester **spits at a police officer**. Half of all respondents (50%) believe that use of force may be justifiable in response to spitting with just less than half (46%) believing that force is never justified in response to spitting. As before, males are more likely to justify use of force in this instance; 38 per cent of males say that use of force is justifiable in *some* circumstances involving spitting compared to 32 per cent of females.

The tipping point in terms of tolerance for the use of force appears to be when protester actions take on a more physical dimension. The majority believes that when protesters become physical, whether that is **pushing a police officer or using physical violence** against them, use of force by the police officer in response to this behaviour *is* justifiable. Over two-thirds of all respondents (68%) believe that use of force may be justifiable in response to an officer being pushed; just over half (51%) state that it is justified in *some* circumstances.

It is in response to physical violence that use of force is most strongly accepted; when faced with physical violence from a protester, over eight in ten (82%) respondents believe that the officer is justified in using force in response. Almost half (47%) state that use of force is justified in *all* such circumstances. In each of these physical behaviour scenarios, males are more likely than females to support the use of force in *all* circumstances.

Tolerance for use of containment by police officers

Respondents were informed that, during a large-scale protest, police might have to hold protesters in a controlled area for a number of hours if they feel that public order is under threat. They were then asked to comment on whether they believed this holding tactic was justifiable in response to a number of scenarios.

It is clear from the results that when the public feels that holding protesters will reduce disruption, reduce damage to property or minimise a threat to public safety, there are high levels of tolerance for such a tactic.

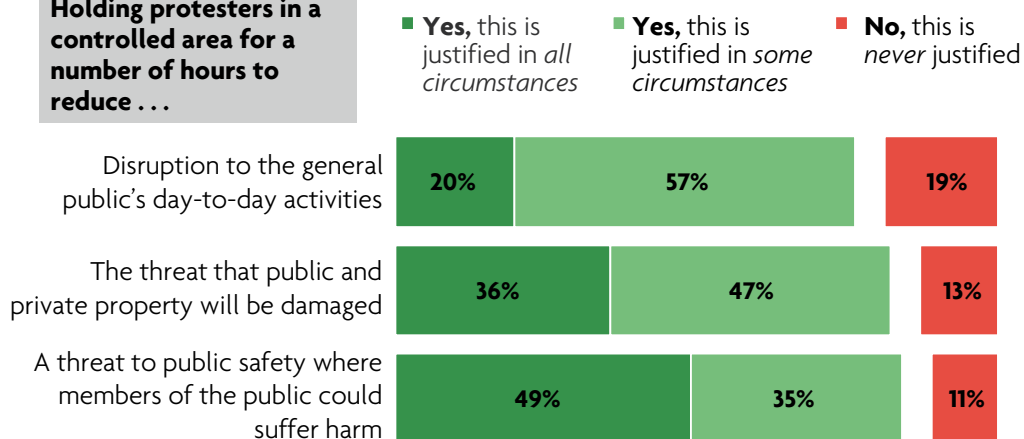
In all three scenarios there is a majority belief that holding tactics are justifiable.

- In response to disruption to the general public's day-to-day activities, around three-quarters (76%) believe that holding protesters in a controlled area is justifiable, with one in five (20%) respondents believing such a response from the police is justified in *all* circumstances.
- In response to the threat that public and private property will be damaged, over eight in ten (82%) of respondents believe that holding protesters in a controlled area is justifiable, with over a third (36%) believing such a response from the police is justified in *all* circumstances.

Public support for containment is significantly higher where there is a threat to public safety

Q. The police may hold protesters in a controlled area for a number of hours if they feel that public order is under threat. To what extent is this action justifiable or not in these different scenarios?

Holding protesters in a controlled area for a number of hours to reduce ...



Ipsos MORI Base: 1,726 adults aged 15+ in England and Wales, 29 May-4 June 2009

Source: Ipsos MORI

- In response to the threat to public safety where members of the public could be harmed, over eight in ten (84%) respondents believe that holding protesters in a controlled area is justifiable, with almost half (49%) believing such a response from the police is justified in *all* circumstances.

exception: social group. As with other issues, there is a clear linear trend by social group with as many as seven in ten (71%) of those in group AB expressing confidence for the future compared to 64% of C1C2 respondents and six in ten (60%) DE respondents. Notwithstanding, it should not be overlooked that there is a sizeable minority (27%) that is *not* confident.

Confidence for the future

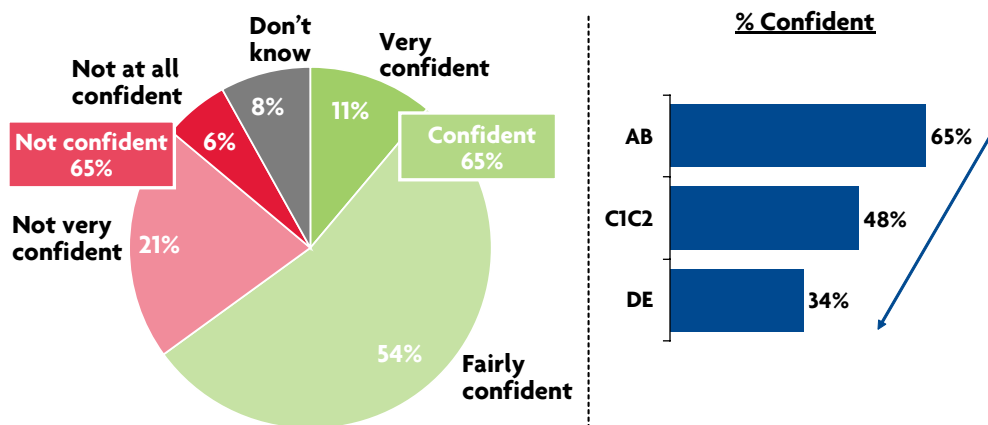
When asked how confident, if at all, they are that the police will effectively manage large-scale protests in the future, almost two-thirds (65%) state that they are either fairly confident (54%) or very confident (11%).

As might be expected, respondents that are more favourable to the police in general and are positive about how well the G20 protests in London were policed, are also more likely to be confident that future events will be effectively managed.

There are few key demographic differences between those who *are* confident, with one

There is confidence that large-scale protests will be managed effectively in the future

Q. How confident, if at all, would you say you are that the police will effectively manage large-scale protests in the future?



Base: 1,726 adults aged 15+ in England and Wales, 29 May-4 June 2009

Source: Ipsos MORI

Annex F

Complainant	Location	Theme					Containment specific themes								
		Containment	Use of Force	Media	Communication	Policing in a democracy	Proportionality	Caused disorder	Legality	Changed mood	Indiscriminate	Duration	Infringement of HR, Freedom to move	Lack of food, water and toilets	
1	Threadneedle Street	✓	✓		✓										
2	Bank of England	✓			✓				✓						✓
3	Central London	✓													✓
4	Bishopsgate	✓	✓		✓					✓					✓
5	Bank of England	✓	✓		✓										✓
6	Bank of England	✓			✓									✓	
7	Bank of England	✓			✓										✓
8	Bank of England	✓	✓		✓						✓				✓
9	Bank of England & Bishopsgate	✓	✓					✓		✓					
10	Bank of England	✓	✓		✓										✓
11	Bank of England	✓			✓								✓		✓
12	Bank of England	✓			✓								✓		✓
13	Threadneedle Street	✓	✓	✓											
14	Bank of England	✓			✓			✓						✓	
15	Bishopsgate	✓			✓			✓							
16	Bank of England	✓			✓									✓	
17	Bank of England	✓	✓		✓										✓
18	Bank of England	✓													✓
19	London Bridge	✓			✓										

Complainant	Location	Theme						Containment specific themes							
		Containment	Use of Force	Media	Communication	Policing in a democracy	Proportionality	Caused disorder	Legality	Changed mood	Indiscriminate	Duration	Infringement of HR, Freedom to move	Lack of food, water and toilets	
20	Did not attend	✓				✓									✓
21	Bank of England	✓		✓	✓										
22	Bishopsgate			✓	✓	✓									
23	Bank of England	✓	✓	✓	✓						✓				
24	Did not attend		✓												
25	Bishopsgate	✓	✓		✓										✓
26	Bank of England	✓			✓	✓					✓				
27	Bank of England	✓		✓	✓	✓							✓		✓
28	Bank of England	✓	✓	✓	✓							✓			✓
29	Did not attend		✓												
30	Bank of England	✓	✓												
31	Bank of England	✓													
32	Bank of England	✓													
33	Bishopsgate				✓										
34	Bishopsgate		✓		✓										
35	ExCel ¹⁹⁴														
36	Bank of England	✓			✓										✓
37	Liverpool St Strn & Princess St	✓	✓		✓								✓		✓
38	Bishopsgate	✓			✓								✓		✓
39	The City	✓	✓		✓								✓		✓

194 Direction and Control complaint 35 concerned the policing of the protest at ExCel. The complainant felt that the protest area was too far away from the location of the summit. No other areas of concern were raised.

Complainant	Location	Theme					Containment specific themes							
		Containment	Use of Force	Media	Communication	Policing in a democracy	Proportionality	Caused disorder	Legality	Changed mood	Indiscriminate	Duration	Infringement of HR, Freedom to move	Lack of food, water and toilets
40	Threadneedle Street	✓	✓		✓	✓			✓			✓	✓	✓
41	Bank of England	✓	✓						✓			✓		✓
42	Bank of England	✓	✓		✓	✓						✓	✓	✓
43	Did not attend	✓				✓						✓		
44	Bank of England	✓			✓	✓					✓	✓		
45	Bank of England	✓	✓		✓	✓					✓	✓		
46	Threadneedle Street	✓	✓		✓	✓			✓			✓		
47	Cheapside	✓			✓	✓					✓	✓		
48	Not known	✓			✓	✓					✓	✓		✓
49	Bank of England	✓			✓	✓					✓	✓		
50	The City	✓	✓			✓					✓	✓		
51	Bank of England	✓	✓		✓						✓	✓		✓
52	Bishopsgate	✓			✓	✓						✓		
53	Not known		✓			✓						✓		
54	Bank of England	✓										✓		✓
55	Bank of England	✓			✓							✓		
56	Bank of England	✓							✓			✓		✓
57	Not known	✓	✓											
58	Bank of England	✓			✓							✓		
59	Lombard Street	✓			✓	✓					✓			

Complainant	Location	Theme					Containment specific themes							
		Containment	Use of Force	Media	Communication	Policing in a democracy	Proportionality	Caused disorder	Legality	Changed mood	Indiscriminate	Duration	Infringement of HR, Freedom to move	Lack of food, water and toilets
60	Threadneedle Street	✓	✓		✓	✓					✓		✓	
61	The City	✓	✓			✓							✓	
62	King William St	✓			✓	✓				✓			✓	
63	Bank of England	✓	✓	✓	✓	✓							✓	
64	Lombard Street	✓			✓					✓	✓	✓	✓	
65	Bank of England	✓			✓	✓				✓	✓	✓	✓	
66	Bank of England	✓									✓	✓	✓	
67	Bishopsgate	✓	✓	✓		✓								✓
68	Not known	✓	✓		✓	✓			✓					✓
69	Not known	✓	✓	✓	✓	✓					✓	✓	✓	✓
70	Bank of England	✓	✓		✓	✓			✓			✓		
71	Bishopsgate	✓	✓											✓
72	Bank of England	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓
73	Bishopsgate	✓			✓						✓			✓
74	Did not attend		✓											
75	Did not attend	✓	✓					✓						
76	Bishopsgate	✓	✓										✓	
77	Bishopsgate	✓	✓	✓	✓			✓						
78	Bank of England				✓									
79	Bank of England	✓	✓								✓			✓
80	Climate Camp	✓	✓											

Annex G

SUMMARY OF G20/G8 SUMMITS AND OTHER SIGNIFICANT ANTI-GLOBALISATION PROTESTS

The Group of Twenty Finance Ministers and Central Bank Governors (G20) have met since 1999. However, previous summits have attracted fewer protests. G20 London 2009 experienced unprecedented levels of protest for a number of reasons including the attendance of the heads of state, the economic downturn and the focus on financial institutions and environmental issues.

YEAR	EVENT	LOCATION	SUMMARY
1999	25th G8	Cologne, Germany	2,000 protesters marched through London in support of demonstrations against the G8 in Cologne. The 'J18' (18 June) march degenerated into large scale disorder resulting in 42 people being injured and an estimated £1m of damage caused.
1999	N30 (November 30th)	Seattle, United States	Protests caused the delay of the opening ceremony of the World Trade Organisation meeting. Continuing action led to the arrest of over 600 protesters, dozens injured and extensive damage to shops such as Nike and Starbucks. The Mayor of Seattle put the city under the municipal equivalent of martial law and declared a curfew. The National Guard were deployed to support the police. A mirror protest in the United Kingdom took place at the front of Euston Station, London, which resulted in scenes of violence and the burning of a police van.
2000	May Day	London, United Kingdom	'Reclaim the Streets' led anti-capitalist demonstrations that resulted in approx. 95 arrests following a "Guerrilla Gardening" action that saw the turf in Parliament Square dug up. Later, there was an attack on a McDonalds restaurant and officers were attacked with bottles, scaffolding and other weapons. Over 500 officers were deployed.
2000	26th G8	Nago, Okinawa, Japan	No significant protests recorded.

YEAR	EVENT	LOCATION	SUMMARY
2001	May Day	London, United Kingdom	The protests began with cycle rides through the streets. Then approx. 5,000 protesters attended Oxford Circus where many of them were contained by police. Protesters attempted to break through the police cordon and later damaged shops and banks in Tottenham Court Road. The police's use of containment has been subject to unsuccessful legal challenges.
2001	EU summit	Gothenburg, Sweden	In excess of 25,000 anti-capitalists at times overwhelmed the 1,000 police officers on duty to deal with them. The site of the summit had been ringed with double steel barriers but by the end of the first day the summit had been marred by violent protest and featured the use of firearms by police for their own security. This summit highlighted the need to tighten security.
2001	27th G8	Genoa, Italy	The Italian government suspended freedom of movement entitled by the Schengen treaty for the duration of the summit, in order to monitor the movement of the many protesters arriving from across the EU. The city centre was made a total exclusion zone which displaced the protesters onto the outlying streets of Genoa. It was estimated that over 100,000 anti-capitalists took to the streets and were responsible for approx. £15m in damage to cars, shops, banks, petrol stations and public buildings. The Genoa Social Forum, an umbrella group for around 700 protest groups, had schooled activists in self defence and many protesters wore protective body padding in anticipation of clashes with the police. Demonstrators accused the police of brutality and denying them the right to non-violent protest. Police and some politicians argued that attempting to blockade a meeting was in itself a violent event and an attempt to impede the workings of democratically elected governments. Over 500 people were injured and there was one fatality, a demonstrator shot by police. A number of police officers were convicted of offences including abuse of authority, abuse of office and uniform and negligence. The officer charged over the fatality was acquitted by reason of self defence.

YEAR	EVENT	LOCATION	SUMMARY
2002	28th G8	Kananaskis, Alberta, Canada	Kananaskis was selected because of its isolated location. Thousands of police patrolled a 20 mile security zone with a single road into the resort containing 16 checkpoints. F-18 jet fighters and helicopters also patrolled the skies. Relatively small scale protests took place in Calgary. At the time it was reported as the largest peacetime operation in Canadian history.
2003	29th G8	Evian-les-Bains, France	1,500 anti capitalist protesters blocked a road near Evian-les-Bains. French police fired tear gas into the crowd who responded with petrol bombs at local government buildings. Thousands of demonstrators descended on the French-Swiss border close to Geneva in a bid to disrupt the summit. On a bridge over the River Aubonne a British protester was taking part in a protest blocking the road. He was tied by a rope suspended over the bridge when the rope was cut by police, whereby he fell onto a dry river bed below and received multiple injuries. Whilst the protesters were denied access to Evian-les-Bains due to an exclusion zone, this displaced demonstrations over the border into Switzerland where criminal damage to the value of approx. 3 million Swiss Francs was caused. Thousands of police and army from France, Switzerland and Germany were deployed at an estimated cost of 5 million Swiss Francs.
2003	EU Summit	Athens, Greece	Violent confrontation was seen between anti-globalisation protesters and police with an estimated 8,000 protesters policed by 20,000 police officers. Petrol bombs, rocks and bottles were thrown at the British and Italian embassies as well as the police who responded with tear gas. There were 29 premises damaged and 93 arrests.

YEAR	EVENT	LOCATION	SUMMARY
2004	30th G8	Sea Island, Georgia, United States	In order to ensure the island's security, a "ring of steel" involving units of the US armed forces surrounded the island. The choice of a remote location, particularly a containable island, was successful in limiting the access of potential protesters and minimised disruption. Due to the substantial resources deployed and the activists' belief that the government agencies would invoke the use of the Patriot Act, very few protests were seen. (The Act provides indefinite imprisonment without trial of non US citizens whom the Attorney General has determined to be a threat to national security).
2005	31st G8	Gleneagles, Scotland, United Kingdom	The main disorder was displaced to Edinburgh. Disorder and damage also occurred in Stirling estimated at £3m. Activists blockaded major approach routes and gathered in fields surrounding the venue but the perimeter remained secure. The 7/7 terrorist attack overshadowed the summit.
2006	32nd G8	Strelina, St.Petersburg, Russia	Reports at the time stated that in the week leading up to the summit police in Moscow, St Petersburg and other parts of Russia detained known human rights and political activists (reported numbers vary from a few dozen to 200), some of whom were imprisoned for 10 days preventing them from taking part in demonstrations. There were no significant protests recorded.
2007	33rd G8	Heiligendamm, Germany	A 12km fence was built around Heiligendamm at a cost of \$16.6m. Displaced urban disorder prior to the summit resulted in significant police casualties in Rostock. Multiple blockades on roads around the venue by 5,000 activists essentially cut off the venue to vehicular traffic for 3 days. Police resources were deployed by helicopter, and water cannon was used to maintain distance. 16,000 police and 1,000 soldiers were involved in the operation and approximately 150 UK activists were present.
2008	34th G8	Toyako, Hokkaido, Japan	Over 40 dissidents were arrested before the summit started and a number of activists were detained at New Chitose Airport. There were no significant protests recorded.

Annex H

G20 PROTEST EVENTS: 28TH MARCH – 2ND APRIL 2009

PROTEST EVENTS 28TH MARCH

Put People First March for Jobs, Justice and Climate (TUC) March

Intelligence suggested that those involved in the TUC march would number in the tens of thousands and that the majority of participants would be peaceful and act lawfully. However there were concerns that the march was attracting interest from extreme-left wing elements. It was believed that the after party would be peaceful. The event had been notified and planned in conjunction with police planners.

PROTEST EVENTS 1ST APRIL 2009

Banquet at the Bank of England (Bank of England protest)

Police believed there would be four separate processions, each led by one of the Four Horsemen of the Apocalypse,¹⁹⁵ which had been used previously in the *Government of the Dead* protest at Canary Wharf in October 2008. Intelligence suggested the processions would form up at Moorgate, Liverpool Street, London Bridge and Cannon Street underground stations and then proceed en masse to the Bank of England, where a street party would follow. Intelligence indicated that the Bank of England protest would be the focus for more extreme left wing, autonomous and anarchist elements but no specific intelligence indicated any planned intention to engage in co-ordinated and organised public disorder and/or violence. These processions were not notified to the police.

Climate Camp at the European Climate Exchange (Climate Camp protest)

Intelligence suggested plans for a co-ordinated convergence by protesters on the European Climate Exchange at Bishopsgate. Plans included the provision of food, first aid and food preparation facilities. Internet sources suggested 1,000 people intended to attend. The MPS met with representatives of Climate Camp on the 31st March 2009.

People and the Planet RBS

People and the Planet publicised their intention to hold a protest at the Royal Bank of Scotland in Bishopsgate. There was no information to suggest violence, nor an indication of numbers involved. This event was not notified to police.

Critical Mass Events

Intelligence indicated the possibility of an attempt to block roads by mass cycle protest. This was deemed unlikely to succeed due to lack of interest or support, and the event was not notified to police.

Alternative G20 Summit

An alternative summit had been planned at the University of East London, although immediately before the event the university had withdrawn permission to use its premises. Intelligence suggested that this event lacked support from the university. No assessment of attendees was provided. The event was ultimately cancelled.

Campaign Against Climate Change Iceberg Protest

Police were notified of an intention to protest near to the Tidal Basin area at ExCel. Only small numbers were expected, and this event was notified to police. On the 1st April the event passed off without incident.

¹⁹⁵ The Four Horsemen of the Apocalypse originates in the Christian Bible, in the book of Revelations. The four represent death, famine, war and conquest. In more recent times effigies of the four horsemen were used to represent homelessness, financial crime, war and the environment and climate change, as was the case on the 1st April 2009.

Stop the War Coalition March

Organisers from Stop the War Coalition, the British Muslim Initiative, the Palestine Solidarity Campaign and the Campaign for Nuclear Disarmament notified their intention to protest outside the US Embassy and then march to Trafalgar Square. Intelligence suggested the event would attract several thousand participants, but it would not present any public order problems.

On the day between 1,000 and 1,500 persons took part and the event passed off without incident.

Rising Tide Protest

Intelligence suggested a desire to hold a theatrical protest outside the Department of Business Enterprise and Regulatory Reform, although the event had not generated significant interest and it was believed the location would hinder significant numbers of protesters. This protest was not notified to police.

Falun Gong Protest

A small numbers of persons were expected outside the Dorchester Hotel, where the delegation from the Peoples Republic of China was staying. 5 to 10 protesters were estimated. This event had been notified to police and an organiser had engaged with police planners, and it passed off without incident.

Free Tibet Protest

Organisers had notified police of their intention to hold a protest outside the hotel and Embassy of the Chinese delegation over the 1st and 2nd April 2009, similar in nature to the last Chinese State Visit. Organisers indicated that they expected between 300 and 400 persons to attend.

PROTEST EVENTS 2ND APRIL 2009

G20 ‘Crash the Stock Exchange’ Protest

Advertised on popular protest websites, this was the only planned extreme left wing protest on the day of the G20 Summit. Intelligence suggested it to be well supported, with the potential for disorder, This event had not been notified to police.

Giant Game of Monopoly

Organisers had advertised their intention to hold a giant game of monopoly outside the London Stock Exchange. Intelligence suggested this event would not present public order challenges; however it had not been notified to police.

Stop the War Coalition

Stop the War Coalition, supported by the Campaign for Nuclear Disarmament, the Palestine Solidarity Campaign and the British Muslim Initiative, had agreed to demonstrate at the ExCel Centre. Intelligence suggested that the protest would be peaceful and disorder was unlikely. The event had been notified to police

G20 Meltdown Protest

Intelligence suggested activists intended to stage a protest by banging on hotel doors in and around ExCel. Intelligence suggested that it was possible that activity might expand beyond the ExCel Centre to central London hotels.

Ogaden Community Protest

Organisers had notified their intention to hold a protest at the designated protest area at ExCel and indicated that they expected around 200 people to attend. Police believed this protest would be peaceful, and on the day it passed off peacefully.

Congolese People Against Combat

An organiser had notified police of an intention to protest at the designated protest area at ExCel. The organizer expected between 100 and 1,000 people to attend. Police believed the organising group had the potential to engage in disorder. However on the day the event passed off without incident.

Youth March for Jobs

Organisers had met with police planners and agreed a route for the march. 500 participants were expected. It was assessed that this would be a peaceful and well organized march. The demonstration was peaceful and passed off without incident.

Pro-Chinese Welcome Event

Organisers of this event engaged with police. It was deemed unlikely that the event would result in disorder.

28/03/09 Notified	Un-Notified*
Put People First March for Jobs, Justice and Climate	
01/04/09 Notified	Un-Notified*
Campaign Against Climate Change Iceberg Protest Stop the War Coalition March Falun Gong Free Tibet	Four Horsemen of the Apocalypse Climate Camp at the European Climate Exchange Banquet at the Bank of England People and the Planet at RBS Critical Mass Event Alternative G20 Summit Rising Tide Protest
02/04/09 Notified	Un-Notified*
Congolese People Against Combat Pro-Chinese Welcome Event Youth March for Jobs Ogaden Community Protest Ethiopian Communities in London Falun Gong	Crash the Stock Exchange Giant Game of Monopoly G20 Meltdown Protest

* The un-notified events were identified from open source material: <http://www.g-20meltdown.org> contained details of the Climate Camp in the City, Banquet at the Bank, The Four Horsemen of the Apocalypse Marches and People and the Planet at the RBS, Leaflets were also found advertising Climate Camp in the City on 28/02/09 Leaflets were distributed at shopping centres across London on 21/03/09 advertising Climate Camp, Banquet at the Bank of England and the Four Horsemen of the Apocalypse marches Discussions concerning the event took place on social networking sites (see <http://www.telegraph.co.uk/finance/financetopics/g20-summit/5090003/G20-summit-Protesters-use-Twitter-Facebook-and-social-media-tools-to-organise-demonstrations.html> for a description of the use of such sites by protesters). <http://www.mostlywater.org> had posted a leaflet highlighting the desire to hold a Critical Mass Cycle tour of London <http://www.indiamedia.org.uk> produced a map of protest action titled 'Squaring up to the Square Mile'.

Annex I

STRENGTHS AND CONSIDERATIONS: CONTAINMENT; COMMUNICATION; USE OF FORCE

		Current Situation	
		Strengths	Considerations
Containment <i>Containment is a police tactic for holding crowds together. Generally thought of as being static, but can be used for crowd movements depending on levels of threat and risk</i>	Legal	<p>Confirmed as lawful by the House of Lords provided use is not arbitrary and the following criteria are met:</p> <ul style="list-style-type: none"> (i) the tactic is resorted to in good faith; (ii) the tactic is proportionate to the situation making the measure necessary; and (iii) the tactic is enforced for no longer than is reasonably necessary <ul style="list-style-type: none"> • Containment is a recognised tactic within 'Keeping the Peace' 	<ul style="list-style-type: none"> • Maintained for no longer than reasonably necessary, therefore subject to regular review • A clear (and clearly understood) exit strategy
	Risk	<ul style="list-style-type: none"> • Tactic localises incident and mitigates risk of disorder and disruption • Management of crowd movement prevents fragmentation • Brings certainty to situations requiring the protection of vulnerable premises and/or people 	<ul style="list-style-type: none"> • The intermingling of peaceful protestors and those prone to violence and disorder • Identification of those prone to violence and disorder may be difficult • Keeping the Peace advocates that 'officers should not treat all crowd members in the same manner' and that 'it is crucial to treat people with respect'
	Practical/Logistical	<ul style="list-style-type: none"> • Keeps the incident localised • Buys time whilst awaiting extra resources 	<ul style="list-style-type: none"> • Resource intensive • Regard to facilities accorded to protestors • Resilience and officer welfare • Clear briefing for officers on cordons

		Current Situation	
		Strengths	Considerations
<p>Communication</p> <p><i>Communication between event organisers, participants and police is a recognised feature of everyday planning for public order events. Its importance continues throughout the operational and post-event phases.</i></p>	Legal	<ul style="list-style-type: none"> The Public Order Act 1986 places notification requirements on organisers of public processions Conditions, if applied by police under the Public Order Act 1986, must be communicated to protesters 	<ul style="list-style-type: none"> No legal requirement to notify a public assembly. Keeping the Peace identifies communication through 'identified organisers and/or respected crowd members'
	Risk	<ul style="list-style-type: none"> Communication between police and organisers enables legitimate aims to be aired and understood Negotiation creates a shared understanding of balancing legitimate aims with risks Increases certainty, supports safety, assists planning 	<ul style="list-style-type: none"> The absence of organisers or other communication difficulties reduces certainty and raises risk Attempts to establish liaison must begin at the earliest possible stage. The avenues considered and attempted should form part of a documented plan In the face of communication difficulties, police should be creative. As far as practicable, protestors and the general public must be aware of the type of protest and its implications for disruption and police action
	Practical/ Logistical	<ul style="list-style-type: none"> Access to the media before, during and after Variety of avenues for communications available Briefing of officers and supervision 	<ul style="list-style-type: none"> Communicating with large crowds presents practical difficulties, e.g. inadequate equipment or crowd noise New technologies provide new message delivery systems Proactive engagement of front-line officers with clear messages that assist crowd expectations NATO helmets hinder communication

		Current Situation	
		Strengths	Considerations
<p>Force</p> <p><i>In broad terms, the use of force is permitted by law to defend oneself, to prevent crime, to preserve the peace and bring offenders to justice. Its use is qualified, it must be “reasonable in the circumstances”, “proportionate” and “the minimum amount necessary”. Policy, training and application are built around these fundamental principles</i></p>	<p>Legal</p> <p>A range of relevant legislation and case law:</p> <ul style="list-style-type: none"> • Common Law • Criminal Law Act 1967, s.3 • Police & Criminal Evidence Act 1984, s.117 • Human Rights Act 1998 	<ul style="list-style-type: none"> • The impact of the use of force at the individual and collective level (in public order) should be considered • Officers receive consistent messages, both in training and operational briefings 	
	<p>Risk</p> <ul style="list-style-type: none"> • Officer Safety tactics are nationally approved and medically assessed • Keeping the Peace provides guidance on a range of public order tactical options 	<ul style="list-style-type: none"> • Inconsistencies remain between forces on public order issues, and tactics are not medically assessed • New national guidance on policing protest under development • Police being proactive in planning and communication to reduce risk 	
	<p>Practical/ Logistical</p> <ul style="list-style-type: none"> • Nationally recognised tactics that have been developed, tested and evaluated. • Brings consistency to officer practice and assists mutual support between forces 	<ul style="list-style-type: none"> • The application of force at individual and tactical level should be considered • Some inconsistency between forces remains • Does time allow to reconciling differing practice 	

Glossary

Term	Definition
Absolute Cordon	A cordon of officers standing shoulder to shoulder so as to assert complete control over access to and egress from an area
ACPO	Association of Chief Police Officers
Airware	Airwave is the digital radio communication system used by the police
APA	Association of Police Authorities
ASU	Air Support Unit
“Breach of the Peace”	An offence under common law. Police officers can arrest a person to prevent a “further breach of the peace” if reasonable belief is held that, should the person remain, they would continue with their course of conduct and a Breach of the Peace would occur. Breach of the Peace can also be used to remove violent or potentially violent offenders from an area
Command & Control	The exercise of authority and direction by a properly designated officer(s)
Containment	A process whereby police limit access to or egress from an area in order to facilitate a controlled dispersal of those present
Cordon	An arrangement of police officers designed to exercise control over an area, or group of persons
CS	Common name for 2-chlorobenzalmalononitrile – either used as a gas or a spray (see incapacitant spray)
D&C complaint	Direction and Control complaint is a complaint against the policies and procedures of a police service rather than a specific complaint against an individual, identifiable officer or officers
ECHR	European Convention on Human Rights established by treaty between the then members of the Council of Europe, on 4th November 1950
EGT	Evidence Gathering Team. A team of officers equipped with video recording facilities, normally deployed to gather evidence of criminal offences
EU	European Union
ExCel Centre	A retail and conference centre in East London, situated in the docklands area

Term	Definition
Filter Cordon	A line of police officers spaced so as exert some control over an area or group of persons, whilst still allowing access to and egress from the area
FIT	Forward Intelligence Team, comprising uniformed police officers
G20	Group of Twenty Finance Ministers and Central Bank Governors from economically significant countries from the industrialised and developing nations
Gold, Silver, Bronze	Command structure used for Command & Control of major incidents, Gold represents the officer in overall command of an incident or event, Silver and Bronze represent officers subsequent in the chain of command
HMIC	Her Majesty's Inspectorate of Constabulary
Incapacitant Spray	An item of police equipment which is designed to incapacitate the subject, includes CS spray and pepper spray
Intelligence Assessment	A police intelligence product which draws together and assesses the reliability of information received by police
IPCC	Independent Police Complaints Commission
Ipsos MORI	An independent company whose sole focus is survey-based market research
"Keeping the Peace"	The ACPO Manual of Guidance for Public Order Policing
Lawful Restrictions	Restrictions imposed on public processions under Section 11 of the Public Order Act 1986 or on public assemblies under Section 14 of the Public Order Act 1986
Level 1/2/3	Describes the level to which public order trained officers have been trained. Level 3 describes basic public order training, level 2 describes intermediate training, and level 1 represents advanced public order trained officers
Manual of Guidance	Document produced by a Police Force or ACPO providing guidance on certain subjects – details actions to be taken in certain circumstances and current policy
MPA	Metropolitan Police Authority
MPS	Metropolitan Police Service
NATO Helmet	An item of personal protection equipment for the head
NUJ	National Union of Journalists
Operation Glencoe	Name given to the policing operation for the period of 28th March 2009 – 3rd April 2009
OST	Officer Safety Training
PPE	Personal Protective Equipment (this includes NATO helmet)

Term	Definition
PSU	Police Support Unit, usually comprising 1 Inspector 3 Sergeants and 18 Constables. May be supplemented with evidence gatherers or medics
Press Card	Card issued to journalists to enable them to identify themselves as such
RBS	Royal Bank of Scotland
Risk Assessment	Assessment of potential risk in the event of a certain situation
SDAR	Self-Defence Arrest & Restraint
SECCO	Police security co-ordinator
Section 14	Section 14 of the Public Order Act 1986, which deals with imposing restrictions on public assemblies
Serials	Operational term for a group of officers (usually 1 sergeant and 6 constables) deployed on an operation
TSG	Territorial Support Group
TUC	Trades Union Congress



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