MPA METROPOLITAN POLICE AUTHORITY

# MPA
# Civil Liberties Panel

# Responding to G20

# DRAFT REPORT

16 March 2010 - Final Draft

# Contents

# Chair’s Foreword

CHAIR’S FOREWORD—TO BE INSERTED

# Executive summary

Following the policing of the protests in central London on 1 and 2 April 2009, which were timed to coincide with the meeting of the G20 heads of state in London, the police came in for significant criticism. The tragic death of Ian Tomlinson and media furore following the G20 protests, prompted a fundamental questioning of the approach to policing protest. Several scrutinies of how the demonstrations were policed have been conducted, including an inspection by Her Majesty's Chief Inspector of Constabulary (HMCIC), at the request of the Commissioner of the Metropolitan Police Service (MPS). The panel's review overlaps the findings of those reports. This was unavoidable, given the panel's need to understand how the MPS are responding to the recommendations that were made. Where the Civil Liberties Panel felt there were gaps in those scrutinies, we have conducted our own investigations. The Panel acknowledges that the MPS polices thousands of public order events annually and that most of these pass without incident. However, the impact on public confidence in policing caused by a small number of instances of poor policing cannot be overestimated and it is for this reason that the MPA's Civil Liberties Panel chose this as their first topic for review. It should be noted that the panel has not conducted a fundamental review of public order policing.

The legal framework surrounding public protest is complicated and there has been significant debate about the role of the police. We welcome the Home Office's plans to codify public order policing. The Panel acknowledges that the MPS recognises the argument for change and has accepted the HMIC recommendations, and that its policing of protests later in 2009, showed a marked difference in approach. We shall be monitoring the delivery of their action plans over the next few months.

In summary, we found that:

- The law surrounding the right to protest is complex. The introduction of the Human Rights Act 1998 means that individuals have fundamental rights enshrined in law in a way that they weren't before. The police are expected to show a degree of tolerance to gatherings, where demonstrators are engaged in peaceful protest, even if it is not lawful. That said, the right to protest as defined by Article 11 of the European Convention on Human Rights is qualified, and the police may impose lawful restrictions on such gatherings. The panel agrees with the HMIC conclusion and recommendation that the presumption underpinning planning for policing protest should always be in favour of peaceful assembly.

# Executive summary

- Successful public order training is reliant on good team work and having appropriately trained, experienced and well briefed supervisors in the right places in order to ensure the strategy is being effectively implemented. There is significant scope to develop the training on offer, to reflect the changing nature of protest and to ensure that the MPS has sufficient trained capacity in place at every level to meet its public order policing needs.

- Appropriate supervision and sanctions need to be in place to deter officers from behaving unprofessionally during protests.

- Failure to clearly display identification numerals is just one aspect of this and the MPS should prioritise making sufficient embroidered numerals available to all officers.

- The importance of effective communication cannot be overestimated in advance of an event - in particular between the police and the event organisers but also between the police, the public and the media. The MPS can appear byzantine to outsiders, and it is therefore incumbent on them to make it easier to access the right officers by developing and widely disseminating clear guidelines on who to contact, and how. Officers also need to be more transparent about the strategies and tactics they are proposing to use, and why.

- The press play a key role in providing the transparency that is vital to ensuring public trust in policing is maintained, and there is much more the MPS can do to ensure better engagement with the media, particularly given the rise of the "citizen journalist."

- The tactics and powers used by the police before, during and after these demonstrations came in for considerable criticism. Better communication with protestors during demonstrations would go some way to addressing the problems identified, but there is also scope to consider whether some tactics and powers are inappropriate for use in public order situations.

As noted above, the MPS has an action plan in place to deliver the HMIC recommendations. We will be monitoring this. We recognise that some changes will be reliant on national developments such as the revision of "Keeping the Peace", the ACPO guidelines that frame public order policing in England and Wales and are currently being updated. The following pages lay out the recommendations of this Panel, along with implementation dates agreed with the Commissioner.

# Summary of Recommendations

| Recommendations | Timetable for Action: |
|---|---|
| The Panel will meet with Assistant Commissioner Allison and his team to establish the timetable for delivery and to agree the success factors we will be looking for when monitoring implementation of the recommendations. | *To be completed* |

**Training and organisational learning**

The Panel endorses the HMIC recommendation to review public order training (Recommendation 10) and believes that this should:

- start with an understanding of the rights of protestors and the responsibilities of the police in order to achieve the shift in attitude referred to in "Adapting to Change". (pg18)
- equip officers with the skills to facilitate peaceful protest; to de-escalate potentially violent situations; to communicate effectively in challenging situations; and to contain and handle violence should it prove impossible to de-escalate. (pg18)
- include an analysis of training need and monitoring of attendance/delivery in order to ensure there is sufficient trained capacity to meet its public order commitments. (pg18)
- ensure that any supervisors delivering public order policing have been appropriately trained, and put in place actions to mitigate any actual or potential shortage of inspectors trained as certified public order commanders. (pg18)

**Supervision**

The MPS must:

- better define "intrusive supervision" in a public order context and communicate this definition across the MPS to ensure consistency. (pg 20)
- ensure all officers understand it is their responsibility to challenge any inappropriate behaviour by their colleagues. This could be reinforced at the pre-event briefing. (pg20)

# Summary of Recommendations

| Recommendations | Timetable for Action: |
|---|---|
| **Supervision (cont)** | *To be completed* |

The MPS must:

- ensure that disciplinary action is taken against officers (and their supervisors) where numerals are not properly displayed without reasonable excuse in order to improve public confidence. (pg 20)

**Communication and engagement**

The MPS must:

- make it easier for protestors to access the police, by developing and disseminating clear guidelines on who to contact and how. (pg 22)

- be more transparent in the communication of the policing strategies, in order to give the media and the public confidence that facilitating peaceful protest is a reality. (pg 22)

- be explicit about the principle of facilitating peaceful protest during briefing and debriefing for public order deployments. (pg 23)

- revitalise the approach to engaging with the media in advance of large public order events in such a way as to facilitate transparent and fair reporting. Media interaction should also aim to create an atmosphere and expectation that is conducive to peaceful protest. (pg 23)

- the MPS must have a clear strategy of putting out factual information - get out the good stories, but get out the bad stories even faster. The MPS must ensure it is in charge of disseminating accurate and timely factual information. (pg 23)

- agree joint media strategies where operations are jointly delivered with other police forces, with a single officer taking responsibility for the overall communication strategy. This should avoid the perceived bunker mentality when there is difficult news to report. (pg 23)

# Summary of Recommendations

| Recommendations | Timetable for Action: |
|---|---|
| Communication and Engagement (cont) | *To be completed* |
| • review its approach to news management to facilitate transparent and fair reporting by the media and "citizen journalists". (pg 27) | |
| • If containment is used, officers should be required to record when they prevent journalists from crossing containment cordons and the reasons for doing so. (pg 27) | |
| **Command and Control** | |
| In order to improve command and control the MPS must ensure that: | |
| • sufficient numbers of Airwave handsets and fully charged spare batteries should be available in pre-planned public order events that involve large numbers of officers. (pg 25) | |
| • a detailed analysis is carried out to ensure that sufficient Airwave capacity and capability are available. Mobile phones should never have to be used as the primary method of communication. (pg 25) | |
| • it reviews the new technological solutions available to aid better communication and decision making in dynamic public order situations. (pg 25) | |
| **Tactics and Equipment** | |
| • Officer briefings at the start of operations should emphasise that any use of force should always be the minimum necessary to resolve a situation. This should also be reflected in the decision on appropriate protective clothing and equipment. (pg 29) | |
| • The MPS needs to ensure that officers are effectively equipped to implement containment effectively, in particular, they are empowered to use their discretion to allow protestors out of containment areas in particular circumstances (as per HMIC recommendations 5-9). (pg 29) | |

# Summary of Recommendations

| Recommendations | Timetable for Action: |
|---|---|
| **Tactics and Equipment (cont)** | *To be completed* |
| • CO11 should monitor and evaluate use of counter-terrorist and stop and search legislation at major public order events, in order to seek reassurance that powers are not being misused during such operations. (pg 31) | |
| The MPS should, in respect of Forward Intelligence Teams (FITs): | |
| • consider the proportional use of FITs, define their role and purpose and ensure they are adequately briefed, in line with HMIC recommendations. (pg 32) | |
| • justify and modify the purpose, role and proportionality of FIT deployment through engagement both in pre-event and post-event briefings and via ongoing engagement with key stakeholders. (pg 32). | |
| The Panel endorses the culture of "no surprises" in the HMIC reports and feels that this would contribute to restoring public faith in the policing of public order events. | |

## GLOSSARY

**ACPO—**Association of Chief Police Officers

**Airwave—** National police radio system

**Austin v Commissioner of the Police of the Metropolis [2009] (Oxford Circus Containment in 2001) -** The courts have accepted that containment can be a legitimate tactic. The House of Lords ruled that if the use of a cordon is part of crowd control measures adopted by the police in order to prevent a breach of public order and the measures are used in good faith, are proportionate and are enforced for no longer than is reasonably necessary, they do not amount to a violation of the right to liberty.

**Climate Camp —** Climate Camp began in 2006 and is a movement that organises temporary camps for climate protestors. There is no hierarchical structure and all decisions are made by consensus.

**CO11—** The Metropolitan Police Service Public Order Operational Command Unit.

**Containment**— A process whereby police limit access to or egress from an area. It can be put in place to manage a potentially disruptive crowd, prevent a breach of public order, protect vulnerable people or property and in order to facilitate a controlled dispersal of those present. Colloquially referred to as "kettling".

**Criminal Justice and Public Order Act (1994) - Section 60—** Stop and search powers sanctioned by an officer of Inspector and above who has reasonable belief that incidents involving violence may take place or that people are carrying offensive weapons.

**G20** — is the group of twenty finance ministers and central bank governors from the largest 20 economies: 19 countries, plus the European Union. It is a forum for cooperation and consultation on matters pertaining to the international financial system. Heads of states of G20 members meet biannually at the G20 Summit. There was a heads of state summit in London on 2nd April 2009.

**Gold, Silver, Bronze command structure**—a Gold - Silver - Bronze command structure is used by emergency services of the United Kingdom to establish a hierarchical framework for the command and control of major incidents and disasters. The Gold Commander is in overall control of their organisation's resources at the incident and develops the strategy to police it. The Silver Commander is the tactical commander who manages the strategic direction from Gold and translate it into sets of actions that are completed by Bronze.

**HMIC**—Her Majesty's Inspectorate of Constabulary

**Human Rights Act 1998, Article 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 interests (This is a Qualified Right).

**IPCC**—Independent Police Complaints Authority

**MPA**—Metropolitan Police Authority

# Glossary

**MPS**— Metropolitan Police Service

**MPS Commissioner's 5 P's program** - On his appointment, the Commissioner Sir Paul Stephenson set out his view on how the MPS should be delivering for London, this is articulated in the five Ps: Presence, Performance, Productivity, Professionalism and Pride**.**

**NPIA—**National Policing Improvement Agency

**NIM**— the National Intelligence Model is a model for policing that ensures that information is fully researched, developed and analysed to provide intelligence that senior managers can use to provide strategic direction, manage risk, make tactical resourcing decisions about operational policing.

**NUJ—**National Union of Journalists.

**Police and Criminal Evidence Act (PACE) (1984), section 1—** Allows police officers to stop and search a person or vehicle for stolen or prohibited articles, if an officer has reasonable grounds.

**Police Reform Act (2002) - Section 50 —** If an officer believes that a person has or is acting in an anti-Social manner he may require that person to provide his name and address.

**Public Order Act (1986) Section 14 —** Allows a senior police officer to impose conditions on a public assembly if he reasonably believes that the assembly may result in: serious public disorder, serious damage to property, serious disruption to the life of the community or that the purpose of the assembly is to coerce by intimidation.

**Terrorism Act (2000) -** The first of a number of general Terrorism Acts passed by the Parliament of the United Kingdom

**Terrorism Act (2000) - Section 44 —** Section 44 of the Terrorism Act 2000 allows the Chief Constable to designate an area within which officers may stop and search a vehicle, driver, passenger, pedestrian and anything carried by a pedestrian for terrorism purposes.

**Terrorism Act (2000) - Section 58 - (amended by Section 76 of the Counter Terrorism Act 2008) –** Regards the eliciting (or attempt to elicit) or communication of information about a member of the police, HM forces or intelligence services of a kind likely to be useful to a person committing or preparing an act of terrorism".

## Introduction

The MPA Civil Liberties Panel, which reports to the MPA Full Authority, was set up as a part of Met Forward, the MPA's strategic plan. It was established as a means of improving public confidence in policing and ensuring the MPS maintains public trust. The members of the Panel are:

| | |
|---|---|
| Victoria Borwick (Chair) | Jenny Jones |
| Valerie Brasse | Clive Lawton |
| Dee Doocey | Joanne McCartney |
| Kirsten Hearn | Richard Tracey |

The Panel began work in the summer of 2009, to consider issues on a priority basis and reporting back to the Authority. It is a standing Panel that meets as the need arises. Given the public concern over events surrounding the policing of G20, the MPA Panel agreed to look at this as its first topic for review.

In considering the policing operation during the G20 summit, it is important to understand the scale of the policing operation. On 1 April 2009, there were ten separate protests across the capital, held to coincide with the G20 summit of world leaders on 2 April. The meeting had been announced at relatively short notice (in planning terms), and thousands of police officers were involved. For the most part, the events went to plan. Indeed, the police were immediately praised for their handling of the event. However, media focus surrounding the tragic death of Ian Tomlinson promoted increased scrutiny and public concern as did the violent confrontation between police and protestors as several marches converged at the Bank of England. This was heightened by the perceived heavy handed removal of the Climate Camp on Bishopsgate. It should be noted that this report does not deal with Mr Tomlinson's death specifically, as it is still subject to investigation by the IPCC.

## What we did and how

There has been considerable scrutiny of the policing of G20, by HMIC (at the request of the Commissioner of the MPS) and by parliamentary select committees. A number of recommendations have already been published. The Panel agreed that it would not duplicate this work, but would focus on how the MPS is learning and changing as a result. The Panel felt there were a number of gaps that needed to be addressed. The HMIC inspection "Adapting to Protest" on the policing of G20 (part 1 of their work) for example, did not consider supervision in any detail – an area the Panel regards as a key area where lessons could be learnt.

The Panel gathered evidence in several ways. We held a number of sessions aimed at hearing from a cross section of interested parties in order to form a rounded view of how public order policing is delivered and the impact it has on those protesting. This included hearing from a wide range of police officers including Assistant Commissioner Chris Allison (the officer in the MPS who leads on public order policing) and others from the MPS who were involved in policing the day, as well as officers from City of London Police and Sussex Police who provided additional support in April 2009. Denis O'Connor (Her Majesty's Chief Inspector of Constabulary) came before the Panel after the publication of each of his public order inspection reports. We held an open session at City Hall to hear from protestors, the media and others about their experiences and we held a separate session with members of the press, to understand their concerns.

Deborah Glass, a Deputy Chair of the Independent Police Complaints Commission also spoke to the Panel, as did Sir Hugh Orde, President of ACPO. As well as these sessions we undertook a survey-based consultation exercise and visited the public order training centre in Gravesend to see, at first hand, the training MPS officers receive. We are aware that statistically the scale of the response to the survey is not significant (see appendix E), but it is informative. HMIC conducted a more comprehensive survey as part of their inspection with MORI, that found the general public are not really interested in public order policing, are broadly supportive of the police and do not wish to be inconvenienced by protest.

Members of the Panel also took the opportunities provided by the MPS to observe briefings ahead of the August Climate Camp in London and the control room operation during the Notting Hill Carnival. A full list of the Panel's meetings and other activities can be found at appendix A at the end of this report.

The Panel is extremely grateful for the support provided by the MPS, the City of London Police and Sussex Police and to the invaluable contributions made by protest groups and other members of the public, the business community and the press. We are also grateful for the insight provided by HMIC, ACPO and the IPCC. A copy of our report will be sent to everyone who participated in the process.

It must be noted that the MPS polices thousands of events every year and the overwhelming majority pass without incident, in large measure due to effective public order policing at all levels. The police are inevitably judged by events such as G20 which have a disproportionately negative impact on the public's confidence in the MPS and wider policing. Our investigations, and those of other agencies, suggest that the causes are complex, are rooted in the tactics, training and planning underpinning policing operations and can be exacerbated by poor communication between protesters and the police.

One significant lesson for the Panel and the MPS, which reinforces the need for consistency between police forces, is that protestors and the public do not know and, largely, do not care about distinctions between police forces. Perceptions of how the MPS polices demonstrations and protests are affected, and sometimes tainted, by experiences at other events policed by a different force. It may be unfair to all police officers to be judged by the low standards of a very few but in handling communication and media messages, this uncomfortable truth must be acknowledged.

The sections below summarise our findings and conclusions. There are similarities with the findings of the HMIC inspection published in June 2009 and we highlight those where relevant, but there are also some notable differences. We have looked at policing operations that took place during the summer to assess the extent to which the MPS has now altered its approach to public order policing. We also devoted considerable effort to hearing from Londoners (protestors, media and others) about their experiences of public order policing, and those findings provide a backdrop to this report.

## Learning the lessons

The police came in for significant criticism in the aftermath of the G20 protests both from the media and the public. Immediately after the events on 1 April the Commissioner of the MPS, Sir Paul Stephenson, invited HMIC to undertake the inspection of the policing response to G20. The Home Affairs Select Committee, the Joint Committee on Human Rights and Her Majesty's Inspectorate of Constabulary all published reports following investigations into the policing of the events. These reports between them have made over 50 recommendations to the police and others. We have looked at these recommendations and find no contradictions but considerable duplication. This analysis can be found in Appendix B of this report.

The Panel fully endorses the recommendations in the HMIC report and we are pleased that the Commissioner has accepted them all. The Panel welcomes the speed with which he did this, and also the recognition at the top of the MPS that change is needed. It is inevitable that implementation in some areas will take time. The Panel was pleased with the policing of the climate camp on Blackheath in August 2009 because it seemed to manifest the MPS's understanding of the issues raised in the HMIC report. We look to the MPS to maintain the momentum in responding to the remainder of the recommendations. The challenge will be sustaining success in an organisation where change takes time to permeate because its culture is so ingrained and the structure is so complex. The work we have done points to the need for further adaptation of attitude and strategy, particularly with reference to training and supervision and urge the MPS to continue to progress these issues

We look to the MPS to continue to learn from experience and put systems in place to ensure that the shortcomings exposed on 1 April are not repeated. The MPS has developed an action plan aimed at addressing the recommendations outlined in the HMIC report. The plan is comprehensive and realistic. We will be monitoring the implementation as well as the implementation of the recommendations in this report.

## Facilitating peaceful protest

The legal framework around public protest is complex and there has been much debate since G20 about whether the primary role of the police when policing demonstrations, should be to facilitate peaceful protest even if some protestors engage in unlawful activity. Article 11 is not an absolute right, so it is incumbent on protesters to accept that the police are able to impose lawful restrictions on demonstrations. The reality is that the police are in a difficult position, and the MPA agrees, as do many involved in this area of policing, including HMIC and the MPS, that a wider public debate is needed about policing demonstrations. In planning for each operation, the police are obliged to balance the rights of protestors and the rights of the wider population to go about their business with minimum disruption. The police's actions are bound by law and guided by ACPO policy. The panel welcomes the government's announcement to codify public order policing.

The distinction between having a starting point of facilitating peaceful protest and lawful protest (the phrase used in the MPS strategy for G20), when planning a policing operation, is more than semantic. It is central to framing the policing approach and underpins all the planning and decision-making before and during an operation. Denis O'Connor devoted a considerable proportion of his report to this issue. In our view, this is where a significant shift in approach is required.

Senior officers assured us that they understand the distinction and accept that the starting point ought to be facilitating peaceful protest, although it was not evident in the planning for G20. They raised concerns about the training implications making these changes might have. The Panel recognises the challenge, but would suggest that the long term damage done to confidence far outweighs any short-term training implications.

The panel fully endorses HMIC's recommendation that in future, the MPS should demonstrate explicit consideration of the facilitation of peaceful protest in the planning and execution of operations to police demonstrations (Recommendation 1, Adapting to Protest, HMIC June 2009). The MPS response to the August Climate Camp suggests they have taken the HMIC recommendations seriously. We welcome the progress but believe there is still some way to go in defining what this means in practice and developing a broad understanding within the rest of the MPS. We also recognise that there needs to be sufficient flexibility within the policing model to allow officers to respond appropriately and calm the situation if the mood of the protestors changes. The demonstration at the mosque in Harrow in September 2009 is a good example of how this can happen and the police responded appropriately.

## Training

The Panel attended the MPS training facility at Gravesend to observe the delivery of Level 2 public order training. The training model has a number of features, allowing officers to gain exposure to a wide variety of scenarios, including escorting football crowds and riot situations (including how to deal with petrol bombs). Whilst we recognise that officers need to be trained for the 'worst case scenario', we believe there is scope to review the training model to reflect the demands of policing peaceful protests that may have a level of non-violent disruption.

We were also surprised at the 'look and feel' of parts of this training model. The "macho" approach is not designed to develop a cohort of officers who understand how to prevent potentially confrontational situations escalating into violence. Police officers have to employ de-escalation techniques on a daily basis in normal situations but public order policing relies less on individual discretion and more on team work.

MPS training needs to be reviewed to ensure the consequent differences in approach are properly delivered. Any training should include scenario planning, in order to test understanding. These should have regard to achieving the right balance between increasing control and decreasing tensions in volatile situations and the virtues of rapidly emptying the containment area of protestors and others.

We were told that the number of officers undergoing public order training is falling which could have longer term consequences for the MPS's ability to police large events.

We were surprised to find that there was no central monitoring of attendance nor does there appear to be any training needs analysis across the MPS to ensure that there are sufficient numbers of trained officers available.

The training of supervisors (inspectors and above) as public order commanders is vital and there is anecdotal evidence that these ranks are not taking up the training opportunities in sufficient numbers. The PSU commander course is voluntary, and it is therefore possible to have supervisors who lack adequate training. Furthermore, on the course we observed, there were insufficient inspectors available to run the course effectively, leaving one of the sergeants to perform the role as a stop-gap.

As we make clear elsewhere in this report, the role of supervisors is crucial to ensuring officers deliver effective policing, so it is imperative that this issue is further investigated and addressed necessary. The risk to the MPS in the context of the Olympics in 2012 is obvious.

**RECOMMENDATION**

**The Panel endorses the HMIC recommendation to review public order training (Recommendation 10) and believes that this should:**

- **start with an understanding of the rights of protestors and the responsibilities of the police in order to achieve the shift in attitude referred to in Adapting to Change.**
- **equip officers with the skills to facilitate peaceful protest; to de-escalate potentially violent situations; to communicate effectively in challenging situations; and to contain and handle violence should it prove impossible to de-escalate.**
- **include an analysis of training need and monitoring of attendance/ delivery in order to ensure there is sufficient trained capacity to meet its public order commitments.**
- **ensure that any supervisors delivering public order policing have been appropriately trained, and put in place actions to mitigate any actual or potential shortage of inspectors trained as certified public order commanders**.

## Supervision

Successful public order policing is reliant on good teamwork and on having appropriately trained, experienced and well briefed supervisors in the right places, to ensure that the pre-agreed strategy is being effectively implemented, that the right tactics are being deployed, that officers are complying with standards around identification, and are able to respond to queries from the public should the need arise. It became clear, when questioning senior police officers, that the robustness of supervision was not what it should have been on G20, not least as some officers were found not to be wearing proper identification, in clear breach of the rules and without apparent reasonable excuse. There were also concerns about the behaviour of some officers, which has resulted in complaints to the IPCC.

The Panel was told that the MPS accepted that supervision needed to improve, and that 'intrusive supervision' was the solution. This is part of the wider "5Ps" programme developed by Sir Paul Stephenson aimed at driving up standards of professionalism and performance across the MPS. Whilst we welcome the recognition of the need to change, we remain unclear about what intrusive supervision in a public order context entails. We discussed the issue with several officers at different ranks and heard several interpretations. There is clearly some way to go to establish an agreed understanding of how supervisors should be delivering this model of management.

# Supervision

In the aftermath of an event, officers are expected to write up notes summarising their experiences. We asked senior officers how these notebooks are reviewed in order to find out whether policy and procedure was being properly applied, and how the lessons learnt are fed into plans for future events. We were surprised to find that although there is a structured debriefing process, there was no such review of any individual accounts (even on a dip sampled basis), so opportunities to identify and address poor behaviour or good practice were missed.

Panel members were dismayed to learn from the MPS that following the discovery that several officers were not displaying their identification numerals, no one (either the officers concerned or their supervisors) was formally disciplined, and that some senior officers did not appear to believe that this was a disciplinary offence despite the findings of the IPPC report into the policing of the Countryside Alliance[1] demonstrations in 2004. The MPS must not underestimate the importance placed on this issue by the public, or the damage that it does to public confidence when officers appear to disregard the requirement to display identification.

The MPS told us that a small number of officers had been given 'words of advice' (the equivalent of a verbal warning), but it was not clear whether this would be noted on their permanent records. We were told the MPS took the recommendations of that IPCC review very seriously and that regular reminders were sent out to all staff reminding of their responsibilities. Apparently practical problems with attaching ID to uniforms continue. The Panel is concerned that it is over five years since the IPCC produced its recommendations and the MPS has yet to solve the uniform issues.

The MPS are planning to introduce embroidered numerals for some officers but we believe this needs to be rolled out to all officers without further delay. The Panel recognises that the vast majority of the officers in the MPS behave appropriately in public order situations, but there appears to remain a tiny minority that continue to disregard the rules. In the case of these officers, 'words of advice' are not going to be a deterrent in any way, particularly if they do not become part of an officer's permanent record.

[1]The Countryside Alliance demonstrated in Parliament Square in 2004 against the proposed hunting ban. Violence erupted between police and protestors and hundreds of complaints were subsequently investigated by the IPPC. Although no officers were subsequently disciplined, the IPCC made recommendations about officer identification.

**RECOMMENDATIONS**

**The MPS must:**

- **better define intrusive supervision in a public order policing context and communicate this definition across the MPS to ensure consistency.**
- **ensure all officers understand it is their responsibility to challenge any inappropriate behaviour by their colleagues. This could be achieved via the briefing process at the start of any operation.**
- **ensure that disciplinary action is taken against officers (and their supervisors) where numerals are not properly displayed without reasonable excuse in order to improve public confidence.**

## Event Planning

In all the discussions the Panel had it was very clear that the planning that takes place before an event has a fundamental impact on how the protest pans out. It influences the approach the police take to developing their strategies, the attitude of the event organisers and the expectations of the protesters on the day.

Relationships between event organisers and the police have clearly been damaged as a result of the perceived heavy handed policing of various protests and demonstrations prior to G20, not just in London and not just by the Metropolitan Police. As a result the communication between some of the parties was not as good as it might have been. The MPS has taken considerable steps to mitigate this risk post G20, as noted by HMIC .

The MPS told us how they tried to address this during the August climate camp. They are hopeful, that as a result of the positive feedback from the policing of the camp, two way dialogue will be better in the future. One officer noted that the ideal would be a situation where the policing of a protest was not the story.

The Panel discussed pre-event planning at our open meeting on 5 November. We heard from protestors that they found it very difficult to find their way around the MPS in order to establish an effective dialogue. There was a general view that the MPS had put out misleading information

about the communication they were having with protestors. Whatever the reality, it is clear that the MPS needs to develop simpler systems to allow access to the right people for protestors organising events. The Panel also heard that the public would welcome better communication about the policing strategy for protests. This would go some way to addressing the perception that the police merely pay 'lip service' to policing peaceful protest.

In advance of the G20 protests the rumours grew that the police were expecting violence. This story gained currency in the media and it probably influenced the behaviour of individuals on the day, be they police officers, protestors, or members of the public working in the City. The Panel has failed to establish how this story gained currency but accept that the MPS had not anticipated this in their policing or communication strategy and their briefings to officers on the day were clear that violence was not expected. That said, in our view, the police could have done more to play down the story and to reassure the public that they were not anticipating trouble.

## August Climate Camp (2009): Training and Briefing

One of the Panel members attended the training and briefing sessions for mutual aid officer deployment at Climate Camp in Blackheath. During the session on the use of force there was an emphasis on key legislation, documenting relevant information as soon as possible, individual and collective responsibility, communication and necessity and proportionality. This is undoubtedly good practice.

Overall though we found that the relationship between peaceful protest and human rights was not fully explored and facilitating peaceful protest did not form the backdrop to the session. When considering issues arising from containment, the concerns centred around handling non-protestors caught up containment areas, rather than the impact on peaceful protest and on vulnerable protestors. In particular, there was no guidance on how to identify and deal with potentially vulnerable protestors. There was also no clear link between officer safety training and public order training or graduated use of force, which might have helped in professionalising officers' notes and any subsequent statements when documenting why force was used.

The officers were asked to include experiences, fears and concerns as well as what went on, what they knew and why they made particular decisions. It was however not clear how this information fed back into training and informed operational issues.

During the briefing for August Climate Camp by the "gold commander" (i.e. the commander who develops the strategy for policing the event), there was an emphasis on the use of force being as low as possible and that in the past police tended to use force in proportion to that

used against them. The briefing stressed the need to retain a rapport with protestors even if violence breaks out. Gold also stated that the connection between officers, demonstrators and the press must be highly professional and police must be aware that their actions may be recorded.

Silver (the officer in charge of operational delivery on the day) was specific that any searches should be under the Police and Criminal Evidence Act with no Section 60 searches as the camp was setting up, no stops under Section 44 of Terrorism Act (although if Section 44 was authorised then no stops should be made without the authority of silver) and no use of Section 50 of the Police Reform Act 2002. Silver stressed that they should have a high level of tolerance if there was disruption caused by the camp if there was no violence. Although the tactic of containment was part of silver's options, silver stressed that this would be a tactic of last resort and should be used in conjunction with all HMIC recommendations which were cited at this briefing.

The MPS Directorate of Professional Standards attended the briefing and spoke about justifying, recording and accounting for actions and the National Union of Journalists talked about the press rights to take photographs, recognition of the press card and individual officers awareness of guidelines for MPS staff on dealing with media reporters, press photographers and television crews.

Evidence given to the MPA by protestors and media coverage of the event in Blackheath has suggested that this operation was a success. Positive feedback to the Authority suggested that Climate Rush in Westminster in June was also conducted with a greater deal of facilitation of protest than had been experienced in the past. One Blackheath Camp told the panel that at Climate Camp in Blackheath, police were in good humour and chatted to protestors, police were not acting in an intrusive way but were responding to the spirit of the occasion.

The test will come when the police are faced with larger and more challenging protests. The HMIC suggest that this policing approach may mean that types of protest will become polarised. Communication, engagement and the correct standpoint with regard to facilitating peaceful protest will become all the more important.

**RECOMMENDATIONS**

**The MPS must:**

- **make it easier for protestors to access the police, by developing and disseminating clear guidelines on who to contact and how.**
- **be more transparent in the communication of policing strategies, in order to give the media and the public confidence that facilitating peaceful protest is a reality.**

**RECOMMENDATIONS (cont)**

- **be explicit about the principle of facilitating peaceful protest during briefing and debriefing for public order deployments.**
- **revitalise the approach to engaging with the media in advance of large public order events in such a way as to facilitate transparent and fair reporting. Media interaction should also aim to create an atmosphere and expectation that is conducive to peaceful protest.**
- **agree joint media strategies where operations are jointly delivered with other police forces, with a single officer taking responsibility for the overall communication strategy. This should avoid the perceived bunker mentality when there is difficult news to report.**

## Command and control

The MPA has had longstanding concerns about the national police radio network Airwave, as set out in the MPA's Stockwell Scrutiny in 2007. Concerns were focused principally on the system's capacity to cope during a major incident. The Panel has been assured that Airwave's capacity has been improved since then, and certainly the feedback on its ability to cope at New Year's Eve (traditionally one of the busiest nights of the year) would suggest that the improvements have delivered the much needed capacity. HMIC has separately raised concerns about the extent to which officers have been trained to use the system properly and to exploit the full functionality of the system (in its 2009 Stockwell Inspection). There is still some way to go in addressing this problem.

Despite the improvements that have been made, the system was, in the Panel's view, stretched to a worrying extent on 1 April. Officers were on duty for extended periods and found that the batteries in their handsets ran out, with no replacements readily available. Because of the volume of traffic on the system, officers resorted to mobile phones to communicate up and down the chain of command. We accept that some discussions are sensibly conducted this way. The MPS also told us that they were satisfied that Airwave coped with the situation. Despite this the Panel believes the extent to which officers were forced to work round the system is unacceptable and has po-

tentially serious repercussions for officer and public safety. This must be resolved before the Olympics in 2012.

In significant operations, a standard command and control is used across all emergency services. A Gold commander sets the strategy and will not be at the site of an event. A Silver commander develops the operational plan and tactics, based on the strategy set by 'Gold' and tasks Bronze commanders to deliver the tactics which are set to achieve the strategy. Silver may not be onsite during the event. Bronze commanders will be at the event. In a large operation such as G20, where there are several events, there are likely to be several bronzes and 'sub-bronzes' reporting up to silver, and managing units on site. Bronzes may have specific geographical or functional responsibility such as 'Bronze Community'.

The Panel was interested in how officers communicated up the chain of command in major events like G20, following concerns raised in the Home Affairs Select Committee report about problems communicating with officers on the cordons. We were told that there is a long chain of command and that the bronze and silver commanders are not on site (this is not unusual - silver commander is rarely on scene at an event). They are therefore reliant on the sub-bronzes to relay messages about how events are developing, to enable effective decision making. Asked whether there was a reliable system in place to get across universal messages we were told that this has to be done via word of mouth down the command chain as Airwave was not quick enough. Their training supports this method. In terms of feeding messages back up the chain, we were told that mobile phones are useful as it means there can be a proper discussion about mood, noise etc. and there can be joint decision making. Given the dynamic nature of the situation, and the opportunities for messages to be misinterpreted as they are passed down the line, we recommend the MPS reviews the technological options available to it, to assess whether more effective solutions are available.

Although the MPS led the policing operation, it was in fact delivered with the support of regional collaboration over the two days. This aid was provided by several forces, including City of London, Sussex and British Transport Police. We spoke to officers from City of London and Sussex about their experiences on the day, in particular about the briefing process and command and control. Both were generally positive about their experiences, even though the Sussex officers had not expected to be deployed to London on the day and were being briefed as they drove up to London.

**RECOMMENDATION**

**In order to improve command and control the MPS must ensure that:**

- **sufficient numbers of Airwave handsets and fully charged spare batteries should be available in pre-planned public order events that involve large numbers of officers.**
- **before every public order event, a detailed analysis is carried out to ensure that sufficient Airwave capacity and capability are available. Mobile phones should never need to be used as the primary method of communication.**
- **it reviews the technological solutions available to aid better communication and decision making in dynamic public order situations.**

## Engaging with the media

The session we held with representatives from the media including representatives from the TV, press, photographers and bloggers, shed light on how protest is covered by the press. We heard about a variety of experiences, both positive and negative, from photographers, print and media journalists and bloggers. The press play a key role in providing the transparency that is vital to ensuring public trust in policing is maintained.

The Panel heard about the challenges they have experienced with police officers during violent demonstrations such as G20. These included officers on the ground not acknowledging press cards to allow freedom of movement either in or out of the containment area, and difficulties in communicating up the line with senior officers. However, they also stressed that not all demonstrations result in difficulties. Events such as climate camp in August 2009 were policed to the benefit of the public and press attending. One representative had attended a briefing prior to a recent Stop Islamification of Europe demonstration and praised briefing provided by the officer in command about press issues and the media's rights to report during a demonstration. The session threw up several other issues including the lack of knowledge of the press card issued by the UK Press Card Authority and the MPS's own guidelines for officers when dealing with the media. The representatives present at the meeting were keen to achieve greater openness

between the police, the press and the public. They also suggested that there would be better understanding between press and police if the media were invited to police briefings on a routine basis.

There was much debate about the press card, what it means in terms of access and the level of understanding amongst police officers. The clear impression of the representatives at the meeting was that the levels of understanding are low. The press card, at protest meetings and demonstrations should allow holders to access to all parts of a protest in and out of police cordons in the event of containment. They reported to us that they had been prevented from doing this during G20 and other events. They were given several reasons by the police officers they encountered including that it was for their own safety or that the cards might be forgeries.

In fact, we were told that the cards incorporate sophisticated technology to ensure they could not be forged. The cards also have unique reference numbers and can be verified via a 24 hour phone number that is on the back of the cards. All this is explained in a jointly produced leaflet (by the police and Press Card Authority—see appendix F), but, it is clear from the experiences we heard that there is a training need to ensure that all officers are aware of its implications. In light of what we heard, the Panel fully endorses the HMIC recommendation 9 to improve awareness and recognition of the press card. In our view this should be explicitly referred to in any briefings in advance of public order operations.

It is right for the police to be alert to the safety of the press but the representatives we spoke to felt that it was up to the journalists to exercise their own judgement as to whether they were putting themselves at risk. The media also made it quite clear that they were not in favour of embedding or being directed by police teams. Given the importance attached to facilitating fair press reporting we would also like to see a more clearly auditable trail, where access by legitimate journalists has been denied. To this end police officers should be required to record when they prevent journalists from crossing cordons and the reasons for doing so. This could be done via Airwave.

The MPS approach to handling press stories and managing information also came under scrutiny. Getting this wrong can have profound consequences for confidence. The civil liberties blogs following G20 make this very evident. Given the rise of the citizen journalist, the representatives at the meeting suggested that it was in the interest of the police service to engage with them because of their commitment to neutrality. There was a clear view that when the police 'hunker down' stories become hostile. The approach suggests that they have something to hide and lacks transparency. This approach was contrasted to the experience one participant had of the approach to news management by the police in the USA that could be characterised as 'get

the good news out fast, get the bad news out faster'.

The Panel was interested to know if there had been a deterioration in the relationship between the media and the police over the years. There were mixed views: that the relationship had become worse and that there were several reasons for this such as a lack of training, use of blocking and obstruction tactics (blocking photographers and allegedly on rare occasions, violence towards photographers). Others felt that in many circumstances the relationship was good.

**RECOMMENDATION**

**The panel fully endorses HMIC recommendation 9 to improve awareness of the press card.**

**The MPS should review its approach to news management to facilitate transparent and fair reporting by the media and "citizen journalists".**

**Officers should be required to record when they prevent journalists from crossing containment cordons and the reasons for doing so.**

## Tactics and equipment

Public order policing tactics are the most contentious issue we had to deal with in the course of this inquiry. The tactics available to the police are detailed in the ACPO guidance "Keeping the Peace". The guidelines have been in place for a number of years and are currently being reviewed. The public order policing model is nationally agreed and there should therefore be little variation between forces. In practice this is not entirely true, although the differences are not significant and tend to be equipment rather than tactics. This is important as many forces are reliant on regional collaboration or 'mutual aid' to police large events (and this was true for G20 where officers from Sussex, City of London and BTP worked alongside the MPS).

The choice of uniform can influence the mood of a crowd. Whilst we recognise the need to ensure officers are appropriately protected, we urge the MPS to ensure that officers wear as little protective clothing as is possible in the circumstances.

There are three key areas of contention: use of force, containment ('kettling') and use of powers. A fourth area, use of forward intelligence teams and photographing protesters, also comes in for criticism.

Denis O'Connor was very clear in his evidence to the Panel that the police service should rethink its approach to use of force. Police officers are legally entitled

to use force in certain circumstances, if they feel the need arises. They are required to justify why it was used, and to demonstrate that it was proportionate to the circumstances. HMIC's view is that the framework needs to change to one that encourages minimum use of force to resolve a situation. The Panel fully supports this view and recommends that the MPS reviews all its training (probationer, officer safety and public order) to reflect this. In our open meeting, members of the public also felt that the use of dogs in public order was an unnecessary demonstration of force. The MPS should consider whether dogs have a useful purpose and they need to consider the impact on public perception, should they be deployed. The cultural sensitivities should also be considered in a city as diverse as London.

Containment (or "kettling", as it is popularly known) is without doubt the most controversial topic we dealt with in the course of our investigations. It is almost universally disliked by protestors as a tactic, but is felt to be an effective tool by the police for regaining control of a large crowd or demonstration if used properly. As a tactic it is regularly deployed to manage some high risk football supporters, and is generally done with the consent of the crowd as they understand that it is done to protect them from harm.

In the public order context, there have been several attempts to demonstrate that it contravenes human rights law and although they have to date been unsuccessful, its use is heavily qualified. The MPS accepts that if it is going to use it over a significant period of time, it must make basic facilities such as toilets and drinking water available to people caught within the containment area.

A containment cordon was implemented during the afternoon of 1 April around the protesters that had gathered at the Bank of England and the surrounding streets. The police were coming under significant pressure from the protesters, and this was judged to be the most effective way of regaining control of the situation. The MPS had made arrangements to provide toilets and drinking water but failed to place the toilets inside the cordon and did not make the crowd aware that drinking water was available (HMIC recommendation 8).

The Panel was told that the cordon in place was 'absolute with discretion', while others denied this was the order. Unsurprisingly, this caused widespread confusion for the officers operating the cordon, and inconsistency in application. It also points to poor communication in both briefings and command and control. Some officers were using their discretion to make judgements about whether people should be allowed through the cordon, whilst others felt disempowered to do so. Senior officers told us that in their view, the people least best placed to exercise discretion on cordons are the officers actually manning the cordon, as they will have a limited understanding of the wider context. As a result the MPS are explor-

ing the development of a 'cordon officer'. All this points to the need to improve both training and supervision over the use of containment, particularly where there are several events taking place concurrently.

If the tactic is to gain credibility with demonstrators, developing a better understanding of how discretion should be used on containment cordons is crucial, particularly in situations where protesters from all walks of life are present, including people with medical needs, disabilities, young children etc. The MPS were also heavily criticised at our media focus group for not allowing people with press passes in and out of the cordon. We welcome the initiatives being developed by the MPS to address these problems but remain concerned that with a containment of any size, the perimeters will be too long for some of these initiatives (e.g. cordon officers) to be successful. We fully endorse the HMIC recommendations on containment.

Another issue that needs to be addressed is communication around the use of containment. This is picked up in the HMIC report, which recommends there should be a "no surprises" approach to its use; that protestors and the public should be made aware of the likely police action in order to make informed decisions. We support this but would go further. There needs to be much better communication to, and briefing of, officers about why it is used, the impact this has on the crowd and the need for them to exercise their discretion appropriately. Supervisors also need to ensure that they are monitoring use of discretion and providing additional support where necessary. Finally, officers need to ensure they are providing protesters with proper explanations of why they are being held. Whilst we appreciate the difficulties getting messages across to large crowds, particularly if they are very vocal, the MPS needs to explore what technical solutions are available (twitter, blue tooth, dot matrix signage etc.) to ensure that protesters are kept fully informed of what is happening. Again, we endorse the HMIC recommendations in this area.

**RECOMMENDATIONS**

**Officer briefings at the start of operations should emphasise that any use of force should always be the minimum necessary to resolve a situation. This should also be reflected in the decision on appropriate protective clothing and equipment.**

**The MPS needs to ensure that its officers are effectively equipped to implement containment effectively, in particular they are empowered to use their discretion to allow protesters out of containment areas (as per the HMIC recommendation).**

# Tactics and Equipment

The policing of the G20 protests in the City of London on 1 and 2 April 2009 has resulted in increased scrutiny of individual police action but arguably more importantly, of both police tactics and public order legislation and their application.

There is a wealth of police powers available to public order management. Central to these is the Public Order Act (1986) and its various amendments over the years. Critically and also subject to ongoing concern amongst civil libertarians, the media and protestors is other legislation used in a public order context. These include harassment legislation, the Terrorism Act 2000 (TACT) (and other terrorist legislation), various other stop and search powers and those requiring individuals to provide names and addresses.

It is clear from the Parliamentary and HMIC reports that there is a lack of understanding of the law and police public order powers and duties across police forces and among public order commanders. Police need to balance the use of powers with their obligations under the Human Rights Act (1998), particularly Article 11, the freedom of assembly and association which is a qualified right.

Section 14 of the Public Order Act was used on journalists and Climate Camp during the G20 protests in April '09. This legislation is used to impose conditions on public assembly. The National Union of Journalists has provided evidence stating that Section 14 was used in a pre meditated fashion rather than in response to 'serious public disorder'. Indeed, the Home Affairs Select Committee was not convinced that any of conditions of "a threat to serious public disorder, serious damage to property or serious disruption to the life of the community" were met. The use of this power prevented journalists from carrying out their duties.

Section 14 was also used controversially on Climate Camp. During this time police accounts of the use of section 14 differed from evidence provided by those at the MPA open event. At this event, camp attendees on 1 April stated that after a prolonged period of containment police violently dispersed the camp causing a number of injuries to protestors.

At the Panel's open event on 5 November the organisation 'Plane Stupid' expressed concerns about police 'misuse' of Section 76 of the Counter Terrorism Act. This amendment makes it an offence to take photographs or video footage of a member of the armed forces, intelligence services or police officer if an officer believes it may be 'likely to be useful to a person committing or preparing an act of terrorism'. Although this is explicitly intended to be limited to counter terrorist policing there are concerns that this may be misused to prevent the media and citizen journalists recording the reality of what is going on, on the ground and possible police misdemeanours..

The police have a range of stop and search powers including section 1 of

PACE, Section 60 of the Criminal Justice and Public Order Act 1994, Misuse of Drugs Act 1971 and most controversially Section 44 TACT. The contentious nature of the use of Section 44 is well documented, particularly its impact on equality and diversity. The use of this legislation in a public order context is widely documented in open source and corroborated by accounts of protest groups and protestors providing evidence to the MPA.

Open and direct evidence to the MPA from the NUJ indicate that Section 44 and Stop and Account are widely being used on media photographers who have been told they are not allowed to photograph public officials or certain buildings. Assistant Commissioner (Specialist Operations) John Yates has issued guideline to MPS giving explicit guidance for use of section 44 in respect of photographers.

**RECOMMENDATION**

**CO11 should monitor and evaluate the use of counter terrorist and stop and search legislation at major public order events, in order to seek reassurance that powers are not being misused during such operations.**

The use of police Forward Intelligence Teams (FITs) is of concern to the media, protest groups, protestors and civil libertarians alike. FITs are usually teams of two or three officers used to gauge the mood and temperature, dynamics and intent of crowds and feed this intelligence back into silver control. They also target and monitor the actions of those 'likely' to engage in disorder.

There is a perception that FITs are used to pre-criminalise protesters, journalists and photographers. The National Union of Journalists have written to the Home Secretary highlighting their concerns and stating "The routine and deliberate targeting of photographers and other journalists by the FITs undermines media freedom and can serve to intimidate photographers trying to carry out their lawful work". They are specifically concerned about the purpose, role and access to information held on databases derived from FIT operations/activity. This was highlighted in the CLP engagement with journalists in the open meeting on 5 November and in December when media representatives again provided evidence to the Panel.

During the Panel's open evidence gathering meeting, participants expressed concern about FIT officers taking photographs of peaceful protestors. There was particular concern that this kind of intelligence gathering is contrary to the encouragement and facilitation of peaceful protest. "It's going to deter people turning up, it makes some of the people who do

turn up inclined to cover their faces which then makes them look like hooligans".

The initial intent of these teams was to provide a link between protestors and the police. As HMIC have stated, their role has shifted over time and thus their controversial deployment and actions have become a central theme of debate around civil liberties. Indeed HMIC highlight the lack of clarification of the precise role of FIT officers and the role of ACPO and the NPIA in defining their role. HMIC are keen that the function and specific tactical parameters in which FIT might be used be incorporated into public order training. Recommendation 8 (ii) of this HMIC report seeks Home Office clarification of "The legal framework for the use of overt photography by police during public order operations and the collation and retention of photographic images by police forces and other policing bodies".

It is clear that the role and remit of FIT activity lacks transparency to the public, protestors and indeed the police. There is significant risk that if FIT activity is allowed to continue without further clarification and public transparency that it will continue to impact both public confidence and the facilitation of peaceful protest, a central theme of policing in a democracy.

Several other high profile public order events in London, including the Tamil demonstrations, Notting Hill Carnival and the August Climate Camp on Blackheath took place as the Panel was undertaking its investigations. During that time it became clear that there was some disquiet about differences in the tactics being used - road clearance was the most frequently cited example as they were a common feature of both G20 (Climate Camp) and the Tamil demonstration. The Panel raised this issue with the MPS and found that whilst policing tactics were different to an extent, the differences were necessitated by the resources the police had available to be deployed (e.g. clearing roads that have been occupied is resource intensive and in the case of the Tamil demonstration, not immediately available), the tactics being used by the demonstrators and the nature/scale of the protests (numbers, duration). There are no hard and fast rules.

**RECOMMENDATIONS**

**The MPS should, in respect of Forward Intelligence Teams (FITs):**

- **consider the proportional use of FITs, define their role and purpose and ensure they are adequately briefed, in line with HMIC recommendations.**
- **justify and modify the purpose, role and proportionality of FIT deployment through engagement both in pre-event and post-event briefings and via on-going engagement with key stakeholders.**

## What next?

As we say at the start of this report, there are many positive aspects to the approaches used by the police to policing public protest. However, the nature of public protest is changing and it is right therefore, that the police reflect on their approach. There is a considerable programme of work arising out of the various scrutinies of police action on 1 April 2009, and with the Olympics looming, it is imperative that change is forthcoming without delay. The Panel intends to work with the MPS to pursue the implementation of the recommendations and will invite regular updates of progress.

# Appendices

# Appendix A

## Appendix A—List of Panel Meetings and Visits

23 July 2009—Meeting with Denis O'Connor, HMIC and Jane Gordon (Independent Legal Advisor to HMIC) to discuss "Adapting to Protest", the inspection of the MPS response to G20.

August 2009—Attendance at MPS August Climate Camp briefings

17 Sept 2009—Evidence session: Assistant Commissioner Chris Allison, AC in charge of Central Operations and public order policing, Commander Bob Broadhurst, Commander Central Operations, experienced "Gold Commander", Chief Supt Ian Thomas, in charge of public order (CO11), experienced gold and silver commanders.

14 Oct 2009—Evidence session: Chief Supt Mick Johnson (MPS CO11), Chief Inspector Simon Turner (MPS CO11), Supt Dave Hartshorn (MPS CO11), Chief Inspector Tony Cairney (City of London Police), Chief Inspector Lawrence Hobbs (Sussex Police). All were invited to talk to the Panel either because they were supervisors on 1st April, or because they had extensive public order policing experience.

17 Oct 2009—Visit to MPS public order training centre at Gravesend to observe public order training.

5 Nov 2009—Open meeting at City Hall with protesting organisations, members of the public and media representatives

15 Dec 2009—Meeting with Denis O'Connor and Jo Kaye (HMIC) to discuss "Adapting to Protest Part 2"

15 Dec 2009—evidence session with photographers, print and other media journalists at MPA offices

17th Dec 2009—Meeting with Deborah Glass, Independent Police Complaints Commission

8th Feb 2010—Meeting with Sir Hugh Orde, President ACPO

## Appendix B

## Terms of reference for the Civil Liberties Panel

The MPA's Civil Liberties Panel was established in April 2009 in order to:

- To develop an ongoing understanding of civil liberties and human rights and the consequences this has for policing in relation to all the areas considered by this Panel.
- the Panel may investigate any topics which in their view are relevant to civil liberties
- within each area of review, develop a clear understanding of the full range of policies and tactics, including training, supervision and communication; the situations within which various tactics are deployed and how decisions about proportionality are made. The Panel will consider the wider impact of these on civil liberties and human rights.
- scrutinise the MPS's work to retain public trust and confidence in balancing civil liberties with the need to maintain public safety and public order through proportionate policing. This should include scrutinising how the MPS communicates with the public, key stakeholders and the MPA.
- the Panel will consider how lessons learned from previous investigations impact on current MPS practice, training regimes and organisational culture.
- understand the potential equalities and diversity issues arising out of all areas of service delivery being addressed by this Panel.
- engage with the MPS, the public, relevant groups and civil liberty and human rights organisations to ensure that members gain a comprehensive understanding of the issues involved.
- monitor the implementation of any recommendations by this Panel and any other relevant reviews (e.g. the HMIC review of G20 and public order) on behalf of the Authority may be undertaken by the Panel or another MPA committee as appropriate.
- provide regular reports to full Authority and other committees where relevant, updating them on the progress being made against the Panel's work programme and make recommendations to the Authority and the MPS.
- There are potentially significant equality and diversity issues arising out of any scrutiny in this area. The equality objectives outlined above aim to ensure that they are addressed as the work of the Panel develops.

As a result of concerns arising out of aspects of the policing operation of the G20 summit on 1st and 2nd April (principally the policing of the protests that took place to coincide with the summit), it was agreed this would be the first topic for review. The Panel will be going on to look at DNA collection and databases, followed by an examination of CCTV.

## Appendix C

## HMIC recommendations from 'Adapting to Protest' and recommendations from the two Parliamentary reports – G20

**Introduction**

The following briefing focuses on the twelve HMIC recommendations as outlined in the HMIC interim report 'Adapting to Protest' published on 7 July 2009. The purpose of this briefing is to establish the relationship between these recommendations and those of two separate Parliamentary reports post G20 2009.

- House of Commons Home Affairs Committee (HASC) Eighth report of the session 2008-09 'Policing of the G20 protests' published on 29 June 2009.
- Joint Committee on Human Rights (JCHR) Twenty Second report of session 2008-09 'Demonstrating Respect for Rights? Follow-up' published on 28 July 2009.

This paper outlines the full interim HMIC recommendations and associated recommendations from the two Parliamentary reports. Parliamentary recommendations have been summarised and will relate to the HMIC recommendations to varying degrees. Appendices A and B show the full JCHR recommendations and a summary of the HASC recommendations respectively.

There are no recommendations from JCHR or HASC which are contrary to the 12 recommendations provided by HMIC in 'Adapting to Protest'

**Caveat**

This report focuses on the recommendations of the reports in question, not the content of these reports.

**HMIC interim recommendations and associated Parliamentary recommendations**

**Planning**

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

**HMIC Recommendation 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.*

# Appendix C

The only explicit recommendation to facilitate peaceful protest is HASC recommendation 32 - "Police to remember that the protestors are not criminals but citizens and the police focus must be to facilitate peaceful protest"

The following JCHR and HASC recommendations are related to this consideration.

Recommendations 1-3 (JCHR 28/07/09)

- Widely advertised police SPOCs to facilitate police protestor dialogue pre-event.
- Government, HMIC and IPCC to explore using independent negotiators to resolve police – protestor disputes.
- Regarding containment police need to consider individual circumstances, should allow people to leave as soon as possible and should ensure facilities within contained areas are easily accessible.

Recommendations 5, 6, 12-23, 25, 29, 31 (HASC 29/06/09)

- Greater discretion to officers to release media and protestors from contained areas
- HMIC to consider command structure issues and devolving more power to officers on the ground.
- Police to prioritise communication to negate the need for violent action where possible.
- More funding for training in communication and speaking to crowds
- Police and protestors should increase communication with each other before and during events. Police should have 'contact points' to facilitate increased communication before and during events
- PSNI crowd communication tactics to be adopted.
- All public order training to incorporate correct use of Section 14 POA 1986
- Police continue their self-imposed ban on the use of Tasers in public protest situations.
- Police to review specific details of the use of containment.
- The circumstances in which containment should be used should be codified.
- Police should not prevent the non-violent and vulnerable from leaving a contained area.
- Police to communicate fully before using force
- Protestors to make every effort to ensure police know their non-violent intentions.
- Police publicly clarify how and when distraction techniques should legitimately be used.

# Appendix C

**Communication with protest groups**

In relation to communication with protest groups the police should:

**HMIC Recommendation 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.*

The following JCHR and HASC recommendations are related to this consideration.

Recommendations 1-2 (JCHR 28/07/09)

- Widely advertised police SPOCs to facilitate police protestor dialogue pre-event.
- Government, HMIC and IPCC to explore using independent negotiators to resolve police – protestor disputes.

Recommendations 4, 10-12, 14, 15, 19, 20, 23, 25, 32 (HASC 29/06/09)

- Pre event media briefings to be published on police and NUJ website
- Police should not use language that creates a “them and us” environment.
- Police to prioritise communication to negate the need for violent action where possible.
- Police and protestors should increase communication with each other before and during events. Police should have ‘contact points’ to facilitate this.
- PSNI crowd communication tactics to be adopted.
- Police to communicate fully before using force and to allow protestors to filter out and disperse.
- Police publicly clarify how and when distraction techniques should legitimately be used.
- All public order training to incorporate correct use of Section 14 POA 1986
- Police to remember that the protestors are not criminals but citizens and the police focus must be to facilitate peaceful protest.

# Appendix C

**Communication with the public**

In relation to communication with the public the police should:

**HMIC Recommendation 3**
**Develop a strategy to improve communication with the media**

The following JCHR and HASC recommendations are related to this consideration.

Recommendation 5 (JCHR 28/07/09)

- MPS to counter any exaggerated and distorted reporting in the media quickly and authoritatively.

Recommendations 1-5, 7, 19, 20 (HASC 29/06/09)

- Officers to escalate journalist issues to more experienced officers if necessary.
- All officers should be aware of the existence of designated media contact points, who are trained in basic communication with journalists and able to give correct information on request.
- More must be done to improve relations with all journalists.
- Pre event media briefings to be published on police and NUJ website
- Greater **discretion** to officers to release media and protestors from contained areas
- Police to communicate fully before using force and to allow protestors to filter out and disperse.

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

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

There are no specific recommendations relating to this consideration in JCHR or HASC reports.

# Appendix C

**Containment**

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

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

The following JCHR and HASC recommendations are related to this consideration.
Recommendations 1-2 (JCHR 28/07/09)

- Widely advertised police SPOCs to facilitate police protestor dialogue pre-event.
- Government, HMIC and IPCC to explore using **independent negotiators** to resolve police – protestor disputes.

Recommendations 1-5, 14, 15, 19-25, 31 (HASC 29/06/09)

- Officers to escalate journalist issues to more experienced officers if necessary.
- All officers should be aware of the existence of designated media contact points, who are trained in basic communication with journalists and able to give correct information on request.
- More must be done to improve relations with all journalists.
- Pre event media briefings to be published on police and NUJ website
- Greater **discretion** to officers to release media and protestors from contained areas
- Police and protestors should increase communication with each other before and during events. Police should have 'contact points' to facilitate this.
- PSNI crowd communication tactics to be adopted
- Police to communicate fully before using force and to allow protestors to filter out and disperse.
- Protestors to make every effort to ensure police know their non-violent intentions.
- Police publicly clarify how and when distraction techniques should legitimately be used.
- Increased funding and better resource allocation should ensure that all front line officers are trained adequately
- All public order training to incorporate correct use of **Section 14** POA 1986
- Police to review specific details of the use of containment.

# Appendix C

**HMIC Recommendation 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.*

The following JCHR and HASC recommendations are related to this consideration.

Recommendation 3 (JCHR 28/07/09)

- Regarding containment police need to consider individual circumstances, should allow people to leave as soon as possible and should ensure facilities within contained areas are easily accessible.

Recommendations 5, 6, 16-18, 20, 31 (HASC 29/06/09)

- Greater **discretion** to officers to release media and protestors from contained areas
- HMIC to consider command structure issues and **devolving more power** to officers on the ground
- The circumstances in which containment should be used should be codified
- Police should **not prevent the non-violent and vulnerable from leaving a contained area.**
- Greater **discretion** to officers to release media and protestors from contained areas
- Police to communicate fully before using force and to allow protestors to filter out and disperse.
- Police to review specific details of the use of containment.

**HMIC Recommendation 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.*

The following JCHR and HASC recommendations are related to this consideration.

Recommendations 1-2 (JCHR 28/07/09)

- Widely advertised police SPOCs to facilitate police protestor dialogue pre-event.
- Explore using independent negotiators to resolve police – protestor disputes.

# Appendix C

Recommendations 1, 2, 4, 14, 19, 23-25 (HASC 29/06/09)

- Officers to escalate journalist issues to more experienced officers if necessary.
- All officers should be aware of the existence of designated media contact points, who are trained in basic communication with journalists and able to give correct information on request.
- Pre event media briefings to be published on police and NUJ website
- Police and protestors should **increase communication** with each other before and during events. Police should have **'contact points'** to facilitate increased communication before and during events
- Police publicly clarify how and when distraction techniques should legitimately be used.
- Increased funding and better resource allocation should ensure that all front line officers are trained adequately
- All public order training to incorporate correct use of **Section 14** POA 1986

**HMIC Recommendation 8**
**Clear signposting to basic facilities and amenities**
*where needed. This has implications for planning in advance of events.*

No specific reference in either JCHR or HASC reports but facility provision referenced in recommendation 3 (JCHR 28/07/09)

- Regarding containment police need to consider individual circumstances, should allow people to leave as soon as possible and should ensure facilities within contained areas are easily accessible.

**HMIC Recommendation 9**
**Awareness and recognition of the UK press card**
*by officers on cordons, to identify legitimate members of the press and ensure application of associated ACPO guidelines for use.*

There are no specific recommendations relating to this consideration in JCHR or HASC reports.

# Appendix C

**Training and Guidance**

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

**HMIC Recommendation 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.*

No specific recommendations directly specify a review of public order tactics and training but the issues are implicitly referred to in the following recommendations:

Recommendations 1-3 (JCHR 28/07/09)

- Widely advertised police SPOCs to facilitate police protestor dialogue pre-event.
- Government, HMIC and IPCC to explore using **independent negotiators** to resolve police – protestor disputes.
- Regarding containment police need to consider individual circumstances, should allow people to leave as soon as possible and should ensure facilities within contained areas are easily accessible.

Recommendations 5, 6, 12-18, 24, 25, 29-31 (HASC 29/06/09)

- Greater **discretio**n to officers to release media and protestors from contained areas
- HMIC to consider command structure issues and **devolving more power** to officers on the ground.
- Police to **prioritise communication** to negate the need for violent action where possible.
- More funding for training in **communication and speaking to crowds**
- Police and protestors should increase communication with each other before and during events. Police should have 'contact points' to facilitate this.
- PSNI crowd communication tactics to be adopted
- The circumstances in which containment should be used should be codified
- Police should **not prevent the non-violent and vulnerable from leaving a contained area.**
- Increased funding and better resource allocation should ensure that all front line officers are trained adequately

- All public order training to incorporate correct use of **Section 14** POA 1986
- We recommend that the police continue their self-imposed ban on the use of Tasers in public protest situations.
- Police to review specific details of the use of containment.

**HMIC Recommendation 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.*

No reference to a revised ACPO Public Order Manual in the JCHR or HASC recommendations although the following is within the body of the report *"JCHR notes that ACPO is proposing to revise the manual 'Keeping the Peace' and would like to be consulted in this process. ACC Sim has referred the use of containment to the ACPO Human Rights Working Group"* (JCHR 28/07/09)

**Identification of Officers**

In relation to identification of officers the police should:

**HMIC Recommendation 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.*

The following JCHR and HASC recommendations are related to this consideration.

Recommendation 4 (JCHR 28/07/09)

- There should be a legal requirement for police officers to wear identification numbers when on duty or to identify themselves when asked.

Recommendations 8, 9 (HASC 29/06/09)

- More funding for solutions to prevent identification issues when officers change into protective equipment.
- 9. Senior officers must take personal responsibility for ensuring that all officers are displaying their identification numbers and any officers found to be deliberately removing their identification face the strongest possible disciplinary measures.

## Appendix D

## Summary of issues raised by the Public at our open session on 5th November 2009

Summary of evidence and areas of concern as described by the participants on the day:

**Numerals**

- Concern about officers not wearing ID. This goes to the heart of accountability and very deep into minority groups' consciousness – re. Blair Peach.

- Need the problem of identification solved once and for all. For the purposes of public order policing in particular, it would make sense if the police could wear bibs or similar, with their ID number on the back, or the front and the back, a style similar to that of a footballer's T shirt, for ease of identification. (Green Party and Defend Peaceful Protest).

- Footage shows a number of officers not wearing numerals. How many were reported for it by their senior officers?

**Media**

- We are aware that police officers at, at Inspector level are briefed on how to provide access to the media, presented with the press card so that they're aware of what the press card looks like and how media workers should be treated, but we find that in practice this doesn't translate to the officers on the ground. (NUJ)

- Police seem to plan for high level disorder with only lip service paid to facilitate peaceful protest. That's reflected in public announcements by police before the event. (Bindmans Solicitors)

- For ten to fifteen years where the police have typically kettled journalists along with protesters. Kettling prevents journalists from doing their job and feeding back to the public. Police tend to lump photographers in with protestors because this is easier or it could be part of a more, more widespread harassment of, of the press. Typically, the police will put their hands over cameras; they will stand in front of cameras. Much improved at summer climate camp. (NUJ)

- The media should be allowed to do their job and not be subject to assaults, threats,

being prevented from filming, from taking photographs, from reporting, searched, being detained by the police e.g. Kingsnorth. (NUJ)

- In advance of the event it is important to have that training and briefing to enable the media to do their job and cover events cover the events properly, thoroughly, safely. As far as the liaison is concerned, there needs to be a means of having that also available on the day, whether that's by texting to a Media Liaison Officer or mobile 'phone that's also available to get through to the officers, the Supervisory Officers at the time. (NUJ)

- Concern that police should wait for the facts to emerge before making comment as in the case of Ian Tomlinson. Also concerned about the role that the police have in terms of facilitating Press access.

- Will the MPA look in to the alleged cover-up of the death of Ian Tomlinson. The video evidence came out six days after he died; the police were aware of photographic evidence of their involvement in his death less than 24 hours after he died. (Guardian)

**Engagement**

- Businesses obviously received some quite alarming advice prior to it and on the day. Why is there constant planning for a worst case scenario rather than a full range of possible outcomes on the day? People are not engaged properly. (Defend Peaceful Protest)

- There was a lot of anger towards the RBS. Suspicions that the bank were not advised to board up because this would facilitate criminal damage and thus encourage that to be the media focus. (Plane Stupid).

- Police, journalist and diverse groups need to engage in more dialogue before the event to bring a sense of reality to the event, prevent exaggeration from the media, police or others. (NUJ)

- Climate Camp legal advisor e-mailed police before G20 but had no response. She eventually contacted the commander the day before. This can be contrasted with Climate camp at Blackheath where they understood each others positions. The MPS shared the tactical plan and allowed Climate Camp to view training. This had a positive response in Climate Camp not over reacting to officers during the protest.(Climate Camp legal advisor).

# Appendix D

**Tactics (general)**

- Why has the dog that bit Ian, the baton strike and the push to the floor not been mentioned in any of the previous 4 reports? (Tomlinson family)

- Asks if there is a deliberate attempt from police in deterring people from attending protests? (Women's International League for Peace and Freedom)

- Police have been good in the pre-event planning stage. This changes when you're on the ground and dealing with different people. They treat you as tiresome, particularly if you're female. Also concerned about the kit which transforms police, stops them engaging and communicating, is dehumanising and escalates the situation because people are frightened. (Friends of the Earth)

**Tactics (containment)**

- Thousands of people were held against their will in an atmosphere of unprovoked police intimidation and violence, many of whom were subsequently and unnecessarily traumatised or injured. Wants reassurance that Kettling should never be used against peaceful protestors and should only be used as a tactic of last resort against serious violent disorder and not a pre emptive measure. (Defend Peaceful Protest)

- Concern about containment at Climate Camp and that the vulnerable were not allowed out of the contained area. Cited significant injuries caused by police in dispersing the crowd and the impact that has on all, especially the vulnerable in attending future demonstrations. Asks what the Met accept as an appropriate level of physical self defence against violent and aggressive policing? (Climate Camp attendee)

- Concern about disabled people at protests. Police must protect the disabled and ensure proper arrangements are in place. Disabled people must be given equality in all aspects. (IAG Disability)

- Police were kettling small groups from the very beginning. This tactic caused danger to police and was ineffective. Kettling was also used to restrict journalists from doing their jobs. I was stopped as police told me I wasn't allowed through, because there had been a breach of the peace so I was prevented from covering the event. (Journalist G20)

- States that during the Gaza demonstrations in January 09 policing were hitting people with their shields prior to kettling the crowd for 3-4 hours. States concern about the vulnerable not being able to leave contained areas. Police displayed a real 'them' and 'us' attitude.

- Is there any way the police could let the public know, by loud hailers, hailers in helicopters, that they consider the situation is becoming violent. This would allow for peaceful protestors to leave. (Camden Police Consultative Group)

- Kettling should only be used in the most dire of circumstances, warnings should be given, facilities provided and the vulnerable excepted.

- Police stayed out of the way at Blackheath Climate Camp and Parliament Square which is a factor in their success. More needs to be done regarding communication and this is going to require a change of attitude. Police could have reduced the footprint of Climate Camp at Bishopsgate and thus opened the route. They broke the loudspeaker which was used by climate camp to communicate. There was no police liaison on the ground and no media. (Police State UK)

**Tactics (pre-emptive)**

- Seems that a policeman's job is not to facilitate the right, the freedom of assembly from speech or the right to protest, but to constrain and pre-emptively police possible disorder situations, they treat protestors as potential criminals, which comes back to the emphasis on the worst case scenario. Protestors were kettled before that had properly. What onus is on police to facilitate people's freedom of assembly and freedom of speech? Lots of good Neighbourhood policing could be undone by police public order activity. Also concerned about the training and selection process of the TSG. (Friends of the Earth)

- Question of pre-emptive arrest of people at G20. People who didn't provide their names and addresses were arrested on spurious grounds then de-arrested when they had provided their details. This deliberate tactic to obtain details from potential protestors has been going on for some time. Also concerned about unrestrained use of police dogs which have injured protestors and are used as a tactic to scare them off from demonstrating and injure them. Also concerned about the deployment of tasers.

- Concern that police tactics pre-empted violence. Mood was good at G20 Climate Camp. A Guardian reporter suggested they were waiting for journalists to leave before they moved in. And a police woman told the journalist there would be violence and led him away. There was no violence evident at the time.

# Appendix D

**Territorial Support Group (TSG)**

- TSGs gung ho attitude has undone much of the good work done by SNTs. Kids don't differentiate between police. Can see that tasers are good in some scenarios but are totally inappropriate in public order.

- It was a TSG officer who assaulted Nicola Fisher and their father. They are concerned about TSG training. (Tomlinson family)

- Sometime there seems to be a breakdown in communication between borough police and those that deal with public order. What have the TSG learnt since changing over from the SPG? (Tower Hamlets Community Safety Board)

**Databases**

- Mentions the Guardian investigation into databases used to track and monitor so called domestic extremists. Will the Panel look at what guidelines are given to police on who should be on it, access, retention etc.

**Forward Intelligence Teams**

- FIT officers taking photographs of peaceful protestors. This kind of intelligence gathering I think is still contrary to the encouragement and facilitation of peaceful protest. It's going to deter people turning up, it makes some of the people who do turn up inclined to cover their faces which then makes them look like hooligans

**General Issues (various)**

- Public Order training is farcical. Geared to 1985 riots. Does not see any reason for the TSG to be deployed unless it reaches the stage of petrol bombs or serious violence. Police should be identifiable front and back and there is no reason why this cannot be done. Needs to be a complete new guidance to public order policing. There should be no deployment of dogs at all, or horses or tasers in public order scenarios. Why are police officers dressed in NATO uniforms deployed so quickly? There is an issue of policing culture at Gravesend, shaven heads, bravado etc. Public order training needs to be completely overhauled. Regarding Ian Tomlinson the Commissioner should be resigning when he's caught out lying when a man's died. the MPA should look at the role of the press office because the Metropolitan Police have a way of putting out lies into the media and, and I think it's extremely dangerous and unfair. (Bindmans Solicitors)

# Appendix D

**Positive comments**

- Climate Rush in June was policed well with police assisting those with bicycles which had broken down and (although begrudgingly) closed Westminster Bridge to facilitate the sit down protest and negotiated with angry commuters. (Plane Stupid).

- At Climate Camp in Blackheath police were in good humour and chatted to protestors, not in an intrusive way but in the spirit of the occasion. Police activity was well organised and the police were well behaved.

## Appendix E

Metropolitan Police Authority

Planning and Performance Unit
Analysis of policing of public protests/demonstrations questionnaire

**Background**

The policing of the London G20 summit in April 2009 led to extensive media and public scrutiny. The Metropolitan Police Authority (MPA) conducted a consultation in autumn 2009 to give the public their say on how protests/demonstrations are policed in future. The findings of the consultation will inform the Metropolitan Police Authority's Civil Liberties Panel review of public order policing.

**Methods**

A short consultation questionnaire, including both quantitative and qualitative questions, was available online, paper version or telephone questionnaire on request. A copy of the questionnaire is included in appendix one. The consultation questionnaire was available on line during November 2009, closing Monday 30 November 2009. it was disseminated to 150 protest organisations, businesses and media representatives. It was also made available to a public debate on protest at Southbank University. In total, **78** people completed the questionnaire.

Findings

*Opinions of the police in general*

| **Response** | **Count** |
|---|---|
| Mainly unfavourable | 25 |
| Neither favourable nor unfavourable | 21 |
| Favourable | 13 |
| Very unfavourable | 13 |
| Very favourable | 4 |
| Don't know | 1 |
| No response | 1 |

# Appendix E

Almost half (38) of respondents stated that their opinion of the police in general was mainly or very unfavourable. Just under a quarter (17) respondents were very favourable or favourable about the police in general while a further 21 were neither favourable nor unfavourable.

*Reasons behind opinions of the police in general*

Those who reported very or mainly unfavourable opinions of the police in general gave the following reasons:

- Perceptions of heavy handed or over policing of protests/demonstrations: Many respondents mentioned felt that police officers used unduly heavy handed techniques meaning that peaceful protests sometimes turned aggressive. One respondent acknowledged both the good work of some officers and that a minority of protesters caused trouble, however stated "…often as a group they [the police] become terrifying and over aggressive leading to clashes with peaceful protesters". There was also concern from some respondents that all protesters were seen as 'trouble makers'. One respondent stated "…the assumption is that if you're at a protest you're up to no good - guilty until proven innocent as it were".
- Attitude of police officers: A number of respondents felt that officers were often rude, unhelpful, prejudice, aggressive or unapproachable. One respondent referred to "Experiences with police being bullish and over-aggressive outweighing the experiences of friendly and amicable ones". Some respondents also felt that the police did not communicate clearly with the public and accused them of lying - particularly in relation to police communications with the media and the death of Ian Tomlinson.
- Police are not 'on the side' of the public/'ordinary citizen': Some respondents felt that the police were politically driven and worked in the interests of the 'rich and powerful'. Some felt that the police currently did not protect them or their interests, as they felt they should. One respondent viewed the police as "…a separate force outside and against communities".
- Previous negative experience with the police: This varied from statements around being a victim of assault to negative experiences of reporting crime and perceived inability of the police to investigate and tackle crime.
- Lack of trust/accountability in the police: Some respondents related this to high profile incidents such as the death of Jean Charles de Menezes. There were also some perceptions that police lie to the media.
- Some respondents felt that the police abuse their power.

Those who stated they had very favourable or favourable opinions of the police in general gave the following reasons:

- The police do a 'good job': Respondents acknowledged that the police have a very difficult job to do. As one respondent stated, the police often have to make "… decisions in split seconds or facing angry, unlawful groups of people". Another stated that the

police provide an "…important public service, which is often difficult, dangerous and under-appreciated".

- Success in tackling crime: Some respondents acknowledged the ability of the police to investigate and tackle crime.
- Previous positive experience with the police: Respondents mentioned this both in the context of previous victimisation and engagement with the police.
- Despite these respondents stating favourable views of the police, some felt that a small minority of officers were aggressive, held prejudice views and were unsuited to a career in policing.

Respondents who reported neither favourable nor unfavourable opinions of the police generally felt that, for the most part, police did a good job and/or were helpful. However, some officers were rude, unapproachable or acted inappropriately. Some respondents related this directly to recent experiences (often G20 or protests/demonstrations in general) which had affected their opinions. For example, one respondent stated, "Up until I was 'kettled' in the G20 protest, I had some respect for the job that the police do. I have had mainly positive dealings with the police". Another stated that their opinion had "… significantly declined through encountering police in the context of protest rather than as a citizen".

*Previous participation in protests/demonstrations*

| *Within the last ten years:* | |
|---|---|
| **Response** | **Count** |
| Yes – more than once | 61 |
| No | 14 |
| Yes – one | 2 |
| No response | 1 |
| *More than ten years ago:* | |
| **Response** | **Count** |
| No | 46 |
| Yes – more than once | 26 |
| Yes – one | 4 |
| No response | 2 |

A third (26) of respondents who stated they had protested within the last ten years had also protested more than ten years ago.

Protests respondents stated they had attended within the last ten years included: G8, G20,

various anti-war/stop the war marches, various environmental/climate change/animal rights campaigns, protests against student tuition fees, anti-BNP demonstrations and various protests around cycling (e.g. Reclaim the Streets, Critical Mass).

Protests attended more than ten years ago including: various anti war and environmental protests, miners/pit closures, free Nelson Mandela, Greenham Common, disability marches, National Union of Students demonstrations, protests against anti-apartheid, poll tax demonstrations.

Some respondents indicated that they were suspicious or uncomfortable giving details of protests/demonstrations they had attended.

More than half (35) of respondents who had demonstrated within the last ten years had very or mainly unfavourable opinions of the police in general. A further 17 were neither favourable nor unfavourable while ten were very or mainly favourable. Trends were similar for those who had also taken part in protests/demonstrations more than ten years ago.

Half (7) of respondents who had not protested in the last ten years had very or mainly favourable opinions of the police in general with a further four stating they were neither favourable nor unfavourable and three mainly unfavourable. No respondents who had not protested in the last ten years reported very unfavourable views of the police.

*Views on how the G20 protests were policed*

| **Do you think the G20 protests were policed:** | |
|---|---|
| **Response** | **Count** |
| Very badly | 57 |
| Badly | 14 |
| Very well | 3 |
| Neither well nor badly | 2 |
| Don't know | 1 |
| No response | 1 |

The vast majority (71) of respondents felt that the G20 protests had been policed badly or very badly. All respondents who had protested either within or more than ten years ago (or both) felt that the G20 protests were policed badly or very badly.
Those respondents who felt that the G20 protests were policed badly or very badly gave the following reasons:

- Personal experience of being or seeing other people subject to unnecessary force by the police and perceived inappropriate police tactics, particularly 'kettling'. One re-

spondent felt that kettling was used by the police as an "…extra judicial punishment on mostly peaceful protesters" while another felt it was "…totally counter-productive, it encouraged confrontation and violence". Some respondents felt that the police approach and tactics at the G20 protests turned an otherwise peaceful situation violent stating, "I sincerely believe there would have been LESS disorder and (even) less criminal offences if the police had been completely absent".

- A number of respondents gave similar reasons for feeling the protests were policed badly, but did not explicitly relate this to personal experience. Some stated that their views were based on information from friends who were present at the G20 protests or media coverage.
- The death of Ian Tomlinson.
- Feelings that the police misinformed or lied to the media about events at the G20 protests, officers trying to 'cover up', not accepting they were wrong and not being held accountable for their actions. One respondent felt "The police try to cover it up so the entire police force ends up looking corrupt and out of control when the truth comes out so hatred for the police increases".
- The police hiding their identification (e.g. shoulder numbers) and filming protesters.
- Feeling that policing tactics at the protest, particularly kettling, infringed civil liberties/ human rights.
- Policing of the G20 protests were poorly planned/organised. One respondent felt there were "Errors from top to bottom within the Met" while another felt that the whole approach to policing the protest "…seemed determined that there would be significant violence and illegal forms of protest, despite many groups being well organised and planned in advance, in cooperation with the Police".
- Lack of communication from the police to the public: "The police were unhelpful and uninformative about what was going on and wouldn't even answer your questions".

*Views on 'kettling'*

The vast majority of respondents had very negative views around the use of the police crowd control method sometimes called 'kettling'. Respondents gave the following reasons:

- Creates tensions between police and protesters, makes protesters feel frightened and disempowered, escalates/increases chances of violence, is disproportionate force. Some respondent's stated:
  - "It [kettling] is a quick way of creating a problem"
  - "…it raises the temperature significantly, causing anger, anxiety and distress where there would otherwise be none"
  - "…protests would be a lot more peaceful if police neglected this method"
- Violates protesters human rights/civil liberties, particularly through restricting access

to basic needs such as water, toilets and medical care. Some respondents questioned if the tactic of 'kettling' was legal.

- 'Kettling' is method of deterring people from attending protests/demonstrations. Some felt that the tactic was used as 'collective punishment' or 'mass arrest' for those who chose to protests. One respondents felt that 'kettling' was "…an attempt to intimidate people from taking part in future protests, and not a way of stopping any violence or threat".
- An ineffective or counterproductive method of crowd control.
- There was insufficient information from the police at G20 protests.
- 'Kettling' should be made illegal.
- 'Kettling' is appropriate in some situations, but was not at the G20 protests. It should only be used as a last resort.

A very small number of respondents (approximately five) had more positive comments about kettling stated that it worked well and, if used to keep the streets safe and protect innocent people, is fair.

*Improving how protests/demonstrations are policed*

Respondents were asked how they thought the police could improve the way they policed protests/demonstrations. Responses were generally framed around the following issues:

- Police should not treat protesters/demonstrators like criminals. Protesters/demonstrators should be treated politely and with respect and their right to protest/demonstrate should also be respected. One respondent felt there should be a "Change of attitude to one that is welcoming, rather than critical of dissent".
- Police presence at protests/demonstrations should be kept to a minimum, unless violence/trouble occurs. One respondent felt that policing at protests/demonstration should be kept "…minimal for as long as possible, and emphasise to the police on the ground that their aim is to keep everything calm". Another felt that the police should only intervene "If someone is violent or destructive of property… if they are simply trying to make a point, demonstrate, or protest they should be allowed to". Some respondents even felt that police officers should not be present at protests/demonstrations at all.
- Confrontational/inflammatory policing techniques (including 'kettling') should not be used and there should be a less intimidating presence e.g. officers should not unnecessarily be in protective/riot clothing. One respondent felt that "low-key policing is the appropriate response" while another felt that the police should "…start with an expectation of peace rather than an expectation of mayhem".
- More dialogue/communication between the police and protesters. One protester felt the police could "…act more as guides, assisting protesters and working with them to

ensure the event runs smoothly as opposed to creating great friction". Respondents often felt that there would be less tensions between police and protesters/ demonstrators if the police gave reasons for their actions. One respondent felt that "…giving reasons, even if people don't entirely agree with them, at least gives them the perception that you're trying to be reasonable".

- Stop police filming or photographing protesters. One respondent felt "There is no justification for surveillance of the innocent". A smaller number of respondents felt that legislation should be amended to allow protesters/demonstrators to film or photograph the police at protests/demonstrations.
- Ensure there is transparency around the policing of protests/demonstrations and that officers are held to account for their behaviour.
- More training for police officers around policing protests/demonstrations in a non-violent/provocative manner.
- Ensure all officers show their identity/shoulder numbers.
- Police should not abuse terrorism or other 'catch all' powers (e.g. section 60 stop and search powers) at protests/demonstrations.
- Police should use more techniques that encourage dispersal rather than containment of protesters.

A couple of respondents had more positive comments about policing at protests/ demonstrations stating that the police do a good job in difficult circumstances. Another respondent felt that protesters/demonstrators should improve their behaviour, not just police.

*Any other comments*

Just over a quarter (22) of respondents gave further comments. These largely fell within the following categories:

- Respondents reiterated their concerns about heavy handed, violent, inappropriate or disproportionate policing tactics at protests/demonstrations.
- Concern about police lying to media, portraying a negative image of protesters/ demonstrators and 'covering up' about the death of Ian Tomlinson. Some respondents felt there was no transparency or accountability. One respondent questioned why the MPA hadn't conducted a full investigation after the G20 protests.
- A number of respondents restated their concerns that protesters/demonstrators were seen as criminals.
- Protesting peacefully is a right and should be respected by the police.
- There should be more training for police officers around policing protests/ demonstrations. It was felt that police officers should work with protesters/ demonstrators so they can understand each other points of view.
- One respondent queried how many police officers were injured in the G20 protests and whether this would be investigated also.

# Appendix E

Demographics of respondents

*Gender*

| Gender | Count |
|---|---|
| Male | 33 |
| Female | 31 |
| Prefer not to say | 13 |
| No response | 1 |

No respondents identified at transgender. 7 respondents stated that they preferred not to say.

*Age*

| Age band | Count |
|---|---|
| 25-34 years | 14 |
| 35-44 years | 14 |
| 45-54 years | 14 |
| 16-24 years | 13 |
| 55-64 years | 8 |
| 65 years and over | 3 |
| Prefer not to say | 10 |
| No response | 2 |

*Ethnicity*

| Ethnicity | Count |
|---|---|
| British | 47 |
| Any other white background | 8 |
| Any other mixed background | 2 |
| Irish | 2 |
| African | 1 |
| Caribbean | 1 |
| Indian | 1 |
| Pakistani | 1 |
| Prefer not to say | 13 |
| No response | 2 |

# Appendix E

*Religion or belief*

| Religion or belief | Count |
|---|---|
| No religion | 40 |
| Christian | 15 |
| Buddhist | 2 |
| Jewish | 1 |
| Muslim | 1 |
| Prefer not to say | 15 |
| No response | 4 |

*Sexual orientation*

| Sexual orientation | Count |
|---|---|
| Heterosexual | 45 |
| Gay/lesbian | 4 |
| Bisexual | 4 |
| Prefer not to say | 23 |
| No response | 2 |

*Disability*

| Do you consider yourself to be a deaf or disabled person? | Count |
|---|---|
| No | 56 |
| Yes | 7 |
| Prefer not to say | 12 |
| No response | 3 |

| Disability type | Count |
|---|---|
| Physical impairment | 2 |
| Mobility impairment | 1 |
| Sensory impairment | 2 |
| Neurological condition | 2 |
| Learning disability/difficulty | 1 |
| Other | 2 |
| Prefer not to say | 7 |

# Appendix E

*How respondents found out about the consultation*

| Method | Count |
|---|---|
| Facebook | 12 |
| Surfing the web | 8 |
| Word of mouth | 8 |
| Defend Peaceful Protest Facebook group | 7 |
| MPA website/email | 6 |
| Media | 4 |
| Email | 3 |
| The Guardian | 2 |
| MPA Civil Liberties Panel meeting | 2 |
| Climate Camp Facebook group | 1 |
| Invited by the MPA to take part | 1 |
| Forum about death of Ian Tomlinson | 1 |
| Institute of Race Relations e-newsletter | 1 |
| Activist message board | 1 |
| Disability rights group | 1 |
| No response | 20 |

**Annex one: Your views on the policing of protests/demonstrations survey**

MPA
Metropolitan Police Authority

**Your views on the policing of protests/demonstrations**

The policing of the London G20 summit in April 2009 led to extensive media and public scrutiny. It is important that the public have their say in shaping how protests/ demonstrations are policed in the future. This questionnaire will inform the Metropolitan Police Authority's Civil Liberties Panel review of public order policing.

Please complete and return your questionnaire (in the freepost envelope provided) by **Monday 30 November 2009** so your views can help to inform the final review. This will be published on the MPA website once completed.

If you have any queries about this questionnaire please call the MPA on 020 7202 0170

# Appendix E

Thank you for taking part.

**Your views on the policing of protests/demonstrations**

1. What is your opinion of the police in general?
   - o Very favourable
   - o Favourable
   - o Neither favourable nor unfavourable
   - o Mainly unfavourable
   - o Very unfavourable
   - o Don't know

2. Why do you think this?

| |
|---|
| |

3. Have you taken part in a protest /demonstration **within the last 10 years**?
   - o Yes – more than once (please go to question 3a)
   - o Yes – once (please go to question 3a)
   - o No (please go to question 4)

   3a. What protests/demonstrations have you taken part in **within the last 10 years?**

| |
|---|
| |

4. Have you taken part in a protest/demonstration **more than 10 years ago**?
   - o Yes – more than once (please go to question 4a)
   - o Yes – once (please go to question 4a)
   - o No (please go to question 5)

   4a. What protests/demonstrations have you taken part in more than 10 years ago?

| |
|---|
| |

5. Do you think the G20 protests were policed:
   - o Very well
   - o Well
   - o Neither well nor badly

o Badly
o Very badly
o Don't know

6. Why do you think this?

7. What do you think about the police crowd control method, sometimes called 'kettling'?

*'Kettling' is a term (often used by the media and protesters/demonstrators) to describe the police tactic of containment. This can include a range of tactics such as creating walls or barricades of police to prevent protesters getting into an area, separating protesters or keeping them contained in one small area.*

8. How could the police improve the way they police protests/demonstrations?

**Any other comments**

Do you have any other comments you would like to mention?

**About you**

This section asks for information about you. This will help us to understand the views of a range of people. Any information you give will be confidential. We will not share this information with anybody else.
Completion of this section is optional.

Gender o Male o Female o Prefer not to say

If you identify as transgender are you:

o Transgender - Male to Female
o Transgender - Female to Male
o Prefer not to say

Age o Under 10 years o 10-15 o 16-24 o 25-34
o 35-44 o 45-54 o 55-64 o 65+
o Prefer not to say

Ethnicity

**Asian or Asian British**
o Indian o Pakistani o Bangladeshi
o Any other Asian background

**Black or Black British**
o Caribbean o African
o Any other African background

**Chinese or other ethnic group**
o Chinese o Any other ethnic group

**Mixed**
o White and Black Caribbean
o White and Black African
o White and Asian
o Any other mixed background

**White**
o British o Irish o Any other white background

o Prefer not to say

Religion
or belief o Christian o Buddhist o Hindu
o Jewish o Muslim o Sikh
o Any other religion (please state_____)
o No religion o Prefer not to say

Sexual orientation o Heterosexual o Gay/lesbian
o Bi-sexual
o Prefer not to say

# Appendix E

Disability

Do you consider yourself to be a Deaf or disabled person? o Yes o No
o Prefer not to say

If yes, what is the nature of your disability?
o Physical Impairment
o Mobility Impairment
o Sensory Impairment (e.g. Speech, Hearing, Visual)
o Neurological Condition
o Learning Disability/difficulty
o Other
o Prefer not to say

Where did you find out about this consultation?

| |
|---|
| |

Please return your completed questionnaire in the freepost envelope provided by **Monday 30 November 2009.**

Many thanks for providing your views. These will be used to inform the Metropolitan Police Authority's Civil Liberties Panel review of public order policing.

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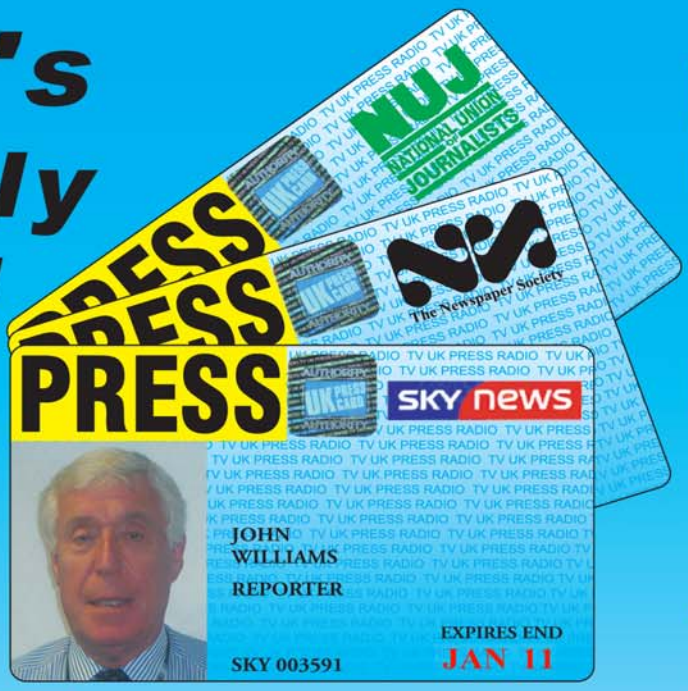


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# How to contact us

Metropolitan Police Authority

We welcome feedback and if you have any comments to make about this report please write to:

The Chief Executive
Metropolitan Police Authority
10 Dean Farrar Street
London
SW1H 0NY

You can also email us at: enquiries@mpa.gov.uk

Tel: 020 7202 0202
Minicom: 020 7202 0173
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