



Policing Public Order

An overview and review of progress against
the recommendations of
Adapting to Protest and Nurturing the British Model of Policing

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Overview

After a period of relative quiet in public order terms, we have seen increasing protest activity in size, frequency and spread across the United Kingdom. During 2009, and following the G20 protests that April, causes such as animal rights and climate change have continued to feature regularly in the national public order calendar. In the latter part of 2009, the Defence League protests¹ and the United Against Fascism (UAF) counter protests gathered momentum – a momentum that has continued throughout 2010 and into 2011. The most recent dimension to public order policing has included the UK Uncut protests directed through Twitter² and the protests over tuition fees; in particular, the student protests in London during November and December 2010. The schedule on page 12 is just a sample of the events taking place – evidences the change in reach and tempo.

Following the student protests in London on 10 November 2010, where greater numbers gathered than had been anticipated by police, and the incursion of the Conservative Party headquarters in Millbank, the Metropolitan Police Commissioner Sir Paul Stephenson stated that ‘the game has changed’³. The character of protest is evolving in terms of: the numbers involved; spread across the country; associated sporadic violence; disruption caused; short notice or no-notice events, and swift changes in protest tactics. After a few, relatively quiet years, this is a new period of public order policing – one which is faster moving and more unpredictable. Foreseeing the character of events will prove more difficult and, in some cases, their nature and mood will only become apparent on the day.

What seems evident is a willingness to disrupt the public and test police. Police tactics have to be as adaptable as possible to the circumstances to keep the peace for all of us. The fine judgement required to strike the right balance between competing rights and needs is getting harder.

¹ The English Defence League (EDL) is a group formed in 2009 with the stated intention of opposing the perceived spread of Islamism, Sharia law and Islamic extremism in England. Defence League groups have also been formed to represent Scotland and Wales and have links to Northern Ireland.

² Protests directed at retail outlets such as Topshop. See www.ukuncut.org.uk for more information.

³ BBC News 25 November 2010

HMIC's approach has been to review the progress made in public order policing since the publication of *Adapting to Protest* in July 2009, and to raise further questions in relation to the need to adapt (which we will re-visit in the course of 2011). Such questions arise from the present flux in public order demands. The issues need to be aired openly, and reflected upon carefully, as they test some of the fundamentals of policing, not least the British practice of policing protest amongst the people - 'toe to toe'.

Progress

HMIC made 24 recommendations in its two reports following the G20 protests of April 2009 – *Adapting to Protest* and *Adapting to Protest – Nurturing the British Model of Policing*.⁴ These remain relevant, and the progress made by those with public order responsibilities in the Association of Chief Police Officers (ACPO), the Metropolitan Police Service (MPS) and forces round the country to adapt their practice is to be applauded.

Commendably, the ACPO lead for public order and a number of chief officer colleagues have acted as champions on this issue. But the pace of these changes can be measured in months, if not years. These timeframes may not, even then, include the additional time needed to train officers performing the key roles on the front-line, or in command.

By contrast, large numbers of protestors can be organised in hours and change their focus in minutes through the use of social media and mobile phones. Those responsible for commanding events must plan with this adaptability in mind; those charged with reviewing guidance, training and tactics must consider how they do so within tighter timeframes, in a way that responds as swiftly as possible to events and lessons learned.

Challenging times – intelligence and planning in an unquiet world

Crowded public order events cannot be easily managed or orchestrated smoothly when violent individuals or groups are present and are determined to attack people, property or leave their mark. In these circumstances it is common, in hindsight, to pinpoint 'better Intelligence' as being a missing ingredient. But these are inherently

⁴ Referred to in this report as *Nurturing the British Model*.

messy events; complex and difficult. Intelligence however good will never be perfect,⁵ nor should it be expected to be so. Even the information that is available may not be credible or reliable, and the more pre-emptive the police attempts to gather intelligence, the more complex the oversight of these situations becomes.⁶

Police forces cannot plan for a quiet world. Instead, they must be ready to adapt swiftly to changing circumstances and real-time events that may differ from what was offered or expected: protestors appearing in greater numbers (as in the student protests in London); the desire to test police resources at short notice (the Defence Leagues' intention to concentrate their supporters to specific locations in a regular cycle); or by appearing at multiple venues. (UK Uncut's targeting of retail outlets using Twitter).

The inescapable fact is that adaptability and preparedness come at a cost – a significant cost potentially in these straitened times. As an indication of this, some metropolitan forces have reported sizeable increases in their spending on public order for the financial years 2009/10 to 2010/11 (of between £245,000 and £636,000). Another reported that their opportunity costs for policing student protests in November and December 2010 amounted to at least £100,000.

Continuing to respond appropriately to the whole spectrum of protest will mean finessing existing police tactics, and for some events having more officers on duty than may have been the case in recent years, but it may also mean adapting tactics to handle the risks and costs. The police must prevail in these circumstances to keep the peace.

Tactical adaptability

The original British model of policing⁷ was designed to be adaptable to ensure the safety of the public and the preservation of the peace, and it has shown itself to be so through developments such as the use of large-scale containment during the central London disturbances of May Day 2001, and the greater use of proactive

⁵ While subject to change as enquiries continue, just under 60% of persons arrested by the MPS in relation to the student protests in London in November and December 2010 have no police record. Source: 'Operation Malone', 29 December 2010.

⁶ In January 2011, it was announced that HMIC will carry out a review of the operational accountability of undercover work conducted by the National Public Order Intelligence Unit, and how intelligence activity is authorised in accordance with law, including consideration of the proportionality of covert tactics.

⁷ As articulated by Sir Robert Peel – approachable, impartial, accountable, based on minimal force and anchored in public consent, *Nurturing the British Model*, p.11.

communication after the G20 protests of 2009. In *Nurturing the British Model*, HMIC recognised that *'public order policing can adapt dynamically to changing times through the right balance of officer training, tactics, confident command and accessible guidance'*⁸.

The British policing model sets the police amongst the people, 'toe-to-toe' in public order policing terms, without recourse to some separate specialised force or unit, or, except in a very exceptional circumstances,⁹ to the mechanised creators of distance between police and protestors – water cannon or baton guns. This situation has prevailed even in circumstances where the model is infinitely more difficult to apply successfully: where crowds are large and provocative or violent, or where large-scale frustration and discontent are vented on the police themselves or on street furniture and iconic structures and locations.

The dynamics in these situations are very challenging. Containment of the public can generate great anxiety and frustration. Violence and taunting of officers defending modest barricades around key locations can be frightening and physically wearing. Officers have to act both within the law and as practically as possible in the circumstances to strike a balance between the liberties of the public and the need to maintain order.

As the police service reflects on recent protests, and the lessons emerging from them, the job of police leaders is to ensure its responses are as agile as possible for the benefit of the public and officers on the ground. Can the tactics used to safeguard peaceful protest develop to deter those with criminal intent at iconic venues and potential flashpoints?

In the spirit of adaptability, a number of questions require urgent consideration. These include:

- How can police participate effectively in and utilise social media to assist in maintaining the peace?
- How can police best prevent crime and disorder through:
 - early interventions to disrupt those demonstrating clear criminal intent?

⁸ *Nurturing the British Model*, p.13.

⁹ Water cannon were deployed once in Northern Ireland in 2010 during four days of sustained and significant disorder.

- target hardening the protest environment to reduce opportunities to attack or damage identified or treasured sites: for example can the reliance on the 'human shield' provided by police officers be supplemented by better physical barriers to access?
- How can the tactic of containment be refined, progressively isolating problematic groups and individuals from peaceful protestors?
- How can more problematic groups and individuals be progressively isolated from peaceful protestors during containment?
- How can the peaceful or vulnerable be filtered away effectively from possible disorder?
- How can police communicate more effectively with different groups within the crowd using modern communication mechanisms?
- How can overt criminality in crowds be intercepted in an agile manner to protect the public as well as our precious buildings and iconic structures?
- Is the present command communication model sufficiently responsive in fast-moving and complex situations, and could a more devolved command allow officers to act with greater speed?
- How can the availability of accurate information be improved before, during and after events to enable protestors and the public to make informed decisions? Is there value in making the experiences of officers in the front line at these events available to the public?

'Standing up' on the day

For planned events (as demonstrated in the schedule on page 12) there may be a requirement for cross-border support; and to date, this has been successfully supplied. However, if the frequency and spread of events accelerates and they become more contentious, the resilience for providing cross-border support will not only be tested but potentially undermined when the arrangements put in place by forces have not been proven in practice.

This means that plans for the mobilisation of police forces to support one another cannot be left on the shelf. They must be reviewed to ensure that they are match fit; tested and exercised to see that they operate in a timely fashion.

In an HMIC review of 45 forces¹⁰ in September 2009, less than 60% had tested their mobilisation plans in exercise.¹¹ In December 2010, this figure remained unchanged;

¹⁰ The 43 forces of England and Wales, the Police Service of Northern Ireland and British Transport Police

more than 40% of forces had not tested their plans. This is even more important now as ACPO has identified that, depending on the speed of the requirement, some forces may not have sufficient numbers of trained officers to meet a mobilisation request. This capability will be tested by ACPO in the course of 2011.¹²

The rights and duties of protest

The vital role of police in relation to peaceful protest, and the careful balance they alone have to strike, were discussed extensively in both *Adapting to Protest* and *Nurturing the British Model*.¹³ As HMIC pointed out, the human rights to freedom of expression (Article 10) and freedom of assembly (Article 11) are qualified rights, and restrictions may be placed on them in the interests of public safety and the prevention of disorder or crime.

The vast majority of protestors at events act reasonably and peacefully, but the right to freedom of assembly does not extend to protests where the organisers and participants have violent or other criminal intentions. Nor does it protect those who use, incite or provoke violence. The right to protest has proportionate limits, and these are in place to protect the rights, freedoms and safety of others.

As previously discussed, police officers in this country are not insulated from the crowds as they are elsewhere in the world, and officers have faced intense provocation and violence in recent times. Some of this has been evident on television but 'close in' this has included premeditated and direct attacks against police officers and police horses using bricks, bottles, metal barriers, electric thunder flashes, paint, urine bombs, and snooker and golf balls. Those organising and taking part in protest need to be clear that it is unacceptable for the police to be used as a target for violence or to vent their frustrations.

The use of force

The police must be able to use their discretion and tactics to keep or defend the peace, always recognising that whichever style of public order policing they use, it is constantly under scrutiny. In these circumstances, a consistent and measured approach to the use of force by police is crucial.

¹¹ *Nurturing the British Model*, p.96.

¹² ACPO Cabinet, 07 July 2010; ACPO 26 January 2011.

¹³ *Adapting to Protest* Annex C pp.70–5; *Nurturing the British Model* Appendices 3&4 pp.191–209.

In *Nurturing the British Model* (published November 2009), HMIC found a lack of a common view in the use of force; this is unhelpful to the public and officers on the ground. The report recommended that ACPO, the Home Office and the National Policing Improvement Agency (NPIA) agree an overarching set of principles on the use of force by police that cover all circumstances and fields of policing. This would ensure that officers receive a consistent message from the outset: in their initial training, in their briefings and throughout their careers as they enhance their skills and develop and train for more specialist roles. This has not been pursued as yet.

A position on the use of force in public order has been included in the new ACPO public order manual, *Keeping the Peace*, agreed by Chief Constables in October 2010. However, a silo approach on the use of force, be it in public order, firearms or in relation to vehicle pursuits, is at best expensive and complex to maintain.

Since the publication of *Nurturing the British Model* in November 2009, many forces have taken steps to brief and inform their officers on use of force, but variations in interpretation are still common – for example ‘proportionality’¹⁴ is variously described as ‘corresponding’ and ‘making defensible decisions’. Given the costs and issues involved, ACPO should begin to address HMIC’s recommendation in full.

A fresh approach to change – for public order

A common feature of British policing has been a commitment to learn lessons from significant events. In a fast-moving environment such as the current one, a key issue for the service is how long that process takes. The present life-cycle for delivering changes in professional practice (up to two years or more) often lags behind, even when ably championed (as has been the case with public order).

The climate protests and other events in 2009 helped to formulate the new ACPO public order manual, *Keeping the Peace*, agreed by Chief Constables in October 2010. The resulting training curriculum is anticipated in April 2011, by which time strategic and tactical commanders’ courses will also have been finalised.

Presently, and despite these efforts and the progress made, it may still take many months for the new curriculum to be delivered to secure clarity and consistency for the public order workforce. This raises the question: Are there better ways of getting the fast-time learning from the debriefing of incidents in different locations to officers

¹⁴ ACPO definition: the minimum required in the circumstances to achieve the lawful objective. ACPO (2010) *Keeping the Peace*, p.35.

on the ground and to the commanders who may have to deal with the next variant in protest tactics?

The painstaking task of building national consensus is a contributing factor to the time delay and, together with an 'on/off' training schedule, leads to inconsistency between units and forces. This creates unnecessary risk when these officers are required to work together.

Even when consensus is reached, agreement may depend on arrangements and guidelines that accommodate a degree of local interpretation. This is quite distinct from the notion of commanders acting flexibly and responsively to events – local interpretation of key guidance results in differing working practices, which may be visible and problematic when officers from different places operate together.

If keeping pace with events and lessons learned cannot be achieved successfully through existing mechanisms then new avenues must be explored. ACPO are rightly reviewing events as they take place to assist forces as they face new challenges. Nationally accessible online knowledge facilities also exist for reference by police – (POLKA),¹⁵ but the numbers of officers aware and involved in searching these is still small (688 nationwide)¹⁶ and a number of important headings have no supporting information. Maximising the potential of this medium to describe and discuss key and emerging issues is one option for conveying the thrust of any necessary changes to officers more rapidly.

The needs of the service would appear to be twofold. First, to embed common national learning and practice as quickly as possible; and second, to communicate evolving tactics and practice swiftly for the benefit of command teams and officers faced with events taking place across the country on a weekly (if not daily) basis.

A fresh approach to change – for other areas of specialist policing

Public order capability is part of our national infrastructure. A fresh and determined approach to this and other specialist areas of cross-border policing services¹⁷ is needed in a period of austerity to support and enable localism and to protect society and the citizen from the more serious and intense threats and risks.

¹⁵ POLKA: the Police On-Line Knowledge Area (National Policing Improvement Agency).

¹⁶ As of 09 December 2010.

¹⁷ In addition to public order other areas of specialist policing would include counter terrorism, serious and organised crime, the response to civil emergencies and firearms capability.

Such an approach should address the challenges raised by this review and consider key features of those services identified in terms of:

- **Capability:** the police specialisms that are required for significant operational challenges like the Olympics (e.g. firearms, protection, specialist search), and those needed to combat serious organised criminality, major crime enquiries and counter terrorism. These capabilities must be informed by credible analysis and the dynamic nature of the threats faced, including the emergence of new risks and threats.
- **Capacity and Contribution:** the investment made by forces in the services identified, be it on a pro-rata basis or concentrated with those forces that are their major users.
- **Connectivity and Consistency:** these lie at the heart of working effectively across borders and in mutual support – the ability to bring together resources (including capabilities such as intelligence) to operate with others, and to co-ordinate them. Support to these endeavours requires the development of truly common standards or thresholds that must be achieved by these services in terms of professional practice.

The operational outcomes of this process must be capable of being tested with the minimum of bureaucracy, and the whole system strengthened by an accountability mechanism – be it a policing requirement nationally,¹⁸ through codification¹⁹ or by other means.

¹⁸ The requirement for national policing capabilities – the strategic policing requirement – is specified in Clause 79 (Chapter 7) of the Police Reform and Social Responsibility Bill.

¹⁹ Codes of practice (issued by the Home Secretary) specify the framework within which all chief officers must establish operating procedures for their police forces.

| Event | Date | Host police force | No. of PSUs ²⁰ | No. of forces supplying cross-border support |
|--|-------------------------------|------------------------------|---------------------------|--|
| EDL Birmingham | 08 August 2009 | West Midlands | 9 | 0 |
| Climate Camp Cymru | 13-16 August 2009 | South Wales | 3 | 0 |
| Climate Camp | 26 August-01 September 2009 | MPS | 45 | 4 |
| EDL Harrow | 29 August 2009 | MPS | 28 | 0 |
| EDL Luton(*) | 30 August 2009 | Bedfordshire | 8 | 0 |
| EDL Birmingham | 05 September 2009 | West Midlands | 18 | 4 |
| EDL Luton | 19 September 2009 | Bedfordshire | 8 | 0 |
| EDL Manchester | 10 October 2009 | Greater Manchester | 20 | 0 |
| Great Climate Swoop at Ratcliffe on Soar | 16-19 October 2009 | Nottinghamshire | 54 | 13 |
| WDL Swansea | 17 October 2009 | South Wales | 8 | 0 |
| UAF at BBC | 22 October 2009 | MPS | 11 | 0 |
| EDL Leeds | 31 October 2009 | West Yorkshire | 30 | 6 |
| SDL Glasgow | 14 November 2009 | Strathclyde | 18 | 0 |
| WDL Wrexham | 21 November 2009 | North Wales | 12 | 5 |
| EDL Nottingham | 5 th December 2009 | Nottinghamshire | 26 | 10 |
| EDL Stoke | 23 January 2010 | Staffordshire | 28 | 7 |
| 'The Big Blockade' Aldermaston(**) | 15 February 2010 | Thames Valley | 8 | 2 |
| EDL Bolton | 20 March 2010 | Greater Manchester | 24 | 1 |
| EDL Dudley | 02-03 April 2010 | West Midlands | 37 | 3 |
| EDL Aylesbury | 01 May 2010 | Thames Valley | 27 | 8 |
| May Day 2010 London(**) | 01 May 2010 | MPS | 19 | 0 |
| EDL Newcastle | 29 May 2010 | Northumbria | 39 | 4 |
| WDL Cardiff & Swansea | 05 June 2010 | South Wales | 20 | 7 |
| EDL Southend | 15 June 2010 | Essex | 1 | 0 |
| SDL Kilmarnock | 19 June 2010 | Strathclyde | 13 | 0 |
| WDL Cardiff | 10 July 2010 | South Wales | 6 | 0 |
| EDL Dudley | 14 July 2010 | West Midlands | 40 | 3 |
| Climate Camp Edinburgh | 18-25 August 2010 | Lothian & Borders | 24 | 6 |
| EDL Bradford(**) | 28 August 2010 | West Yorkshire | 59 | 11 |
| EDL Nuneaton & Coventry | 09 October 2010 | West Midlands & Warwickshire | 10 | 4 |
| EDL Leicester(*) | 09 October 2010 | Leicestershire | 40 | 11 |
| UK Uncut | 30 October 2010 | Sussex | 1 | 0 |
| NUS March | 10 November 2010 | MPS | 18 | 0 |
| UK Uncut | 04 December 2010 | Sussex | 6 | 0 |
| NUS March | 09 December 2010 | MPS | 80 | 1 |

(*) Subject to 'Banning Order' – Secretary of State's consent to an Order made under Section 13 of the Public Order Act 1986 to prohibit the holding of public processions.

(**) HMIC case study (see pp.26-34 of this report).

²⁰ A Police Support Unit (PSU) is the title of a pre-determined formation of police officers and supervisors. Although some variations in additional skills' composition do exist, the fundamental unit comprises one inspector, three sergeants and 18 constables.

Context

Adapting to Protest and Nurturing the British Model of Policing

On 01 and 02 April 2009, protests to coincide with the G20 Summit were held in the City of London. Later that month, the Metropolitan Police Commissioner Sir Paul Stephenson wrote to HMIC requesting a review of the associated policing operation. The resulting report, *Adapting to Protest*, and its November 2009 sequel, *Adapting to Protest – Nurturing the British Model of Policing*, examined a wide range of strategic and tactical issues relating to the delivery of public order policing in England and Wales, and contained recommendations for the MPS, ACPO, the Home Office and Police Authorities.

In June 2010, Her Majesty's Chief Inspector of Constabulary, Sir Denis O'Connor, wrote to the MPS and ACPO outlining his intention to review national developments, and in particular the progress made regarding guidance, training and tactics.

Since that time, a number of major factors have come to the fore that are having an impact on the way public order policing is, and will be, conducted in this country. The scale and geographical spread of protests has continued, if not accelerated through 2009 and 2010, with violence erupting at the student demonstrations in London in November and December 2010. The Government White Paper, *Policing in the 21st Century: Reconnecting police and the people* (July 2010), signalled changes to ACPO and a 'streamlining of the national landscape' with the dismantling of the NPIA. The 20% savings required of forces in response to the Comprehensive Spending Review (CSR) were unveiled in December 2010, and the Police Reform and Social Responsibility Bill identified the 'strategic policing requirement' as the mechanism for documenting national threats and the appropriate national policing capabilities to counter those threats.²¹

The key issues identified within *Adapting to Protest and Nurturing the British Model*, including the vital role of police in relation to peaceful protest, retain their relevance and applicability to the development and delivery of public order policing in these challenging, faster moving and more unpredictable times.

²¹ Clause 79, Chapter 7, Police Reform and Social Responsibility Bill.

Adapting to Protest

Adapting to Protest's 12 recommendations covered five key areas in the MPS approach to policing protest: planning; communication with protest groups and the public; the use of containment as a tactic; training and guidance for officers; and ensuring that officers could be identified.²²

Nurturing the British Model of Policing

While the recommendations in *Adapting to Protest* were specifically aimed at the MPS, they also revealed clear lessons for public order policing nationally, and had implications for the policy and guidance issued by ACPO. In its second report, *Adapting to Protest – Nurturing the British Model of Policing* (published November 2009), HMIC therefore examined public order policing nationally, and asked the question:

'How best should the police as a service adapt to the modern day demands of public order policing while retaining the core values of the British model of policing?'

To answer this question, *Nurturing the British Model* made a further 12 recommendations on how protests should be policed in England and Wales.²³ The areas covered by these recommendations included: the police use of force; the use of stop and search and overt photography; support for the British Policing Model; capability and consistency of practice around national public order standards; guidance and training; and some governance aspects of ACPO's quasi-operational functions.²⁴

Focus of this review: guidance, training and tactics – and mobilisation

While all 24 recommendations of *Adapting to Protest* and *Nurturing the British Model* have been assessed by HMIC, this review focuses on progress made in relation to nationally approved guidance, training and tactics. It is changes in these key areas that ultimately inform professional practice and service delivery on the ground, and can help to improve the Police Service's effective joint working or 'interoperability'²⁵ which is so necessary when forces come together to provide mutual cross-border support.

²² A full list of these recommendations can be found at Annex C.

²³ A full list of these recommendations can be found at Annex D.

²⁴ For example, co-ordination of the policing effort in relation to domestic extremism.

²⁵ Interoperability – the ability to work together well, requiring common characteristics such as consistent command and control, compatible communication systems, shared language, tactics and equipment.

Interoperability – the ability to work together

As with so many facets of twenty-first century policing, public order policing requires a consistent approach. The resulting ‘interoperability’ of personnel and equipment from different forces is a key building block, not just for the Service’s preparations for the Olympics, but for the regular requirements for mutual support between forces up and down the country.

In 2010 alone, mutual support has been required during events such as the manhunts for Derrick Bird and Raoul Moat, the EDL protests that took place across the UK, and the counter terrorism operation to arrest 12 suspects in December 2010. Support to the investigation into the Ipswich serial murders in 2006 and for the Foot and Mouth outbreaks in Surrey in 2007 exemplify the breadth of incidents faced by forces and the skills required to support them.

Working together well in public order policing requires consistent command and control, tactics and equipment. This applies equally to overt and covert operations, investigations, intelligence work, surveillance operations, and the use of firearms. Different forces and the different units within forces (such as public order-trained officers) must be able to work together easily and effectively. Once briefed and deployed, senior commanders should be confident that officers will act and respond as *‘it says on the tin’*.

When events do not stretch or test the operational plan, differing working practices between units are unremarkable. But, if left unaddressed, this means that some significant inconsistencies are only truly exposed for the first time when the risks are greatest – with unintended and unforeseen consequences.

Inconsistency heightens risk in policing, especially in high-stress situations. Interoperability acts to reduce it. It heightens costs too, as each force spends time and money developing their own variants on tactics and training.

Examples of inconsistent practice in public order policing include the variation that still exists between forces in relation to shield formations and command protocols (which outline the level of tactical decision-making that can be made by supervisors and ground commanders). In the case of the latter, the differences mean that officers

from one force are able to respond to developments that they are faced with on the ground, but those from another cannot.²⁶

Methodology

HMIC has examined the national machinery for developing the guidance and training required to implement the recommended changes, as well as forces' responses to the issues and public expectations raised through *Adapting to Protest* and *Nurturing the British Model*. This assessment included interviews with command teams from across the country, focus groups, a document review and visits to training establishments. To assess how these developments affect operations on the ground, HMIC reviewed three large-scale operations conducted by different forces²⁷ in response to protests motivated by a variety of causes; these form the case studies on pages 26–34 of this report.

²⁶ This was exemplified in the course of HMIC's fieldwork for *Nurturing the British Model* when, in three different forces, decisions on the same public order tactic could be made at sergeant level, by an inspector, or only by an inspector referring to a chief inspector.

²⁷ Thames Valley Police, the MPS, and West Yorkshire Police.

Summary of findings

Assessments of the progress made against all 24 recommendations are presented in Annex A and Annex B (pages 36–8), and show that the majority of the recommendations in *Adapting to Protest* and *Nurturing the British Model* have been progressed. The exception to this is *Adapting to Protest* Recommendation 4 (to ‘agree principles regarding the police use of potentially sensitive information which may later become evidence in legal proceedings’).

How forces have responded to the recommendations

Evidence: Case studies

The operational case studies are evidence of the effort by forces and individuals to learn both from their own experiences of public order policing, and from those of the MPS at the G20 protests. There have been clear changes in the care and effort invested in planning processes (*Adapting to Protest* Recommendation 1); consideration of the law; the deployment of public order tactics (*Adapting to Protest* Recommendation 2); dialogue with protest groups (*Adapting to Protest* Recommendation 2); and the wide array of communication initiatives intended to reach out to potential protestors, counter protestors, affected communities and the wider public (*Adapting to Protest* Recommendation 3).

The investment made by forces in community engagement before, during and after events has been impressive and undoubtedly assisted in achieving operational objectives and maintaining the peace, as well as enhancing community and public confidence. (See also the EDL protest in Bradford case study on pages 31–2.)

The MPS has made progress...

As the focus of *Adapting to Protest*, the MPS has been among those forces making the changes described above, and has also taken the initiative in a wide range of other developments to improve the way they police public order. These include:

- public order training that includes the practical challenges of protest and counter protest;
- involving members of the National Union of Journalists in public order training;

- reinforcing to officers their duties in relation to holders of the UK press card;
- taking steps to ensure the clear identification of officers during public order operations;
- reviewing officer safety tactics in public order scenarios, and submitting them for independent medical assessment; and
- exhibiting tighter command and control in the use of overt photography and the deployment of Forward Intelligence Teams (FITs).²⁸

... and progress has been made nationally (but gaining consensus takes time)

In part, the MPS's speed in addressing some of the recommendations reflects its ability to make changes in-house. In contrast, ACPO and the NPIA have to undertake a process of consultation with all forces when attempting to develop a corporate national position on policy, training and practice. For example:

- a national position on the use of force in public order policing was agreed by the MPS and ACPO in August 2010, nine months after the publication of HMIC's recommendation in *Nurturing the British Model*;
- national standards on officer identification were agreed in September 2010, but with the lead-in time for compliance it is estimated that forces will not be in a position to comply with the new guidelines until March 2011;
- guidance on working with the media is still subject to consultation; and
- medically assessed tactics that have been taught by the MPS since July 2010 are still awaited by ACPO for national consideration and consultation.²⁹

This 'twin-track' process of development (i.e. local and national) is understandable, but differences between the two may be difficult to reconcile once tactics, policy or training become embedded, and this makes national consensus more difficult to achieve. When the timeframes for putting in place changes nationally can extend up to two years or more, local and well-motivated innovation to bridge any gaps increases the likelihood of operational inconsistency.

²⁸ Forward Intelligence Teams are units of two or three uniformed officers trained to gather intelligence and information on the changing mood, dynamics and intent of crowds.

²⁹ Source: ACPO, 07 January 2011.

National processes

Nationally, ACPO and the NPIA have made significant progress in six key policy and training areas:

1. A new national formula for the provision of public order support between forces has been agreed;
2. Refresher courses for existing tactical and operational commanders are underway;
3. An agreed national public order position on the use of force has been reached;
4. A revised version of the ACPO manual, *Keeping the Peace*, has been signed off;³⁰
5. A new public order training curriculum is being developed; and
6. New command courses for strategic (Gold), tactical (Silver), and operational (Bronze) commanders are scheduled for April, February and March 2011 respectively.

More detail on each of these achievements is given below.

1. A new national formula for mobilising public order support

To ensure that forces not only have the ability to operate locally, but also the capacity and capability to provide other forces with assistance, a revised formula for the provision of mutual support by forces (to meet the national public order requirement) was agreed by ACPO in July 2010.³¹ This makes clear the number of Police Support Units (PSUs³²) that can be called upon, on both a regional and national basis. However, while these levels have been agreed, ACPO acknowledge that, depending on the speed of the requirement, some forces may not have sufficient numbers of trained officers to meet a mobilisation request. This capability will be tested by ACPO in the course of 2011.

Because of the scale and geographical spread of the demands for public order support, the national public order requirement is underpinned by a regional model for mobilisation. For this to work, however, forces' plans need to be fit for purpose and exercised to test preparedness, capacity and capability. In the course of this review, HMIC found that with the exception of the four Welsh forces, all forces had engaged in regional public order exercises in the course of 2010. However, mobilisation may need to be more spontaneous than a pre-planned exercise. In an HMIC review of 45

³⁰ ACPO Chief Constables Council, 15 October 2010.

³¹ ACPO Cabinet, 07 July 2010.

³² A PSU represents an operational unit strength of one inspector, three sergeants and 18 constables.

forces³³ in September 2009, less than 60% had tested their mobilisation plans in exercise.³⁴ In December 2010, this figure remained unchanged: more than 40% of forces had not tested their plans.

2. Refresher courses for existing tactical and operational commanders

Refresher courses are being delivered to existing commanders, and dates are set for the strategic and tactical commanders' courses (see 'Command courses' on page 22 below). However, the time taken to arrange this (the Bronze course was first piloted in September 2009, and the Silver course the following December) has meant long periods in which some training centres have not delivered any command training. Others continue to accredit commanders under the old course content.

In addition, the response to the ACPO request to chief constables in August 2010 to update, upskill and assess more than 400 existing public order commanders has been disappointing. A number of courses have been cancelled, through insufficient take-up, and less than a third of commanders have so far been reassessed.³⁵

3. An agreed national public order position on the use of force

In 2009, only one force correctly stated in a lesson plan that 'proportionate' meant 'the minimum [force] necessary to achieve the legitimate aim'.³⁶ By August 2010, many more forces were found to be correctly communicating this legal test in their training and in operational briefings. However, trainers in some other forces were still using alternative definitions for 'proportionate', such as 'corresponding', 'doing the right thing for the circumstances', 'meeting the strategic aim', and 'making defensible decisions'.

The Police Service's approach to the use of force is central to many policing functions. While acknowledging that ACPO has agreed a position on the use of force in public order policing, HMIC has found less progress on one of its key recommendations (*Nurturing the British Model* 1a): that a single overarching set of principles on the use of force be adopted across the Service by ACPO, the Home

³³ The 43 forces of England and Wales, the Police Service of Northern Ireland and the British Transport Police.

³⁴ *Nurturing the British Model*, p.96.

³⁵ Source: NPIA, 16 December 2010.

³⁶ *Nurturing the British Model*, p.114.

Office and NPIA. Police officers must be taught a common approach across their skill areas and in a consistent fashion across the country. Building on the positive steps taken, ACPO should now reconsider HMIC's recommendation in full.

4. Keeping the Peace

Keeping the Peace (the overarching manual of guidance commissioned by ACPO and drawn up by the NPIA) was agreed by chief constables in October 2010. Within this manual, the following topics are explicitly addressed:

- the duty to facilitate peaceful protest (*Adapting to Protest Recommendation 1*);
- the importance of early dialogue with protest groups (*Adapting to Protest Recommendation 2*);
- use and management of containment as a tactic and the 'no surprises' approach (*Adapting to Protest Recommendations 5, 6, 7, 8, and 11*);
- agreement on the use of force by police in public order, and on the use of overt photography (*Nurturing the British Model Recommendation 8*);
- the use of stop and search in public order operations (*Nurturing the British Model Recommendation 9*); and
- the deployment and management of Forward Intelligence Teams (*Nurturing the British Model Recommendation 10*).

5. Public order training curriculum

As well as writing *Keeping the Peace* on behalf of ACPO, the NPIA is also responsible for drawing up the new national public order training curriculum, and a series of new national courses for commanders and practitioners. Accordingly, the *ACPO Manual of Guidance: Public Order Standards, Tactics and Training* (2004) is to be replaced by a new national public order training curriculum, with completion planned by April 2011.

The new curriculum is made up of a number of modules (eg training standards, command roles, tactics), each of which includes a number of elements. NPIA has prioritised the completion of particular elements of the curriculum according to operational demand.

The draft curriculum stipulates the elements that must be taught in each lesson; throughout, time is allotted for instruction on the use of force. The link between

officers' personal safety training (eg use of the baton) and the use of officer safety tactics in public order is also addressed.

However, although the desire for greater consistency is evident, the ongoing need to achieve consensus across all forces means that the new curriculum will continue to accommodate individual force's tactical preferences, their variations in equipment and the tactical consequences.³⁷

Despite the progress made to date, it could take many months for forces to update their staff on the new requirements (since this depends on how often and when public order training occurs within each force's annual training cycle).

While the new guidance and training are being finalised, ACPO and the NPIA have held a series of national command seminars, and forces and training centres are making efforts to guide officers as best they can. It is clear, however, that this localised approach continues to encourage the inconsistency in interpretation and delivery identified in *Nurturing the British Model*, thereby making interoperability more difficult to achieve.³⁸

6. Command courses

The operational or Bronze commanders' course (piloted in September 2009) and the tactical or Silver commanders' course (piloted in December 2009) are expected to be delivered in March 2011 and February 2011 respectively. April 2011 is the date set for the introduction of the strategic or Gold commanders' course.³⁹ A pre-requisite for attendance at these courses is the completion of an impressive and comprehensive e-learning package, which includes relevant legislation on human rights and the use of force, crowd dynamics, command structures, facilitation of the press, briefings for officers, dress codes and considerations when using the tactic of containment. The 'no surprises' approach to communication and engagement with communities are also explored.

³⁷ Forces are divided on their preference for one of two particular tactics. Two shield formations are available for use by forces across the UK: *Running lines*, which entails officers using intermediate shields and forming three rows; and *section file*, which involves a combination of long and round shields, with officers in two rows. Forces are split on their preferred tactic and the teaching varies at a local level. With three sizes of shield, differences in make and whether carriage is one-handed or two-handed, HMIC is aware of at least 12 variations in the combinations of shields in use in England and Wales.

³⁸ *Nurturing the British Model*, p.114.

³⁹ Source: NPIA 16 December 2010.

Conclusion

Progress

HMIC's review of the developments in public order policing since its two reports (*Adapting to Protest* and *Nurturing the British Model*) shows that a good deal of progress has been made, and that forces and command teams have been building on their experience and adapting to the new challenges and realities presented by the G20 protests and by the Defence League protests and counter protests.

Tactical adaptability

However, as we have said, the character of protest is evolving in terms of the numbers involved; spread across the country; associated sporadic violence; disruption caused; short notice or no-notice events, and swift changes in protest tactics. Nationally, after a few, relatively quiet years, this is a new period of public order policing – one which is faster moving and more unpredictable.

The police service must not rely on the progress that has been made. HMIC's recommendations retain their relevance and their currency – for example, new guidance has been issued on the conduct of containment and this has been translated into actions on the ground by police. But, as the scenes in London during the student protests of November and December 2010 show, filtering the peaceful protestors from violent criminality in a timely way remains a huge operational challenge.

On pages 6–7, we listed a series of tactical questions that need to be answered as a matter of urgency in order to help officers in a practical way. It is HMIC's intention to follow-up on these and relevant HMIC recommendations in the course of 2011.

Leadership

The champions of change in the field of public order during 2009 and 2010 must continue their effort in 2011. 'Adapting' remains the watchword in these times, and leadership efforts on the issues raised by HMIC in 2009, such as a consistent and measured approach to the use of force by police, and fit for purpose mobilisation plans, must be successful.

A fresh approach to change – for public order

Even recognising the progress and hard work undertaken to meet the recommendations of *Adapting to Protest* and *Nurturing the British Model* (as demonstrated by HMIC's review), the timeframes for change on the ground may be months or even years. In addition, changes to the national bodies responsible have been signalled in the Government White Paper *Policing in the 21st Century: Reconnecting police and the people*. This presents an opportunity if reform is needed.

HMIC's present review of public order points to the needs of the service as being twofold:

1. To embed common national guidance and practice as quickly as possible; and
2. To communicate evolving tactics and practice swiftly for the benefit of command teams and officers faced with events taking place across the country on a weekly (if not daily) basis.

A fresh approach to change – for other areas of specialist policing

Other facets of twenty-first century policing also require a consistent approach. Ensuring 'interoperability' of personnel and equipment from different forces is a strategic imperative, especially in these times of financial constraint. The proposed changes in ACPO and the NPIA, and the 'Strategic Policing Requirement' (as outlined in the Police Reform and Social Responsibility Bill), are opportunities to inform and refine the processes that govern the delivery of crucially important policing services.

Public order capability is one of these services, and is a fundamental part of our national infrastructure. A fresh and determined approach to this and other specialist areas of cross-border policing services⁴⁰ is needed in a period of austerity to support and enable localism and to protect society and the citizen from the more serious and intense threats and risks.

⁴⁰ In addition to public order other areas of specialist policing would include counter terrorism, serious and organised crime, the response to civil emergencies and firearms capability.

Such an approach should address the challenges raised by this review and consider key features of those services identified including:

- **Capability:** the police specialisms that are required for significant operational challenges like the Olympics (e.g. firearms, protection, specialist search), and those needed to combat serious organised criminality, major crime and counter terrorism. These capabilities must be informed by credible analysis and the dynamic nature of the threats faced, including the emergence of new risks and threats.
- **Capacity and contribution:** the investment made by forces in the services identified, be it on a pro rata basis or concentrated with those forces who are their major users.
- **Connectivity and consistency:** these lie at the heart of working effectively across borders and in mutual support – the ability to bring resources together, including capabilities such as intelligence, to operate with others, and to co-ordinate them. Support to these endeavours requires the development of truly common standards or thresholds that must be achieved by these services in terms of professional practice.

The operational outcomes of this process must be capable of being tested with the minimum of bureaucracy, and the whole system strengthened by an accountability mechanism: whether this is a national policing requirement,⁴¹ through codification⁴² or other means.

⁴¹ The requirement for national policing capabilities – the strategic policing requirement- is specified in clause 79, Chapter 7, Police Reform and Social Responsibility Bill.

⁴² Codes of practice (issued by the Home Secretary) specify the framework within which all chief officers must establish operating procedures for their police forces.

Case studies

Thames Valley Police: ‘The Big Blockade’, Aldermaston

On Monday 15 February 2010, around 400 people attended protests organised by Trident Ploughshares at the Atomic Weapons Establishment (AWE), Aldermaston. AWE Aldermaston provides and maintains the warheads for the country’s nuclear deterrent.

The nature of the location demanded a joint police response (under the overall command of Thames Valley Police - (TVP)) and included assets from Ministry of Defence Police (MDP) and Hampshire Constabulary. A joint media strategy was developed between these three forces and agreed with AWE to support the policing plan, and to keep the public informed and reassured. To achieve these aims, continuous information updates were reported on the TVP website before, during and after the protest.

The strategic intentions for the operation were:

- To facilitate peaceful protest.
- To facilitate lawful business activity.
- To minimise disruption and provide reassurance to communities.
- To preserve the physical integrity of AWE Aldermaston, AWE Burghfield and their associated sites.
- To lawfully gather and develop intelligence.
- To prevent and detect crime and gather evidence to support prosecutions.
- To help minimise the risk to the safety of anyone affected by protest activity.
- To maintain and enhance the reputations of TVP, MDP and Hampshire Constabulary.

TVP deployed Protest Liaison Officers (PLOs) during the planning stages of this operation. The PLO role has been developed by TVP to negotiate with protest groups, in order to understand their intentions and the nature of their protest. The role has been previously used to liaise with a variety of protest groups including animal rights, environmental, extreme right and left-wing, and single issue groups. In this operation the PLO established and maintained liaison with Trident Ploughshares.

The policing style for the protest was set by the Gold Commander as 'a professional community policing operation with a public order capability'. This was emphasised at the planning meetings and at the pre-event briefing attended by the public order commanders.

The Silver tactical plan stated that 'there must be a presumption in favour of peaceful protest', 'mere obstruction of a highway does not render a public assembly as unlawful', and that 'there must be convincing and compelling reasons to justify interference with the right to peaceful protest'. On the day the Silver Commander personally delivered his briefing to all officers engaged in policing the event. The officers were encouraged to engage and communicate with protestors by walking among them and talking to them. The Bronze Commanders were clear that the approach to the protest and the events that took place was to be slow, measured and methodical. The dress code for the event emphasised that officers must ensure that their force identification numbers were visible at all times.

An AWE requirement stated that one of the gates to the site should always remain accessible. A challenge to the policing operation therefore came about when it emerged that all gates to the site were blocked by protestors. As officers started to remove protestors from one of the gate areas to allow access, the protestors quickly returned and placed themselves back in the road. In order to maintain access to the site, the Silver Commander, in negotiation with AWE, decided to 'clear' an alternative gate (Aldermaston Gate). Officers negotiated with protestors at this gate and, while some agreed to move without any recourse to the use of force, five people were arrested for highway obstruction. Bronze Commanders reported to HMIC that before the publication of *Adapting to Protest*, it is likely that the policing approach would have been more confrontational, with protestors being immediately removed. TVP worked closely with MDP and Hampshire Constabulary, and there were a total of 26 arrests – five of which were for gaining entry to a secure site.

This was the first major protest within the TVP area following the publication of *Adapting to Protest*. It is apparent that the principles of proportionality, minimum use of force and 'no surprises' were demonstrated in the policing response.

Metropolitan Police Service: May Day 2010, London

On Saturday 01 May 2010, five days before the General Election, the London May Day Organisers Committee (LMDOC) held a march through central London, culminating in a rally in Trafalgar Square. At the same time, a protest organised by Election Meltdown and involving the Four Horsemen of the Apocalypse (as seen during the G20 protests, April 2009) planned to enter Parliament Square. Trafalgar Square and Parliament Square are iconic sites and in close proximity to each other. In total, it was estimated that around 6,000 protestors attended the events.

The Metropolitan Police Service (MPS) strategic intentions, each underpinned by a comprehensive rationale, were:

- To provide a lawful and proportionate policing response to protest, balancing the needs and rights of protestors with those impacted by the protest.
- To maintain public order.
- To prevent crime and take all reasonable steps to bring offenders to justice.
- To work with event organisers/participants.
- To prevent serious disruption to the community.
- To provide an appropriate counter terrorism response.

The policing style, as set by the Gold Commander, was to be 'facilitative and operate within a Human Rights framework that balances, as far as practicable, the rights and freedoms of all who are involved...The level of intervention must be appropriate, necessary and proportionate to the offence(s)'.

This facilitative, engaging and non-confrontational policing style was reinforced throughout the planning meetings in the lead-up to the event (which included input from legal advisors). Furthermore, each of the Bronze Commanders produced their own tactical plans, which reflected the Gold Commander's strategic intentions. These tactical plans were reviewed by the Silver Commander and presented to the command team members.

At the briefing on the day of the event itself, which was personally delivered by the Gold and Silver Commanders, the policing style was reiterated to the Bronze Commanders and all Serial Supervisors. In interviews with HMIC, Bronze Commanders were clear in their understanding of the policing style required, stating

'It would be facilitative'. In addition to the strategic intentions and the policing style, the Gold and Silver briefing included clear direction on the following key issues:

- Arrest policy – 'Which type of intervention would be most appropriate to the situation?'
- Stop and search – 'It is my expectation that these powers will only be used where there is a specific purpose.'
- Use of containment – 'This tactic must only be used where it is proportionate and necessary and in furtherance of Gold's strategy.'
- Press – 'They have the right to report on what is happening and it is not the role of the police either to impede them in this or to censor what they wish to photograph.'
- Dress – 'I do not want us to deliver an extremely successful operation only for this to be undermined by a picture in the press of one of our officers being incorrectly dressed.'

Clear directions on the use of stop and search power were given within the Silver Commander's Tactical Plan and briefing. This stated that while stop and search under general legislation may be used if there are reasonable grounds, these powers are not intended for the policing of demonstrations. Were they to be used for this specific purpose, there would be a risk to public confidence, the rights of demonstrators and the reputation of the MPS. While it was recognised that the protest areas were targets for terrorism, it is explicit in the Silver Commander's briefing that the use of s.44 Terrorism Act 2000⁴³ (power to search without reasonable grounds in a defined area) would only be exercised after consultation with, and under the supervision of, a supervisor.

Further specific direction was given regarding the use of other police powers: s.50 Police Reform Act 2002 (the power to require the name and address of persons involved in anti-social behaviour), and ss.60 and 60AA Criminal Justice and Public Order Act 1994 (the powers to search without reasonable grounds and require the removal of face coverings). In respect of s.50, the Silver Commander stated that this power was not to be used as a tactical option on this operation. In respect of ss.60 and 60AA, the Silver Commander stated that these powers would only be authorised

⁴³ Following a European Courts of Human Rights ruling, in July 2010 the Home Secretary announced that police officers would no longer be allowed to search individuals, although a residual power remains in force to search vehicles.

if there were specific grounds to do so, and in consultation between Silver and Bronze Commanders.

The Silver Commander's tactical plan set specific parameters regarding the use of Forward Intelligence Teams (FITs). The value of FITs to build the intelligence picture available to command teams is recognised. However, the Silver Commander also considered the intrusive and impactful nature of the deployment of FITs in relation to the human rights of individuals taking part in the demonstration. The constant repeated overt photographing of demonstrators was specifically prohibited, unless it was required as a necessary evidence-gathering tactic.

On the day the LMDOC rally passed without incident, followed shortly afterwards by the convergence of the 'Horsemen' on Parliament Square. While there were isolated instances of criminal damage to the statues in the square, the protest was predominantly peaceful. When protestors occupied the road around the square, they were allowed to remain by police commanders.

The policing of the event highlighted developments within the MPS since the publication of *Adapting to Protest*. For example, the MPS has purchased embroidered numerals for officers to wear when engaged on public order duties, thereby reducing the possibility of numerals becoming dislodged during an event.

West Yorkshire Police: EDL Demonstration, Bradford

On 07 July 2001 in Bradford, West Yorkshire Police were responsible for policing a demonstration between the Anti-Nazi League and far right groups (such as the British National Party and the National Front). During the nights of 08 and 09 July 2001, up to 1,000 police officers were deployed and race-related disturbance targeted businesses and property. A total of 297 arrests were made, with more than 300 police officers injured during the riot. The value of the damage and policing costs was assessed as in excess of £13.7 million. This resulted in heightened tensions between the increasing ethnic minority communities and the city's white majority.

In 2010 the English Defence League (EDL) announced a continuation of their programme of protests with an intention to travel to Bradford. Their protest was planned to be held on Saturday 28 August (a Bank Holiday weekend) in the Bradford Urban Garden. A counter-protest and carnival by Unite Against Fascism (UAF) and the 'We Are Bradford' group was planned nearby at Exchange Square.

The strategic intentions for the policing operation were:

- To work with partners, the communities and protest organisers in order to maximise public and officer safety, uphold the law and minimise disruption across West Yorkshire to facilitate peaceful protest on 28 August 2010.
- To maintain public confidence and provide reassurance through consultation with partners and communities by developing an effective community engagement and communication strategy.
- To minimise disruption to the local communities and businesses of Bradford and to enable business as usual to flow in the rest of the city, unaffected by the protest.
- To provide strategic direction, policy, guidance, co-ordination of effort and support by being supportive and intrusive to Silver Command decision-making throughout the course of the operation.
- To prevent and detect crime and disorder through the proactive deployment of policing resources and ensure that where possible individual offenders are identified and brought to justice.
- To work with partner agencies to minimise the disruption on transport networks across West Yorkshire.

- In the event of serious disorder, to work with partners and communities to facilitate an early resolution and a return to normality.
- To ensure that an appropriate operational policing style is adopted and all police action is proportionate to the threat and delivered in a manner which is sensitive to the needs of the communities in West Yorkshire and in accordance with the requirements of the Human Rights Act, so that all police action is lawful, necessary, legitimate and proportionate.

In the lead-up to the event, West Yorkshire Police led a multi-agency Gold planning group, which included Bradford City Council. The group worked with the local community to ensure that plans to maximise public safety were in place. Joint communications made clear the intention to facilitate peaceful protest – while not tolerating damage to the city, violence on its streets, hate crime or any other criminal behaviour.

EDL announced that they would stage a march in Bradford. UAF also confirmed its planned 'We are Bradford' event would go ahead on the same day at noon. The aim of the UAF event was to demonstrate a peaceful show of anti-racist unity.

In early August 2010, more than 10,000 local people signed a petition opposing the EDL march, which was submitted to the Home Office. On Tuesday 17 August 2010, West Yorkshire Police's Chief Constable, Sir Norman Bettison, submitted a written application to Bradford City Council requesting an order to prohibit any public processions over the August Bank Holiday weekend. On 20 August 2010, Home Office Minister, James Brokenshire MP on behalf of the Home Secretary, wrote to the Chief Executive authorising a ban on all marches and processions in Bradford between Saturday 28 and Monday 30 August 2010. While such a ban prohibited marches and processions, neither the police nor the Government have any powers to ban an assembly (ie a static protest).

On the day of the events, approximately 700 EDL supporters met in Halifax before travelling to Bradford on buses for the 'static' demonstration at Urban Gardens in the city's centre. Meanwhile, there were also between 250 and 300 people at the Crown Court Plaza for the Unite Against Fascism/We Are Bradford event; and 150 people gathered in the nearby Infirmary Fields for a community event called 'Be Bradford – Peaceful Together'.

About 1,300 officers from 13 police forces were involved on the day of the events. While the static assemblies were taking place, lines of police officers and concrete bollards were used to keep the groups apart. In addition, mounted officers were deployed to separate the factions. During the course of the demonstration, at the EDL site, bottles and stones were thrown towards police lines and smoke grenades ignited. At one point about 100 EDL members climbed over an eight-foot police barricade and made their way onto nearby waste ground, from where they threw missiles at police. Following this the group progressed to the City Centre where skirmishes took place before they were eventually dispersed by police. After about four hours at the protest site, the remaining EDL supporters returned to Halifax on buses.

Despite the potential that tensions could escalate, only 13 were arrested during these protests, and only one protestor and one police officer suffered minor injuries. Ishtiaq Ahmed, Bradford Council for Mosques, said 'It was impressive to see young people taking on the leadership role to keep things calm and peaceful...The police response was courageous and appropriate.' (*BBC News, Bradford, 29 August 2010.*)

Following the protest a joint statement was issued by Bradford South Divisional Commander Chief Superintendent Alison Rose, Leader of the Council and Leader of the Labour Group, Cllr Ian Greenwood, Leader of the Liberal Democrat Group, Cllr Jeanette Sunderland, and Deputy Leader of the Conservative Group, Cllr Glen Miller. This said:

'There has been a significant amount of media coverage which you may have seen... however, this has been balanced and has shown the city dealing with the protests.

The Police has worked effectively to handle the situation and to respond quickly to the events that unfolded.

The mood of the city in general has been one of calm and local people have co-operated and supported the police by behaving sensibly or staying away.

Any inaccurate and unhelpful rumours have been quickly identified. They have been rebutted through various communication channels.

The community event at Infirmary Fields has been supported by local people and was well received.

We have done a lot of work with the local community in the build up to these events and we would like to thank those who helped to plan for and managed the protests. The numbers of English Defence League supporters in Bradford were less than they claimed. Our estimate is less than a thousand. The Unite Against Fascism has also had a similar presence in the City.

Although there has been some disruption to the city centre, we are returning to normality and people of Bradford are now able continue their lives.'

Annexes A and B: Status of compliance with the recommendations of Adapting to Protest and Nurturing the British Model

Key

| | |
|--------------|--|
| RED | No progress made or co-ordinated |
| AMBER | Recommendation is being advanced and progress verified |
| GREEN | Delivery of the recommendation has been verified |
| WHITE | Impacted by the White Paper <i>Policing in the 21st Century</i> |

Annex A: Status of compliance with recommendations of *Adapting to Protest*

| | Recommendation ⁴⁴ | Status (January 2011) |
|----|---|--|
| 1 | Demonstrate explicit consideration of the facilitation of peaceful protest throughout the planning process and the execution of the operation or operations. | Clearly demonstrated by all forces visited in both their planning and operations. |
| 2 | Seek to improve dialogue with protest groups in advance. | Positive and proactive steps demonstrated by the forces visited. Specific guidance is included within the new ACPO <i>Keeping the Peace</i> Manual, (agreed October 2010). |
| 3 | Develop a strategy to improve communication with the media. | National media guidance presently subject to consultation. A variety of initiatives have been developed by all forces visited to improve communication with the media. |
| 4 | Agree principles regarding the police use of potentially sensitive information which may later become evidence in legal proceedings. | Not advanced by ACPO or MPS at this stage. |
| 5 | 'No surprises' approach - protesters and the public should be made aware of likely police action in order to make informed decisions. | Forces have shown a pronounced shift in the deployment of public order tactics, dialogue with protest groups and an imaginative range of initiatives intended to reach out to affected communities and the public. |
| 6 | A release plan to allow vulnerable or distressed persons or those inadvertently caught up in the police containment to exit. | Contingency plans to manage these issues have been evident in the operational plans examined in the course of this review. National guidelines are contained within the new ACPO <i>Keeping the Peace</i> Manual. |
| 7 | Easy access to information. | |
| 8 | Clear signposting to basic facilities and amenities. | |
| 9 | Awareness and recognition of the UK press card. | The duties of officers in relation to the press are being reinforced by forces in operational briefings and training. Staff briefing re the media is included within the new ACPO <i>Keeping the Peace</i> Manual. |
| 10 | Undertake 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. | Tactics and medical assessment developed and implemented by the MPS await national consideration and endorsement by ACPO. |
| 11 | Providing guidance in a revised ACPO Public Order Manual on the confinement and release of peaceful protesters. | Guidance is included within the new ACPO <i>Keeping the Peace</i> Manual. |
| 12 | Ensure officers wear numerals or other clear identification. | Steps taken by forces to ensure compliance. National guidelines for identification of public order officers to be adhered to by March 2011. |

⁴⁴ Full recommendations listed at Annex C.

Annex B: Status of compliance with recommendations of *Nurturing the British Model*

| | Recommendation ⁴⁵ | Status (January 2011) |
|---|--|---|
| 1 | Use of force | A position on the use of force has been agreed by ACPO for public order, but a single overarching set of principles for policing has not yet been adopted. Steps have been taken by individual forces since 2009, but the guidance given to officers in briefings and training centres continues to vary. |
| 2 | Codification | A draft Code of Practice for public order policing was drawn up in early 2010 but has not been submitted for broader consultation. The Government White Paper, <i>Policing in the 21st Century</i> , includes consultation on governance arrangements and on accountability for 'meeting the professional standards for providing protective services' ⁴⁶ set by ACPO'. ⁴⁷ |
| 3 | Public order capability | ACPO agreed new levels for the provision of public order support by forces in July 2010, albeit identifying that some forces may not have sufficient numbers of trained officers to meet a mobilisation request. This capability will be tested in the course of 2011. In eight of the nine ACPO regions, forces have taken part in regional public order exercises in the course of 2010. |
| 4 | Public order training | A new public order curriculum is currently under development. It is intended that it will be finalised and released nationally by April 2011. |
| 5 | Public order command training Gold = Strategic Silver = Tactical Bronze = Operational | Three new command courses are being developed. The Silver course is due in February 2011, and the Bronze and Gold courses in March and April 2011 respectively. A pass/fail refresher for existing Bronze and Silver commanders became available in August 2010 though take up has been disappointing. |
| 6 | Support for the British Policing Model | <i>Policing in the 21st Century</i> refers explicitly to the erosion of 'the model for policing initiated by Peel'. ⁴⁸ |
| 7 | Guidance on banning orders | To date, no national guidance has been published. However, proactive steps have been taken by the Home Office to provide guidance to relevant authorities in individual cases. |

⁴⁵ Full recommendations listed at Annex D.

⁴⁶ The protective services include public order policing, as well as police functions such as firearms, civil contingencies, the investigation of major crime, and serious and organised crime.

⁴⁷ *Policing in the 21st Century: Reconnecting police and the people*, p.27 para 23.

⁴⁸ *Policing in the 21st Century: Reconnecting police and the people*, p.2 (Ministerial foreword).

| | Recommendation⁴⁹ | Status (January 2011) |
|-----------|--|---|
| 8 | Guidance on use of police powers to gather personal data of protesters | The scope of s.50 ⁵⁰ has not been clarified by the Home Office. Guidance regarding images has been issued by NPOIU ⁵¹ to forces on a case by case basis. National guidelines are included within the new ACPO <i>Keeping the Peace</i> Manual (agreed October 2010). |
| 9 | Monitoring use of stop and search powers | The powers for stop and search in the strategic and tactical context are set out in the ACPO <i>Keeping the Peace</i> manual. Very clear direction and control evidenced in operational briefings by the MPS for May Day 2010. |
| 10 | Clarification of the role of forward intelligence teams | Standard operating procedures drawn up and circulated to Regional public order groups. However, HMIC reality checks revealed a widespread lack of awareness. National guidelines are included within the new ACPO <i>Keeping the Peace</i> Manual. |
| 11 | Accountability of ACPO | ACPO recognises the need to improve its accountability. Included in <i>Policing in the 21st Century</i> , ACPO are working with the Home Office 'to agree the most appropriate structure for achieving this, with accountability and transparency the key conditions.' ⁵² |
| 12 | Common guidelines for police authorities | Police authorities have demonstrated increased scrutiny in the public order operations reviewed by HMIC. <i>Policing in the 21st Century</i> signals the abolition of police authorities, who will be superseded by police crime commissioners. ⁵³ |

⁴⁹ Full recommendations listed at Annex D.

⁵⁰ Section 50 of the Police Reform Act 2002 sets out the requirement to provide individual name and address details for anti-social behaviour.

⁵¹ NPOIU – National Public Order Intelligence Unit.

⁵² *Policing in the 21st Century: Reconnecting police and the people*, p.33 para 4.55.

⁵³ *Policing in the 21st Century: Reconnecting police and the people*, p.10 para 2.4.

Annex C: Recommendations from *Adapting to Protest*

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| Planning | In planning future public order operations for protest the police should: |
| 1 | Demonstrate explicit consideration of the facilitation of peaceful protest throughout the planning process and the execution of the operation or operations The right to freedom of assembly places obligations on the police. The starting point for the police is the presumption in favour of facilitating peaceful assembly. However, the police may impose lawful restrictions on the exercise of the right provided such restrictions are lawful, have a legitimate aim (such as the interests of public safety or the protection of the rights and freedoms of others) and are necessary and proportionate. |
| Communication with protest groups | In relation to communication with protest groups the police should: |
| 2 | Seek to improve dialogue with protest groups in advance where possible, to gain a better understanding of the intent of the protesters and the nature of the protest activity; to agree how best to facilitate the protest and to ensure a proportionate policing response. When protesters are not forthcoming to the police, the police should consider informing and warning the protesters and the public that this may result in some additional disruption, that restrictions may be placed on protesters and that particular tactics may be employed to reduce disruption and the threat of disorder. |
| Communication with the public | In relation to communication with the public the police should: |
| 3 | Develop a strategy to improve communication with the media before, during and after protests to convey a policing perspective of events. |
| | In relation to communication issues arising from death or serious injury at events MPS and ACPO, in liaison with others, should: |
| 4 | Agree principles regarding the police use of potentially sensitive information which may later become evidence in legal proceedings. |
| 5 | No surprises. Protesters and the public should be made aware of likely police action in order to make informed decisions. |
| 6 | A release plan to allow vulnerable or distressed persons or those inadvertently caught up in the police containment to exit. The MPS should consider scenarios where observers may be employed to identify vulnerable people – this has implications for planning and training. |
| 7 | Easy access to information for protesters and public regarding the reason for, anticipated duration of, and exit routes from any police containment. This has clear implications for the training and briefing of frontline officers. The MPS should also urgently explore new ways of engaging with protesters by utilising all available media technologies. |

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| 8 | Clear signposting to basic facilities and amenities where needed. This has implications for planning in advance of events. |
| 9 | Awareness and recognition of the UK press card by officers on cordons, to identify legitimate members of the press and ensure application of associated ACPO guidelines for use. |
| Training and guidance | Early consideration in any review of training should be given by the MPS and ultimately ACPO to: |
| 10 | Undertake a review of current public order training including an examination of tactics (such as the use of shields and batons) ensuring that they are subjected to medical assessment. Any resulting changes to training should be implemented swiftly to ensure that Public Order training reflects the full spectrum of public order activity including peaceful protest; consistently incorporates relevant human rights principles and standards (as demonstrated with Officer Safety Training) and includes consideration of the individual use of force, such as distraction, in collective action such as public order operations. |
| 11 | Provide guidance in a revised ACPO Public Order Manual on the confinement and release of peaceful protesters. The treatment of the spectrum of protest activity in the current ACPO manual is insufficient. There is a clear need for consistency and standardisation in advance of the 2012 Olympics (where cross force co-operation will be critical to success) to make current mutual support between different forces more reliable and effective. |
| Identification of officers | In relation to identification of officers the police should: |
| 12 | Ensure officers wear numerals or other clear identification at all times during public order operations and deal with individual officer non-compliance swiftly and robustly. The report agrees with the MPS that there can be no excuse for police officers failing to display identification and acknowledges the steps that have already been taken to address this issue. |

Annex D: Recommendations from *Nurturing the British Model*

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| <p>Rec 1 Use of Force</p> | <p>HMIC makes the following recommendations on the police use of force.</p> |
| <p>A. Principles on the use of force</p> | <p>The Home Office, ACPO and the NPIA should adopt an overarching set of fundamental principles on the use of force which inform all areas of policing business and is fully integrated into all policing codes of practice, policy documents, guidance manuals and training programmes. These principles or framework mechanism should provide the touchstone for all police officers throughout their careers. HMIC suggests this process incorporate the following principles which reflect the law as it currently stands:</p> <ol style="list-style-type: none"> 1. Police officers, in carrying out their duties shall as far as possible apply non-violent methods before resorting to any use of force. 2. Police officers should use force only when strictly necessary and where other means remain ineffective or have no realistic chance of achieving the lawful objective. 3. Any use of force by police officers should be the minimum appropriate in the circumstances. 4. Police officers should use lethal or potentially lethal force only when absolutely necessary to protect life. 5. Police officers should plan and control operations to minimise, to the greatest extent possible, recourse to lethal force. 6. Individual officers are accountable and responsible for any use of force and must be able to justify their actions in law. <p>These principles entrench the fundamental legal principles of necessity, proportionality and the minimum use of force.</p> |
| <p>B. Training on the use of force</p> | <p>Public order training for commanders and public order units should fully incorporate training on the use of force which reflects the six principles set out above and includes:</p> <p>(a) Legal tests for the use of force (reasonableness; absolute necessity); the principles of necessity and the minimum level of force and the 'continuum of the use of force' model (from communication and negotiation to escalation and back to de-escalation).</p> <p>(b) Recognition that police officers have the right in law to use force in self defence or the protection of others but remain individually accountable for any use of force;</p> <p>(c) Consideration of the impact of individual uses of force in a collective operational environment. Bronze commanders must consider the necessity of levels of force that can be reasonably foreseen, eg the response of individual officers to a command to disperse an unruly crowd.</p> |

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| | <p>(d) Existing requirements on the proper recording and reporting of all uses of force.</p> <p>Training on the use of force should not be abstract but should consider the practical application of the use force in the public order context, for example, by instructing officers that the use of particular tactics, such as the edge of a shield or a baton strike to the head may constitute potentially lethal force.</p> |
| C. Planning operations which may involve the use of force | <p>Police officers responsible for the planning and control of operations where the use of force is a possibility should so far as possible plan and control them to minimise recourse to the use of force, particularly potentially lethal force</p> |
| Rec 2 Codification | <p>HMIC recommends that public order policing should be codified under section 39A of the Police Act 1996 to ensure national consistency of standards, guidance, and training.</p> |
| Rec 3 Public Order Capability | <p>HMIC recommends that forces should consider working on a regional or cluster basis to assess their public order requirements; ensure adequate numbers of qualified public order commanders and identify how they can use their resources more effectively.</p> |
| Rec 4 Public Order Training | <p>HMIC recommends that the Association of Chief Police Officers and the National Policing Improvement Agency work together to identify how best to achieve consistency of content and accreditation of public order training programmes across the police service. The following elements are important considerations to include in the public order training curriculum to achieve a consistent approach to police action:</p> <p>(a) Explicit training on the public order legal framework, including:</p> <ul style="list-style-type: none"> (i) The starting point of facilitating peaceful protest. (ii) Police public order powers. (iii) Human rights obligations of police. <p>(b) Integrated training on the use of force, including:</p> <ul style="list-style-type: none"> (i) Legal tests for the use of force (reasonableness; absolute necessity). (ii) Principles of necessity and minimum level of force. (iii) Continuum of the use of force model. (iv) Individual uses of force in a collective policing environment. <p>(c) A clear and definitive link between officer safety training (OST) and all levels of public order training (generalist, specialist and command) so that officers are well versed in the minimum use of force and necessity principles and the continuum of the use of force model.</p> <p>(d) Comprehensive scenario and contingency planning: public order commanders must be competent to routinely identify and assess a range of possible operational scenarios and manage a variety of outcomes.</p> |

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| | <p>(e) Consideration of the relationship between crowd dynamics and police action and tactics and the complexity of crowd membership and development of a more discriminating approach to crowd management: dealing with individuals rather than an homogeneous mass.</p> <p>(f) Consideration of appropriate and proportionate police tactics and levels of force in relation to a range of scenarios, for example:</p> <p>(i) Mass peaceful protest on a national basis, eg a Climate Camp;</p> <p>(ii) Protest and counter-protest in contested space.</p> <p>(iii) Sporadic, disruptive activities with low levels of criminal damage.</p> <p>(iv) Running disorder: looting and criminal damage to property.</p> <p>(v) Small determined group attacks on iconic sites such as statues.</p> <p>(vi) Attempted mass trespass of private land housing critical national infrastructure, such as power stations.</p> <p>(vii) Protests resulting in serious violent disorder.</p> |
| <p>Rec 5 Command Training</p> | <p>HMIC recommends that public order command training should be significantly enhanced to provide explicit guidance to officers on:</p> <p>(a) communication strategies before, during and after public order policing events which should include the following:</p> <p>(i) A community engagement strategy should be prepared at the early stages of planning for a public order operation, identifying key stakeholders or influencers within the protest community, the wider community and any group(s) opposed to the protest event. Police commanders should seek the views, expectations and concerns of all key stakeholders and affected communities regarding the event and the related policing operation.</p> <p>(ii) No promises should be made by police officers engaging with protest communities which are unsustainable or give unfair advantage or accommodation to a particular protest group, or are contrary to law. All police engagement should accord with the standards of professional behaviour set out in the Police (Conduct) Regulations 2008, in particular, the principles of confidentiality, equality, honesty and integrity, as well as the Human Rights Act 1998.</p> <p>(iii) A no surprises communication philosophy should be adopted: ongoing communication should be maintained with all relevant stakeholders throughout the operational planning stages and during the event itself. Protesters and the public should be made aware of likely police action in order to make informed choices and decisions.</p> <p>(iv) A media strategy should be developed in advance of the operation. Relevant media personnel should be invited to a</p> |

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| | <p>briefing to ensure an accurate understanding of the police operational approach and style.</p> <p>(v) A clear audit trail should be maintained of all communications with the protest community, the media and the wider public as part of the Event Policy file.</p> <p>(vi) Following the operation, the community engagement and media strategies – and actions and decisions taken in relation to both – should be reviewed to identify learning for future events.</p> <p>(b) understanding and managing crowd dynamics which should include the following:</p> <p>(i) Prior to a crowd event, police should seek to inform themselves about the culture and general conduct of particular protest crowds. Planning for an operation should include gathering information on the underlying intent of the protest group.</p> <p>(ii) The information regarding the general protest culture of the group should be considered in the local context and an assessment made as to how the policing operation can be designed to facilitate the legitimate intentions of the protesters.</p> <p>(iii) Police strategy or tactics should not be oriented exclusively towards the control of the crowd through the threat or use of force but should ensure the effective facilitation of the legitimate intentions underpinning the protesters’ action. This should be effectively communicated to protesters, together with an indication of what conduct will and will not be tolerated by the police.</p> <p>(iv) Initial contact with the protest group at the commencement of the policing operation should be characterised by low impact visibility, information gathering and should engage with crowd members to gather information about their intentions, demeanour, concerns and sensibilities.</p> <p>(v) Depending on the nature of the risk, escalation in police deployment may be necessary. A graduated tactical approach should be characterised by firm but targeted communication of tolerance limits and some increased visibility of the police capability to use force. Critically, police should seek to communicate to those posing the risk that they are creating the potential for police action.</p> <p>(vi) Any targeted intervention by police should be informed by an accurate intelligence assessment about the source of the risk or factors causing the problem and ensure that any police response accurately reflects and is proportionate to the actual level and sources of risk.</p> |
| <p>Rec 7 Guidance on Banning Orders</p> | <p>HMIC recommends that the Home Office should provide guidance on the circumstances in which the Secretary of State is likely to consent to an application to ban a procession or a certain type of processions under section 13 of the Public Order Act 1986.</p> |
| <p>Rec 8</p> | <p>HMIC recommends that the Home Office should clarify:</p> |

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| <p>Guidance on use of police powers to gather personal data of protesters</p> | <p>(a) The scope and application of section 50 of the Police Reform Act 2002 by the police.</p> <p>(b) The legal framework for the use of overt photography by police during public order operations and provide guidance on the collation and retention of photographic images by police forces and other policing bodies.</p> |
| <p>Rec 9 Monitoring use of stop and search powers</p> | <p>HMIC recommends that chief officers should monitor the use of stop and search powers during public order operations in their force area to ensure:</p> <p>(a) stop and search is conducted under the correct legislation and in line with force policy; and</p> <p>(b) all officers (including those providing mutual support to the local force) are adequately briefed on, and understand, the legal powers under which they are exercising their stop and search powers.</p> |
| <p>Rec 10 Role of Forward Intelligence Teams</p> | <p>HMIC recommends that the Association of Chief Police Officers and the National Policing Improvement Agency should clarify the precise role of Forward Intelligence Teams (FITs). Public order training should include guidance on the function of FITs and the specific tactical parameters under which FITs should be deployed in public order operations.</p> |
| <p>Rec 11 Accountability of ACPO</p> | <p>HMIC recommends that the position and status of the Association of Chief Police Officers should be clearly defined with transparent governance and accountability structures, especially in relation to its quasi-operational role of the commissioning of intelligence and the collation and retention of data.</p> |